



Ordinary Meeting of Council Agenda

**to be held on Tuesday 19 April 2016 at 7.00pm
Richmond Town Hall**

Disability - Access and Inclusion to Committee and Council Meetings:

Facilities/services provided at the Richmond and Fitzroy Town Halls:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond)
- Hearing loop (Richmond only), the receiver accessory may be accessed by request to either the Chairperson or the Governance Officer at the commencement of the meeting, proposed resolutions are displayed on large screen and Auslan interpreting (*by arrangement, tel. 9205 5110*)
- Electronic sound system amplifies Councillors' debate
- Interpreting assistance (*by arrangement, tel. 9205 5110*)
- Disability accessible toilet facilities

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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

“Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Roberto Colanzi (Mayor)
- Cr Geoff Barbour
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager – CEO’s Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Welling)
- Bruce Phillips (Director - Planning and Place Making)
- Guy Wilson-Browne (Director – City Works and Assets)
- Mel Nikou (Governance Officer)

3. Declarations of conflict of interest (Councillors and staff)

4. Confidential business reports

Item

- 4.1 Proposed developments
- 4.2 Contractual matters
- 4.3 Industrial matters; AND Contractual matters
- 4.4 Matters prejudicial to Council and/or any person

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act 1989*. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
 - (a) proposed developments;
 - (b) contractual matters;
 - (c) industrial matters; and
 - (d) matters prejudicial to Council and/or any person.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 5 April 2016 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time is an opportunity to ask questions, not to make statements or engage in debate.

Questions should not relate to items listed on the agenda. (Council will consider submissions on these items separately.)

Members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their questions to the chairperson;
- (c) ask a maximum of two questions;
- (d) speak for a maximum of five minutes;
- (e) refrain from repeating questions that have been asked previously by themselves or others; and
- (f) remain silent following their question unless called upon by the chairperson to make further comment.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Station St Carlton North Proposed Temporary Road Closure – Community Consultation	8	15	Richard Young – Manager Traffic and Special Projects
11.2	Traffic Treatments that may enhance the safety of cyclists - Consultation	18	22	Richard Young – Manager Traffic and Special Projects
11.3	Proposed General Local Law 2016	24	30	Stewart Martin - Manager Compliance
11.4	Yarra Active Ageing Advisory Group Membership	116	119	Adrian Murphy – Manager Aged and Disability Services
11.5	Collingwood Women's Mural	120	122	Siu Chan – Business Unit Manager Arts, Culture and Venues
11.6	Endorsement of Motions for ALGA National General Assembly	123	124	Ivan Gilbert - Executive Manager Chief Executive's Office

Public submissions procedure

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

When the chairperson invites verbal submissions from the gallery, members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their submission to the chairperson;
- (c) speak for a maximum of five minutes;
- (d) confine their remarks to the matter under consideration;
- (e) refrain from repeating information already provided by previous submitters; and
- (f) remain silent following their submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Station St Carlton North Proposed Temporary Road Closure – Community Consultation

Trim Record Number: D16/41105

Responsible Officer: Manager Traffic and Special Projects

Purpose

1. To provide an update to Council following consultation with the Carlton North LATM area on the temporary closure of Station Street Carlton North at the intersection with Princes Street.
2. This report was requested by Council at its meeting of 15 December 2015.

Background

3. At its meeting of 15 December 2015 Council adopted the following Resolution;

That in the matter of representations by local community members for Council to close Station Street, Carlton North at the intersection with Princes Street, Council:

- (a) *note the Officer's report that a future Local Area Traffic Management study (LATM 2 Carlton North precinct), is programmed to consider traffic needs and impacts across the whole neighbourhood, bounded by Princes Street, Lygon Street, Park Street and Nicholson Street;*
- (b) *note the representations by residents on the operation of the temporary road closure at Station/Princes Streets Carlton North from 5 January 2015 until March 2016 for renewal of the Carlton main sewer by Melbourne Water:*
 - (i) *in particular noting the effectiveness of the temporary closure in alleviating:*
 - *the previous lengthy bank up of arterial traffic using Station Street seeking to exit into Princes Street; and*
 - *the risk of cars crossing 4 lanes on Princes Street, to reach the right turn lane on Princes Street at Nicholson Street to turn south towards the CBD;*
 - (ii) *referencing previous consultations in 2002/03 on a then proposed road closure at Station/Princes Streets and highlighting the worsening traffic in this local residential street since this time; and*
 - (iii) *seeking maintenance of the current temporary road closure seamlessly with the cessation of the Melbourne Water sewer works in March 2016, pending the broader LATM 2 (Carlton North precinct) study; and*
- (c) *determine to propose maintaining the current temporary road closure arrangements at Station/Princes Streets, Carlton North following the completion of the works being undertaken by Melbourne Water (anticipated to be in March 2016) and then to reconsider the matter following undertaking of the LATM 2 (Carlton North precinct) study, and in this regard;*
 - (i) *initiate formal steps pursuant to Schedule 11, 10(1)(c) of the Local Government Act 1989 to maintain a temporary barrier or other obstruction on the road as a genuine traffic diversion experiment and accordingly, authorise Officers to:*
 - (ii) *advise impacted residents that under Section 223 of the Local Government Act, they may make submissions to Council at a meeting to be held on 16 February 2016 on the proposal to maintain the current temporary closure pending undertaking of the LATM2 study in the precinct;*
 - (iii) *urgently seek a report from the Roads Corporation (VicRoads) on Council's proposal to maintain the current temporary closure pending undertaking of the LATM 2 study in the precinct;*

- (iv) *advise VicRoads that it would seek the report to be provided for consideration at the 16 February, 2016 Council meeting together with the further resident submissions; and*
 - (v) *include in the request to VicRoads, photographic and other evidence provided by residents to Council on the enhanced safety and amenity impacts of the temporary closure and of the benefits of the closure to overcome the former lengthy queuing on Station Street.*
- 4. This report only addresses the initial consultation undertaken with the North Carlton LATM 2 area on the temporary closure of Station Street and traffic surveys that were undertaken with the temporary closure in place in February 2016. This was agreed with Ward Councillors at a meeting on 19 January 2016.
- 5. Other items in the Council Resolution of 15 December 2016 can only be addressed if the proposal for a temporary road closure on Station Street is referred to the next Carlton North Precinct LATM 2 study or funding of \$50,000 is provided so that the assessment and analysis required by VicRoads and associated community consultation can be carried out outside of the LATM study process.
- 6. Since late 2014, Melbourne Water has been undertaking works to upgrade the sewer network in Carlton North and Fitzroy North. As part of the works, Melbourne Water established a worksite at the southern end of Station Street, Carlton North, at the intersection with Princes Street. The worksite occupied the extent of the road carriageway, meaning the closure of the road to vehicular traffic at this location from January 2015 to late March 2016.
- 7. Melbourne Water established two further worksites as part of the sewer upgrade works including a worksite on Scotchmer Street, Fitzroy North and a worksite at the Amess Street / Pigdon Street intersection, Carlton North. The establishment of worksites at these locations also required temporary closures of the road carriageways resulting in changes to the movement of traffic through the Carlton North and Fitzroy North area. The work was completed at these sites and the roads reopened in mid-March 2016.
- 8. To facilitate the establishment of the Station Street worksite, Council issued Melbourne Water a permit which provided consent for a utility company to undertake works within the municipal road reserve. This permit required Melbourne Water to send out a courtesy letter advising impacted residents of the type and duration of the works and temporary changes to access. This permit was valid only until the completion of works in late March 2016. There was no opportunity to extend the permit beyond the duration of the Melbourne Water works outside the requirements of the Local Government Act 1989.
- 9. The Local Government Act 1989 allows Council to permanently close a road or temporarily close a road for a genuine traffic diversion experiment. Council will be subject to the requirements of the Local Government Act regarding community consultation and provision of a report and traffic impact assessment to VicRoads setting out the expected impacts associated with a temporary or permanent road closure.
- 10. The level of assessment required to be able to sufficiently determine and communicate potential impacts to the wider community in Carlton North and VicRoads would likely be more than that undertaken within a Local Area Traffic Management (LATM) study. This is due to the closure abutting and impacting the arterial road network (Princes Street and Nicholson Street), impacting on the principal bike network (Canning Street) and a bus route (Rathdowne Street). This would include extensive traffic counts (potentially including detailed Origin and Destination surveys) and technical assessment and presentation of information to the community by an independent traffic consultant. To be able to collect relevant baseline data, this assessment would need to be undertaken following the reopening of all the road closures associated with the Melbourne Water works in the wider Carlton North and Fitzroy North area.

11. Council officers have received, and continue to receive, a number of requests by members of the community to close roads in the municipality to address perceived issues such as traffic using local roads as opposed to using arterial roads. In every case, members of the community are advised that road closures will normally only be considered as part of an LATM study for the respective precincts as this is the most appropriate mechanism in which to analyse, identify and communicate potential traffic impacts associated with a road closure and consider submissions from the public on the proposal.
12. The consideration of a road closure outside of a LATM study could potentially set a precedent going forward to consider road closures in other locations in Yarra outside of this process. To illustrate the scale of this, recent requests for road closures in Carlton North have been received for Amess Street / Park Street, Pigdon Street / Amess Street, Drummond Street, Canning Street / Princes Street and Station Street / Richardson Street.

External Consultation

13. Following a meeting between Nicholls Ward Councillors and Council Officers on 19 January 2016, the Carlton North LATM area was consulted on whether they supported a temporary closure of Station Street at Princes Street. This area is bound by Lygon Street, Park Street, Nicholson Street and Princes Street. A letter was distributed by Council to all properties in the Carlton North LATM area and owner non-occupiers. The letter requested that residents, property owners and business operators complete an online survey on the temporary closure of Station Street. Consultants could also request a paper copy of the survey.
14. The consultation period ran for over three weeks, from 19 February to 11 March 2016. Overall, 354 responses were received from the 3,323 properties canvassed (a response rate of 10.7%) by the consultation deadline. The paper copy survey (which has the same content as the online survey) is provided as **Attachment 1**.

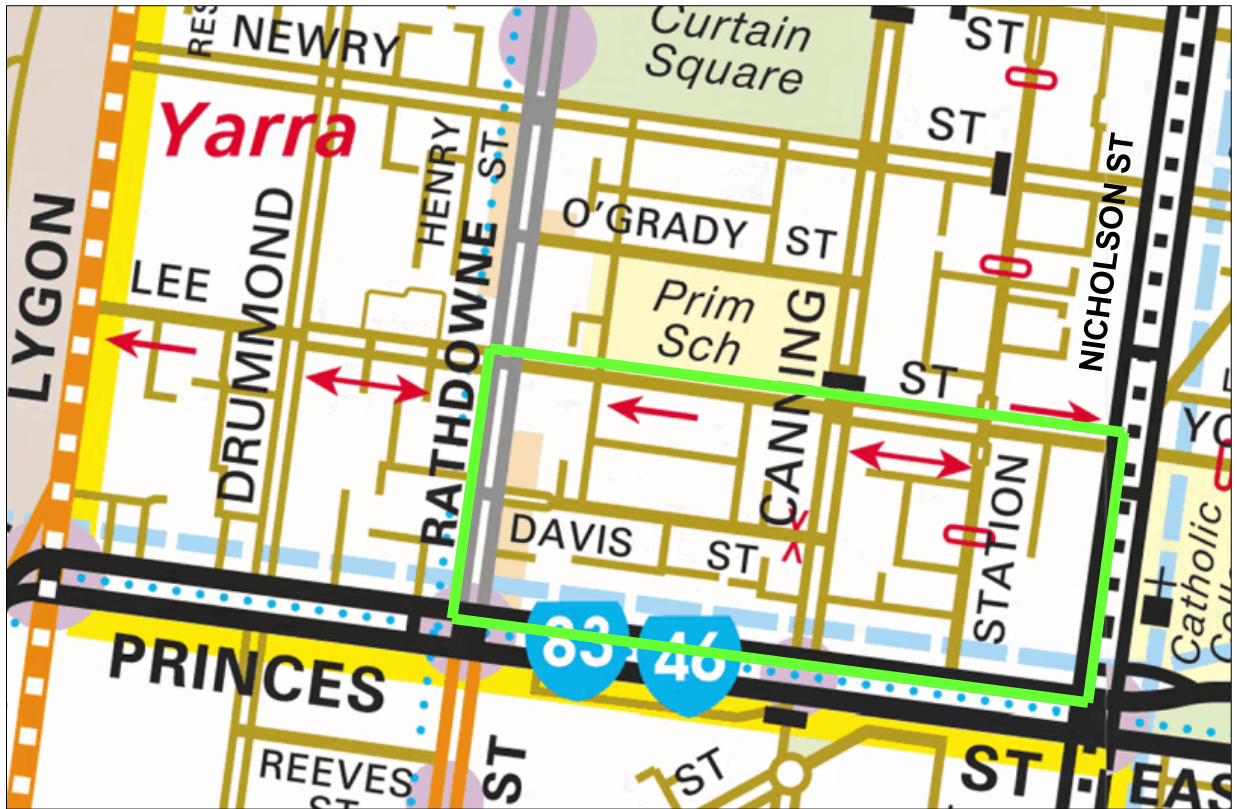
Internal Consultation (One Yarra)

15. Council's Strategic Transport Unit has been consulted during the preparation of this report. The Strategic Transport Unit has expressed concerns regarding the unknown potential impacts that a road closure would have on bus journey times on Rathdowne Street due to traffic being displaced onto this alternative north-south route. Furthermore, safety on the Strategic Cycling Corridor route on Canning Street would likely be impacted by traffic being displaced onto this route. A Strategic Cycling Corridor route is the highest in the hierarchy of all Principle Bike Network cycling routes as identified by the Victorian Cycling Strategy, Plan Melbourne and VicRoads.
16. The Strategic Transport Unit has also noted that a rigorous and formal process (such as a LATM study or other area plans) should be followed to assess impacts and community thoughts over the wider area.

External Consultation Analysis

17. A detailed review of the consultation results was undertaken to assess the overall support of the temporary closure of Station Street. This included:
 - (a) the **whole Carlton North LATM area - 50% support closure, 50% do not support closure** (354 responses total);
 - (b) **all properties on Station Street - 78% support closure, 22% do not support closure** (100 responses total, which are included in the total responses of 354); and
 - (c) **properties collectively and individually affected by the closure and displaced traffic (the area bound by Rathdowne Street, Lee Street, Nicholson Street and Princes Street) – see map below and paragraph 14 for detail** (51 responses total, which are included in the total responses of 354).

18. The properties in the closest vicinity of Station Street / Princes Street are the streets where traffic accessing Princes Street is likely to be displaced to with a Station Street closure in place. This area is bound by Rathdowne Street (between Lee Street and Princes Street), Lee Street (between Rathdowne Street and Nicholson Street), Nicholson Street (between Lee Street and Princes Street) and Princes Street (between Rathdowne Street and Nicholson Street). This is also shown below in the green highlighted box.



19. Overall, there is marginally more support (53%) from respondents in this area for the road closure. A further break down of the streets in this area is shown below:

Street	Description	Support Closure	Do Not Support Closure	Number of Responses
Station Street	between Lee St and Princes St	82%	18%	17
Lee Street	between Rathdowne St and Nicholson St	70%	30%	10
Rathdowne Street	between Lee St and Princes St	33%	66%	6
Davis Street	between Rathdowne St and Canning St	0%	100%	4
Canning Street	between Lee St and Princes St	17%	83%	6
Nicholson Street	between Lee St and Princes St	66%	33%	3
Princes Street	between Rathdowne St and Nicholson St	20%	80%	5

20. In the area in the closest vicinity of Station Street / Princes Street, the bulk of respondents in three streets support the closure, being Station Street, Lee Street and Nicholson Street. Four streets in the same area where most respondents do not support the closure are Rathdowne Street, Davis Street, Canning Street and Princes Street.

Traffic Survey Analysis

21. Historic traffic survey data, without the Station Street closure in place, is held for the streets directly affected by a closure of Station Street at Princes Street. This is in the form of 3 day pneumatic tube counts. The majority of the survey data is from August 2009, however more recent data is held for two streets from July 2012 (Davis Street, between Rathdowne Street and Canning Street) and November 2013 (Lee Street, between Station Street and Canning Street). Traffic Survey data (7 day pneumatic tube counts) has been collected in February 2016, with the Station Street closure in place, for the streets directly affected by the closure.

22. A comparison of average 24 hour two-way traffic flows, without and with the Station Street closure, is shown in the table below.
23. There have been significant reductions in traffic flows on Station Street (between Princes Street and Lee Street), Lee Street (between Rathdowne Street and Canning Street) and Station Street (between Lee Street and Newry Street).
24. There has been a significant increase in traffic flows on Canning Street (between Davis Street and Lee Street).
25. The traffic flows on Davis Street (between Rathdowne Street and Canning Street) and Lee Street (between Rathdowne Street and Canning Street) have generally remained the same.
26. It should be noted that the individual street comparison is not entirely representative or conclusive due to the age of the 'without the Station Street closure' traffic survey data. Area analysis is also difficult due to the variation in age (2009-13) of the survey data, which means that many vehicle trips are potentially 'lost' because of this.

Street	Between	Volume before closure (vpd)	Before closure survey date	Volume with closure (vpd), Feb-16	% increase or decrease
Canning St	Davis St - Lee St	559	Aug-09	750	+34%
Davis St	Rathdowne St - Canning St	759	Jul-12	792	+4%
Lee St	Station St - Canning St	921	Nov-13	935	+2%
Lee St	Rathdowne St - Canning St	432	Aug-09	312	-28%
Station St	Lee St - Newry St	1019	Aug-09	904	-11%
Station St	Princes St - Lee St	747	Aug-09	227	-70%

27. Super Tuesday Cycle Count data is shown below for the Canning Street / Princes Street intersection in 2015 and 2016. Both counts were undertaken with the Station Street closure in place. This data is for two-way (northbound and southbound) cyclist trips and is collected during the morning peak period (7-9am).

Intersection	2015 Volume	2016 Volume	% difference
Canning St / Princes St	1054	1215	+15%

28. The data shows that cyclists using Canning Street, between Princes Street and Lee Street, has increased by 15% from 2015 to 2016. This is a significant increase in cyclist trips on this important Strategic Cycling Corridor route. In 2016 there were over 600 two-way cyclist trips using this section of Canning Street per hour in the morning peak period of 7-9am, while the Station Street closure was in place, with 102 two-way motor vehicle trips per hour during the same period.
29. The most recent traffic data held for Canning Street without the Station Street closure in place is from 2009 and indicates 48 two-way motor vehicle trips per hour during this morning peak period of 7-9am. This is significantly less than with the closure in place but due to the age of the traffic data a valid comparison cannot be made. The most recent cyclist data, without the Station Street closure in place, is from the 2014 Super Tuesday Cycle Count where there were over 550 two-way cyclist trips per hour in the morning peak period. This is generally the same as the levels with the Station Street closure in place.
30. Council's Strategic Transport Unit has viewed this information and stated that any increase in motor vehicle traffic on a VicRoads defined Strategic Cycling Corridor route is undesirable as it would likely degrade the safety and amenity of cyclists using this marque route. As mentioned earlier in the report, Strategic Cycling Corridor routes are the most important routes in the bicycle network hierarchy as identified by the draft Victorian Cycling Strategy, Plan Melbourne and VicRoads.

