

PORT PHILLIP CITY COUNCIL

**COMMUNITY AMENITY
LOCAL LAW NO. 3**

JULY 2005

**(Incorporating Amendments up to Community Amenity (Amendment)
Local Law No.1, of July 2005)**

**(Incorporating Amendments up to Community Amenity (Amendment)
Local Law No.1, of July 2008)**

**(Incorporating Amendments up to Community Amenity (Amendment)
Local Law No. 2, of November 2008)**

Note: This Local Law should to be read in conjunction with any other relevant provisions in the Council's Procedures and Protocols Manual.

CITY OF PORT PHILLIP
COMMUNITY AMENITY
LOCAL LAW NO 3
TABLE OF CONTENTS

PART ONE - PRELIMINARY PROVISIONS

Clause	Page
1. Title	1
2. Purpose.....	1
3. Authorising Provision	1
4. Commencement, revocation and area of operation	2
5. Repeal of other Local Laws	2
6. Definitions of words used in this Local Law	3
6A. Incorporation of <i>Procedures and Protocols Manual</i>	9

PART TWO - ACTIVITIES AND USES REQUIRING A PERMIT

DIVISION 1 - MANAGEMENT BY PERMIT

7. Activities and uses requiring a permit	10
---	----

DIVISION 2 - EXPANDED REQUIREMENTS, LIMITATIONS AND EXEMPTIONS

8. Advertising signs	12
9. Itinerant trading	13
10. Itinerant trading from house to house	13
11. Occupation of the road for works	13
12. Special events.....	14
13. Filming	14
14. Busking, fund raising and promotional activities and any form of street stall	14
15. Bulk rubbish containers.....	14
16. Parking during the Australian Formula 1 Grand Prix	14
17. Occupying market sites.....	15
18. Connecting into Council drains	15
19. Keeping excess numbers of animals	15
20. Asset Protection Permit	16
21. Clothing recycling bins	17

PART THREE - CONDITIONAL ACTIVITIES AND USES

ACTIVITIES AND USES TO COMPLY

22.	Observing requirements.....	18
-----	-----------------------------	----

DIVISION 1 - MANAGING POTENTIAL NUISANCE USES AND ACTIVITIES

23.	Building works on a dwelling.....	19
24.	Managing amenity on building sites.....	19
25.	Protection of Council Assets.....	23
26.	General requirements applying to industrial, trade & commercial waste	24
27.	Additional requirements applying to commercial premises.....	24
28.	Transportation of waste	25
29.	Domestic waste and recyclable materials.....	25
30.	Keeping of poultry.....	30

DIVISION 2 - PUBLIC SAFETY AND THE PROTECTION OF ASSETS

31.	The location of trees, plants and signs	27
32.	Display of property numbers.....	27
33.	Naming a road	27
34.	Vehicle crossings.....	27
35.	NOT USED	
36.	Using toy vehicles.....	28
37.	Parking of vehicles.....	28
38.	Significant trees	29
38A.	Use of Council Reserves.....	29
38B.	Maintenance of Stormwater Drains.....	30

PART FOUR - ACTIVITIES AND USES NOT PERMITTED

ACTIVITIES OR USES NOT PERMITTED

39.	Trading sites	31
40.	Toy vehicle areas.....	31
41.	Repairing vehicles.....	31
41A.	Abandoned Vehicles.....	31
42.	Damaging Council Assets.....	31
43.	Damage from adjoining properties.....	31
43A.	Repair any Damage	32
44.	Behaviour on Council land.....	32
44A.	Camping on Council land	32
45.	Consumption of alcohol	32
46.	Restrictions applying during the Australian Grand Prix.....	33
47.	Use of personal watercraft.....	33
48.	Dangerous or unsightly land	34
48A.	Incinerators, fires and open air burning	34
49.	Industrial, trade or commercial waste	34
50.	Animal litter	34
51.	Shopping trolleys	35
52.	Horse riding on Council land.....	35
52A.	Noise from vehicles.....	35

PART FIVE - ADMINISTRATION

DIVISION 1 - PERMITS, FEES AND DELEGATIONS

53.	Applying for a permit	36
54.	Fees and charges	36
55.	Issue of permits.....	36
56.	Duration of permits.....	36
57.	Conditional permits	37
58.	Cancellation of permit	37
59.	Correction of permit	38
60.	Registers.....	38
61.	Exemptions	38
62.	Offences.....	38

DIVISION 2 - ENFORCEMENT

63.	Compliance with directions	39
64.	Power of authorised officers	39
65.	Time to comply.....	39
66.	Failure to comply with a notice to comply	39
67.	Power of authorised officers to act in urgent circumstances.....	39
68.	Power of authorised officers to impound.....	40
69.	Infringement notices.....	41
69A	Penalties for continuing offences	41
70.	Payment of penalty	41
71.	Waiver and withdrawal.....	41

Schedule 1

Notice to Comply	42
------------------------	----

Schedule 2

Penalties fixed for Infringements.....	43
--	----

PORT PHILLIP CITY COUNCIL
COMMUNITY AMENITY LOCAL LAW
NO. 3

PART ONE - PRELIMINARY PROVISIONS

1. Title

This is the ***Community Amenity Local Law No. 3 of 2003.***

2. Purpose

The purposes of this Local Law are to provide for the peace, order and good government of Port Phillip City in a way that is complementary to the Council's Corporate Plan by:

- (1) managing the uses and activities on roads and Council land so that the Council is aware of uses or activities which may:
 - (a) interfere with the safety and convenience of people travelling on or using roads or land; and
 - (b) impede free and safe access for people, in particular those with sight and movement impairment or disabilities; and
 - (c) cause damage to Council and community assets; and
 - (d) create a danger or expose others to risk; and
 - (e) be detrimental to the amenity of the area or the enjoyment of facilities on roads or land;
- (2) managing, regulating and controlling uses and activities which may:
 - (a) be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment; and
 - (b) interfere with a healthy and safe environment in the municipal district for residents, workers and visitors;
- (3) identifying uses and activities where a permit is not required but conditions are applicable to the use or activity so that the purposes identified in sub-clause (1) and (2) are achieved;
- (4) providing for the administration of the Council's powers and functions.

3. Authorising Provision

This Local Law is made under Section 111(1) of the **Local Government Act 1989.**

Community Amenity Local Law No 3

4. Commencement, revocation and area of operation

This Local Law:

- (a) commences on 8th September 2003 and Amendment No.1 2005 commences on 25 July 2005; and Amendment No 1 2008 commences on 18 August 2008; and Amendment No 2 2008 commences on 8 December 2008.

*CALL
(Am) No.1
2005*

- (b) unless sooner revoked, this Local Law ceases to operate on 7th September 2013; and

*CALL
(Am) No 1 and
2 2008*

- (c) operates throughout the whole municipal district.

5. Repeal of other Local Laws

From the date of operation of this Local Law, Community Amenity Local Law No. 1 will cease to operate and is repealed.

6. Definitions of Words used in this Local Law

In this Local Law:

“Act”	means the Local Government Act 1989 .
“Advertising sign”	means any placard, sign, pointer board, notice, poster, mobile billboards, banner or other similar device whether portable or affixed or attached to any land, building or vehicle, which is used for the purposes of: <ul style="list-style-type: none">• soliciting sales;• notifying the presence or location of a property where goods or services may be obtained; or• notifying an event or competition, including a community or recreational event – but does not include an advertising sign which has been permitted under the <i>Footpaths Activities Local Law No 7</i> or which requires and has been granted a permit under the Council’s planning scheme.
“animal”	includes every species of quadruped and every species of bird including without limitation poultry.
“appropriate fee”	means the appropriate fee determined by the Council in accordance with this Local Law.
“Asset Protection Permit”	means a written permit issued by the Council for the protection of public assets and infrastructure during building work;
“authorised officer”	means a person appointed pursuant to Section 224 of the Act as an authorised officer for the purposes of this Local Law.
“beach”	includes the sanded areas of Port Phillip Bay generally between the sea-wall and the waters of the Bay that are within the City of Port Phillip at any time.
“builder”	“builder” means the person who is nominated as the builder in a building permit granted for the building work, the person in charge of any building work being carried out and the owner of a building site.

CALL
(Am) No.1
2005

Community Amenity Local Law No 3

“builder’s refuse”	includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with building work;	CALL (Am) No.1 2005
“building”	includes any structure or building, whether temporary or permanent, or part of such building or structure;	CALL (Am) No.1 2005
“building site”	includes any land on which building works are being undertaken.	
“building works”	includes work that is involved with – <ul style="list-style-type: none">• the construction, demolition, renovation or removal of a building including landscaping and concreting; and• the delivery of products or materials used in the building works; and may include excavation, road making, drainage or other works relating to the building site where they are occurring.	CALL (Am) No.1 2005
“bulk rubbish container”	means a bin, container or other structure designed or used for holding a substantial quantity of rubbish that is unable to be lifted without mechanical assistance but does not include bins or containers used in connection with the regular collection of domestic, commercial, industrial or trade waste.	
“busking”	means entertainment that includes playing a musical instrument, singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, pavement drawing of any form, recitation and other appropriate theatrical and visual forms.	
“camping area”	means land which has been designated by the Council as a camping area or land which is a registered caravan park.	
“carriageway”	means the portion of the road generally available for traffic by motor vehicles (whether sealed, formed or unconstructed);	CALL (Am) No.1 2005
“clothing recycling bin”	means a bin or similar container used for the collection of used clothing.	

Community Amenity Local Law No 3

"construction period" means the period during which building work is carried out;

CALL
(Am) No.1
2005

"container" means mobile garbage bin provided by the Council for the collection of garbage or recyclable materials or a crate provided by the Council for recyclable materials.

"Council" means Port Phillip City Council.

"Council assets" Means footpath, kerb and channel, nature strip, parking signs, irrigation or sprinkler systems, trees, shrubs and other vegetation, street furniture, vehicle crossings or other Council property or works forming part of a road or Council land.

"Council land" means land, buildings and facilities which are owned or occupied by or vested in the Council or in respect of which the Council has the care and management to which the public has access whether an entry fee is paid or not and includes a public place.

"Council Reserve" means

- (a) Wattie Watson Oval, Elwood Park;
- (b) Esplanade Oval/cricket ground 2, Elwood Park;
- (c) Head Street Grounds A & B, Elwood Park;
- (d) Peanut Farm Oval, Peanut Farm Reserve;
- (e) Alma Park Oval, Alma Park;
- (f) Lagoon Oval, Lagoon Reserve;
- (g) Anderson Oval 1, J.L. Murphy reserve;
- (h) Anderson Oval 2, J.L. Murphy Reserve;
- (i) G.S. Williams Oval, J.L. Murphy Reserve;
- (j) A.T. Aanensen Oval, J.L. Murphy Reserve;
- (k) J.M. Woodruff Oval, J.L. Murphy Reserve; and (l) North Port Oval, Port Melbourne Oval.

CALL
(Am) No 1
2008

"crane" has the same meaning as the **Occupational Health and Safety (Plant) Regulations 1995.**

“Declared road”	means a road for which the Roads Corporation has the responsibility and management under the <i>Transport Act 1983</i> and includes State Highways, Tourist Roads and Main Roads.
“designated by the Council”	means any matter or thing designated by resolution of the Council or an authorised officer through the exercise of a delegated power or function.
“foreshore”	means coastal Crown land within meaning of the Coastal Management Act 1995 .
“foreshore waters”	means the area of seawater from the highwater mark along the beach at any time that is within the City of Port Phillip and extending seawards 150 metres.
“fundraising activities”	means collecting money gifts or subscriptions whether or not for charitable purposes.
“incinerator”	means a structure or device which: (a) is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; and (b) is not licensed or otherwise subject to control under the provisions of any other Act; and (c) is not a barbeque.
“itinerant trading”	means selling or offering for sale or hire goods or services from a temporary location or from place to place or from a vehicle.
“local street”	means a road for which the Council has the care and management.
“market site”	includes a stall or stand within a market operated by the Council.
“meter parking”	means a device that on the insertion of money or other designated methods of payment automatically gauges the period for which a vehicle may be left standing in the space in the parking area to which the meter relates, or in the case of a meter that relates to more than one such space, in any one of those spaces.

Community Amenity Local Law No 3

"minor building work"	means building work valued at less than \$5,000 but excludes demolition and removal of buildings and structures (regardless of value);	CALL (Am) No.1 2005
"parking area"	has the same meaning as in the Road Rules - Victoria 1999 .	
"permit"	in relation to a use or activity, means a permit issued under this Local Law which authorises that use or activity including an Asset Protection Permit and in the case of a market operated by the Council includes a licence or a lease.	CALL (Am) No.1 2005
"personal watercraft"	includes an aqua scooter, jet bike, power ski, wave runner, wave jammer, ski free motorised surfboard or any similar vessel that has an engine used for propulsion.	
"planning scheme"	means the Planning Scheme operating in Port Phillip City that is made under the Planning and Environment Act 1987 .	
"public place"	has the same meaning as in the Summary Offences Act 1966 .	
"race period"	has the same meaning as in the Australian Grand Prix Act 1994 .	
"recreational vehicle"	includes any mini bike, trail bike, motor bike, motor car, go cart and any other vehicle propelled by a motor which is used for recreational purposes and not registered under the Road Safety Act 1986 but does not include a motorised wheelchair or other aid used by persons with disabilities.	
"redundant"	means no longer required or of use, whether because of a change in the use of land in respect of which the vehicle crossing was constructed or otherwise.	
"refuse facility"	means a suitable rubbish receptacle capable of retaining all waste material and builder's waste within the building site and preventing removal by unauthorised persons or the intervention of wind or water;	CALL (Am) No.1 2005
"reserve"	means any park, garden, reserve or other place of public recreation or resort.	

"temporary vehicle crossing"	means a constructed form of wooden panels or other Council approved structure over a bed of sand, that extends from the boundary of land over any public assets such as footpaths, nature strips, kerbs and channels to the road, and is designed to minimise damage to assets caused by motor vehicles and materials entering and leaving the land, during the currency of building work;
"ticket vending machine"	means a device that on the insertion of money or other designated methods of payment issues a ticket with an imprint indicating the date and time of issue of the ticket and the expiry time in the parking area to which the ticket vending machine relates.
"toy vehicle"	means a vehicle (other than a bicycle) designed to be propelled by human power and includes a scooter, skateboard, roller blades, roller skates and similar toys.
"vehicle"	has the same meaning as motor vehicle in the Road Safety Act 1986 but does not include a bicycle, motorised scooter or a tram.
"vehicle crossing"	means an opening or artificial surface which allows or facilitates access from a road to land which abuts that road.

CALL
(Am) No.1
2005

6A Incorporation of *Procedures and Protocols Manual*

The document titled "*Procedures and Protocols Manual*" as published from time to time is hereby incorporated into this Local Law.

6B Any activity or other matter that requires approval under the Road Management Act 2004 is to be evidenced by way of the grant of a permit under the Local Law.

CALL
(Am) No 1
2008

PART TWO - ACTIVITIES AND USES REQUIRING A PERMIT

DIVISION 1 – MANAGEMENT BY PERMIT

7. Activities and uses requiring a permit

- (1) A permit must be obtained from the Council before a person carries out the following uses or activities:
- (a) placing advertising signs as specified in clause 8;
 - (b) itinerant trading as specified in clause 9;
 - (c) itinerant trading except where exempted by clause 10;
 - (d) occupation of the road for works as specified in clause 11;
 - (e) having a special event as specified in clause 12;
 - (f) filming as specified in clause 13;
 - (g) busking, fund raising and promotional activities and any form of street stall as specified in clause 14;
 - (h) placing bulk rubbish containers as specified in clause 15;
 - (i) parking during the Australian Formula 1 Grand Prix as specified in clause 16;
 - (j) occupying market sites as specified in clause 17;
 - (k) connecting into Council drains except where exempted by clause 18;
 - (l) keeping excess numbers of animals as specified in clause 19;
 - (m) carrying out building work on land as specified in clause 20;
 - (n) placing clothing recycling bins as specified in clause 21; and
 - (o) placing an illuminated sign on a crane that is located on a building or on any land
 - (p) carrying out building work outside certain hours as specified in clause 24(6);
 - (q) constructing a temporary or permanent vehicle crossing as specified in clause 34; and
 - (r) removing or cutting a significant tree as specified in clause 38.
- (2) A person who fails to obtain a permit for any of the uses or activities listed in sub-clause (1) is guilty of an offence against this Local Law.

*CALL
(Am) No 1
2008*

*CALL
(Am) No.1
2005*

*CALL
(Am) No.1
2005*

*CALL
(Am) No 1
2008*

Penalty: \$500 (Unless provided otherwise)

- (3) In addition to the requirement to obtain a permit, a person must comply with:
- (a) any other requirements or limitations that this Local Law applies to a use or activity; and
 - (b) any conditions of a permit.