31. According to the Super Tuesday Cycle Count data for 2014 (which has been mapped for metropolitan Melbourne), Canning Street has the third highest on-road cyclist volumes travelling into the Melbourne CBD after St Kilda Road and Royal Parade.
32. Furthermore, a considerable number of comments received from respondents to the consultation raised serious concerns with any increase in traffic on Canning Street, due to it being a very well used cycle route and that it is well used by children from Carlton North Primary School.

Financial Implications

33. There are no financial issues arising from the recommendations contained in this report if the consideration of a temporary or permanent road closure on Station Street at the intersection with Princes Street is referred to the next LATM 2 Study.
34. Should Council decide to pursue the temporary closure of Station Street following the completion of the Melbourne Water works, the level of assessment required by VicRoads pursuant to the Local Government Act to determine the potential impacts and undertake the necessary community consultation is estimated to cost in the order of \$50,000. VicRoads confirmed the analysis and assessment requirements by email on 4 April 2016. There will also be a requirement for officer time in the order of 20 hours a week for a four month period. There is currently no budget allocation for the required assessment and consultation.

Economic Implications

35. There are no economic issues arising from the recommendations contained in this report.

Sustainability Implications

36. There are no sustainability issues arising from the recommendations contained in this report.

Social Implications

37. There are no social issues arising from the recommendations contained in this report.

Human Rights Implications

38. There are no human rights issues arising from the recommendations contained in this report.

Communications with CALD Communities Implications

39. A language advisory panel was included on the consultation letter to all properties in the Carlton North LATM area and owner non-occupiers. This included contact details and a reference number to access Council's interpreter service.
40. There are no communications with CALD communities issues arising from the recommendations contained in this report.

Council Plan, Strategy and Policy Implications

41. There are no Council Plan, Strategy and Policy issues arising from the recommendations contained in this report.

Legal Implications

42. There are no legal issues arising from the recommendations contained in this report.

Other Issues

43. There are no other issues arising from the recommendations contained in this report.

Options

44. Officers are suggesting two options regarding the proposed temporary closure of Station Street, Carlton North:

Option 1: Proceed with the formal process to temporarily close Station Street

45. In accordance with the Local Government Act 1989, Council has the power to install a temporary road closure on Station Street for the purposes of undertaking a traffic diversion experiment.

46. To allow Council officers to assess and notify the community and VicRoads of the potential impacts associated with the proposal and determine any associated mitigation measures required, a detailed assessment would need to be undertaken.
47. This assessment could be undertaken in mid-2016, when it is considered traffic patterns will have returned to normal following the school holidays and Melbourne Water's sewer upgrade works. This is so that baseline traffic conditions can be established from which informed decisions on the potential impacts of the temporary closure can be made. The required assessment and associated community consultation is estimated to cost in the order of \$50,000. There is currently no allocated budget for this.

Option 2: Refer the road closure proposal to the LATM 2 Study process

48. In line with current policy adopted by Council, officers refer the proposal for a road closure on Station Street to the next Carlton North Precinct LATM 2 study. This approach will result in little or no additional cost to Council. Any recommendation by Traffic Study Group to recommend to Council the investigation and consultation on the proposed road closure would be undertaken within the overall LATM study process for the precinct.
49. The LATM 2 will be considered in the November 2016 priority ranking process for consideration during the 2017/18 financial year subject to selection and available funding.
50. Given that LATM 2 was ranked as the third highest priority precinct for study prior to the Melbourne Water sewer works (with the studies for the two higher priority LATM precincts at that time now completed), it is considered that LATM 2 will be in strong contention for study during the 2017/18 financial year, subject to budget approval by Council.

Conclusion

51. The temporary closure of Station Street could potentially have a number of unknown traffic and safety related impacts on local streets in the wider Carlton North area due to the displacement of traffic. This includes a Strategic Cycling Network route on Canning Street and a bus route on Rathdowne Street. The potential impacts cannot be accurately identified or communicated until traffic patterns return to normal in mid-2016 and a representative baseline data can be collected.
52. The LATM 2 Study process is considered to be the most appropriate mechanism in which to study, identify and communicate potential traffic impacts associated with a road closure over the wider area and consider submissions from the public on the proposal. The LATM 2 Study process will also consider traffic needs and impacts across the whole neighbourhood bound by Princes Street, Lygon Street, Park Street and Nicholson Street
53. The installation of a temporary road closure outside of the LATM study process would also set an undesirable precedent regarding the consideration of road closures in other locations in Yarra going forward.

RECOMMENDATION

1. That Council:
 - (a) notes the results of the community consultation undertaken for the Carlton North LATM area; and
 - (b) refers the consideration of a temporary road closure on Station Street, Carlton North at the intersection with Princes Street to the next LATM 2 Study.

CONTACT OFFICER: Matthew Veale
TITLE: Senior Transport Engineer
TEL: 9205 5731

Attachments

- 1 Station Street road closure Survey hard copy - Feb 2016

Attachment 1 - Station Street road closure Survey hard copy - Feb 2016

Station Street closure at Princes Street - Survey



Yarra City Council is seeking to gauge the North Carlton community's support for the temporary closure of Station Street, pending a future, more detailed Local Area Traffic Management analysis of the area.

Please indicate if you do or do not support the closure of Station Street at Princes Street by completing the survey on the reverse side of this notice.

Please return your completed survey in the Reply Paid envelope provided to:
Manager Engineering Services c/o Yarra City Council, PO Box 168, Richmond 3121.

Surveys must be received by 11 March 2016.

Important information about this survey:

This survey is an initial request for resident feedback only.

If a temporary closure of Station Street were to be pursued, further analysis considering the redistribution of traffic and the impact on all road users on the local and arterial road network would be required once Station Street is reopened to traffic. The analysis is subject to the allocation of funding and would need to be submitted to VicRoads for its comment as a statutory requirement under the Local Government Act 1989.

The local community would be engaged in this process and have the opportunity to provide feedback and make submissions.

For more information, please contact Yarra City Council on 9205 5555.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Young'.

Richard Young

Manager Engineering Services

Attachment 1 - Station Street road closure Survey hard copy - Feb 2016

Station Street closure at Princes Street - Survey



1. First name: * _____

2. Surname: * _____

3. Street address: * _____

4. Suburb: * _____

5. Email address: _____

Please provide your email address if you wish to receive updates about the progress of the proposal to close Station Street.

6. Phone number: _____

7. Do you support the proposal to close Station Street at Princes Street, North Carlton? *

YES / NO (please circle)

8. Any additional comments:

11.2 Traffic Treatments that may enhance the safety of cyclists - Consultation

Trim Record Number: D16/39542

Responsible Officer: Manager Traffic and Special Projects

Purpose

1. To provide Council with the outcomes of the consultation on the Council report on Traffic Treatments that may enhance the safety of cyclists. This report was requested by Council at its meeting of Tuesday 2 February 2016.

Background

2. At the Council meeting of 2 February 2016, officers presented a report on cycle friendly traffic treatments and street design. This report reviewed traffic treatments currently installed in Yarra in line with local and international guidelines and practices. The report noted that specific constraints and a requirement to find balanced solutions to road safety and accessibility issues have led to the wider installation of specific types of traffic treatments in Yarra. The report also put forward a range of ambitious, yet feasible recommendations that officers would aim to deliver over a 2016 to 2018 timeframe, subject to available budget.
3. At its meeting 2 February 2016 Council made the following resolution:
 1. *That Council resolves to:*
 - (a) *trial the use of sinusoidal road humps when the appropriate opportunity arises as part of Council's planned 2016/17 Road Renewal or LATM Capital Works program.;*
 - (b) *explore the potential for an area-wide 30kph trial and research study in the LATM 9 Rose precinct. Officers will undertake this action within the 2017/18 timeframe subject to:*
 - (i) *VicRoads approval; and*
 - (ii) *obtaining external funding; or*
 - (iii) *in the event that external funding cannot be obtained, the \$25,000 referred for consideration to the 2016/17 budget to fund the trial, is provided;*
 - (c) *continue to trial varying types of 'psychological' traffic treatments through Council's future LATM Capital Works program and evaluate against traditional traffic treatments;*
 - (d) *continue to advocate to State Government the important role that residential streets play in the cycling network and the importance of State funding being provided to improve bicycle facilities on local streets; and*
 - (e) *continue to work with other councils and VicRoads to improve bicycle infrastructure across municipal boundaries.*
 2. *That officers consult with the Bicycle Advisory Committee and Bicycle Network Victoria and Disability Advisory Group and Active Aging Committee and report back to the second Council Meeting in March on further appropriate treatment works.*
 3. *That consideration of traffic treatments that enhance the safety of cyclists be included in the future terms of reference for the forthcoming LATMS in Yarra.*

4. This report addresses point 2 of the above Resolution i.e. to report back to Council with the findings of the subsequent consultation undertaken with the Bicycle Advisory Committee (BAC), Bicycle Network Victoria (BNV), the Disability Advisory Committee (DAC) and the Active Aging Committee (AAC).

External Consultation

5. Circulation of Report– The Council report of 2 February 2016 - Traffic Treatments that may enhance the Safety of Cyclists was circulated to BNV and members of the BAC, DAC and AAC following the Ordinary Meeting of Council held on 16 February 2016 following Council's consideration of a motion to rescind the 2 February 2016 resolution.
6. Attendance at Advisory Group Meetings – Officers attended the group meetings of the BAC (17 February 2016 and 23 March 2016), the AAC (22 February 2016) and the DAC (15 March 2016). Officers presented and discussed the key findings of the report with group members and set out how and when any subsequent feedback should be provided to Council.
7. Circulation of Summary Report: Given the length and extent of technical content contained in the 2 February 2016 report, a summary document was subsequently provided to the AAC and DAC on 3 March 2016 to assist with the review and encourage feedback.
8. Consultation Period: The consultation commenced 17 February 2016 and closed on 24 March 2016 (approximately five weeks duration). Officers periodically contacted BNV, BAC, DAC and AAC during the consultation period to see whether any further information or assistance was required to help provide feedback.
9. Written Feedback: One written submission was received during the consultation process from a member of the BAC. The submission noted that overall the report was an excellent review of traffic treatments. The submission provided a personal view on specific challenges when cycling in Yarra which generally aligned with the findings and recommendations set out in the report. In particular, there was support for changes to roundabouts and the introduction of more contraflow lanes on one-way streets.
10. Feedback at Advisory Group Meetings: Feedback received during the Advisory Group Meetings has been summarised as follows:
 - (a) there was generally strong support to the proposal to trial a 30kph speed limit in the LATM 9 Rose Precinct in Fitzroy, subject to community consultation;
 - (b) there was general support to the proposal to trial sinusoidal road humps when the appropriate opportunity arises. Bicycle design guidelines recommend the use of road humps with sinusoidal (i.e. transitioned) ramps as having the least impact on cyclists. Sinusoidal road humps can be constructed at the same height profile as road humps currently being installed in Yarra and should therefore address community concerns expressed during recent LATM studies regarding the effectiveness of the road humps with a lower height profile historically installed in Yarra;
 - (c) there was general support to the proposal to trial further 'psychological' traffic treatments through Council's future LATM Capital Works program and evaluate against traditional traffic treatments. Psychological traffic calming treatments range from simply removing all road markings, to the introduction of place making features (i.e. in-road street trees, road painting) to the introduction of formal treatments such as Shared Zones. These treatments are becoming more accepted but are still relatively new,

hence the requirement to trial these types of treatments and assess against traditional treatments (i.e. road humps);

- (d) no further traffic treatments outside of those currently reviewed in the 2 February 2016 Council report have been identified during the consultation process;
- (e) there were a number of comments regarding issues with existing infrastructure in Yarra. These issues included;
 - (i) conflict on shared paths between pedestrians and cyclists;
 - (ii) the length of time provided to allow elderly pedestrians to cross at signalised crossings;
 - (iii) the impact of heritage infrastructure (i.e. cobbled bluestone) on mobility impaired pedestrians; and
 - (iv) the width and design of specific pram crossings for mobility scooters; andthis feedback will be communicated to relevant officers and will be taken on board in the review and design of existing and proposed infrastructure where applicable; and
- (f) the BAC have requested that the group be consulted during the scoping of the research study which will evaluate the proposed 30kph speed limit trial for the LATM 9 Rose Precinct in Fitzroy.

- 11. No subsequent feedback (other than the written feedback described in paragraph 9 of this report) was provided by members of the Advisory Committees following the group meetings.
- 12. Bicycle Network Victoria: No written feedback or comment has been provided by BNV. Discussions with BNV representatives have indicated that BNV supports the introduction of a 30kph speed limit on local roads. A copy of the recent BNV statement provided on its website indicating strong support for the introduction of the 30kph speed limit is provided as Attachment 1.

Internal Consultation (One Yarra)

- 13. Council's Strategic Transport Unit was consulted during the preparation of the 2 February 2016 report on Traffic Treatments that may enhance the Safety of Cyclists and this report.

Financial Implications

- 14. There are no financial issues arising from the recommendations contained in this report.

Economic Implications

- 15. There are no economic issues arising from the recommendations contained in this report.

Sustainability Implications

- 16. There are no sustainability issues arising from the recommendations contained in this report.

Social Implications

- 17. There are no social issues arising from the recommendations contained in this report.

Human Rights Implications

- 18. There are no apparent human rights implications under the Charter of Human Rights and Responsibilities Act 2006.

Communications with CALD Communities Implications

19. External communication for this report was undertaken through the established communications channels and practices with BNV and the respective Advisory Committees. There was no request or requirement for any consultation material to be translated for CALD Communities.

Council Plan, Strategy and Policy Implications

20. There are no Council Plan, Strategy and Policy issues arising from the recommendations contained in this report.

Legal Implications

21. There are no apparent legal issues arising from the recommendations contained in this report.

Other Issues

22. At the 2 February 2016 meeting, there was a request by Council for officers to provide details of the local and international case studies, guidelines and design standards referred to in the Traffic Treatments that may enhance the Safety of Cyclists report. The key reference documents are outlined below:
 - (a) London Cycling Design Standards, Transport for London, 2014;
 - (b) International Cycling Infrastructure Best Practice Study, Transport for London, 2014;
 - (c) Christchurch Cycle Design Guidelines, City of Christchurch, 2013;
 - (d) Cycling and traffic calming, Queensland Transport (Queensland Government);
 - (e) Cycling Aspects of AustRoads Guides, AustRoads, 2014; and
 - (f) South Central Edinburgh 20mph Limit Pilot Evaluation, City of Edinburgh Council, 2013.
23. In addition to the published documents, content provided on the websites of bicycle and sustainable transport advocacy groups (i.e. Bicycle Victoria and Sustrans) has also been reviewed. Information on Bicycle Boulevards (or Greenways) which are currently not formally provided in Victoria was obtained from case studies or guidelines provided by Australian State transport agencies (i.e. Queensland, South Australia and Western Australia) or international transport agencies i.e. Auckland (NZ), Berkley (US) and Portland (US).
24. The reviewed documents and web content is considered to be appropriate references for the undertaken study in that:
 - (a) the documents provide the most up to date review of better practice in the provision of cyclist infrastructure being implemented both locally and internationally, including the practices of countries in northern mainland Europe (such as the Netherlands and Denmark) which have a generally high proportion of people who cycle on a daily basis as their main mode of travel;
 - (b) the documents reflect practices being implemented by agencies considered to be at a similar stage (or wishing to progress to the next stage) in the evolution of cycling as Yarra is. As such, these agencies are investigating and seeking to implement solutions to improve safety and accessibility for cyclists whilst facing similar issues to Yarra particularly with regard to the dominance (and associated impact) of motor vehicles within the street environment and the metropolitan travel patterns; and

- (c) whilst practices at more “advanced” cycling nations are recognised, the guidelines and standards are tailored to ensure that outcomes are practical and deliverable within the context of the current traffic regulations and cycling culture in the subject area. For example, whilst Fahrradstrassen (cycle streets) in Germany may be considered to represent better practice, it is understood that these streets are subject to specific traffic regulations that provide priority for cyclists (i.e. such as motorists not being allowed to overtake cyclists). Road rules that provide priority for cyclists over motor vehicles on streets are currently not in place in Australia. Notwithstanding this, schemes which reflect the key principles of priority cycle streets but have been tailored to local road rules and conditions (such as Bicycle Boulevards) have been discussed in the Traffic Treatments that may enhance the Safety of Cyclists report.

Options

- 25. Not applicable.

Conclusion

- 26. This report provides the outcomes of the consultation with BAC, BVN, DAC and AAC on the 2 February 2016 Council report on Traffic Treatments that may enhance the Safety of Cyclists.
- 27. The key outcomes of the consultation were:
 - (a) there was generally strong support to the proposal to trial a 30kph speed limit in the LATM 9 Rose Precinct in Fitzroy, subject to community consultation;
 - (b) there was general support to the proposal to trial sinusoidal road humps when the appropriate opportunity arises;
 - (c) there was general support to the proposal to trial further ‘psychological’ traffic treatments through Council’s future LATM Capital Works program and evaluate against traditional traffic treatments; and
 - (d) no further traffic treatments outside of those currently reviewed in the 2 February 2016 Council report have been identified during the consultation process.
- 28. On the basis of the outcomes of the consultation, no further actions outside of those listed in the 2 February 2016 Council resolution on the Traffic Treatment that may enhance the Safety of Cyclists report are proposed.

RECOMMENDATION

- 1 That Council:
 - (a) notes the consultation with the Bicycle Advisory Committee and Bicycle Network Victoria and Disability Advisory Committee and Active Aging Committee; and
 - (b) include the consideration of Traffic Treatments that may enhance the Safety of Cyclists as part of future LATM and other related capital works projects.

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TEL: 9205 5762

Attachments

- 1 BNV support for 30kph

Attachment 1 - BNV support for 30kph

City of Yarra slows for safety

11 February 2016. The City of Yarra is set to be the first in Australia to apply 30km/h speed limits across a residential precinct.

But don't relax just yet: one councillor is plotting to rev up the limit to 40 again.

At the council meeting last week the council supported a resolution to apply 30km/h speed limits across the Rose precinct in Fitzroy bordered by Alexandra Parade, Nicholson Street, Johnson Street, and Smith Street.

While the speed limit reduction is only proposed to come into effect in the 2017/18 financial year, Councillor Phillip Vlahogiannis has already proposed a motion to rescind the decision.

Cr Vlahogiannis told [the Melbourne Leader](#) that he opposes the decision based on lack of community consultation:

"They (the community) deserve to be given details about this so they can look at it and make comment on it in an informed way."

However, with the application of the 30km/h speed limit not scheduled to be put in place for more than a year, there will be plenty of opportunity for consultation.

As a matter of course the City of Yarra consults the community on all of its local area traffic management plans, which include changes to local streets like speed limits.

Council will vote on Cr Vlahogiannis's motion to rescind on the 16th of February.

Bicycle Network strongly supports the application of 30km/h speed limits on local streets. Best practice research shows that the risk of serious injury and death to vulnerable road users increases markedly as impact speeds increase above 30km/h.



11.3 Proposed General Local Law 2016

Executive Summary

Purpose

To endorse Council's Proposed General Local Law and the draft Community Impact Statement and authorise both documents to be made available for the purposes of consultation to assist with the submission process.

Key Issues

Council officers identified a need to conduct an early review of Council's *Roads and Council Local Law No. 2* (Local Law 2) and the *Environment Local Law No. 3*. A review of Council's Local Laws was undertaken in accordance with the Victorian State Governments Guidelines for Local Laws Manual (2010). A number of practical issues and anomalies were identified which require resolution before the next scheduled review in 2022.

The review has proposed a range of changes in accordance with the Guidelines, including modifications to improve the management of disturbing noise, significant trees and camping on Council land. Other areas of change include further clarity on animal numbers, including poultry and the management of commercial delivery and crane noise. The preparation of a Community Impact Statement is included.

Stakeholder consultation is proposed through May and June 2016 including a Section 223 submission process in accordance with the *Local Government Act (1989)*. Following the submission process, a final draft Local Laws will be prepared for Council to consider in anticipation of adoption in August 2016.

Financial Implications

The direct costs of reviewing *Roads and Council Local Law No. 2* (Local Law 2) and the *Environment Local Law No. 3* (Local Law 3) and the associated advertising, legal advice, printing and other minor costs has been funded as part of a New Initiative bid via the 2015 / 2016 Council budget process. However, other unforeseen costs for Communications and staff are being absorbed within the Compliance budget.

PROPOSAL

That Council endorse and authorise the Proposed General Local Law and the Community Impact Statement for Public consultation. That Authorised Council Officers commence the consultation process.

11.3 Proposed General Local Law 2016

Trim Record Number: D16/29809

Responsible Officer: Manager Parking and Compliance

Purpose

1. To endorse Council's Proposed General Local Law and the draft Community Impact Statement and authorise both documents to be made available for the purposes of consultation to assist with the submission process.

Background

2. *Roads and Council Local Law No. 2* (Local Law 2) and the *Environment Local Law No. 3* (Local Law 3) were gazetted on 3 July 2012 and cover the vast majority of compliance and enforcement activity undertaken by Yarra City Council. Some measures in the Local Laws regulate how Council land is used and other measures are intended to protect Council and community assets. Many laws include options for permits to be issued to allow for certain activities or works on Council land under specific circumstances.
3. The *Local Government Act 1989* (The Act) provides the context for developing local laws and gives authority for Council to make local laws, which are valid for up to 10 years. The same Local Laws sunset 10 years after the day they come into operation. The existing Local Laws 2 and 3 will expire in July 2022.
4. In 2015, Council officers identified a need to conduct an early review of Council's Local Law No. 2 and Local Law No. 3 to address a number of practical issues and anomalies which required resolution before the next scheduled review in 2022. The review commenced in August 2015.
5. In August 2015, Council began the review of its existing local law using best practice principles. The review identified that in addition to making a number of regulatory improvements, it would be beneficial to develop a single Local Law document from Council's existing *Roads and Council Local Law No. 2* and *Environment Local Law No. 3*.
6. The outcome of the review informed the development of a single Local Law – the proposed General Local Law - which seeks to provide a clear and concise direction for Council Officers, residents and the wider community.
7. To move to the next stage of external consultation, Council has prepared the proposed General Local Law (2016) and a draft Community Impact Statement to be endorsed by Council for public consultation in accordance with Sections 119 and 223 of the *Local Government Act 1989*.
8. The draft Community Impact Statement follows the Guidelines for Local Laws Manual developed by Local Government Victoria. It addresses legal considerations and gives reasons for adopting particular approaches.
9. A proposed schedule of the timelines for advertising the proposed local law, undertaking public consultation, seeking of submissions and adoption of the local law are detailed in this report.
10. Attached to this report is the draft General Local Law Community Impact Statement (Attachment 1) and the Proposed General Local Law (Attachment 2).

Act and Guideline Requirements

11. The *Local Government Act 1989* (The Act) sets out a number of restrictions and limitations on local laws made by a Council, such as a requirement that a local law must not be inconsistent with any Act or regulation and that a local law cannot duplicate or be inconsistent with any Planning Scheme in operation in any municipal district.

12. There are specific matters in Schedule 8 of the Act which must be taken into account when developing a local law. These include requirements that:
 - (a) a local law cannot make unusual or unexpected use of powers;
 - (b) consideration be given to national competition policy principles;
 - (c) competition is not restricted unless overriding community benefits that outweigh the costs can be demonstrated; and
 - (d) the objectives of the local law can only be achieved by restricting competition.
13. Section 119 and 223 of the Act sets out the statutory process of public notice Council is required to follow. This includes advertising and hearing of submissions prior to formal adoption of a proposed local law. Council must advertise any local law that it intends to make and must consider any public submissions it receives about the local law before adopting it.
14. The Guidelines for Local Laws Manual (the Guidelines) known as the 'best practice principles' introduced by Local Government Victoria have been used to prepare the proposed General Local Law 2016 (attached) and all the associated supporting documentation, including a Community Impact Statement.
15. The Guidelines are designed to assist Councils to ensure that the regulatory approach adopted involves the least burden or the greatest advantage to its community. The Guidelines are summarised as follows:
 - (a) the key aim is to improve transparency, accessibility, consistency, efficiency, accountability and enforceability of local laws;
 - (b) Councils need to consider whether there is a possible alternative to creating a local law that better suits the needs of the community because a local law imposes burdens of compliance on the community and enforcement on the Council;
 - (c) Local laws should incorporate relevant Council policies;
 - (d) Councils must produce a community impact statement for all new or materially altered local laws which amongst other things need to be able to demonstrate a real need for a particular local law; and
 - (e) overlap, duplication or inconsistency or conflict with existing legislation or local planning schemes must be avoided.
16. The development of the new General Local Law 2016 is important for both staff and the community. This will ensure that Council is in a position to efficiently deal with community issues and meet increased levels of expectation.

Internal Consultation (One Yarra)

17. In October and November 2015, focus group sessions with Compliance staff were conducted seeking feedback on areas of Local Law 2 and Local Law 3 to be reviewed. The following Compliance business units were consulted during these sessions:
 - (a) Local Laws and Animal Management Unit;
 - (b) Planning Enforcement Unit;
 - (c) Health Protection Unit; and
 - (d) Compliance Administration Unit.
18. An internal online submission portal was created via Council's intranet to gather feedback from the wider staff community. Staff were notified of the Local Law review and the internal submission period via Monday Musings. Individual business units then held team feedback sessions to compile suggestions which were subsequently fed back via the intranet portal. Submissions and feedback were received from the following Council business units:
 - (a) Construction Management;
 - (b) Building Services;

- (c) Engineering and Asset Management;
 - (d) Traffic and Special Projects;
 - (e) Open Space and Recreation;
 - (f) Aged and Disability Services;
 - (g) Governance; and
 - (h) Parking Services.
19. The following Council Advisory Groups, their Councillor Representatives and other Council network groups were contacted to advise of the process and seek initial feedback:
- (a) Aboriginal Advisory Group;
 - (b) Active Ageing Advisory Group;
 - (c) Arts Advisory Committee;
 - (d) Bicycle Advisory Committee;
 - (e) Business Advisory Group;
 - (f) Disability Advisory Committee;
 - (g) Heritage Advisory Committee;
 - (h) Yarra Environment Advisory Committee;
 - (i) Room to Create Panel;
 - (j) Urban Agriculture Advisory Committee;
 - (k) Visual Arts Panel;
 - (l) Yarra Youth Advisory Committee;
 - (m) Yarra Library Advisory Committee;
 - (n) Yarra Settlement Forum; and
 - (o) Neighbourhood House Coordinators Network.
20. The Local Law Review project team met with Council Advisory Group staff representatives from the Disability Advisory Committee, Active Ageing Advisory Group and attended a Yarra Arts Advisory Committee meeting.
21. The feedback received during the internal consultation sessions and the initial feedback received from Council's Advisory Groups informed the development of proposed General Local Law.

External Consultation

22. A Communications and Engagement plan was developed to ensure broad and inclusive community input and feedback on the proposed General Local Law.
23. The proposed consultation period will run from Monday 9 May 2016 to Friday 10 June 2016. During this time, the community can obtain information, provide feedback and make submissions in a variety of ways.
24. The Communications and Engagement plan includes community notification via local papers, the distribution of flyers and posters and the use of social media and a dedicated Webpage. Council's website will provide links to an engagement HQ which will be the landing page for all information relevant to this review. The community will be able to review the proposed General Local Law and the Community Impact Statement, associated timelines, complete an online survey, and make a submission or register to attend a public information session. Three public information sessions will be held during the consultation period at different venues across the municipality and will be facilitated by Council's Solicitors. Hard copies of all information and submission forms will be available at Council's Town Halls, libraries and can be mailed or emailed on request.

25. Submissions on the draft will be sought from Council's Advisory Groups, neighbouring Councils, key external stakeholders and government bodies such as Victoria Police, Metropolitan Fire Brigade, Vic Track, Liquor License Commission, Parks Vic and Australia Post.
26. Following the consultation period, all submissions and feedback received will be analysed and if appropriate, incorporated into a final draft. Council remains responsible within the parameters established by the Act, for determining the final form of the Local Law and the policy decisions that underpin it.
27. The final General Local Law document will be presented to Council in August 2016 for adoption and subsequent gazettal. Following Gazettal, the current Local Law 2 and Local Law 3, including any amendments will cease to be operational and the new General Local Law will take effect.

Financial Implications

28. The direct costs of reviewing the Local Law 2 and Local Law 3 and the associated advertising, legal advice, printing and other minor costs has been funded as part of a New Initiative bid via the 2015 / 2016 Council budget process. However, other unforeseen costs for additional communications and staffing are being absorbed within the Compliance budget.
29. Amendments to the prescribed penalty amounts for certain offences have been made to ensure Schedule 1 remains consistent with the Attorney-General's requirements that:
'An infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence and be demonstrated to be lower than the average of any related fines previously imposed by the Courts.'
30. While the prescribed penalties for some offences have increased, other penalty amounts have been reduced to comply with the above requirement. The overall number of offences with prescribed penalties has increased.

Economic Implications

31. The objective of the proposed General Local Law is to introduce a robust, transparent and consistent local law which will make it easier for businesses to comply with the requirements. There are minimal economic implications of the proposed changes to the existing Local Law 2 and Local Law 3. These implications are set out in more detail as part of the Assessment of Major Changes to the proposed General Local Law which can be found in the attached Community Impact Statement.

Sustainability Implications

32. There are no sustainability implications.

Social Implications

33. There are a range of social implications of the proposed changes to the existing Local Law 2 and Local Law 3. These impacts are set out in more detail and considered as part of the Assessment of Major Changes to the proposed General Local Law which can be found in the attached Community Impact Statement.

Human Rights Implications

34. The proposed Local Laws will be compatible with the rights contained in the Charter. The report and its content do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

Communications with CALD Communities Implications

35. There are a range of implications for all communities as a result of the proposed changes to the existing Local Law 2 and Local Law 3. Provisions have been made in the Communication and Engagement Plan to include opportunities for the translation of various documents to ensure the availability of information to CALD Communities.

Council Plan, Strategy and Policy Implications

36. The nature of a Local Law means that it impacts on the delivery of a large number of the strategies set out in Yarra's Council Plan 2013 – 2017. The proposed General Local Law provides an important function in establishing and maintaining community amenity and safety, economic and retail development, asset protection and management and environmental sustainability.
37. The implementation of the proposed General Local Law seeks to assist in achieving the below strategic objectives from the Council Plan 2013 – 2017:
- (a) *Strategic Objective 2: Supporting Yarra's community*
Strategy: "Deliver Council services that meet community priorities and needs"
 - (b) *Strategic Objective 3: Making Yarra more liveable*
Strategy: "Manage competing demands for use of public and green open space"
 - (c) *Strategic Objective 5: Leading Local Government*
Strategy: "Enhance internal systems and processes, and their integration, to improve community service delivery and governance support".

Strategy: "Build community engagement to inform Council's policy development and decision making".

Legal Implications

38. Section 119 of the Act provides that Council must give notice of its intention to make a local law in the Government Gazette and a public notice stating:
- (a) the purpose and general purport of the proposed local law;
 - (b) that a copy of the proposed local law and any explanatory document be obtained from the council office;
 - (c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223 of the Act; and
 - (d) that a copy of the proposed local law and any explanatory document setting out prescribed details in relation to the local law is available for inspection at, and obtainable from the council office during ordinary business hours.
39. Section 223 of the Act provides that Council must publish a notice:
- (a) Specifying the matter in respect of which the right to make a submission applies;
 - (b) Containing the prescribed details in respect of that matter;
 - (c) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
 - (d) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be heard in support of the submission; and
 - (e) if a request for a submission has been made, the Council must:
 - (i) provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of the Council or of a committee determined by the Council;

- (ii) fix the day, time and place of the meeting; and
- (iii) give reasonable notice of the day, time and place of the meeting to each person who made a request.

Other Issues

40. There are no other identified issues.

Options

- 41. Authorise and endorse the consultation of the proposed General Local Law.
- 42. To retain the existing Local Laws.

Conclusion

43. A proposed General Local Law has been prepared and is ready for community consultation, including the draft Community Impact Statement. Following consideration by Council, it is proposed that a broad community consultation process be undertaken and the proposed General Local Law is placed on exhibition with the consultation period to run from Monday 9 May 2016 to Friday 10 June 2016. After community feedback a further report on the new Local Law will be prepared for Council.

RECOMMENDATION

- 1. That:
 - (a) Council endorse the proposed General Local Law and the draft Community Impact Statement and authorise same for public consultation; and
 - (b) authorise Council Officers to commence the statutory consultation process.

CONTACT OFFICER: Olivia Bennett
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TEL: 9205 5019

Attachments

- 1 Community Impact Statement - Proposed General Local Law - Attachment 1
- 2 Proposed General Local Law - Attachment 2

**Attachment 1 - Community Impact Statement - Proposed General Local Law -
Attachment 1**

YARRA CITY COUNCIL

PROPOSED GENERAL LOCAL LAW 2016

COMMUNITY IMPACT STATEMENT

PART A

Background

Local Laws are a form of local regulation that enables Councils legislative controls that reflect the different circumstances of each municipality. The Local Law making powers attributed to Councils comes from the *Local Government Act 1989* (the Act).

Yarra City Council currently has four such Local Laws dealing with a wide range of community, environmental and governance issues:

- Roads and Council Land Local Law No. 2 (and amendment)
- Environment Local Law No. 3
- Meeting Procedures Local Law
- Consumption of Liquor in Public Places

Roads and Council Local Law No. 2 (Local Law 2) and the *Environment Local Law No. 3* (Local Law 3) came into operation on 3 July 2012 and cover the vast majority of compliance and enforcement activity undertaken by Yarra City Council. Some measures in the Local Laws regulate how Council land is used and other measures are intended to protect Council and community assets. Many laws include options for permits to be issued to allow for certain activities or works on Council land under specific circumstances.

Why is a review to the existing Local Laws required?

The Act gives authority for Council to make Local Laws, which are valid for up to 10 years. The same Local Laws are revoked 10 years after the day they come into operation. The existing Local Law 2 and 3 will expire in July 2022 unless replaced earlier.

In 2015, Council officers identified a need to conduct an early review of Local Law 2 and Local Law 3 to address a number of practical issues and anomalies which required resolution before the next scheduled review in 2022. Local Laws 2 and 3 overlap in certain aspects adding a layer of complexity for enforcement by Council and compliance by the community. This review commenced in August 2015.

How are Local Laws amended?

The Act regulates how Council makes or amends a Local Law. A number of restrictions and limitations are applied by the Act on any Local Law made by Council, specifically Schedule 8 includes matters that must be taken into consideration, such as not making usual or unexpected use of powers and that consideration is given to principles of justice and fairness. Most importantly, a Local Law must not duplicate or be inconsistent with any other Act or regulation and becomes inoperative to the extent of any duplication or inconsistency.

Attachment 1 - Community Impact Statement - Proposed General Local Law - Attachment 1

Guidance about the process to review and amend Local Laws is contained in the '*Guidelines for Local Laws Manual and Resource Book*' (the Guidelines) made by the Minister for Local Government. The Guidelines elaborate on the matters in Schedule 8 of the Act when making or reviewing existing Local Laws.

Additionally, under the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), Councils must ensure that a proposed local law is not incompatible with a human right or that when a decision is made, proper consideration is given to a relevant human right.

Objectives and Purposes of Local Laws

The objectives of the proposed General Local Law remain the same as that of the existing *Roads and Council Local Law No. 2* (Local Law 2) and the *Environment Local Law No. 3* (Local Law 3) which are to:

- provide for the peace, order and good government of the municipal district of Yarra City Council;
- promote a physical and social environment that is accessible inclusive and free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community;
- prevent and suppress nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and
- prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the municipal district.

Process

The proposed General Local Law has resulted from a review and analysis of the existing Local Laws 2 and 3. Although there are limited recommendations in the Act and Guidelines about the specific processes to be applied to making or reviewing local laws, there are detailed requirements regarding the matters taken into consideration throughout the process. In addition to the statutory consultation process, there is an expectation that there will be discussion and consultation with Councillors, the community and other stakeholder groups that have an interest in a proposed control under the Local Law.

The review aimed to identify any existing issues or anomalies within Council's existing Local Laws 2 and 3; consult with internal and external stakeholders to improve understanding of current issues; and finally, develop a new Local Law that incorporated relevant Council policies and reflected stakeholder concerns.

In October and November 2015, focus group sessions with Compliance staff were held. A submission portal was available for feedback from internal stakeholders. Council's Advisory Groups and their Councillor Representatives were contacted advising of the process and seeking initial feedback.

Attachment 1 - Community Impact Statement - Proposed General Local Law - Attachment 1

The outcome of the review informed the development of a single Local Law – the proposed General Local Law - that seeks to provide clear and concise direction for Council Officers, residents and the wider community.