Penalty: \$500

- (4) The Council may grant exemptions from any other requirements or limitations that this Local Law applies to uses or activities.
- (5) In deciding whether to grant a permit the Council may take into consideration whether the proposed use or activity will:
 - (a) conform with any related policies of the Council;
 - (b) cause a danger or hazard to pedestrians or vehicles;
 - (c) disturb, annoy or disrupt adjacent property owners or occupiers;
 - (d) be detrimental to the amenity of the area;
 - (e) be done without destruction to native vegetation on roads or Council land;
 - (f) have the potential to cause damage to Council assets;
 - (g) require approval or compliance with requirements under any other legislation;
 - (h) require the consent, or should be referred to obtain the opinion of any other public authority;
 - (i) require additional arrangements to be made for waste water disposal, litter and garbage disposal, lighting and security and advertising signs;
 - (j) obstruct a footpath;
 - (k) necessitate the applicant to have insurance against any risk;
 - (l) necessitate a written indemnification of the Council against liability arising from activities authorised by the permit; and
 - (m) require consideration of any other matters relevant to the circumstances of the application.

DIVISION 2 – EXPANDED REQUIREMENTS, LIMITATIONS AND EXEMPTIONS

8. Advertising Signs

- (1) A permit is required to place an advertising sign on:
- (a) a road, road related area or Council land; or
 - (b) an area designated by the Council; or
 - (c) any other location likely to interfere with the vision of a pedestrian or driver.
- (2) In addition to the requirement to obtain a permit to place an advertising sign on the locations specified in sub-clause (1) a person must comply with any requirements in the *Procedures and Protocols Manual*.
- (3) Where an advertising sign is proposed to be placed on land or fixtures that is not Council land, the permission of the owner must be obtained and evidence of that permission must be produced to an authorised officer when requested to do so.
- (4) The requirement to obtain a permit under this Local Law for an advertising sign applies where a permit is not required under the *Footpath Activities Local Law No 7*.
- (5) If an advertising sign is placed in breach of this clause 8:
- (a) the person who is the owner of the business, event or activity to which the advertising sign relates;
 - (b) the person who has the management and control of premises, property, business, event or activity to which the advertising sign relates;
 - (c) the person who is the promoter of the premises, property, business, event or activity to which the advertising sign relates; and
 - (d) the person who is responsible for the placement, siting or distribution of the advertising sign including without limitation the person who engages another whether as an employee or agent to place, site or distribute the advertising sign

Part 16
P&PM

CALL
(Am) No 1
2008

are each guilty of an offence against this Local Law whether or not the person who placed the advertising sign is identified or prosecuted.

Penalty: \$2000

- (6) The Council may designate:
- (a) advertising signs relating to particular uses or activities that are exempt from the requirements of this provision; or
 - (b) areas where advertising signs are permitted or limited.

9. Itinerant Trading

- (1) A permit is required for itinerant trading where it is to be done from:
- (a) a vehicle; or
 - (b) any other temporary method of transport including a caravan, trailer, table, stall or other similar structure; or
 - (c) a road related area; or
 - (d) a property or public place adjacent to a road or a person on a road or public place; or
 - (e) any beach or in foreshore waters.
- (2) The requirement to obtain a permit for itinerant trading does not apply where the Council has designated trading sites and has accepted the tender of a person to occupy a designated trading site.

*Part 19
P&PM*

10. Itinerant trading from house to house

- (1) The requirement to obtain a permit to sell or offer goods or services for sale from house to house does not apply to:
- (a) newspapers or magazines being home delivered;
 - (b) the home delivery of goods purchased at another location;
 - (c) the home delivery of goods where such delivery has been requested by the occupier of the house;
 - (d) the sale of fundraising products by persons duly authorised by an educational, cultural or recreational facility or organisation which is established within the municipal district.

11. Occupation of the Road for Works

- (1) A permit is required to occupy the road for works that involve:
- (a) fencing off part of a road;
 - (b) erecting a hoarding, scaffolding or overhead protective awning;
 - (c) using a mobile crane or travel tower for any building work;
 - (d) making a hole or excavation;
 - (e) reinstating a hole or excavation; and
 - (f) leaving or storing any building, paving or other construction materials.
- (2) The requirement to obtain a permit does not apply to the works of service authorities in an emergency or urgent circumstances.

- (2A) A permit is required for any activity that involves occupying or partly occupying a road.

*CALL
(Am) No 1
2008*

- (3) In addition to the requirements to obtain a permit to occupy the road for works or other activities a person must comply with the requirements in the *Procedures and Protocols Manual*.

*Part 17
P&PM*

*CALL
(Am) No 1
2008*

12. Special events

- (1) In addition to the requirement to obtain a permit to have a special event on a road or Council land a person must comply with the requirements in the *Procedures and Protocols Manual*.
- (2) A street party may be held on a local street but must not be held on a declared road.
- (3) Where the Council has granted a permit for a special event, the Council may apply revised parking restrictions for the period of the special event.

Part 4A
P&PM

13. Filming

- (1) A permit is required for filming on a road or Council land where the film is for commercial purposes or public exhibition.
- (2) In addition to the requirement to obtain a permit to film on roads or Council land a person must comply with the requirements in the *Procedures and Protocols Manual*.

Part 9
P&PM

Penalty: \$2000

CALL
(Am) No 1
2008

14. Busking, Fund Raising and Promotional Activities and Street Stalls

- (1) In addition to the requirement to obtain a permit to busk, fund raise or conduct any promotional activity or have any form of street stall on a road or Council land a person must comply with the requirements in the *Procedures and Protocols Manual*.
- (2) Where a person intends to busk, fund raise or conduct any promotional activity or have a street stall on land to which members of the public have access but is not Council land, the permission of the owner must be obtained and evidence of that permission must be produced to an authorised officer when requested to do so.
- (3) The Council may designate areas where busking, fund raising or promotional activities or any form of street stall is permitted or limited.

Part 4B &
Part 4C
P&PM

15. Bulk Rubbish Containers

In addition to the requirement to obtain a permit to place a bulk rubbish container on a road or Council land a person must comply with the requirements in the *Procedures and Protocols Manual*.

Part 7
P&PM

16. Parking during the Australian Formula 1 Grand Prix

- (1) A permit is required to park a vehicle in the areas designated by the Council during the race period.
- (2) The processes to be followed and the requirements to be met are set out in the *Procedures and Protocols Manual*.
- (3) A permit holder:
 - (a) must not assign, transfer or encumber his or her permit; and

Part 8
P&PM

- (b) must ensure that:
 - (i) the permit is fixed to the lower interior of the passenger side corner of the front windscreen of the relevant vehicle or in any other manner specified in the permit; and
 - (ii) all printed information on the permit is capable of being read by any person standing beside the vehicle.

CALL
(Am) No 1
2008

17. Occupying Market Sites

- (1) A permit in the nature of a license or lease is required to occupy a market site on Council Land.
- (2) A licensee or lessee must comply with the requirements in the *Procedures and Protocols Manual* to the extent that the requirements in the *Procedures and Protocols Manual* are not inconsistent with any license or lease.

Part 6
P&PM

18. Connecting into Council drains

The requirement to obtain a permit to tap into or interfere with any Council drain does not apply where the Council has certified a plan of subdivision or given its approval for the drain to be tapped under other legislation administered by it.

19. Keeping excess numbers of animals

- (1) A permit is required where:
 - (a) more than two dogs or more than two cats are to be kept on any residential, commercial or industrial property at any one time; or
 - (b) more than one dog or more than one cat is to be kept in a flat or a unit at any one time; and
 - (c) Despite subclause (1), a person must not keep more than four animals on any residential, commercial or industrial property.
- (2) An owner or occupier of residential, commercial or industrial property must keep animals housed in a way which:
 - (a) is adequate and appropriate for the type and numbers of animals being kept; and
 - (b) is not offensive; and
 - (c) protects adjoining properties from animal noise; and
 - (d) does not adversely impact on the amenity of the area.
- (3) Any person who keeps an animal must comply with the requirements in the *Procedures and Protocols Manual*.
- (4) An owner or occupier of residential property must not keep, allow to be kept or harbour any roosters.

CALL (Am)
No 1 2008

CALL (Am)
No 1 2008

Part14
P&PM

CALL (Am)
No 1 2008

20. Asset Protection Permit

CALL
(Am) No.1
2005

- (1) The builder must:
- (a) obtain an Asset Protection Permit before carrying out the building work or allowing the building work to be carried out on that land; and
 - (b) not carry out or allow to be carried out building work on that land unless an Asset Protection Permit has been obtained.