Council's Lawyers have provided extensive input throughout all stages of the review and have confirmed that the proposed General Local Law complies with all regulatory requirements.

Given the extensive and complex nature of the Council's existing Local Law 2 and 3, it was considered appropriate to seek community feedback and input on a draft rather than approach the community with topics and questions that may not be relevant or applicable. By seeking comment on a draft document, it is expected that consultation can be more targeted and feedback more useful to ensuring the final version adequately reflects stakeholder concerns. Following Council's endorsement for public consultation to commence, the proposed General Local Law will be publically exhibited and public submissions on the draft will be requested. The statutory consultation process under section 223 of the Act will occur after Council has approved the Local Law "in principle" for consultation purposes.

The proposed consultation period will run from Monday 9 May 2016 to Friday 10 June 2016. During this time, the community can obtain information, provide feedback and make submissions in a variety of ways.

Council's website will provide links to an engagement HQ which will be the landing page for all information relevant to this review. The community will be able to review the proposed General Local Law and the Community Impact Statement, associated timelines, complete an online survey, and make a submission or register to attend a public information session. Three public information sessions will be held during the consultation period at different venues across the municipality and will be facilitated by Council's Solicitors. Hard copies of all information and submission forms will be available at Council's Town Halls, libraries or mailed on request.

Submissions on the draft will be sought from Council's Advisory Groups, neighbouring Councils, key external stakeholders and government bodies such as Victoria Police, Metropolitan Fire Brigade, Vic Track, Liquor License Commission, Parks Vic and Australia Post.

Following the consultation period, all submissions and feedback received will be analysed and if appropriate, incorporated into a final draft. Council remains responsible within the parameters established by the Act, for determining the final form of the Local Law and the policy decisions that underpin it.

The final General Local Law document will be presented to Council in August 2016 for adoption and subsequent gazettal. Following gazettal, the current Local Law 2 and Local Law 3, including any amendments will cease to be operational and the new General Local Law will take effect.

Attachment 1 - Community Impact Statement - Proposed General Local Law - Attachment 1

Summary of the General Local Law

Overall, the current Local Law 2 and 3 are considered to have served the community well. The proposed General Local Law is a combination of Local Law 2 and 3 and there have not been significant changes between the documents. The intent of both documents remains the same as do the majority of clauses. The removal of duplications and anomalies and the streamlining of cumbersome language make up the majority of changes between the proposed General Local Law and the existing Local Law 2 and 3. Major changes will be discussed briefly in the below section and further detail in Part C of this document.

What are the differences between the existing and proposed Local Law?

The reduction to a single document is the main difference between the existing Local Laws and the proposed General Local Law. The intent of the Local Laws remains unchanged and for the most part, all of the provisions included have come from the existing Local Laws and have been in place in the community for over 15 years. These same requirements have been included in the proposed General Local Law without much modification. Any minor modifications are to address practical problems raised in the application, interpretation or enforcement. Major changes or modifications are outlined below and discussed in further detail later in this report.

Disturbing noise in Council's parks and gardens has been a contentious and challenging topic within the municipality for many years. Currently, Local Law 3 specifies that sound producing devices may not be heard outside the boundaries of a particular park. The ambiguous nature has led to different interpretations and difficulties with enforcement. Changes to this clause regarding sound producing devices being heard within a habitable room seeks to deal with different interpretations while allowing residents the quiet enjoyment of their property and the public the ability to enjoy Council's parks and gardens.

In the current Local Law 3, neighbours with significant trees overhanging their property were able to trim branches of significant trees back to their common fence line. This exemption has been removed allowing greater protection of significant trees.

Camping on Council land, roads, footpaths and parks is currently covered in both Local Laws and includes a complex provision allowing camping for not more than 8 consecutive hours during any period of 7 consecutive days. This provision has been removed allowing for better and immediate enforcement of camping on Council land and to respond to regular community complaints on this issue.

Community complaints regarding commercial delivery noise and crane noise has been responded to. The inclusion of timeframes for the delivery or collection of goods to commercial enterprises and set crane noise limits seeks to improve community amenity and reduce noise complaints. Issues surrounding the placing of bulk rubbish containers on Council land have also been considered and changes made regarding this activity in the proposed General Local Law.

A new clause in each of the sections relating to Building Works and Spoils on Roads has been added to differentiate between individual and commercial building works. A new clause relating to crane noise seeks to cover a previously silent area for enforcement.

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Sections relating to impounding has been reviewed and updated to correct anomalies relating to process and procedure.

Delegations is a new clause that has been added to outline the process, discretions and authorities of Council under the proposed General Local law to issue, amend or waive permits and/or any associated conditions.

The three separate sections relating to unsightly land, noxious weeds and vermin have been combined to provide a more succinct approach. Definitions relating to what is deemed unsightly have been reviewed to allow for objective assessments.

Application of the General Local Law

Local Laws apply to all land in the Municipal district, irrespective of ownership (except non-residential land owned / or managed by another public authorities) and does not regulate anything already regulated by the Yarra Planning Scheme. If a permit is required under the Planning Scheme for a particular use or activity, that will negate the need for a Local Law permit.

Structure of the General Local Law

The proposed General Local Law falls into three sections and an appendix, these being:

Part 1 – Introduction:

Clauses 1 - 7 set out legislated requirements that must be addressed in Local Laws such as the name of the Local Law, commencement date and the authority for making the Local Law.

Part 2 – Uses and Activities regulated by this Local Law:

Clauses 8 - 67 contain the substantive provisions regulating various uses and activities on land in the municipal district. The uses and activities are grouped under relevant subheadings to simplify the Local Law and for ease of reference:

- Parking or driving in recreational reserves
- Traffic and other hazards
- Vehicle crossings
- Behaviour on roads and Council land
- Council Assets
- Signs, Goods and Furniture
- Sale of Goods, Street Collections and Spruiking
- Numbering of Allotments
- Motor Vehicles
- Safety
- Use of Parking Permits
- Tree Protection
- Use of Land
- Building Works and Asset Protection
- Waste
- Animals and Birds
- Management of Drains
- Open Air Burning and Incinerators

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Part 3 – Administration and enforcement:

Clauses 68 - 79 set out the processes for applying for permits and the various administrative requirements to guide the Council in the application of its Local Law. It allows for exemptions from permits in certain circumstances.

This part also deals with enforcement of the Local Law. These provisions are not new as they exist in the current Local Laws 2 and 3. As per the current Local Laws, there are a range of measures that an Authorised Officer of the Council can use to ensure that the General Local Law is being followed. These include a power to direct in urgent circumstances or for public safety reasons and a power to impound. Other sections include a power to issue warnings or serve a notice to comply which puts a person on notice about a Local Law breach and gives them an opportunity to remedy the breach before any further action is taken.

Infringement notices can be issued for any contravention of the General Local Law. The penalties for an infringement notice are usually approximately half of the maximum amount that can be imposed by a Magistrate if a matter goes to court. The fixed penalties for infringement notices are set out in Schedule 1. If penalty amount is not fixed then the penalty is two (2) penalty units.

Schedule 1 – Infringement notice value and Court penalties for contravention of this Local Law

The appended Schedule 1 contains a list of the infringement notice value and court penalties for all offences that are fixed. Any offences not contained in Schedule 1 have penalty amounts of two (2) penalty units.

Conclusion

The proposed General Local Law results from a review of the current Local Law 2 and Local Law 3. It proposes reasonable changes based on the existing Local Laws to achieve better amenity, safety and public health objectives for the community and to complement legislative measures enacted by the State Government.

This discussion paper has been prepared to assist further discussion and review by Councillors and staff about the proposed changes. It will also be used to inform and assist the community in the formal review of the proposed General Local Law on some of the key matters that are fundamental to making Local Laws. Key matters that have been taken into consideration in the review and remaking of the General Local Law are addressed further in this report.

Part B – Comments on the proposed General Local Law overall.

Measures of success

Council will measure the success of the proposed General Local Law by:

- monitoring the level of compliance;
- comparing the level of compliance with the previous year's monitoring; and

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- assessing the resources required to administer and enforce the Local Law.

Such monitoring is already undertaken in Council's quarterly Compliance Reports. Additional information will be incorporated to assess these criteria in light of the adoption of the proposed General Local Law.

Existing legislation that might be used instead

Roads and Council Local Law No. 2 (Local Law 2) and the *Environment Local Law No. 3* (Local Law 3) are not scheduled to expire until 2022. The identification of a number of practical issues and anomalies require earlier resolution. The logical outcome of the review of the existing Local Laws has led to the development of the proposed General Local Law. The proposed General Local Law will supplement existing state legislation administered and enforced by Council.

State legislation more appropriate

State legislation compels Council to make Local Laws to address issues within the municipality. In reviewing the existing Local Law 2 and 3 and subsequently developing the proposed General Local Law, Council has considered a number of matters. Council has not sought to address any matters through the General Local Law which it feels are best addressed at the State or Federal level.

Overlap of existing legislation

Council does not consider that any provision of the Proposed Local Law overlaps with any existing State legislation.

Overlap of planning scheme

Council does not consider any provision of the General Local Law overlaps, duplicates or creates an inconsistency with the Yarra Planning Scheme.

Risk assessment

Council has adopted a risk management approach to the review and development and does not believe there are any risks associated with the proposed General Local Law

Legislative approach adopted

Council believes in the minimum imposition on the community with Local Laws. The proposed General Local Law reflects this approach by providing for:

- where possible, provision for permits rather than prohibition of activities;
- reasonable penalties;
- reasonable and appropriate permit conditions which will be relied on if a decision is made to issue a permit under the proposed General Local Law;
- reasonable enforcement procedures, including provision for the giving of warnings where appropriate, provision of an internal review process for infringement notices and refusal of permit applications.

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Council has ensured that the proposed General Local Law –

- is expressed plainly and unambiguously and in a manner which is consistent with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria;
- is not inconsistent with the principles, objectives or intent of the enabling Local Government Act 1989 (Act);
- does not make unusual or unexpected use of the powers conferred by the Act under which the local law is made having regard to the general objectives, intention or principles of that Act;
- does not embody principles of major substance or controversy or contain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation;
- does not unduly trespass on rights and liberties of the person previously established by law;
- does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions;
- is not inconsistent with principles of justice and fairness; and
- does not overlap or conflict with other statutory rules or legislation.

Penalties

The Local Law prescribes penalties for offences against the Local Law based on limits in the Local Government Act 1989, which sets the maximum penalty that can be imposed at 20 penalty units. The penalties are prescribed by reference to “penalty units” which under the Sentencing Act 1991 are limited to \$100 for each penalty unit.

Penalties for particular breaches of the provisions of the Local Law have all been reviewed. Amendments to the prescribed penalty amounts for some offences have been made to ensure Schedule 1 remains consistent with the Attorney-General’s requirements that:

‘An infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence and be demonstrated to be lower than the average of any related fines previously imposed by the Courts.’

While the prescribed penalties for some offences have increased, other penalty amounts have been reduced to accord with the above requirement. The overall number of offences with prescribed penalties has increased.

In most cases, the number of penalty units applicable for an offence has decreased and are scaled to reflect the impact of the offence on the community. The penalty amounts established in the proposed General Local Law are designed as a deterrent and are considered appropriate.

Section 110 of the Sentencing Act 1991 provides that all penalty units imposed under subordinate legislation are indexed by the Treasurer under section 5(3) of the Monetary Units Act 2004, with the exception of penalty units imposed under a Local Law. This

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distinction means that the value of a Local Law penalty unit has been decreasing annually in real terms, and remains at \$100, despite all other penalty units rising to \$151.67 in 2015/2016.

Permits

A number of provisions in the proposed General Local Law require permits for various activities to be obtained.

Fees

The proposed General Local Law allows Council to set fees for permits annually and this will be done as part of the budget process.

Performance standards or prescriptive

Where appropriate and possible, Council has adopted a performance-based approach to the proposed General Local Law provisions rather than a prescriptive approach.

Comparison with neighbouring and like Councils

In drafting the Proposed Local Law, Council examined the Local Laws of both its neighbouring and comparable inner city municipalities (Boroondara, Stonington, Maribyrnong, and Darebin Councils). The purpose of conducting this exercise was to assess the similarities and differences between comparable municipalities so as to ensure a best practice approach was adopted in the drafting of the proposed General Local Law and the establishment of penalties.

Charter of Human Rights

The Charter of Human Rights and Responsibilities Act 2006 (Vic) (the Charter) applies to all subordinate legislation (Local laws). Under Schedule 8.2 of the Local Government Act 1989:

*A local law must not –
(j) be inconsistent with principles of justice and fairness;*

Having reviewed the proposed General Local Law as a whole, Council is satisfied that the proposed General Local Law will be consistent with the Charter.

Consultation meetings

Internal consultation meetings have been held during the development of the proposed General Local Law. Public Information sessions will be held during the consultation period.

Submissions

A submission process will be conducted in accordance with the legislative requirements prescribed under section 223 of the Local Government Act 1989.

In summary, that process requires Council to publish a public notice calling for written submissions in relation to the proposed General Local Law. Those submissions are then considered by the Council as part of the consultation process.

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PART C - Assessment of major changes to the General Purposes Local Law.

1. Administration of Council's powers and functions

<p>Problem the local law intends to address</p>	<p>Local Law 2 (LL2) and Local Law 3 (LL3) are lengthy documents with duplicated clauses. The community and authorised officers have difficulty navigating the documents. The wording is overly complex and at times, difficult to understand.</p>
<p>Action/change</p>	<p>Rationalise the existing LL2 and LL3 into a single document and remove duplicated clauses and wording. The resulting General Local Law is divided into three key parts with the same format as the previous Local Laws.</p> <p>The introduction contains new definitions and the objectives of the Local Law. This part also contains the statement of use of incorporated documents, other standard provisions that are required and where the local law applies e.g. throughout the whole of the municipal district.</p> <p>The second part is the substantive section of the local law which groups the uses and activities regulated by the Local Law including uses and activities that require a permit; uses that require compliance with the local law; or standards prescribed in documents incorporated by reference and uses that are prohibited.</p> <p>The third part of the local law is the administration and enforcement provisions which provide more process around the permit system and better clarity around the powers of an authorised officer.</p>
<p>Perceived Benefits</p>	<p>This is considered a better form of local law as it provides increased clarity and guidance to authorised officers and the community.</p>
<p>Perceived Disadvantages</p>	<p>The General Local Law may be considered to be too simplistic and lacking detailed focus on issues specifically affecting the municipality.</p>

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2. Community Amenity

<p>Problem the local law intends to address</p>	<p>Disturbing Noise in Council's Parks and Gardens.</p> <p>Currently, LL3 specifies that sound producing devices may not be heard outside the boundaries of a particular park. This clause is considered too general and is difficult to enforce.</p> <p>Additionally, the use of a device powered by anything more potent than 5 or more D cell batteries is prohibited. Given the use of smart phones and other technology to play music, the reference to D cell batteries is archaic and irrelevant.</p>
<p>Action/change</p>	<p>Clause 44.2 has been amended to remove the reference to “D” cell batteries and includes a test that the sound be heard in a habitable room of a dwelling.</p> <p>Clause 44.3 has been amended to remove the reference to noise being heard outside the boundary of the park to within a habitable room of a dwelling.</p>
<p>Perceived Benefits</p>	<p>Noise complaints are one of the most commonly raised matters with Council health, planning, building and local laws officers. The substantive noise provisions are contained in the Environment Protection Act 1970 and Regulations. Council officers are given clear powers under that legislation in relation to residential noise but resolution and enforcement are not straightforward. The change to incorporate “within a habitable room” brings Council legislation in line with existing Environment Protection Act 1970 and Regulations. Noise related controls have been incorporated to improve amenity and raise the desirability of living in the Municipality.</p>
<p>Perceived Disadvantages</p>	<p>Authorised officers will be required to undertake more rigorous investigations to determine whether or not noise is audible within a habitable room. Additional consideration needs to be given to determine if noise from a park is a reasonable expectation when living near a park or if there are times when noise is more acceptable than others.</p>
<p>Problem the local law intends to address</p>	<p>Activities on Council Land – quiet enjoyment.</p> <p>Clause 16.3.2 of LL3 states that a person must not “interfere with the quiet enjoyment of the Council land by any other person”. This is not appropriate as “quiet enjoyment” is a legal term which means, in effect, the enjoyment of land to the exclusion of all others.</p>

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Action/change	Clause 46.3 of the proposed General Local Law is the same as clause 16.3 of the Environmental Local Laws No. 3 of 2012 other than the amendment of clause 16.3.2 of the same Local Law to remove the reference to 'quiet enjoyment' and replace with a new test of "unreasonable interference".
Perceived Benefits	Authorised officers will be able to more readily investigate and enforce as appropriate. Removal of "quiet enjoyment" more accurately defines the offence.
Perceived Disadvantages	Authorised officers will now need to test and determine what would constitute unreasonable in any alleged offence.

Problem the local law intends to address	Slack-lining and playing golf on Council Land is not specifically mentioned in the existing LL2 or LL3. Both activities have significant safety ramifications for other park users and could potentially damage Council assets.
Action/change	The addition of Clause 46.3.3.5 "play or practice golf" and Clause 46.3.3.6 "construct any line, string, rope or other similar thing to any tree" prohibits these activities without a permit.
Perceived Benefits	Increased safety for park users and the protection of Council assets.
Perceived Disadvantages	Restrictions on certain types of use by the community. The inclusion of expanded provisions in the Local Law will not necessarily prevent use from occurring but will create an expectation that certain activities can be eliminated. The practicalities of enforcement and resolution of complaints can be expensive and is difficult and lengthy.

Problem the local law intends to address	The definition of occasional events in Council's Parks and Gardens is inconsistent with an existing Council policy regarding the number of people to define the event as 'occasional'.
Action/change	Definition of 'occasional gathering' in Clause 45.2 has been expanded from a gathering of 40 to 50 people.
Perceived Benefits	Incorporates existing Council policy definitions and ensures consistency. Limit for permit triggers increased.
Perceived Disadvantages	There are no disadvantages to ensuring continuity between Council's Local Laws and existing Council policies.

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Problem the local law intends to address	Camping on Council Land is an ongoing source of complaint. Currently, camping is covered in both LL2 and LL3. An existing provision allowing camping for not more than 8 consecutive hours during any period of 7 consecutive days is difficult to enforce.
Action/change	Clause relating to timeframe exemptions has been removed. The addition of Clause 17.2 imposes liability on the registered owner of a vehicle. This clause is required to ensure the clause is enforceable. The discretion to exempt persons and special circumstances has been deleted and now can be achieved by exemptions in administration and guidelines.
Perceived Benefits	Increased amenity as camping and the occupation of Council land is controlled. Reduction of potential for damage to Council assets.
Perceived Disadvantages	There are no perceived disadvantages associated with these alterations.

Problem the local law intends to address	Keeping of animals and pets. There is no clear prohibition on roosters and there is a lack of clarity regarding the numbers and definitions of allowable animals, particularly poultry and other birds. Additional nuisance animals already covered under Domestic Animals Act 1994.
Action/change	<p>Clause 59 has been amended to increase the keeping of birds in a cage without a permit to 15 (not poultry), the removal of the reference to dogs over 6 months, roosters, peafowl, guinea fowl, pheasants and the like now all require a permit as do reptiles.</p> <p>Clause 59.4 Inclusion of bees in categories of animals/insects not allowed to be kept on the land unless permitted under the Yarra Planning Scheme.</p> <p>Clause 42 removed – no roosters allowed to be kept. Nuisance animals covered in Domestic Animals Act 1994 (dogs and cats).</p>
Perceived Benefits	Greater clarity regarding the keeping of animals.
Perceived Disadvantages	There are no perceived disadvantages associated with these alterations.

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3. Amenity

Problem the local law intends to address	Building works. Noise complaints due to construction work is an ongoing issue for Authorised Officers. Specifically, noise from cranes on building sites is not currently covered under the existing LL 2 & 3.
Action/change	Clause 49.14 is a new clause imposing requirements to limit the noise emitted from a crane. Specifically, a requirement has been added to adhere to noise limits specified in the procedures and protocols manual. Procedure and Protocol Manual currently under development.
Perceived Benefits	Clear guidelines surrounding crane noise will result in improved amenity for residents and the community.
Perceived Disadvantages	There are no disadvantages from being able to apply proper and reasonable controls on crane noise.

Problem the local law intends to address	Noise complaints from deliveries to commercial properties are often raised with Council health, planning, building and local laws officers. Currently there are no specified times for the delivery of goods or provision of services to a commercial enterprise.
Action/change	Addition of a clause relating to allowed timeframes for the delivery or collection of goods or the provision of services to commercial enterprises.
Perceived Benefits	The new controls applied to commercial operators is an attempt to balance the impacts of those activities on residents living in close proximity. Clear requirements will enable Council to better regulate deliveries or collecting of goods from commercial premises resulting in improved amenity for residents and the community.
Perceived Disadvantages	There are no disadvantages from being able to apply proper and reasonable controls. However, some commercial premises may argue that collection and delivery times during reduced hours may detrimentally affect their business.

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<p>Problem the local law intends to address</p>	<p>Currently there are no time restrictions regarding when bulk rubbish containers can be placed on Council land for collection.</p>
<p>Action/change</p>	<p>The addition of a new clause prohibiting the placing or collecting of a bulk rubbish container during certain hours without a permit.</p>
<p>Perceived Benefits</p>	<p>Clear and expanded requirements will enable Council to better regulate the placing and collection of bulk rubbish containers resulting in improved amenity for residents and the community</p>
<p>Perceived Disadvantages</p>	<p>There are no disadvantages from being able to apply reasonable controls. However, some commercial premises may argue that strict time requirements may impinge on the functioning of their business.</p>

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4. Amenity, public health and safety

<p>Problem the local law intends to address</p>	<p>Unightly land, noxious weeds and vermin. Each of these sections relied on subjective definitions and interpretations.</p>
<p>Action/change</p>	<p>Separate sections for unsightly land, noxious weeds and vermin have been combined to provide a more succinct approach. Clause 41.1 has the same intent as the previous Clause 10 in LL3 however, the reference to Planning Scheme has been removed and the clause relates only to being unsightly.</p> <p>Clause 41.2 is the second part of Clause 10 in LL3 and includes more circumstances which an owner of land must ensure the land does not become.</p> <p>The clause has been amended and wording revised to improve enforceability.</p>
<p>Perceived Benefits</p>	<p>These provisions guide the authorised officer to determine whether the condition of a land or building contravenes the Local Law, and also guides the community on the condition and appearance that will be treated as unsightly, detrimental or a risk.</p>
<p>Perceived Disadvantages</p>	<p>In some cases, the resolution of unsightly land complaints is complex. The provision in the Local Law could be perceived as onerous and limiting the use of a person's land. It also provides a black and white solution for specific conditions and may not apply to other issues not considered.</p>

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<p>Problem the local law intends to address</p>	<p>Shopping trolleys - increased numbers of shopping trolleys being dumped in public places. This problem is not unique to Yarra and seems to be encountered by most metropolitan Councils. For some retailers, it is easier and cheaper to replace the trolleys dumped on public roads and other public places than to collect them.</p>
<p>Action/change</p>	<p>Clause 15.1 new clause for definition of shopping trolley.</p> <p>Clause 15.2 same as previous clause 17.1 in LL2. Some amendments to improve clause.</p> <p>Clause 15.3 new clause imposing liability on owner of a shopping trolley who fails to collect after being notified of trolley in a public place.</p>
<p>Perceived Benefits</p>	<p>The addition of imposing liability on the owner of a shopping trolley seeks to encourage better management.</p>
<p>Perceived Disadvantages</p>	<p>While there are ways to prevent trolleys from being removed from retailer's land, this may be too onerous for all traders (including small traders). There may be increased costs to retailers which potentially could be passed on to consumers for compliance with this requirement.</p>

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5. Environment and Amenity

<p>Problem the local law intends to address</p>	<p>Significant trees.</p> <p>The current clauses in LL3 place the onus on “a person” rather than the property owner which has caused enforcement issues. The landowners of property adjacent to a significant tree with overhanging branches are currently exempt from obtaining a permit to trim the significant tree to their property line. If the tree is considered significant, the whole of the tree should be protected. Otherwise anomaly follows.</p>
<p>Action/change</p>	<p>New clause 39.4 which imposes liability on an owner of land, on which a significant tree is removed, destroyed, damaged or lopped.</p> <p>Removal of clause exempting adjacent landowner from removing overhanging branches of a significant tree.</p>
<p>Perceived Benefits</p>	<p>The ongoing protection of trees that are considered to be significant.</p>
<p>Perceived Disadvantages</p>	<p>Adjacent landowners will need to confirm if adjacent trees with overhanging branches are significant and then apply for a permit to trim back foliage to their fence line. Issues with issuing a permit for tree owned by another person.</p>

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Problem the local law intends to address	Dog Waste (faeces) and litter devices.
Action/change	<p>More detailed provisions have been included that deal with the clean-up of dog waste (faeces) and the requirement to carry a litter device.</p> <p>Clause 16 re-worded to improve regulation of dog excrement in public places.</p> <p>Clause 16.1 new clause requiring the carrying and production of a litter device.</p>
Perceived Benefits	Reduction in the amount of dog waste on Council land and improvement of the general amenity for the community
Perceived Disadvantages	Management of animals in both public and private situations remains one of the most emotional and controversial matters to enforce. However, there are no perceived disadvantages from being able to regulate and enforce this topic.

Problem the local law intends to address	Overhanging and encroaching vegetation limits are currently 2.7 metres which is greater than surrounding Councils.
Action/change	Reduce height restrictions from 2.7 metres to 2.4 metres for overhanging and encroaching vegetation limits
Perceived Benefits	Easier for residents to comply with lower heights restrictions.
Perceived Disadvantages	No perceived disadvantages.

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Problem the local law intends to address	Household waste – the way in which bins are left for collection. One of the biggest areas of complaint to Local Laws is litter and the management of bins left for collection. Specifically, bins being left out constantly, contents spillage or creating hazards due to placement.
Action/change	Addition to Clause 51.10 for compliance with any requirements for the placement of approved waste and recycling receptacles specified in the procedure and protocol manual. Procedure and Protocol Manual currently under development.
Perceived Benefits	The ability for requirements applying to household waste collection will be a way Council will be able to tackle litter, bins and their contents spilling onto roads and unsuitable waste being sent to landfill. Additionally, individual circumstances relating to footpath width or storage issues will be covered in the Procedure and Protocol Manual and provide guidelines for issuing of permits if required.
Perceived Disadvantages	There are no disadvantages from being able to regulate and enforce this requirement.

Problem the local law intends to address	Storage of Trade Waste.
Action/change	Addition to Clause 54.1 of compliance that any <i>trade waste hopper</i> kept on the land is constructed and maintained in accordance with any requirements specified in the <i>procedures and protocols manual</i> . Procedure and Protocol Manual currently under development.
Perceived Benefits	The storage and management of trade waste bins for commercial premises is an area of ongoing complaint. Individual circumstances will be covered in the Procedure and Protocol Manual and provide guidelines for issuing of permits if required.
Perceived Disadvantages	There are no disadvantages from being able to regulate and enforce this requirement.

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Problem the local law intends to address	Real Estate “For Lease” Signs. Currently timeframes for removal of Real Estate property advertising boards only applies to “For Sale” signs under the Yarra Planning Scheme. The current Local Laws and Yarra Planning Scheme are silent on “For Lease” signs.
Action/change	Clause 26.6 is a new clause imposing liability on a person who leaves a ‘for lease’ sign on a building beyond 14 days after the lease of a building.
Perceived Benefits	Greater control over the length of time to remove real estate property advertising signs. Reduction of visual clutter.
Perceived Disadvantages	There are no disadvantages from being able to regulate and enforce this requirement.

6. Protection of Council and community assets

Problem the local law intends to address	Building works – currently there is no distinction between infringements imposed on individuals or commercial construction.
Action/change	A clause has been added to reduce infringement penalties for individuals to half that applied to developers of residential land.
Perceived Benefits	Recognises the difference between individual property owners and commercial enterprise.
Perceived Disadvantages	There are no disadvantages from being able to distinguish between private and commercial owners.

Problem the local law intends to address	Spoils on Roads – currently there is no distinction between infringements imposed on individuals or commercial construction.
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Action/change	A clause has been added to reduce infringement penalties for individuals to half that applied to developers of residential land.
Perceived Benefits	Recognises the difference between individual property owners and commercial enterprise.
Perceived Disadvantages	There are no disadvantages from being able to distinguish between private and commercial owners.

Problem the local law intends to address	Asset Protection Permit – currently any building works requiring a building permit must not be carried out unless an Asset protection permit has been obtained.
Action/change	Clause 25 is the same as clause 25 B other than an exception in the opening words. The inclusion of the exemption in the opening words of the clause is a prompt for persons to identify whether they need to comply with the clause at first instance. This is necessary because not all 'building work' will require an asset protection permit. This was a mandatory provision and an additional clause has been added allowing officer discretion regarding obtaining an Asset Protection Permit.
Perceived Benefits	Recognises that an Asset Protection Permit is not always required or appropriate when a Building Permit is obtained.
Perceived Disadvantages	There are no perceived disadvantages from allowing greater discretion surrounding the requirement to obtain a permit.

Problem the local law intends to address	Trailers, boats and caravans on Council roads. Previously, only trailers were not allowed to be left on Council roads without a permit.
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Action/change	Clause 22 is the old clause 36 in LL2 which related to trailers only. The new clause prohibits a person from leaving a boat, trailer or caravan on a road, footway or Council land for periods of time longer than 1 hour if not attached to a registered vehicle without a permit.
Perceived Benefits	These controls are intended to remove potential hazards and enhance pedestrian safety as well as maintain neighbourhood amenity.
Perceived Disadvantages	There are no disadvantages from being able to regulate and enforce this requirement.

7. Administration and Enforcement

Problem the local law intends to address	Impounding – this section has been reviewed and updated to correct anomalies relating to process and procedure.
Action/change	<p>Clause amended to provide for the ability to sell, give away, destroy anything impounded which is not collected.</p> <p>Clause reworded to provide for better governance for impounded items.</p>
Perceived Benefits	The ability for Authorised officers to removal abandoned items from Council land will lead to greater safety due to less obstructions and the reduction of visual clutter.
Perceived Disadvantages	There are no disadvantages from being able to regulate and enforce this requirement.

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<p>Problem the local law intends to address</p>	<p>Delegations. The current LL2 and LL3 are silent on delegations.</p>
<p>Action/change</p>	<p>A new clause has been added to outline the process, discretions and authorities of Council under the proposed General Local law to issue, amend or waive permits and/or any associated conditions.</p>
<p>Perceived Benefits</p>	<p>Greater clarity regarding process and discretions.</p>
<p>Perceived Disadvantages</p>	<p>There are no perceived disadvantages from the inclusion of this clause.</p>

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Yarra City Council

General Local Law

General Local Law of 2016

Adopted by Council ##

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PART 1 – INTRODUCTION

1. Title

This Local Law is entitled “General Local Law”

2. Purposes of Local Law

This Local Law is made for the purposes of:

- 2.1 providing for the peace, order and good government of the municipal district of Yarra City Council;
- 2.2 promoting a physical and social environment that is accessible inclusive and free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community;
- 2.3 preventing and suppressing nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; and
- 2.4 prohibiting, regulating and controlling activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the municipal district.

3. Authorising Provision

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

4. Operation Date

This Local Law operates from the day after the day upon which it is made by Council.

5. Revocation

- 5.1 Upon this Local Law becoming operative, Roads and Council Land Local Law No. 2 of 2012 and Environment Local law, No. 3 of 2012 are revoked.

6. Application

This Local Law applies and has operation throughout the whole of the municipal district.

7. Interpretation

Unless the contrary intention appears in this Local Law, the following words and phrases are defined as indicated:

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- 7.1 “**Act**” means the *Local Government Act 1989*;
- 7.2 “**accessible**” in the purposes of the Local Law means best practice in access for people with disabilities as required by Universal Design Principles;
- 7.3 “**advertising sign**” means any placard, board, sign, card or banner, whether portable or affixed or attached to any land, building, vehicle, or other thing, which:
- 7.3.1 provides information about the occupier of the land or building, or a business or industry; or
- 7.3.2 advertises goods, services, an event or a competition;
- 7.4 “**animal**” means every specimen of four footed animal and every specimen of reptile;
- 7.5 “**appointed agent**” means a person authorised by an owner of land to make an application on the owner’s behalf;
- 7.6 “**approved waste receptacle**” means a bin or mobile bin of a type and size approved by Council or an authorised officer;
- 7.7 “**approved recycling receptacle**” means a bin or mobile bin of a type and size approved by Council or an authorised officer;
- 7.8 “**Asset Protection Permit**” means a permit issued under clause 25 for the protection of assets or infrastructure during *building work*;
- 7.9 “**Asset Protection Permit Bond**” means a bond, bank guarantee or like security required to be paid under an Asset Protection Permit;
- 7.10 “**authorised officer**” means any person appointed by the Council to be an authorised officer under section 224 of the Act;
- 7.11 “**builder**” means a person who has applied to the Council (or any other person to whom an application may be made) for a building permit or the person in charge of any *building work* being carried out;
- 7.12 “**building**” includes any structure whether permanent or temporary or any part of a building or structure;
- 7.13 “**building work**” includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure; and includes any change to the natural or existing condition or topography of land including but not limited to trenching, digging, excavating or filling whether by mechanical or manual methods and the loading or unloading of any goods or materials for or in connection with any *building work*;
- 7.14 “**bulk rubbish container**” means a bin, skip or other similar container used for the deposit of waste, but excludes an *approved waste receptacle* or an *approved waste recycling receptacle* used in connection with the Council’s refuse collection service;
- 7.15 “**caravan**” includes a mobile home or moveable dwelling;

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- 7.16 “**Chief Executive Officer**” means the Chief Executive Officer of the Council or any person acting in that position and includes a person authorised by the Chief Executive Officer to act on his or her behalf in relation to this Local Law;
- 7.17 “**Council**” means Yarra City Council;
- 7.18 “**commercial fitness activities**” means any individual or group fitness activities involving a commercial fitness trainer who derives a payment or reward, either directly or indirectly, in connection with such fitness activities, and includes (but is not limited to):
- 7.18.1 gym sessions (with or without weights, fit-balls, skipping ropes or other personal fitness equipment);
 - 7.18.2 boxing and pad training;
 - 7.18.3 organised aerobic activity;
 - 7.18.4 yoga, tai chi and Pilates classes and like activities;
 - 7.18.5 circuit training;
 - 7.18.6 jogging;
 - 7.18.7 soccer; and
 - 7.18.8 a combination of any of the above.
- 7.19 “**commercial fitness trainer**” means a person who receives payment or reward for conducting commercial fitness activities;
- 7.20 “**Council land**” means any land owned by, vested in or under the management or control of the Council, including reserves, footways watercourses, reservations and the like, but excludes a road;
- 7.21 “**emergency service**” means a body, corporation or person deemed to be an “emergency service” by the Council or an authorised officer from time to time;
- 7.22 “**footway**” includes every footpath, lane or other place within the municipal district used by pedestrians, but excludes a road;
- 7.23 “**heavy motor vehicle**” means a motor vehicle of a net weight of three (3) tonnes or more;
- 7.24 “**incinerator**” includes a structure, device or piece of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and which is not enclosed in any building, a barbecue or licenced under the provisions of the *Environment Protection Act 1970*;
- 7.25 “**minor building work**” means *building work* valued at less than \$5,000.00 but excludes demolition and removal of buildings and structures;
- 7.26 “**motor vehicle**” has the meaning ascribed to it by the *Road Safety Act 1986*;
- 7.27 “**municipal district**” means the municipal district of the Council;

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- 7.28 “**owner**” in relation to any land, has the same meaning as it has in section 3 of the Act;
- 7.29 “**penalty unit**” has the same meaning as it has in the Sentencing Act 1991;
- 7.30 “**permit**” means a permit or Public Space Licence Agreement in writing issued by an Authorised Officer or Council;
- 7.31 “**planning scheme**” means the Yarra Planning Scheme as amended from time to time;
- 7.32 “**poultry**” includes ducks, chickens, geese, peacocks, pheasants, turkeys and guinea fowl of any age;
- 7.33 “**private land**” means land that is not:
- 7.33.1 Council Land; or
 - 7.33.2 non-residential land occupied, managed or controlled by a public authority.
- 7.34 “**procedure and protocols manual**” means the procedure and protocols manual authorised and published by the Council from time to time and which is incorporated into this Local Law pursuant to section 112 of the Act ;
- 7.35 “**public body**” means any government department or municipal council or body established for a public purpose by legislation;
- 7.36 “**public place**” has the same meaning in the *Summary Offences Act* 1966 but does not include land owned or managed by Parks Victoria;
- 7.37 “**Public Space Licence Agreement**” means any agreement (by way of a lease, licence or otherwise) between the Council and a person under which that person is authorised to occupy a site specified in that agreement for the purpose of displaying goods, placing an advertising sign, or placing a seat, umbrella, table, chair, screen, heater or other furniture on that site or placing, constructing or fixing any semi-permanent or permanent structure on that site.
- 7.38 “**road**” has the meaning as in section 3 of the Act but does not include a footway;
- 7.39 “**security bond**” means a payment or guarantee made to council for the purposes of defraying costs to repair damage to assets or as required under the local law;
- 7.40 “**sell**” includes:
- 7.40.1 sell by means of any machine or mechanical device;
 - 7.40.2 barter or exchange;
 - 7.40.3 agree to sell;
 - 7.40.4 offer or expose for sale; or
 - 7.40.5 keeping or having in possession for sale, or directing, causing or attempting any of such acts or things;