Penalty: \$2,000

- (2) Without limiting Part 5 of this Local Law, an Asset Protection Permit may allow a person to enter land from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged. CALL
(Am) No.1
2005
- (3) Without limiting Part 5 of this Local Law, an Asset Protection Permit may be subject to such conditions as the Council determines including: CALL
(Am) No.1
2005
- (a) requiring protection works to be done;
 - (b) requiring the payment of a security bond;
 - (c) requiring the erection of temporary fencing to the satisfaction of the Council;
 - (d) requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time; or
 - (e) requiring a temporary vehicle crossing to be installed to the Council's specification before commencement of any building work or delivery of any equipment or materials to the land.
- (4) The amount of any security bond required under any Asset Protection Permit is to be proportionate to the likely costs of repairing any potential damage to any existing road (including carriageway), channel, drain, vehicle crossing or other public asset arising from the building work. Nothing in this clause prevents Council from setting a lower amount if it considers it is appropriate to do so. CALL
(Am) No.1
2005
- (5) Upon completion of the building work, the amount of the security bond: CALL
(Am) No.1
2005
- (a) may be retained by the Council to offset the costs of carrying out any works in accordance with this Local Law; or
 - (b) may be refunded to the person who lodged it, upon the Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to the Council's satisfaction.
- (6) Where the Council so determines, it may agree to accept an alternative form of security to a security bond." CALL
(Am) No.1
2005

21. *Clothing Recycling Bins*

- (1) A permit is required to place a clothing recycling bin on any land in the municipal district to which members of the public have access.
- (2) In addition to any conditions in a permit a person who places a clothing recycling bin on any land must comply with the requirements in the *Procedures and Protocols Manual*.

*Part 15
P&PM*

PART THREE- CONDITIONAL ACTIVITIES AND USES

ACTIVITIES AND USES TO COMPLY

22. Observing Requirements

- (1) A person must observe the requirements applied in this Local Law to:
- (a) building works on a dwelling as required by clause 23;
 - (b) managing amenity on building sites as required by clause 24;
 - (c) protection of council assets as required by clause 25;
 - (d) industrial, trade and commercial waste as required by clause 26;
 - (e) commercial premises as required by clause 27;
 - (f) transportation of waste as required by clause 28;
 - (g) domestic waste and recyclable materials as required by clause 29;
 - (h) keeping of poultry as required by clause 30;
 - (i) the location of trees, plants and signs on a property as required by clause 31;
 - (j) the display of property numbers as required by clause 32;
 - (k) naming a road as required by clause 33;
 - (l) vehicle crossings as required by clause 34;
 - (m) using toy vehicles as required by clause 36;
 - (n) parking of vehicles as required by clause 37; and
 - (o) significant trees as required by clause 38.
- (2) A person who fails to comply with the requirements applied to any of the uses or activities in sub-clause (1) is guilty of an offence against this Local Law and liable to the penalty specified.

DIVISION 1 – MANAGING POTENTIAL NUISANCE USES AND ACTIVITIES

23. *Building Works on a Dwelling*

- (1) A person must not carry out building works on a dwelling unless:
- (a) the works are only carried on between the hours of -
 - (i) 7.00am and 8.00pm Mondays to Fridays;
 - (ii) 9.00am to 6.00pm Saturdays;
 - (iii) 9.00am to 6.00pm Sundays and Public Holidays; and
 - (b) the person is the owner or occupier carrying out the works himself or herself and no other person is engaged for fee or reward; and
 - (c) the person is complying or observing any direction, notice or order of the Council, authorised officer or any public authority.

Penalty: \$500

- (2) Despite sub-clause (1) a person may carry out building works on a dwelling at times other than those in sub-clause (1)(a) provided that unreasonable noise does not occur.
- (3) A person is guilty of an offence against this Local Law where unreasonable noise is made as a result of carrying out building works detailed in this clause.

Penalty: \$500

- (4) For the purpose of determining whether noise from building works on a dwelling, referred to in sub-clause (1) or (2) is unreasonable, regard will be had to:
- (a) the volume, intensity or duration; and
 - (b) the time, place and any other relevant circumstances in which the noise is emitted.

24. *Managing Amenity on Building Sites*

- (1) To control and prevent:
- (a) any damage or danger to the environment; and
 - (b) any nuisance that might be caused to persons on adjoining land -
- as a result of the building works, the builder must submit to the Council written notification of the proposed commencement at least 48 hours before commencing building works on a building site.

Penalty: \$2000

- (2) The builder must comply with the measures to manage a building site stated in the *Procedures and Protocols Manual*.

Penalty: \$2000

- (3) The builder must:
- (a) monitor the measures referred to in sub-clause (2);
 - (b) keep a record of all monitoring referred to in paragraph (a) of this sub-clause in accordance with the Procedures and Protocols Manual; and
 - (c) must produce the record referred to in paragraph (b) of this sub-clause to an authorized officer on request.

Penalty: \$2000

- (4) Where the builder's monitoring of the measures to manage the site shows that there has been a failure to comply with the measures agreed to in the notification, the builder must undertake immediate action to ensure compliance.

Penalty: \$2000

- (5) A builder must not, without a permit, carry out building works on a building site other than between the following hours:
- (a) 7.00 am to 6.00 pm Monday to Friday; and
 - (b) 9.00 am to 3.00 pm Saturday."
- after clause 24(5) insert the following:

CALL
(Am) No 1
2008

- (5A) A builder must not carry out building works on a building site on a public holiday that is a public holiday under the Public Holidays Act 1993.

CALL
(Am) No 1
2008

- (6) Except in the case of an emergency a builder must not carry out building works outside the times specified in sub-clause (5) without first obtaining a permit.

Penalty: \$2000

- (7) In determining whether to grant a permit under sub-clause (6), the Council:
- (a) must not grant a permit for a builder to carry out building work on a day that is an appointed public holiday under the **Public Holidays Act 1993**;
 - (b) must take into consideration the matters specified in the *Procedures and Protocols Manual*.

Part 10
P&PM

- (8) A person is guilty of an offence against this Local Law where unreasonable noise is made as a result of carrying out building works detailed in this clause.

Penalty: \$2000

- (9) For the purpose of determining whether noise from building works on a building site is unreasonable, regard will be had to:
- (a) the volume, intensity or duration; and
 - (b) the time, place and any other relevant circumstances in which the noise is emitted.

- (10) The Council may inspect a building site at any reasonable time.

CALL
(Am) No.1
2005

Community Amenity Local Law No 3

- (11) The builder must, in respect of the building work, ensure that:
- (a) no entry to the land takes place other than across the existing vehicle crossing or a temporary vehicle crossing; and
 - (b) no materials are deposited on any part of the road without the approval of the Council.

Penalty: \$2,000

- (12) Where any building work is being carried out on any land, the builder must ensure that the building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice by adopting measures to:
- (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
 - (b) prevent building cleanup, washdown or other wastes being discharged offsite or allowed to enter the stormwater system.

Penalty: \$2,000

- (13) Where any building work (other than minor building work) is being carried out on any land, the builder must:
- (a) provide a refuse facility for the purpose of disposal of builder's refuse, and, provided the facility contains all builder's refuse on the land to the satisfaction of the Council, its size, design and construction will be at the discretion of the builder;
 - (b) place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the construction period;
 - (c) not place the refuse facility on any Council land or road without a permit; and
 - (d) empty the facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.

Penalty: \$2,000

- (14) The requirement to provide a refuse facility may be waived at the Council's discretion.
- (15) During building work, the builder must ensure that:
- (a) all builder's refuse which requires containment is placed in the refuse facility referred to in clause 24(13);
 - (b) the builder's refuse is not deposited in or on any land other than in accordance with clause 24(13); and

Community Amenity Local Law No 3

- (c) the builder's refuse is not deposited in or over any part of the stormwater system.

Penalty: \$2,000

- (16) On any land where building work is being, or has been, carried out, the builder must remove and lawfully dispose of all builder's refuse, including, without limiting the generality of the above, the builders' refuse in the refuse facility referred to in clause 24(13), within seven (7) days of completion of the construction period or issue of an occupancy permit, whichever occurs last.

Penalty: \$2,000

- (17) The driver of any vehicle involved in placing or removing a refuse facility on or from a building site must access the building site by way of a temporary vehicle crossing, unless otherwise permitted by the Council and in accordance with that permission.
- (18) The builder must not undertake or carry on any building, engineering or other work necessitating the employment or engagement of persons on a building site unless a sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (but at least monthly) for the use of persons on that building site to the satisfaction of the Council.

Penalty: \$2,000

- (19) No liability will arise under clause 24(18) if:
 - (a) buildings are being constructed on adjacent building sites simultaneously by the same person; and
 - (b) the Council allows and there is provided one (1) sewerer toilet system or a fresh water flush with water seal type portable toilet (closed) system serviced as required for three (3) building sites.
- (20) An authorised officer may enter any land at any reasonable time for the purpose of inspecting any sewerer toilet, portable toilet (closet) systems, urinals, pans, receptacles, vehicles, plant and any other things and placed on them and for the purpose of carrying out the provisions of this Local Law.
- (20A) A person who delivers materials to a building site or collects materials or waste from a building site must do so without causing damage to any adjoining land.
- (21) If the Council identifies any damage which appears to result from non-compliance with this Local Law, an authorised officer:
 - (a) may direct the responsible party to reinstate the damage within a specified time; and
 - (b) must provide the responsible party with written confirmation either at the time of the inspection or within a reasonable timeframe.

*CALL
(Am) No 1
2008*

25. Protection of Council Assets

- (1) In addition to the notification required under clause 24 a builder must at least 48 hours before building work commences or the delivery of any equipment or materials to the land provide a report to the Council of the existing condition of Council assets which is: *CALL
(Am) No.1
2005*
- (a) adjacent to the land to which the building permit relates; or
 - (b) likely to be affected by the building works authorised by the building permit.

Penalty: \$2,000

- (1A) A person carrying out building work must not, without a permit, access the building site via a laneway. *CALL
(Am) No 1
2008*

Penalty: \$2000

- (2) For the purposes of determining whether any damage to the Council's assets has occurred as a result of building work, failure to provide the notice required under sub-clause (1) will give rise to an assumption that there was no existing damage to those assets prior to the building work taking place.
- (3) The Council must as soon as is reasonably practical after receiving notice that an occupancy permit or a final certificate in relation to alterations to an existing building has been issued ensure that an inspection of the Council assets is carried out.
- (4) The builder must repair to the satisfaction of the Council any damaged road (including carriageway), channel, drain, vehicle crossing or other assets vested in the Council adjacent to the land where the building work takes place or which is likely to be affected by the building work for which an Asset Protection Permit has been obtained.

*CALL
(Am) No.1
2005*

Penalty: \$2,000

- (5) If the Council considers that building work has caused damage to Council assets it may repair the damage itself and deduct the cost of repairs from any security bond that has been paid in accordance with clause 20(7). *CALL
(Am) No.1
2005*
- (6) If the amount of the security bond is insufficient to cover the costs of repairs or if a security bond was not required to be paid, the Council may give a notice under section 225 of the Act and recover the costs of repairs in accordance with that section.
- (7) Subject to clause 20(7), any money from the security bond that has not been used in covering the costs of repairs must be refunded to the builder. *CALL
(Am) No.1
2005*

26. General Requirements Applying to Industrial, Trade and Commercial Waste

- (1) A person must not collect industrial, trade or commercial waste (including the collection of recyclable materials) other than between the following hours:
- (a) 7.00 am to 8.00 pm Monday to Saturday;
 - (b) 9.00 am to 8.00 pm Sunday and public holidays.
- (2) A person who collects industrial, trade or commercial waste (including the collection of recyclable materials) materials outside the hours specified in sub-clause (1) provided that the amenity of the area is not disturbed by unreasonable noise.
- (3) The collection of industrial, trade or commercial waste (including the collection of recyclable materials) is deemed to generate unreasonable noise if noise from the collection can be heard in a habitable room in any dwelling (regardless of whether any door or window giving access to that room is open).
- (4) A person using an industrial, trade or commercial waste bin must comply with the requirements in the *Procedures and Protocols Manual*.

CALL
(Am) No 1
2008

Penalty: \$2000

27. Additional requirements applying to commercial premises

- (1) To control and prevent:
- (a) any adverse impact on the amenity of the adjoining areas arising from:
 - (i) nuisances, in particular nuisances caused or constituted by the storage and disposal of waste and recyclable materials; or
 - (ii) noise and emissions; and
 - (b) any damage or danger to the environment –
- (1A) An owner or occupier of commercial premises must not detrimentally affect the amenity of the neighbourhood through the emission of noise, smell or appearance of the premises.

CALL
(Am) No 1
2008

as a result of the use or operation of commercial premises, an owner or occupier of commercial premises must comply with the requirements in the *Procedures and Protocols Manual*.

Part 12
P&PM

Penalty: \$2000

- (2) A person delivering any products to commercial premises or collecting from commercial premises must not cause any nuisance or disturb the amenity of the area.

Penalty: \$500

- (3) The delivery to commercial premises or collection from commercial premises of any products is deemed to generate unreasonable noise if noise from the delivery or collection can be heard in a habitable room in any dwelling (regardless of whether any door or window giving access to that room is open).

CALL
(Am) No 1
2008

28. *Transportation of waste*

A person transporting waste in the municipal district in the form of manure, dead animal or animal remains, offal, bones, hides, skins, refuse, rubbish or other offensive matter must cover the vehicle so that the possibility of escape of offensive odours is minimised.

Penalty: \$500

29. *Domestic waste and recyclable materials*

- (1) An owner or occupier of residential premises must:
- (a) place all domestic waste and recyclable material for collection in bins ready for collection on the days from time to time specified by the Council;
 - (b) not use Council supplied bins for any other purpose except for domestic waste or recyclable material;
 - (c) place bins on the verge of the vehicle crossing or roadway abutting the property or other location, confirmed in writing by the Council, prior to 6 am on the day the waste is to be collected;
 - (d) ensure that any material that may cause a hazard (or a safety risk) is not placed in bins provided by the Council for domestic waste or recycling;
 - (e) ensure that, if the Council has notified occupiers of a green waste or hard garbage collection, the material to be collected (of the type of green waste or hard garbage) is left for collection in accordance with the Council's instructions;
 - (f) ensure that once the waste has been collected by the Council, the empty bins are returned to the property as soon as practicable but within 24 hours from the collection;
 - (g) ensure that any waste from a container that has spilled onto the road, nature-strip or surrounding area before collection, is removed as soon as practicable; and
 - (h) ensure that bins are maintained in a clean and tidy manner so that they do not cause a health threat or offence to any person.
- (1B) Sub-clause (1)(a) does not apply to material which is recycled on the property in a manner which causes no nuisance to neighbours or kept on the property for recycling in accordance with a Council sponsored recycling program.

CALL
(Am) No 1
2008

CALL
(Am) No 1
2008

Community Amenity Local Law No 3

- (1C) The owner of any flats or units must provide a clearly defined storage area for the storage of bins and every occupier must keep the bin allocated to the flat or unit in that defined storage area.
- (2) A person must not collect domestic waste and recyclable materials unless:
- (a) the collection is carried out only between the hours of:
 - (i) 6.30am – 8.00pm on Mondays to Saturdays; or
 - (ii) 9.00am – 8.00pm on Sundays and Public Holidays; or
 - (b) the amenity of the area is not disturbed by unreasonable noise.

CALL
(Am) No 1
2008

Penalty: \$2000

- (3) For the purpose of determining whether the amenity of the area is disturbed by unreasonable noise, regard will be had to:
- (a) the volume, intensity or duration of the noise; and
 - (b) the time, place and any other relevant circumstances in which the noise is emitted.

30. Keeping of poultry

A person who keeps poultry must comply with the requirements in the *Procedures and Protocols Manual*.

Part 14
PP&M

Penalty: \$200

DIVISION 2 – PUBLIC SAFETY AND THE PROTECTION OF ASSETS

31. *The location of trees, plants and signs*

- (1) A tree, plant, sign or other similar object must not be planted or located in a way that it is obstructing or interfering with pedestrian or vehicular traffic by:
- (a) overhanging any footpath or other part of the road used by pedestrians to any extent up to a height of 2.1 metres or so that it gets in the way of pedestrians or is likely to cause injury or damage; or
 - (b) extending over any part of the road in such a way that it:
 - (i) obstructs the view between vehicles at an intersection; or
 - (ii) obstructs the view between vehicles and pedestrians; or
 - (iii) obstructs any Council assets including drains; or
 - (iv) obscures a traffic control item from an approaching vehicle or pedestrian; or
 - (v) obscures street lighting; or
 - (c) constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.