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- 7.41 “**service authority**” means a body or corporation deemed to be a “service authority” by the Council or an authorised officer from time to time;
- 7.42 “**significant tree**” means a tree which meets one or more of the following criteria:
- 7.42.1 the tree is single trunked with a trunk diameter of 400 mm or greater measured at 1500 mm (1.5m) above the ground; or
 - 7.42.2 the tree is multi-trunked with a combined trunk diameter of 400mm or greater at 1500 mm (1.5m) above the ground; or
 - 7.42.3 the tree is individually listed on the significant tree register;
 - 7.42.4 the tree is one of a group of trees listed on the significant tree register; or
 - 7.42.5 the tree is single trunked with a trunk diameter of 400 mm or greater measured at ground level; or
 - 7.42.6 the tree is multi-trunked with a combined trunk diameter of 400 mm or greater measured at ground level;
- 7.43 “**significant tree register**” means a register of trees of cultural significance to the Council, which is kept and maintained by Council;
- 7.44 “**storm water system**” means storm water system which provides for the conveyance of storm water run-off including kerb and channel, open channels, underground pipe systems and natural waterways;
- 7.45 “**toy vehicle**” means a vehicle, built to transport a person and designed to be propelled by human power or gravity, and ordinarily used for recreation or play and includes roller skates, roller blades, a skateboard or similar wheeled device, but does not include a pram, stroller or trolley, or bicycle or wheelchair but includes a drone notwithstanding it does not transport a person or is propelled by human power or gravity;
- 7.46 “**trade waste**” means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking;
- 7.47 “**trade waste hopper**” means a purpose built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means;
- 7.48 “**traffic control item**” means any sign, mark, structure or device displayed, placed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers, cyclists or pedestrians, and includes a traffic control signal;
- 7.49 “**traffic control signal**” means a device, however, operated, which uses words symbols, lights or other means to control or regulate traffic;
- 7.50 “**trailer**” has the same meaning as in the *Road Safety Act 1986*;
- 7.51 “**vehicle**” has the same meaning in the *Road Safety Act 1986*;
- 7.52 “**Vehicle Parking Permit Holder**” means the person to whom a Vehicle Parking Permit has been issued by Council in accordance with a

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Resident Parking Scheme established pursuant to Schedule 11 to the Act;

- 7.53 “**Vehicle Parking Permit**” means a Vehicle Parking Permit issued by Council in accordance a Resident Parking Scheme established by Council pursuant to Schedule 11 to the Act to regulate motor vehicle parking, and includes a Visitor Permit;
- 7.54 “**visitor**” means a person visiting a property for which a Visitor Permit has been issued; and
- 7.55 “**Visitor Permit**” means a Vehicle Parking Permit issued for use in respect of a vehicle used by a person visiting at the place of residence of a Vehicle Parking Permit Holder;
- 7.56 “**waste management guidelines**” means the document titled ‘Builders Code of Practice and Waste Management Guidelines’ and associated documents, as amended from time to time and published on the Council’s website;
- 7.57 “**waste management plan**” means a plan prepared in accordance with the waste management guidelines that deals with waste minimisation and published on the Council’s website.

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PART 2 – PARKING OR DRIVING IN RECREATIONAL RESERVES

8. Vehicles in Recreational Reserves.

- 8.1 In this clause “*recreational reserve*” means any land within the *municipal district* that is owned, occupied or controlled by the *Council* and is dedicated or used for cultural, recreational or entertainment purposes and includes *Council’s* parks and gardens.
- 8.2 A person must not, without a *permit*, on any recreational reserve:
- 8.2.1 drive a *vehicle* into or onto a recreational reserve; or
- 8.2.2 allow a *vehicle* which they are the owner, or otherwise in charge of, to remain in or on a recreational reserve.
- 8.3 For the purpose of clause 8.2, *vehicle* does not include the following:
- 8.3.1 a bicycle;
- 8.3.2 a child’s toy vehicle;
- 8.3.3 a pram, baby or child carriage, wheelchair, mobility scooter or similar device.
- 8.4 Clause 8.2 does not apply to:
- 8.4.1 a staff member of the *Council* or a *public body* (or other person authorised by the *Council* or the *public body* for this purpose), member of the police force or a staff member of an *emergency service* acting in the course of his or her duties;
- 8.4.2 or in accordance with any applicable Act or regulation.
- 8.5 Where damage is caused to a recreational reserve, or anything in or on a recreational reserve, by a person in breach of clause 8.2, the *Council* may institute proceedings to recover the costs incurred by or on behalf of the *Council* in rectifying the damage.

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PART 3 – TRAFFIC AND OTHER HAZARDS

9. Vegetation

9.1 The *owner* or occupier of *private land* must not allow any tree, shrub, hedge or other vegetation on the *private land* to obstruct the clear view:

9.1.1 by a driver of any:

9.1.1.1 pedestrian;

9.1.1.2 *vehicle*; or

9.1.1.3 *traffic control item*; or

9.1.2 by a pedestrian of any:

9.1.2.1 *vehicle*; or

9.1.2.2 *traffic control item*.

9.2 An *owner* or occupier of *private land* must not allow a tree, shrub, hedge or other vegetation to encroach on *Council Land*, a *road* or *footway* at a height less than 2.4 metres from the surface of the *road*, *Council Land* or *footway*.

10. Obstructions and Hazards on Roads and Council Land

10.1 An *owner* or occupier of *private land* must not allow an *advertising sign* or any other similar object to:

10.1.1 encroach onto *Council Land*, a *road* or a *footway* at a height less than 2.4 metres; or

10.1.2 remain on *private land* or be placed on *private land* which obstructs the clear view of a *traffic control item* by a person in a *vehicle* or a person on a *footway*.

10.2 A person must not, without a *permit*, place, allow to be placed or cause to be placed on any *road*, *footway* or *Council Land*:

10.2.1 a *bulk rubbish container*; or

10.2.2 any other thing which interferes with the use of the *road*, *footway* or *Council Land*.

10.3 A person must not place a bulk rubbish container on any road, footway or Council land or collect a bulk rubbish container from any private land or Council land at any time except:

10.3.1 From 7am to 8pm on a Monday to Saturday (inclusive); or

10.3.2 From 9am to 8pm on a Sunday or Public Holiday.

10.4 This clause does not apply to the works or activities of a *service authority*.

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10.5 A person must not, without a *permit*, obstruct or restrict the use of any *road, footway* or *Council Land* by any means.

11. Fencing of Vacant Land

11.1 If *Council* or an *authorised officer*, reasonably believes that vacant land is unsightly or waste is being dumped or is dangerous, may by notice in writing, direct the *owner* or occupier of any vacant land to:

11.1.1 erect;

11.1.2 repair;

11.1.3 replace; or

11.1.4 modify,

fencing enclosing the vacant land. A notice under this clause may specify:

11.1.5 the material with which any fencing to be erected must be constructed; and

11.1.6 the height and other dimensions of the fencing to be erected.

11.2 The *owner* or occupier of any land must comply with a notice directed to that person under clause 11.1 and must perform any work specified in the notice within the time specified in the notice.

12. Securing and Fencing Dilapidated Land

12.1 The *Council* or an *authorised officer* may, by notice in writing, direct the *owner* or occupier of land on which any dilapidated dwelling exists to:

12.1.1 secure or better secure the dwelling; or

12.1.2 fence the land.

12.2 The *owner* or occupier of any land must comply with a notice directed to that person under clause 12.1 and must perform any work specified in the notice within the time specified in the notice.

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PART 4 – VEHICLE CROSSINGS

13. Vehicle Crossings

13.1 A person must not, without a *permit*, construct, repair, reconstruct or remove a temporary or permanent vehicle crossing.

13.2 The *Council* or an *authorised officer* may, by notice in writing, require:

13.2.1 the construction of a temporary or permanent vehicle crossing or adjacent footpath;

13.2.2 the repair or reconstruction of a vehicle crossing or adjacent footpath;

13.2.3 the removal of a vehicle crossing in accordance with clause 13.9; or

13.2.4 the repair or reconstruction of a footway adjacent to a vehicle crossing which itself is being constructed, repaired, reconstructed or removed

by the *owner* or occupier of any adjacent allotment by a date determined by the *Council* or an *authorised officer*, having regard to the size, cost and complexity of the required works.

13.3 A person must comply with a notice directed to that person under clause 13.2 and must perform any work specified in the notice within the time specified in the notice.

13.4 The *owner* or occupier of any allotment required, by notice in writing, to construct, repair, reconstruct or remove a vehicle crossing or adjacent footway under this clause must make an application to the *Council* for a *permit* under clause 13.1.

13.5 Any work in respect of a footway, kerb, drain, or vehicle crossing performed under clause 13.1 must be performed to the satisfaction of the *Council* or an *authorised officer*.

13.6 If *building work* is to be carried out or is being carried out on *private land*, a person must not drive a *motor vehicle* over a kerb, nature strip or footpath to access the *private land* unless a temporary vehicle crossing is in place and the motor vehicle drives over that temporary vehicle crossing.

13.7 If the *Council* or an *authorised officer* has required the *owner* or occupier of any *private land* on which *building work* is to occur to construct a temporary vehicle crossing under clause 13.2 the *owner* or occupier must not carry out, cause or allow the *building work* to commence until the *permit* has been granted and the temporary vehicle crossing has been constructed.

13.8 If *vehicles* enter or leave the carriageway of any *road* adjacent to any *private land*, on which any *building work* is being conducted, the *owner* or

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occupier of the *private land* must repair any damage to any permanent vehicle crossing, *road*, *footway*, kerb or drain that results from the passing of any *motor vehicle* over the vehicle crossing leaving or entering the carriageway of an adjacent *road*.

- 13.9 The *Council* or an *authorised officer* may, by notice in writing, require the removal of any vehicle crossing and the reinstatement of any kerb, drain, *footway*, nature strip or other part of a *road* if, in the opinion of the *Council* or an *authorised officer*, the vehicle crossing is redundant or has been constructed in breach of any provision of clause 13 or a *permit*.
- 13.10A person must comply with a notice directed to that person under clause 13.7 and must perform any work specified in the notice within the prescribed time.

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PART 5 – BEHAVIOUR ON ROADS AND COUNCIL LAND

14. Toy Vehicles

14.1 For the purpose of clause 14.4 and 14.5 a “*wheeled recreational vehicle*” means any mini bike, trail bike, motor bike, motor scooter, go-cart or other vehicle propelled by a motor which is normally used for recreational purposes, but does not include a motorised wheelchair or electric bicycle.

14.2 A person:

14.2.1 must not; or

14.2.2 must not allow a person under his or her care and control:

in any area of the *municipal district*.

14.2.3 use; or

14.2.4 leave

a *toy vehicle* in a manner which:

14.2.1 interferes with the passage of;

14.2.2 intimidates, obstructs, hinders or causes a nuisance to; or

14.2.3 endangers,

any person or *vehicle* in the *municipal district*.

14.3 A person must not use or leave a *toy vehicle* in an area where the use of *toy vehicles* is prohibited by a sign erected by the *Council* or an *authorised officer*.

14.4 The owner or occupier of any *private land* must not, without a *permit*, use, or permit a person to use, a wheeled recreational vehicle on the *private land*.

14.5 A person must not, without a *permit*, use, or permit a person to use, a wheeled recreational vehicle on *Council Land*, a *road*, or *footway*.

15. Shopping Trolleys

15.1 In this clause “*shopping trolley*” means a wheeled receptacle supplied by a retailer of goods to enable persons purchasing any of those goods to transport them from one place to another.

15.2 A person must not leave a shopping trolley in any area except in an area designated for the leaving of shopping trolleys.

15.3 The owner of a shopping trolley must, within 24 hours of being notified by an *authorised officer* of the location of a shopping trolley, collect the shopping trolley.

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16. Dogs

- 16.1 In this clause a "*litter device*" means a device suitable for the purpose of collecting, removing and disposing of an *animal's* faeces and includes a paper or plastic bag.
- 16.2 A person in charge of an *animal* on any *road, footway, Council Land* or other *public place* must carry a litter device at all times and must produce the litter device on the request of an *authorised officer*.
- 16.3 A person in charge of an *animal* that excretes faecal matter on a *road, footway, Council Land* or other *public place* must immediately collect and dispose of the excrement.
- 16.4 A person in charge of an *animal* must not allow any part of the *animal's* excrement to remain on any *road, footway, Council Land* or other *public place*.

17. Camping

- 17.1 A person must not, without a *permit*, camp in or on any *public place* in a *vehicle, tent, caravan* or any type of temporary or provisional form of accommodation.
- 17.2 The registered owner of a *vehicle* used for the purpose of camping in contravention of clause 17.1 is guilty of the same offence as the person who contravenes clause 17.1.

18. Busking

- 18.1 For the purpose of this clause, "*busk*" means playing any musical instrument, singing, haranguing, reciting, performing, juggling, dancing, and engaging in miming or puppetry or any other performance for money, gifts or other reward.
- 18.2 A person must not, without a *permit*, on any *road, footway* or *Council Land* busk.

19. Commercial fitness activities

- 19.1 In this clause "*recreational reserve*" means any land within the municipal district that is owned, occupied or controlled by the Council and is dedicated or used for cultural, recreational or entertainment purposes and includes Council's parks and gardens.
- 19.2 In this clause "*exclusion zone*" means any of the following areas within a recreational reserve:
- 19.8.1 10 metres from any memorial;
- 19.8.2 10 metres from any playground or play equipment;

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- 19.8.3 10 metres from any public change room, toilet or kiosk area;
- 19.8.4 15 metres from any residential dwelling;
- 19.8.5 any sports field or facility without a specific booking;
- 19.8.6 stairways and pathways; and
- 19.8.7 picnic sheds and benches.
- 19.3 A *commercial fitness trainer* must not, without a *permit*, conduct *commercial fitness activities* in a recreational reserve.
- 19.4 A *commercial fitness trainer* must not conduct *commercial fitness activities* in contravention of a condition of a *permit*.
- 19.5 A *commercial fitness trainer* must not conduct *commercial fitness activities* in an exclusion zone.
- 19.6 A person must not participate in *commercial fitness activities* in an exclusion zone.
- 19.7 Clause 19.3 does not apply if the *commercial fitness trainer* or person participating in the *commercial fitness activities* was, at the time of the contravention using a stairway or pathway to access a non-exclusion zone.
- 19.8 A *commercial fitness trainer* must produce a permit on the request of an authorised officer when conducting *commercial fitness activities* in a recreational reserve.
- 19.9 A *commercial fitness trainer* must not use amplified music or audio equipment when conducting *commercial fitness activities* in a recreational reserve.
- 19.10A *commercial fitness trainer* conducting *commercial fitness activities*, and persons participating in *commercial fitness activities* in a recreational reserve must not engage in aggressive or intimidating behaviour, or cause a nuisance.

20. Commercial dog walkers

- 20.1 A person must not, without a *permit*, conduct a commercial enterprise of exercising dogs or any other *animals* on any *Council Land* or in any *public place*.
- 20.2 A person must when conducting a commercial enterprise of exercising dogs or any other *animals*, while exercising dogs or other *animals*, on any *Council land* or in any *public place*:
 - 20.2.1 have a *permit* and carry it with them while conducting that business and produce it on the request of an authorised officer;

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- 20.2.2 maintain effective control of dogs or other *animals* at all times;
and
 - 20.2.3 must not have more than 4 dogs or other *animals* exercised or
walked by a person at any one time.
- 20.3 if an *authorised officer* or Council is of the opinion that there is, or has
been, a breach of clause 20.2, he or she may do any one or more of the
following:
- 20.3.1 require the walking or exercise activity to immediately cease;
 - 20.3.2 inspect the *permit* for the activity; or
 - 20.3.3 revoke any *permit* if the operator is found to be in breach.

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PART 6 – COUNCIL ASSETS

21. Damage to Council Assets or Likely to Damage Council Assets

21.1 A person must not, without a *permit*, destroy, damage, remove, interfere with, attach to or change in any way anything in, on or under a *road, footway or Council Land*, except where the asset is designed for that use.

22. Occupation of Council Land

22.1 A person must not, without a *permit*, occupy *Council Land, road or footway* by:

22.1.1 placing on; or

22.1.2 leaving;

one any boat, *trailer, caravan*, equipment or other thing for longer than hour unless it is attached to a registered motor vehicle.

23. Occupation of Roads or Council Land for Filming Activities or other activity

23.1 A person must not, without a *permit*, occupy or allow the occupation of any *road, footway or Council Land* for the purposes of filming for commercial purposes or public exhibition or the placement of any equipment associated with such an activity, street parties or other like event.

24. Occupation of Roads, Footpath or Council Land for Commercial Works or Events

24.1 A person must not, without a *permit*, or allow or suffer another person, without a *permit*, to:

24.1.1 occupy or fence off;

24.1.2 leave or store building or construction material on;

24.1.3 erect a hoarding or scaffolding on;

24.1.4 use any plant or equipment on; or

24.1.5 remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on –

any *road or footway* or part of a *road or footway*, or on any *Council land*.

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25. Asset Protection Permit

- 25.1 If a building permit is required for *building work* on land and that *building work*, person or class of persons have not been exempted:
- 25.1.1 the *owner* of the relevant land;
 - 25.1.2 the *builder* engaged to carry out *building work* on the land;
 - 25.1.3 any *appointed agent*; or
 - 25.1.4 any demolition contractor engaged to demolish some object on the land as part of the *building work* must:
 - 25.1.5 not carry out or allow to be carried out *building work* on that land unless an *Asset Protection Permit* has been obtained;
 - 25.1.6 not carry out or allow to be carried out *building work* on that land in breach of any conditions of an *Asset Protection Permit* that has been obtained; and
 - 25.1.7 pay any *Asset Protection Permit Bond* determined by the *Council* from time to time, in accordance with the *procedure and protocols manual*.

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PART 7 – SIGNS, GOODS AND FURNITURE

26. Signs, Goods, Furniture, Semi-permanent and Permanent Structures

- 26.1 A person must not, unless authorised by a *Public Space Licence Agreement*:
- 26.1.1 display or allow to be displayed any goods on a *road, footway or Council land*;
 - 26.1.2 place or allow to be placed an *advertising sign* on a *road, footway or Council land*;
 - 26.1.3 place or allow to be placed a seat, umbrella, table, chair, screen, heater or other furniture on a *road, footway or Council land*; or
 - 26.1.4 place or allow to be placed, construct or allow to be constructed, fix or allow to be fixed, or occupy or use or allow to be occupied or used any semi-permanent or permanent structure on a *road, footway or Council land*.
- 26.2 If a use of a *road* or *footway* is a use:
- 26.2.1 described in clause 26.1;
 - 26.2.2 authorised by a *Public Space Licence Agreement*; and
 - 26.2.3 associated with the use of adjoining land-
- then, for the purposes of clause 62 of the Planning Scheme, the use is to be taken as a use authorised by *Council* under this Local Law and it is intended that no planning permit need be obtained in respect of such use.
- 26.3 Nothing in clause 26.1.1 prevents a person from placing goods, and nothing in clause 26.1.3 prevents a person from placing a seat, umbrella, table, chair or other furniture, in an area within a recreational reserve designed or adapted for such placement.
- 26.4 A person who has placed, permitted to be placed, displayed or permitted to be displayed:
- 26.4.1 goods;
 - 26.4.2 an *advertising sign* on a structure which is not permanently or semi permanently fixed to public space; or
 - 26.4.3 a seat, umbrella, table, chair, screen, heater or other furniture which is not permanently or semi permanently fixed to public space, on a *road, footway or Council land*, whether in accordance with a *Public Space Licence Agreement* or not, must move or remove the:
 - 26.4.4 goods;
 - 26.4.5 *advertising sign*; or

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26.4.6 seat, umbrella, table, chair, screen, heater or other furniture,

if directed to do so by:

26.4.7 an *authorised officer*;

26.4.8 a member of the Victoria Police; or

26.4.9 a member of an *emergency service*.

26.5 A person who has placed or allowed to be placed, constructed or allowed to be constructed, fixed or allowed to be fixed, occupied or used or allowed to be occupied or used any semi-permanent or permanent structure on a road, footway or Council land, whether in accordance with a *Public Space Licence Agreement* or not, must remove, vacate or cease to use the permanent or semi-permanent structure if directed to do so by an *authorised officer*, a member of the Victoria Police, or a member of an *emergency service*.

26.6 A person must not allow or cause to be allowed the display of a sign, which advertises the leasing of a *building* or land, more than fourteen (14) days after the date of the lease of the *building* or land.

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PART 8 – SALE OF GOODS, STREET COLLECTIONS AND SPRUIKING

27. Persons Selling Goods, Commercial and Charitable Activities

27.1 A person must not, without a *permit*, sell or advertise any goods from:

- 27.1.1 a stall;
 - 27.1.2 a *vehicle*;
 - 27.1.3 a caravan;
 - 27.1.4 a *trailer*;
 - 27.1.5 a barrow;
 - 27.1.6 a box;
 - 27.1.7 a crate;
 - 27.1.8 a bag;
 - 27.1.9 tent or temporary structure, or
 - 27.1.10 any other receptacle,
- standing or placed on:
- 27.1.11 a *road*;
 - 27.1.12 a *footway*;
 - 27.1.13 *Council land*;
 - 27.1.14 vacant land; or
 - 27.1.15 land which is not ordinarily occupied by the person to persons-

on a *road*, *footway* or *Council land*.

27.2 If a use of a *road* or *footway* is a use:

- 27.2.1 described in clause 27.1;
- 27.2.2 which is authorised by a *permit*; and
- 27.2.3 associated with the use of adjoining land

then, for the purposes of clause 62 of the *Planning Scheme*, the use is to be taken as a use authorised by Council under this Local Law and it is intended that no planning permit need be obtained in respect of such use.

27.3 A person must not, without a *permit*, sell any goods carried about on the person or on any animal or *vehicle*:

- 27.3.1 on a *road*;
- 27.3.2 on a *footway*;
- 27.3.3 on *Council land*; or
- 27.3.4 from door to door.

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27.4 Nothing in this clause requires a person to obtain a *permit* for a private function which is carried out on land where a person sells or advertises goods for sale to the people on the land.

28. Street Collection and Distribution

A person must not, without a *permit*, solicit or collect any money, gifts or subscriptions for any purpose or cause or authorise another person to do so:

28.1 on a *road*;

28.2 on a *footway*;

28.3 on *Council land*; or

28.4 from door to door.

29. Spruiking

29.1 A person must not, without a *permit*, on a *road*, *footway* or *Council land* or from any land adjacent to a *road*, *footway* or *Council land* -

29.1.1 spruik, tout or solicit the sale of any goods or services; or

29.1.2 hand out or give to persons on any *road*, *footway* or *Council Land* a document that advertises a commercial event, venture

or the like or is of a fundraising nature.

29.2 Clause 29.1 does not apply to a person participating in highway collections approved under *Road Safety Act 1986*.

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PART 9 – NUMBERING OF ALLOTMENTS

30. Numbering of Allotments

- 30.1 The *Council* or an *authorised officer* may from time to time allocate a number to an allotment and may from time to time allocate a different number to an allotment or otherwise change the numbering.
- 30.2 The *owner* or occupier of an allotment to which a number has been allocated by the *Council* or an *authorised officer* must mark the allotment with the number in a form that is legible, visible, and clear of vegetation and other obstructions and of a minimum size of 80 mm.
- 30.3 The *owner* or occupier of an allotment must ensure that all numbers marking the allotment are:
 - 30.3.1 made of durable materials;
 - 30.3.2 kept in a good state of repair; and
 - 30.3.3 renewed as often as may be necessary.
- 30.4 A person must not display a number on an allotment unless the number has been allocated to the allotment by the *Council* or an *authorised officer*.

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PART 10 – SPOIL ON ROADS

31. Spoil on Roads

31.1 A person must not:

32.1.1 drive; or

32.1.2 permit or cause to be driven,

a *vehicle* on a *road* or *footway* in the course of any trade, industry or commercial undertaking, unless the:

32.1.3 wheels; and

32.1.4 tyres,

of the *vehicle* are free from soil, earth, clay or like substances.

31.2 A person must not allow any produce, soil, earth, mud, clay, liquid waste or like substance to fall from or escape onto a *road* or *footway* from any *vehicle* which he or she is driving or any equipment which he or she is operating in the course of any trade, industry or commercial undertaking.

31.3 A person must not allow any grease, oil, mud, clay or like substance to run off a *motor vehicle* he or she is cleaning in the course of any trade, industry or commercial undertaking onto a *road*, *footway* or into a drain.

31.4 An individual who is an owner of residential land, other than an individual who is carrying out *building work* to develop residential land for sale, who contravenes or fails to comply with clause 31.1 is liable to an infringement penalty half that specified in schedule 1.

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PART 11 – MOTOR VEHICLES

32. Repair and Display of Vehicles

32.1 A person must not:

- 32.1.1 paint;
- 32.1.2 service;
- 32.1.3 carry out maintenance on or perform any work on; or
- 32.1.4 display for sale in the course of a business for the sale of *vehicles-*

a vehicle on a road, footway or Council land.

32.2 Clause 32.1 does not apply if maintenance or work is carried out to enable a *vehicle*, which has broken down, to be removed from the *road, footway or Council land.*

32.3 Notwithstanding the exception in clause 32.2, a person commits an offence if the *vehicle* is within 100 metres of premises occupied by that person or that person's employer for the purposes of motor repairs or panel beating.

33. Noisy Vehicles

33.1 A person must not:

33.1.1 leave the engine of a *heavy motor vehicle* running while the *heavy motor vehicle* is stationary, except for a period of five (5) minutes:

33.1.1.1 immediately after the *heavy motor vehicle* has stopped moving; or

33.1.1.2 immediately before the *heavy motor vehicle* is to start moving; or

33.1.2 allow a refrigeration unit mounted on a *motor vehicle* to run between the hours of 7pm and 7am while the motor vehicle is parked or standing on any *road* located in or abutting an area zoned as residential or predominantly residential under the *Planning Scheme.*

33.2 Clause 33.1 does not apply to a person employed by:

- 33.2.1 a *service authority*;
- 33.2.2 an *emergency service*; or
- 33.2.3 the *Council-*

while acting in the course of his or her duties.

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PART 12 – SAFETY

34. Failure to maintain a safe environment

The *owner*, or a person in charge, of any:

34.1 land on which works are being undertaken on or adjacent to any *road*, *footway* or *Council land*; or

34.2 *vehicle* parked on or adjacent to any *road*, *footway* or *Council land*, must ensure that the land is maintained, and the *vehicle* is parked and loaded, in such a way so as not to cause or potentially cause any:

34.2.1 injury to a person or animal;

34.2.2 damage to a *Council* owned or controlled asset or any other asset not owned or controlled by the owner or person in charge; or

34.2.3 detriment to the amenity of adjacent land or the neighbourhood.

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PART 13 – USE OF PARKING PERMITS

35. Application of this Part

- 35.1 This Part applies to *Vehicle Parking Permits* issued by the *Council* in accordance with a Resident Parking Scheme established pursuant to Schedule 11 to the *Act* and any *Council* policies regarding the operation of Resident Parking Schemes in the *municipal district*.
- 35.2 This Part is intended to operate in conjunction with any policy of the *Council* relating to the operation of Resident Parking Schemes and any conditions imposed on *Vehicle Parking Permits*.
- 35.3 Nothing in this Part is intended to derogate from any rights which the *Council* or an *authorised officer* may have under any *Council* policies regulating the operation of Resident Parking Schemes and the use of *Vehicle Parking Permits* or any conditions imposed on *Vehicle Parking Permits*.
- 35.4 A decision by the *Council* or an *authorised officer* not to enforce this Part does not affect the power of the *Council* or an *authorised officer* to enforce any relevant *Council* policy or conditions imposed on *Vehicle Parking Permits*.

36. Offence to sell, give away or rent a Vehicle Parking Permit

- 36.1 A *Vehicle Parking Permit Holder* must not:
 - 36.1.1 sell or offer to sell a *Vehicle Parking Permit*;
 - 36.1.2 give away for no charge, or offer to give away for no charge, a *Vehicle Parking Permit* (other than a *Visitor Permit* to be used by a legitimate *visitor*);
 - 36.1.3 lend or license, or offer to lend or license a *Vehicle Parking Permit* (other than a temporary *Visitor Permit* to be used by a legitimate *visitor*); or
 - 36.1.4 otherwise allow a *Vehicle Parking Permit* (other than a temporary *Visitor Permit* being used by a legitimate *visitor*) to be used by any person other than a *Vehicle Parking Permit Holder*.

37. Offence to accept or to use a Vehicle Parking Permit where not the Vehicle Parking Permit Holder

- 37.1 A person (other than a legitimate *visitor* using a *Visitor Permit* in accordance with any applicable policies or conditions) must not:
 - 37.1.1 purchase or induce to purchase a *Vehicle Parking Permit* from any *Vehicle Parking Permit Holder* or other person not authorised to issue a *Vehicle Parking Permit*;
 - 37.1.2 otherwise receive (whether for a charge or not), or induce to receive (whether for a charge or not), a *Vehicle Parking Permit*.

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Permit from any Vehicle Parking Permit Holder or other person not authorised to issue a Vehicle Parking Permit;

37.1.3 accept a lent or licensed *Vehicle Parking Permit*, or induce to receive a lent or licensed *Vehicle Parking Permit* from any *Vehicle Parking Permit Holder* or other person not authorised to issue a *Vehicle Parking Permit*; or

37.1.4 otherwise use or attempt to use a *Vehicle Parking Permit* in instances where he or she is not the relevant *Vehicle Parking Permit Holder*.

38. Offences relating to falsification of Vehicle Parking Permits

38.1 A person must not:

37.1.5 forge or counterfeit a *Vehicle Parking Permit*; or

37.1.6 knowingly use, deal with or tender a *Vehicle Parking Permit*.

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PART 14 – TREE PROTECTION

39. Significant Trees

- 39.1 A person must not, without a permit, remove, damage, destroy or lop a *significant tree*.
- 39.2 In deciding whether to grant a permit under sub-clause 39.1, the Council must have regard to the *procedure and protocols manual*.
- 39.3 The requirement to obtain a *permit* under sub-clause 39.1 does not apply:
 - 39.3.1 where a person cuts, trims or prunes a tree to ensure compliance with any other provision of this or any other statutory authority; or
 - 39.3.2 where Council is lopping, destroying, damaging or removing a significant tree that is a Council tree.
- 39.4 If a significant tree is removed, damaged, destroyed or lopped, the owner of the land on which the significant tree is located is guilty of an offence, whether or not the person who actually interfered with the tree is identified or prosecuted.

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PART 15 – USE OF LAND

40. Machinery, Materials, Goods or Vehicles on Land and Camping

- 40.1 Unless permitted under the *Planning Scheme*, a person must not, without a *permit*, use any land:
- 40.1.1 for the storage of old, used or second hand machinery, *vehicles*, materials or goods; or
 - 40.1.2 for the assembly, or dismantling, of old, used or second hand machinery, *vehicles*, materials or goods- which detrimentally affects the amenity of the neighbourhood.
- 40.2 A person must not repair a *motor vehicle* on any land, other than a *motor vehicle* registered in the name of or owned by a person who is a resident of the land.
- 40.3 The *Owner* and occupier of any *private land* must not, without a permit or unless authorised under the *Planning Scheme*, occupy or place or cause to be placed for the purposes of occupation any caravan, tent, or like structure.
- 40.3 A person must not, without a permit or unless authorised under the *Planning Scheme*, occupy or cause to be occupied any caravan, tent or like structure.

41. Unsightly land

- 41.1 The owner or occupier of any land must not cause or allow the land to be kept in a condition which is unsightly or detrimental to the amenity of the neighbourhood.
- 41.2 The owner or occupier of any land must ensure that:
- 41.2.1 the land is not a danger, or likely to be a danger, to the health or property of any person;
 - 41.2.2 weeds or grass on the land does not exceed 150mm in height;
 - 41.2.3 there is no unconstrained waste on the land;
 - 41.2.4 the land is not a harborage for vermin;
 - 41.2.5 there is not an accumulation of building waste and materials;
 - 41.2.6 the land is not used for the storage of unregistered motor vehicles; and
 - 41.2.7 noxious weeds are allowed to exist on the land.

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42. Dilapidated Buildings

42.1 The *owner* or occupier of any land must not allow any building or other structure on the land to:

42.1.1 become dilapidated; or

42.1.2 be in a state of disrepair.

43 Circuses, Carnivals and Festivals

43.1 Unless permitted under a *Planning Scheme* a person must not in the *municipal district*, without a *permit*, hold or permit to be held:

43.1.1 a circus;

43.1.2 a carnival; or

43.1.3 a festival-
on any land.

43.2 Clause 43.1 does not apply to the *Council* in respect of any festival it conducts on land in the *municipal district*.

44 Disturbing Noise in Council's Parks and Gardens

44.1 In this clause "Council land" means any land being a reservation, garden or park owned by, vested in or under the management or control of Council.

44.2 A person who is in or on any Council land must not, without a permit use any:

44.2.1 internal combustion generator or like object together with an amplifier or speakers for the purpose of amplifying music or voices;

44.2.2 drum or other form of percussion instrument;

44.2.3 megaphone, loudhailer or other like device;

44.2.4 car radio audible to any person outside the motor car;

44.2.5 device that plays music or videos at a volume that can be heard in a habitable room of a dwelling in the area of the Council land.

44.3 A person who is in or on any Council land must not, without a permit, play or operate any device that produces a sound so that the sound is heard within a habitable room of any dwelling.

44.4 This clause does not apply to any indoor or outdoor venues within the meaning of the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2.

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45 Occasional Events in Council's Parks and Gardens

- 45.1 In this clause "*Council land*" means any land being a reservation, garden or park owned by, vested in or under the management or control of *Council*
- 45.2 In this clause "*occasional event*" means a gathering of 50 or more persons where a sound producing device will be used, including where dancing or the playing or performing of amplified music is the predominant activity (such as a rave or dance party).
- 45.3 A person must not, without a *permit*, conduct an occasional event in Council land.
- 45.4 A person to whom a *permit* has been granted under this clause must comply with any conditions contained in the *permit*.

46 Activities on Council Land

- 46.1 A person must not, without a *permit*, use any *Council land, road or footway* to launch or land a hot air balloon.
- 46.2 Clause 46.1 does not apply to a person who lands on *Council land, road or footway* in a hot air balloon because of an emergency landing.
- 46.3 A person who is on *Council land* must not:
 - 46.3.1 fail to comply with any direction or requirement specified on a sign erected by the *Council* or an *authorised officer*;
 - 46.3.2 behave or carry on an activity which unreasonably interferes with any other person using the *Council land*; or
 - 46.3.3 do any of the following things without a *permit*:
 - 46.3.3.1 fly or permit to be flown any aircraft (including a powered model plane or drone);
 - 46.3.3.2 ride or drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the Council land by another person;
 - 46.3.3.3 light a fire or permit any fire to remain alight except in a barbecue provided by the *Council* or a barbecue using a portable gas bottle;
 - 46.3.3.4 play, organise, practice or engage in any organised competitive sport or game;
 - 46.3.3.5 play or practice golf;
 - 46.3.3.6 construct any line, string, rope or other similar thing to any tree or other object;
 - 46.3.3.7 camp, pitch, erect or occupy any camp, tent, caravan or temporary structure;
 - 46.3.3.8 conduct or celebrate a wedding;
 - 46.3.3.9 make a collection of money;
 - 46.3.3.10 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna; or

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46.3.3.11 stand, walk or run on any plot, bed, border or any other area set aside for vegetation.

47 Heavy Motor Vehicles

47.1 Unless permitted under the *Planning Scheme* applicable to the land, the *owner* or occupier of any land must not, without a *permit*:

47.1.1 keep; or

47.1.2 allow to be kept-

a *heavy motor vehicle* on any land in a residential area.

48 Use of Awnings and Verandahs for Advertising

48.1 Unless permitted under the *Planning Scheme* applicable to the land on which the *building* is located, a person must not, without a *permit*, attach or allow to be attached any:

48.1.1 *advertising sign*; or

48.1.2 *banner, flag, bunting or like decoration*;

to an awning or verandah on a *building* which is not a dwelling.