Penalty: \$500

32. *Display of property numbers*

Where the council has allocated street numbers to a property the owner or occupier must ensure that the number allocated is clearly displayed by ensuring that it can be clearly read in normal lighting conditions from the road immediately adjacent to the front boundary.

Penalty: \$200

33. *Naming a road*

A person must not erect a sign applying a name to a road without first obtaining the consent of the Council.

Penalty: \$200

34. *Vehicle crossings*

- (1) A person must not, without a permit, construct a temporary or permanent vehicle crossing.

Penalty: \$1000

- (2) The council or an authorized officer may require -
- (a) the construction of a temporary or permanent vehicle crossing; or
 - (b) the repair or reconstruction of a vehicle crossing – by the owner or occupier of any adjacent allotment.

Community Amenity Local Law No 3

(3) The owner or occupier of any allotment required to construct a vehicle crossing by the Council or an authorized officer under this clause must comply with the requirement.

(3A) A person must not access land in a vehicle other than via a temporary or permanent vehicle crossing.

CALL
(Am) No 1
2008

Penalty: \$1000

(4) Any work in respect of a vehicle crossing must be performed to the satisfaction of the Council or an authorized officer.

Penalty: \$1000

(5) The Council or an authorized officer may by notice in writing require -

- (a) the removal of any vehicle crossing and the reinstatement of any kerb, drain, footpath, nature strip or other part of a road; or
- (b) the repair of any vehicle crossing –

CALL
(Am) No 1
2008

if, in the opinion of the Council or an authorized officer the vehicle crossing –

- (a) is redundant, or
- (b) has been constructed in breach of any provision of this clause or a permit; or
- (c) has not been properly maintained; or
- (d) is in a state of disrepair.

35. NOT USED

36. Using toy vehicles

In places where the use of a toy vehicle is permitted on roads or Council land, the person using the toy vehicle must ensure that it does not expose others to danger, obstruct or hinder other users of the Council road or land.

Penalty: \$200

37. Parking of vehicles

(1) A person who has a resident parking permit issued in accordance with the Procedures and Protocols Manual must:

- (a) comply with any conditions of the permit;
- (b) comply with any requirements of the Council's Parking Permit Policy;
- (c) not park a vehicle or leave a vehicle standing in any public place for more than 28 consecutive days;
- (d) must not sell, offer to sell, assign, transfer or encumber his or her permit; and
- (e) must ensure that:

CALL
(Am) No 1
2008

- (i) the permit is fixed to the lower interior of the passenger side corner of the front windscreen of the relevant vehicle or in any other manner specified in the permit; and
- (ii) all printed information on the permit is capable of being read by any person standing beside the vehicle.

Penalty: \$200

- (3) A person must not park a vehicle or leave a vehicle standing on any Council land that is a reserve or the foreshore.
This sub-clause (3) does not apply to an authorised officer or a person acting on behalf of the Council, whether a member of staff or otherwise, in the course of carrying out his or her authorised activities.

Penalty: \$200

- (4) A person must not remove, tamper, interfere with or vandalise a parking meter or any ticket or ticket vending machine.

Penalty: \$2000

38. Significant Trees

- (1) A person must not, without a permit, remove, damage, destroy or lop a Significant Tree.

CALL
(Am) No 1
2008

Penalty: \$2000

- (2) In deciding whether to grant a permit under sub-clause (1), the Council must have regard to the requirements in the *Procedures and Protocols Manual*.
- (3) The requirement to obtain a permit under sub-clause (1) does not apply:
 - (a) where a person cuts, trims or prunes a tree to comply with clause 31 of this Local Law; or
 - (b) where an adjacent land owner removes branches which are overhanging that adjacent land.

38A Use of Council Reserves

- (1) A person must not use a Council Reserve for the purpose of training or conducting sporting activities unless a permit is in existence for the use of the Council Reserve for the purpose of training or conducting sporting activities by a sporting club.

CALL
(Am) No 1
2008

Penalty: \$1000

38B Maintenance of stormwater drains

- (1) An owner of land must not allow a stormwater pipe to accumulate leaves, dirt or other matter so that it causes a council drain to become obstructed.

PART FOUR- ACTIVITIES AND USES NOT PERMITTED

39. Trading Sites

Where the Council has designated trading areas and has entered into an agreement with a person to trade from a designated site no other person may trade from that site whether or not that person has a permit from the Council.

Penalty: \$200

40. Toy Vehicle Areas

A person must not use a toy vehicle in an area where the Council has designated an area prohibiting the use of toy vehicles.

Penalty: \$200

41. Repairing Vehicles

A person must not dismantle, paint, carry out maintenance or repair a vehicle on a road except where it is necessary to enable the vehicle to be removed or so that it can be driven away within one hour of a request by an authorised officer.

Penalty: \$500

41A Abandoned Vehicles

A person must not allow any unregistered vehicle or a vehicle that does not have a permit from VicRoads or any other relevant authority, including a current resident parking permit from the Council, to be left standing in any public place.

Penalty: \$1000

42. Damaging Council Assets

A person must not interfere with or use Council assets in such a way that:

- (a) damage or detriment could be caused to Council assets; or
- (b) any other person could be injured or suffer loss as a result of that interference or use.

Penalty: \$1000

43. Damage from Adjoining Properties

A person must not allow any tree or plant on land owned or occupied by him or her to cause damage to or interfere with a road or Council land or any drain vested in or under the control of the Council.

Penalty: \$500

43A Repair Any Damage

The Council may require a person who has damaged or interfered with Council assets contrary to clause 42 or 43 to repair any damage.

44. Behaviour on Council Land

A person must not behave on Council land:

- (1) in a manner which causes interference with the quiet enjoyment by any other person using the Council land or living in close proximity to the Council land; or
- (2) contrary to any conditions or signs that contain conditions applying to the use of the Council land; or
- (3) contrary to any direction by an authorised officer.

Penalty: \$200

44A Camping on Council Land

- (1) A person must not camp on any Council land or public place in a vehicle, tent, caravan or any other type of temporary or provisional form of accommodation.

Penalty: \$200

- (2) Where an authorised officer is of the opinion that a person may be camping contrary to the Local Law, the authorised officer must have regard to the requirements in the *Procedures and Protocols Manual* before an infringement notice may be issued.
- (3) A person is not guilty of an offence under sub-clause (1) where that person establishes that he or she -
 - (a) is homeless or is in need of secure accommodation; or
 - (b) has complex needs or is in need of additional assistance because of a mental or physical disability or illness; or
 - (c) has occupied a vehicle for not more than 1 eight hour period in a week.

*Part 5B
PP&M*

45. Consumption of alcohol

- (1) Except where premises are licensed under the **Liquor Control Reform Act 1998** or the Council has given a permit, a person must not:

- (a) take any alcohol; or
- (b) consume any alcohol; or
- (c) possess any alcohol in an unsealed container –

where the Council has designated areas or has designated the dates and times that restrictions apply to the activities in paragraphs

(a) to (c).

- (1A) Without limiting sub-clause (1), a person must not possess alcohol in a sealed container on the foreshore on New Years Eve between the hours of 12.01 am and midnight and on New Years Day between midnight and 9 am except

*CALL (Am)
No 2 of 2008*

where the possession is the transport of alcohol to premises referred to in sub-clause (1).

- (1B) For the purpose of sub-clause (1A) the foreshore means –
- (i) North of Head Street, Elwood and South of Ormond Esplanade between St Kilda Street, Elwood and Glen Huntly Road, Elwood;
 - (ii) West of Marine Parade between Glen Huntly Road, Elwood and Shakespeare Grove, St Kilda;
 - (iii) West of Jacka Boulevard, St Kilda between Shakespeare Grove and Fitzroy Street;
 - (iv) West of Beaconsfield Parade between Fitzroy Street, St Kilda and Esplanade East, Port Melbourne;
 - (v) West of Beach Street between Esplanade East, Port Melbourne and Princes Street, Port Melbourne;
 - (vi) South of Waterfront Place, Port Melbourne, between the Port of Melbourne Authority and Princes Street, Port Melbourne;
 - (vii) South of Beach Street, Port Melbourne, between Princes Street and Beacon Cove; and
 - (viii) South of the Boulevard, Port Melbourne, between Beacon Cove and Todd Road, including the Perce White Reserve."

Penalty: \$200

- (2) A person may apply for a permit to take alcoholic beverages into a designated area during the dates and times that a restriction may apply.
- (3) For the purpose of sub-clause (1) the following are designated areas and designated dates and times:
- (a) for the period of the St Kilda Festival conducted in the St Kilda precinct between the hours of 9 am and 12 midnight for each day of the event;
 - (b) for the period of the Australian Formula 1 Grand Prix (as defined in Australian Grand Prix Act) the municipal district from 12 midnight on the Monday preceding the Grand Prix to 12 midnight on the Monday after the Grand Prix;
 - (c) on a road or Council land between the hours of 8 pm and 9 am on the following day; and"
 - (d) on New Years Eve, on a road or Council land, between 12.01am and midnight, and on New Years Day between midnight and 7am.

*CALL
(Am) No 1
2008*

(4) For the purpose of clause 45 the St Kilda precinct is that area bounded by the foreshore along Thackeray Street to Barkly Street, along Barkly Street to Fitzroy Street, along Fitzroy Street to Canterbury Road, along Canterbury Road to Cowderoy Street, along Cowderoy Street to the foreshore (including the beach area).

46. Restrictions applying to alcohol during the Australian Grand Prix

- (1) In the race period or the day following the race period in any year, a person must not in a public place:
- (a) consume any alcohol; or
 - (b) possess any alcohol in an unsealed container.

Part 19
P&PM

Penalty: \$200

- (2) Where the restrictions in sub-clause (1) in respect of Albert Park are inconsistent with the **Australian Grand Prix Act 1994** during the race period the provisions of that Act will apply.

47. Use of boats and other watercraft

- (1) A person must not take or locate a sailboard, personal watercraft, yacht, boat or similar vessel on to the beach other than through an access lane, launching ramp, slipway or designated area.

Penalty: \$200

- (2) The Council may designate areas within which personal watercraft may be launched or transferred from foreshore waters to a mode of land transport.
- (3) Personal watercraft may be taken onto the beach from foreshore waters in any area which is not directly adjacent to a “no boating” or a “no personal watercraft zone”.

Penalty: \$200

48. Dangerous or unsightly land

- (1) An owner or occupier of land must not allow or permit land to be kept in a manner that is dangerous or unsightly.

Penalty: \$500

- (2) In determining whether land is dangerous or unsightly, an authorised officer must have regard to the matters that are identified in the *Procedures and Protocols Manual*.
- (3) An authorised officer must have regard to the matters in the *Procedures and Protocols Manual* before an infringement notice may be issued.

Part 5
P&PM

48A Incinerators, fires and open air burning

- (1) A person must not light or allow any fire to be lit in the open air or in an incinerator on any land.

Penalty: \$1000

- (2) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who:
- (a) uses a barbecue for the purposes of cooking food; or
 - (b) has obtained a permit under this Local Law for a special event and the permit authorises a fire in the open air or in a container designed for the purpose.
- (3) For the purpose of sub-clause (2) a barbecue is a device specifically designed and constructed for the purpose of cooking.

CALL
(Am) No 1
2008

49. Industrial, Trade or Commercial Waste

A person must not deposit any waste or material in an industrial, trade or commercial waste bin or recycling bin contrary to any notice specifying the type of waste that will be received in the waste hopper or recycling bin.

Penalty: \$200

50. Animal Litter

- (1) The owner or person in charge of an animal must immediately collect and remove all of the excrement left by the animal on a road or Council land or in a public place.
- (2) The owner or person in charge of an animal must carry a receptacle, dispenser, bag or other similar device in which to place the excrement of the animal when with the animal on a road, on Council land or in a public place.

Penalty: \$200

51. Shopping Trolleys

- (1) The proprietor of any premises which provides shopping trolleys must ensure that a shopping trolley is not left on any road or Council land unless the Council has provided land or set aside areas for that purpose.
- (2) Where a shopping trolley has been left on a road or Council land, an authorised officer may impound the shopping trolley provided the officer has had regard to the *Procedures and Protocols Manual*."

Penalty: \$400

CALL
(Am) No 1
2008

52. Horse Riding on Council Land

A person must not ride or lead a horse on Council land or in foreshore waters unless an exemption has been granted by the Council.

Penalty: \$200

52A Noise from vehicles

Community Amenity Local Law No 3

- (1) A person in charge of a vehicle on a road or Council land must not allow any noise from ancillary equipment in the vehicle such as a radio, compact disk player or tape deck to cause unreasonable noise or to unreasonably interfere with the comfort of any other person.

Penalty: \$500

- (2) For the purposes of determining whether noise from ancillary equipment in a vehicle is unreasonable or is unreasonably interfering with the comfort of another person, regard will be had to:
 - (a) the volume, intensity or duration; and
 - (b) the time, place and any other relevant circumstance in which the noise is emitted; and
 - (c) any requirements in the *Procedures and Protocols Manual*.

PART FIVE - ADMINISTRATION

DIVISION 1 - PERMITS, FEES AND DELEGATIONS

53. *Applying for a permit*

- (a) A person who wishes to apply for a permit may do so by:
- (i) lodging with the Council an application that contains the information required in the *Procedures and Protocols Manual*; and
 - (ii) paying to the Council the appropriate application fee.
- (b) An applicant may be requested to provide additional information before an application for a permit or for exemption is dealt with.
- (c) The Council may require a person making an application for a permit to give public notice which will entitle any person to make a submission and to be heard in accordance with section 223 of the Act.

*Part 20
P&PM*

54. *Fees and Charges*

- (a) The Council may, from time to time, by resolution determine fees and charges for the purposes of this Local Law.
- (b) In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (c) The Council may waive, reduce or alter a fee or charge with or without conditions.
- (d) The Council's power to determine fees or charges for the purposes of this Local Law does not apply to any lease that may be entered into to occupy a site at a market regulated by this Local Law.

55. *Issue of permits*

The Council may:

- (a) issue a permit that is generally in the form in the *Procedures and Protocols Manual* with or without conditions; or
- (b) refuse to issue a permit.

*CALL
(Am) No 1
2008*

56. *Duration of permits*

- (a) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (b) If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued.

57. Conditional permits

- a) A permit may be issued which contains conditions considered to be appropriate in the circumstances including (but not limited to) the following:
- (i) the payment of a fee or charge;
 - (ii) the payment of a security deposit, bond or guarantee to the council to secure the proper performance of conditions on a permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the permit;
 - (iii) a time limit to be applied specifying the duration, commencement or completion date;
 - (iv) that the applicant be insured against the risk and to provide a written indemnification of the Council against liability arising from the activity or use;
 - (v) the rectification, remedying or restoration of a situation or circumstance;
 - (vi) where the applicant is not the owner of the subject property, the consent of the owner; and
 - (vii) the granting of some other permit or authorisation.
- (b) The conditions of a permit must be set out in the permit.
- (c) The Council may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.

58. Cancellation of permit

- (a) The Council may cancel a permit if it considers that:
- (i) there has been a serious or ongoing breach of the conditions of the permit; or
 - (ii) a notice to comply has been issued, but not complied with within seven days after the time specified in the notice to comply; or
 - (iii) there was a significant error or misrepresentation in the application for the permit; or
 - (iv) in the circumstances, the permit should be cancelled.
- (b) Before it cancels a permit, the Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- (c) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any notice to comply and of the reason why it has been served.

59. Correction of permits

- (a) The Council may correct a permit in relation to:
 - (i) an unintentional error or an omission; or
 - (ii) an evident material miscalculation or an evident material mistake of description of a person, thing or property.
- (b) The Council must notify a permit holder in writing of any correction.
- (c) If the permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any correction to a permit.

60. Registers

- (a) The Council must maintain a record of permits, including details of corrections and cancellations.
- (b) The Council must maintain a register of determinations made and of guidelines or procedures prepared for the purposes of this Local Law.
- (c) The Council must ensure that the registers are available for public inspection at the office of the Council during normal business hours.

61. Exemptions

- (a) The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- (b) An exemption may be granted subject to conditions.
- (c) A person must comply with the conditions of an exemption.
- (d) An exemption may be cancelled or corrected as if it were a permit.

62. Offences

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

Penalty: \$1000

DIVISION 2 - ENFORCEMENT

63. *Compliance with directions*

A person must comply with any reasonable direction or instruction of an authorised officer, member of the Police Force or emergency service when requested to do so in urgent circumstances or for public safety reasons whether or not a person has a permit under this Local Law.

Penalty: \$500

64. *Power of authorised officer*

An authorised officer may issue a warning, a notice to comply and an infringement notice on the person who is breaching the Local Law and commence legal proceedings and may impound items, goods or equipment in relation to a breach of the Local Law.

65. *Time to Comply*

- (1) A notice to comply must state the time and date by which the situation must be remedied.
- (2) The time required by a notice to comply must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved; and
 - (b) the degree of difficulty; and
 - (c) the availability of necessary materials or other necessary items; and
 - (d) climatic conditions; and
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

66. *Failure to comply with a notice to comply*

A person who fails to comply with a notice to comply served on that person is guilty of an offence.

Penalty: \$500

67. *Power of authorised officers to act in urgent circumstances*

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law:
 - (a) an authorised officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if –
 - (i) the authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and
 - (ii) wherever practicable, a senior officer is given prior notice of the proposed action; or

CALL
(Am) No 1
2008

- (b) an authorised officer may take action to remove, remedy or rectify a situation where a notice to comply has been served on a person and that person has not complied with the notice if:
 - (i) The authorised officer considers the circumstances or situation to be sufficiently urgent and the non compliance with the notice may place a person, animal, property or thing at risk or in danger; and
 - (ii) wherever practicable, a senior officer is given prior notice of the proposed action.

- (2) In deciding whether circumstances are urgent, an authorised officer must take into consideration, to the extent relevant:
 - (a) whether it is practicable to contact:-
 - (i) the person by whose default, permission or sufferance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; and

 - (b) whether there is an urgent risk or threat to public health; public safety, the environment or animal welfare.

- (3) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

- (4) An authorised officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
 - (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - (b) a report of the action taken is submitted to the Chief Executive Officer.

68. Power of authorised officers to impound

- (1) Where a person owning or responsible for items, goods and equipment has ignored a request from an authorised officer to remove them, the items, goods and equipment may be removed and impounded.

- (2) If an authorised officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.

- (3) As soon as it is reasonably practicable to do so, the authorised officer must serve a written notice in a form that is specified in the *Procedures and Protocols Manual* on the owner or person responsible for the impounded item setting out the fees and charges payable and time by which the item must be retrieved.

- (4) If after the time required in a notice of impounding an impounded item is not retrieved, an authorised officer may take action to dispose of the impounded item according to the following principles:
 - (a) where the item has no saleable value, it may be disposed of in the most economical way; and

- (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a).
 - (c) where the owner has advised the Council in writing that the Council may dispose of the goods because he or she does not intend to retrieve them, the Council may dispose of them by the method identified in either paragraph (a) or (b).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the authorised officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of the Council, appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located and the money is held by the Council for 12 months, the Council must comply with requirements of the **Unclaimed Moneys Act 1962**.

69. *Infringement Notices*

- (1) An authorised officer may issue an infringement notice containing the information required by the Act or any other Act administered by the Council.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 2.

69A. *Penalties for continuing offences*

A person who after conviction by a Court:

- (1) continues to commit the same offence against the Local Law is liable to a penalty not exceeding \$200 for each day after the conviction that the contravention continues;
- (2) commits a subsequent offence against the Local Law is liable to a penalty not exceeding \$2000.

70. deleted

71. deleted

*CALL
(Am) No 1
2008*

*CALL
(Am) No 1
2008*

**PORT PHILLIP CITY COUNCIL
COMMUNITY AMENITY LOCAL LAW NO 3**

SCHEDULE 1

NOTICE TO COMPLY

To:
(name)

.....
(address)

The following constituted a breach under clause.....of the **Community Amenity Local Law No3**. To remedy this breach you must carry out the following work within.....days from the date of this Notice.

Breach:.....

Work to be carried out:
.....
.....
.....
.....
.....
.....
.....

You should contact.....(contact officer) at the Council offices between the hours of.....and.....for further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for the payment of a penalty of \$.....for the offence. If you do not remedy the breach the authorised officer may carry out the work and you will be liable for the cost of the work in addition to the above penalty.

Date:.....

Name of authorised officer:

Phone number of authorised officer:.....

Note: If this Notice relates to a contravention of a permit or a condition of the permit and there is failure to comply with this Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with this Notice or write to the Council about why the permit should not be cancelled.

**PORT PHILLIP CITY COUNCIL
COMMUNITY AMENITY LOCAL LAW NO 3
SCHEDULE 2**

PENALTIES FIXED FOR INFRINGEMENTS

Clause	Offence	Penalty \$	
7(2)	Failing to obtain a permit	250	
7(3)	Failing to comply with requirements, limitations or conditions of a permit	250	
8(5)	Placing advertising signs contrary to Local Law	1000	
13(1)	Failing to obtain a Permit for filming on a road or Council land.	1000	<i>CALL (Am) No 1 2008</i>
20(1)	Failing to obtain an Asset Protection Permit	1000	<i>CALL (Am) No.1 2005</i>
23(1)	Failing to comply with requirements applying to building works on a dwelling	250	
23(3)	Unreasonable noise from building works on a dwelling	250	
24(1)	Failing to comply with the notification requirements applying to building sites	1000	
24(2), (3), (4), (11), (12), (13), (15), (16) & (18)	Failing to comply with requirements applying to building sites	1000	<i>CALL (Am) No.1 2005</i>
24(6)	Failing to obtain a permit to construct building works outside times specified	1000	
24(8)	Causing unreasonable noise from building sites	1000	<i>CALL (Am) No.1 2005</i>
25(1)	Failing to provide the report	1000	
25(4)	Failing to repair damaged asset	1000	<i>CALL (Am) No.1 2005</i>
26(1) & (4)	Failing to comply with requirements applicable to industrial trade and commercial waste	1000	
27(1)	Failing to comply with requirements applying to commercial premises	1000	
27(2)	Failing to comply with requirements applying to commercial premises deliveries or collection	250	
28	Failing to comply with requirements applicable to transportation of waste	250	

Community Amenity Local Law No 3

Clause	Offence	Penalty \$
29	Failing to comply with requirements applicable to domestic waste and recyclable materials	100
29(3)	Collecting domestic waste contrary to Local Law	1000
30	Failing to comply with the requirements applicable to keeping poultry	100
31	Failing to comply with requirements applicable to trees, plants and signs	250
32	Failing to adequately display property numbers	100
33	Failing to obtain consent to name a road	100
34(1)	Failing to obtain a permit construct a temporary or permanent vehicle crossing	500
34(3)	Failing to construct or repair a vehicle crossing when required by an authorised officer.	500
34(4)	Failing to perform work in respect of a vehicle crossing to the satisfaction of an authorised officer.	500
36	Using a toy vehicle contrary to the Local Law	100
37(1)(a)	Parking contrary to conditions for a parking area	50
37(1)(b)	Parking at an expired meter or failing to pay the fee	50
37(1)(c)	Parking for a period longer than fixed	50
37(1)(d)	Parking without displaying a valid ticket	50
37(1)(e)	Parking outside the space delineated for the vehicle	50
37(1)(f)	Parking contrary to the conditions on a ticket or for a ticket parking area	50
37(2)	Failing to comply with requirements applying to resident parking permits	100
37(3)	Parking on a reserve or foreshore	100
37(4)	Removing or tampering with a parking meter, ticket or ticket vending machine	1000
38	Failing to obtain consent to remove a significant tree	1000
39	Trading from an unavailable site	100
40	Using a toy vehicle in a prohibited area	100
41	Repairing and maintaining vehicles on a road	250

CALL
(Am) No 1
2008

Community Amenity Local Law No 3

Clause	Offence	Penalty \$
41A	Abandoned vehicles left contrary to Local Law	500
42	Council Assets	500
43	Damaging roads or Council land from adjoining property	250
44	Behaving on roads or Council land contrary to Local Law	100
44A(1)	Camping on Council land contrary to Local Law	100
45&46	Consumption of alcohol contrary to Local Law	100
47	Use of boats or other watercraft-contrary to Local Law	100
48	Allowing land to be kept in a dangerous or unsightly manner	250
48A(1)	Lighting incinerators and open air fires contrary to Local Law	500
49	Depositing commercial or trade waste contrary to notice	100
50(1)	Failing to remove animal excrement	100
50(2)	Failing to carry a receptacle, bag or similar device in which to place animal excrement	100
51	Failing to remove a shopping trolley	200
52	Riding or leading horse contrary to Local Law	100
52A	Unreasonable noise from ancillary equipment in vehicles	250
62	Making false representation or omission of relevant information in application for a permit or exemption	500
63	Failing to comply with directions	250
66	Failing to comply with a notice to comply	250

*CALL
(Am) No 1
2008*