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PART 16 – BUILDING WORKS AND ASSET PROTECTION

49 Building works

- 49.1 A person must not, without a *permit*, carry out or allow to be carried out, *building work* between the following hours:
- 49.1.1 Before 7am or after 6pm on a Monday to Friday (inclusive);
 - 49.1.2 Before 9am or after 3pm on a Saturday;
 - 49.1.3 on a Sunday; or
 - 49.1.4 on Anzac Day, Good Friday, Christmas Day or the Monday after Christmas Day when Christmas Day is a Saturday or the Tuesday after Christmas Day when Christmas Day is a Sunday.
- 49.2 Clause 49.1 does not apply to:
- 49.2.1 any employee or agent of a permit holder;
 - 49.2.2 any building work required because of an emergency;
 - 49.2.3 any building work which is subject to a permit issued under the Planning and Environment Act 1987 if that permit contains a condition which:
 - 49.2.3.1 restricts the times during which *building work* may be performed; and
 - 49.2.3.2 the condition is more restrictive than clause 49.1; or
 - 49.2.4 any person to whom section 48A(5) of the *Environment Protection Act 1970* applies; or
 - 49.2.5 *building work* which is carried out by an occupier or owner of land being home maintenance.
- 49.3 Where building work is being carried out on any land the owner, the builder, a contractor or appointed agent to carry out the building work must ensure that contaminated water including, run off of chemicals, sediments, concrete, soil, wash down, animal waste or other pollutants does not enter the storm water system from the land or the washing or cleaning of tools or in any other way.
- 49.4 The owner of land on which building work is being carried out (other than minor building work) must ensure that:
- 49.4.1 a facility is provided for refuse and is of a size and construction that adequately contains all refuse;
 - 49.4.2 the refuse facility remains on the land during the period of the building work (other than when required to be emptied);
 - 49.4.3 the facility is not placed on Council land, road or footway without a permit; and
 - 49.4.4 the facility is emptied whenever full, and, if necessary, provide a replacement facility.
- 49.5 During building work, the:
- 49.5.1 *owner* of land on which the *building work* is being carried out;
 - 49.5.2 *builder* engaged to carry out the *building work*; or

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- 49.5.3 *appointed agent-*
must ensure that:
 - 49.5.4 all refuse which requires containment is placed in the refuse facility referred to in clause 49.4;
 - 49.5.5 the refuse is not deposited in or on any land other than in accordance with clause 49.4, and
 - 49.5.6 the *builder's* refuse is not deposited in or over any part of the storm water system.
- 49.6 On any land where building work is being, or has been, carried out, the:
 - 49.6.1 *owner* of the land on which the building work is being or has been carried out;
 - 49.6.2 *builder* engaged to carry out the building work or
 - 49.6.3 *appointed agent-*
must remove and lawfully dispose of all refuse, including refuse in the refuse facility referred to in clause 49.4, within seven (7) days of the completion of the building work or issue of an occupancy permit, whichever occurs last.
- 49.7 The driver of any vehicle involved in placing or removing a facility required by clause 49.4 on or from land must access the land by way of a temporary vehicle crossing.
- 49.8 The:
 - 49.8.1 owner of the land on which the building work is being or is to be carried out;
 - 49.8.2 builder engaged to carry out the building work; or
 - 49.8.3 appointed agent-
 - 49.8.4 must not undertake or carry on any building, engineering or other work necessitating the employment or engagement of persons on the land unless:
 - 49.8.5 a sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system is provided; and
 - 49.8.6 is serviced as required or at least monthly to the satisfaction of Council or an authorised officer.
- 49.9 Clause 49.8 does not apply if:
 - 49.9.1 buildings are being constructed on adjacent land simultaneously by the same person; and
 - 49.9.2 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.
- 49.10 Before commencing any building work on any land, the owner of the land, the builder engaged to carry out building work on the land or the appointed agent must prepare and submit to the Council a waste management plan.
- 49.11 The *Council* or an *authorised* officer may approve a *waste management plan*.

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- 49.12 A person must not carry out any *building work* on any land unless the *waste management plan* prepared under clause 49.10 has been approved under clause 49.11.
- 49.13 Where any *building work* is being carried out on any land, the owner of the land, the *builder* engaged to carry out *building work* on the land and the *appointed agent* must in respect of that *building work*:
- 49.13.1 comply with the *waste management plan* approved under clause 49.11; and
- 49.13.2 ensure that all work is carried out on the land in accordance with the Waste Management Guidelines.
- 49.14 The:
- 49.14.1 owner of the land on which the building work is being or is to be carried out;
- 49.14.2 builder engaged to carry out the building work; or
- 49.14.3 appointed agent- must ensure:
- 49.14.4 that a crane does not exceed the noise limits specified in the *procedure and protocols manual*; or
- 49.14.5 building work carried out on the land does not adversely affect the amenity of the neighbourhood through the emission of noise, dust, odour or other way.
- 49.15 Any building work carried out by an individual who is an owner of residential land, other than an individual who is carrying out building work to develop residential land for sale, who contravenes or fails to comply with a requirement in this Part is liable to an infringement penalty half that specified in Schedule 1.

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PART 17 – WASTE

50 Disposal of Disused Refrigerators and other Compartments

50.1 A person must not place:

a disused refrigerator, an ice chest, an ice box, a trunk, a chest or any other similar article-

with a compartment having a capacity of 0.04 cubic metres or more upon any:

rubbish tip, *Council land*; *road*, *footway*, or other *public place*; or unfenced vacant land-

without having first removed from it every door, lid, lock, catch and hinge attached to a door or lid or rendered every door and lid incapable of being fastened.

50.2 A person must not place a disused refrigerator, an ice chest, an ice box, a trunk, a chest or any other similar article on Council land, a road, footway or other public place unless it is placed during a period designated by Council for the collection of hard rubbish.

51 Household Waste Collection and Storage

51.1 The *Owner* and occupier of *private land* to which *Council* provides a domestic waste collection service must:

51.1.1 use an *approved waste receptacle*;

51.1.2 ensure the lid of the *approved waste receptacle* is closed after refuse is placed in or removed from the receptacle;

51.1.3 keep the *approved waste receptacle* in a clean, and sanitary condition;

51.1.4 ensure the *approved waste receptacle* is kept on the *private land* other than when placed out for collection;

51.1.5 ensure that the *approved waste receptacle* is placed out for collection not more than 24 hours prior the scheduled waste collection and is returned to the *private land* not more than 24 hours after collection;

51.1.6 ensure the approved waste receptacle is placed on the adjacent footpath or nature-strip in accordance with *Council* guidelines unless *Council* or an *authorised officer* directs that the *approved waste receptacle* be placed in another position; and

51.1.7 remove any refuse which has spilled from an *approved waste receptacle* onto any *Council land*, *road* or *footway*.

51.2 The *Owner* and occupier of private land to which Council provides a domestic recycling collection service must:

51.2.1 use an *approved recycling receptacle*;

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- 51.2.2 ensure the lid of the *approved recycling receptacle* is closed after refuse is placed in or removed from the receptacle;
- 51.2.3 keep the *approved recycling receptacle* in a clean, and sanitary condition;
- 51.2.4 ensure the *approved recycling receptacle* is kept on the *private land* other than when placed out for collection;
- 51.2.5 ensure that the *approved recycling receptacle* is placed out for collection not more than 24 hours prior the scheduled waste collection and is returned to the *private land* not more than 24 hours after collection;
- 51.2.6 ensure the *approved recycling receptacle* is placed on the adjacent footpath or nature-strip in accordance with *Council* guidelines unless *Council* or an *authorised officer* directs that the *approved recycling receptacle* be placed in another position; and
- 51.2.7 remove any material which has spilled from an *approved recycling receptacle* onto any *Council land, road or footway*.
- 51.3 The *owner* or occupier of any land must not, without a permit, place out for collection more than one (1) waste receptacle or recycling receptacle.
- 51.4 A person must not place an *approved waste receptacle* or *approved recycling receptacle* out for collection which has a gross weight of more than 72 kilograms.
- 51.5 A person must not place any waste or other material in an *approved waste receptacle* or *approved recycling receptacle* that prevents the lid of the receptacle being closed.
- 51.6 A person must not place out for collection any *approved waste receptacle* or *approved recycling receptacle* or hard rubbish so as to cause a hazard to a pedestrian, vehicle or person.
- 51.7 An occupier of any land must ensure that any area where an *approved waste receptacle* or an *approved recycling receptacle* is kept is maintained in a clean and sanitary condition.
- 51.8 An occupier of any land must not:
 - 51.8.1 use; or
 - 51.8.2 permit to be used-
an *approved waste receptacle* or an *approved recycling receptacle* for any purpose other than the deposit of relevant waste in accordance with this Local Law.
- 51.9 A person must not damage or destroy an *approved waste receptacle* or an *approved recycling receptacle*.
- 51.10 An occupier of *private land* must comply with any requirements for the placement of an *approved waste receptacle* or an *approved recycling receptacle* specified in the *procedure and protocols manual*.

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52 Hard Rubbish and Green Waste Collection

- 52.1 If *Council* or an *authorised officer* has given public notice that a hard rubbish or green waste collection will be made or *Council* or an *authorised officer* has arranged to collect any hard rubbish left out for collection by a person, any hard rubbish or green waste to be collected must be left for collection in a neat, tidy, safe and orderly manner, and in accordance with the *Council's* or the *authorized officer's* directions.

53 Interference with waste

- 53.1 A person must not, unless authorised:
remove or interfere with any waste placed out for collection in an *approved waste receptacle* or *approved recycling receptacle* or hard rubbish.

54 Storage of Trade Waste

- 54.1 The owner or occupier of any land must ensure that any *trade waste hopper* kept on the land is constructed and maintained in accordance with any requirements specified in the *procedure and protocols manual*.
- 54.2 A person must not collect any *trade waste* from any *trade waste hopper* before 7am or after 8pm Monday to Saturday and before 9 am or after 8pm on any Sunday and public holidays.

55 Storage Site for Trade Waste

- 55.1 The *owner* of any land must, if directed by *Council* or an *authorised officer*, comply with any direction.
- 55.2 *Council* or an *authorised officer* may direct an *owner* of land to carry out work where a *trade waste hopper* is kept:
- 55.2.1 to have a floor of an impermeable surface;
 - 55.2.2 is drained to an outlet approved by the *Council* or an *authorised officer*;
 - 55.2.3 is supplied with water from a tap and hose; and
 - 55.2.4 is maintained in a clean and sanitary condition.

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56 Trade Waste Hoppers and Noise

- 56.1 A person must not place a *trade waste hopper* on a *road* or Council land for longer than is practicably required for the emptying of the *trade waste hopper*.
- 56.2 A person must not place a *trade waste hopper* which may cause an:
- 56.2.1 obstruction; or
 - 56.2.2 danger –
to any person on a *road* or *Council land*.
- 56.3 An occupier of land that uses a *trade waste hopper* must ensure the lid of the *trade waste hopper* is closed at all times.
- 56.4 An occupier of land that uses a *trade waste hopper* must repair any damage, caused by the placing or emptying of the trade waste hopper, to any vehicle crossing, *road*, *footway*, kerb or drain
- 56.5 A person must not without a permit, deliver or collect goods or provide a service to a commercial enterprise or allow a refrigeration unit mounted on a *vehicle* to run:
- 56.5.1 After 10 pm on any day;
 - 56.5.2 Before 7 am on a Monday to Saturday (inclusive); and
 - 56.5.3 Before 9 am on a Sunday or Public Holiday

57 Screening of Bins and Hopper

- 57.1 The *Council* or an *authorised officer* may, by notice in writing, direct the *owner* or occupier of any land to install, repair, replace or modify a fence or other means of screening an *approved waste receptacle*, *approved recycling receptacle*, other receptacle or *trade waste hopper* from public view if the *approved waste receptacle*, *approved recycling receptacle*, other receptacle or *trade waste hopper* is unsightly, dangerous or detrimental the amenity of the neighbourhood.
- 57.2 A person must comply with a notice issued to him or her under clause 57.1 within any time specified in the notice.

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PART 18 – ANIMALS AND BIRDS

58 Application of Part 18

58.1 This Part does not apply to any land:

- 58.1.1 on which a registered domestic *animal* business is located; or
- 58.1.2 on which an animal hospital or veterinary practice is located; or
- 58.1.3 on which an animal educational facility is located; or
- 58.1.4 if the use of the land for this purpose is permitted under the Planning Scheme applicable to the land.

59 Keeping of Domestic Animals

59.1 Unless permitted under the *Planning Scheme* applicable to the land, a person must not, without a *permit*, keep or allow to be kept on any land, other than a flat or unit, any more of each species or group of *animals* and birds specified in the following table.

Permitted Animals and Birds on Properties other than Flats and Units

Type of Animal	Maximum Allowed
Dogs (over three (3) months old)	2
Cats (over three (3) months old)	2
Poultry other than those specified below	0
Roosters,	0
peafowl or guinea fowl, pheasants, turkeys, ducks and geese	0
Chickens	5
Domestic Birds – caged non-poultry	15
Farm animals	0
Ferrets	2
guinea pigs, rabbits, rats or mice	4 (in total)

59.2 Unless permitted under the *Planning Scheme* applicable to the land, a person must not, without a *permit*, keep an *animal*, bird, reptile or bees of a species not listed in the table in clause 59.1 on any land, other than a flat or unit.

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- 59.3 Unless permitted under the *Planning Scheme* applicable to the land on which a flat or unit is located a person must not, without a *permit*, keep or allow to be kept in a flat or unit any more of each type or group of *animals* or birds than is stated in the following table.

Permitted Animals and Birds in Flats and Units

Type of Animal	Maximum Allowed
Dogs (over three (3) months old)	1
Cats (over three (3) months old)	1
All Poultry including those specified below	0
Chickens, roosters, pheasants, peafowl or guinea fowl, turkeys, ducks and geese	0
Domestic Birds – caged non-poultry	2
Farm animals	0
Ferrets, guinea pigs, rabbits, rats or mice	2 (in total)

- 59.4 Unless permitted under the Planning Scheme applicable to the land on which the flat or unit is located, a person must not, without a permit, keep any animal, bird, reptile or bees of a species not listed in the table in clause 59.3 in a flat or unit.

60 Keeping of Animals and Birds

- 60.1 An occupier of land must ensure that any structure, cage or run used for housing an animal or bird is maintained in a clean and sanitary condition.
- 60.2 An occupier of land must ensure that any land on which an animal or bird is kept is kept free from refuse, rubbish and other material which harbours or may harbour vermin.
- 60.3 An occupier of land must ensure that all food for consumption by an animal or bird is kept or stored in a vermin and fly-proof receptacle.
- 60.4 An occupier of land must ensure that all manure, excrement, refuse or rubbish associated with the keeping of an animal or bird is removed and placed in a container suitable for the containment of the manure, excrement refuse or rubbish so that it does not detrimentally affect the amenity of the area.

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60.5 A person must not keep or allow to be kept on any land a structure for the housing of poultry or pigeons (including any pen, compound or yard attached to a poultry yard or pigeon loft):

60.5.1 within the front setback to the street or the side setback to a side street (excluding a lane);

60.5.2 within a distance of two (2) meters from the boundary of any adjoining land in separate ownership or occupation; and

60.5.3 within three (3) meters from any dwelling on any adjoining land in separate ownership or occupation.

61 Feeding of Animals and Birds

61.1 A person must not feed or leave food for an animal or bird in a public place.

61.2 Nothing in clause 61.1 applies to any person feeding or leaving food for an animal that is:

61.2.1 registered under the Domestic Animals Act 1994; and

61.2.2 under the effective control of that person.

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PART 19 – MANAGEMENT OF DRAINS

62 Maintenance of Drains

62.1 An *owner* or occupier of *private land* must ensure that a drain which is located on the *private land* is maintained and not in disrepair.

63 Tapping into Drains

63.1 A person must not, without a permit, destroy, damage or tap into any drain vested in Council.

64 Building over Drains

64.1 An owner or occupier of any land must not without a permit or the written agreement of the Council:

64.1.1 build anything; or

64.1.2 cause or allow anything to be built-

over a drain, sewer, watercourse or associated infrastructure that is vested in the *Council* or another *public authority* or over any easement existing for the benefit of the *Council*.

64.2 Nothing in clause 64.1 applies to any person who:

64.2.1 builds anything; or

64.2.2 causes or allows anything to be built-

64.2.3 over a drain, or sewer, watercourse or associated infrastructure easement in accordance with any building approval given under the Building Act 1993.

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PART 20 – OPEN AIR BURNING AND INCINERATORS

65 Fires

- 65.1 A person must not, without a *permit*, in the open air light or allow to be lit a fire unless the fire is in a purpose-built or constructed barbeque for the purpose of cooking food, a purpose built or constructed pizza oven or other oven for the purpose of cooking food or in a chiminea.
- 65.2 Clause 65.1 does not apply to a person using a tool of trade whilst using that tool for the purpose for which it is to be used.
- 65.3 A person must not use an incinerator or allow an incinerator to be used on private land.

66 Extinguishing Fires

- 66.1 A person who has lit or allowed a fire to remain alight contrary to this Part, or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by:
- 66.1.1 an *authorised officer*;
- 66.1.2 a member of the Victoria Police acting in the course of his or duties; or
- 66.1.3 an employee of the Metropolitan Fire Brigade acting in the course of his or duties.
- 66.2 If an authorised officer reasonably suspects that a person has contravened any clause in this Part may direct a person to immediately extinguish any fire.

67 Nuisances

- 67.1 A person must not burn or cause or permit to be burned:
- 67.1.1 any substance in the open air, if the burning of the substance will, or is likely to, cause a nuisance, be dangerous to health or any person or be offensive to any person; or
- 67.1.2 any rubber, plastic, waste petroleum, oil, or waste petroleum oil, paint or receptacle which contains or did contain paint, manufactured chemical, pressurized can, textile fabric or food waste.

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PART 21 – ADMINISTRATION AND ENFORCEMENT

68 Impounding

- 68.1 An *authorised officer* may seize and impound anything which is, has been or is being used or possessed in contravention of this Local Law.
- 68.2 Where anything has been impounded under this Local Law, the Council or an authorised officer must, if it is practicable to do so, serve notice of impounding personally or by mail on the person who appears to be the owner of the impounded thing.
- 68.3 An impounded thing must be surrendered to its owner or a person acting on behalf of its owner (who provides evidence to the satisfaction of an *authorised officer* of his or her authority from the owner)-
if:
- 68.3.1 evidence to the satisfaction of the *authorised officer* being provided of the owner's right to the thing; and
 - 68.3.2 payment of any fee determined by the Council or an authorised officer from time to time.
- 68.4 If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of the notice of impounding being served or, if no notice impounding has been served, of the act of impounding, Council may:
- 68.4.1 sell;
 - 68.4.2 give away;
 - 68.4.3 destroy-
- the impounded thing.

69 Permits and Public Space Licence Agreements

- 69.1 A person who makes an application for a permit must:
- 69.1.1 lodge with *Council* or an *authorised officer* an application in a form prescribed by *Council* or an *authorised officer*; and
 - 69.1.2 pay the appropriate application fee.
- 69.2 Council or an authorised officer may require an applicant to provide additional information before further considering an application for a permit.
- 69.3 Council may require a person applying for a permit to give public notice of the application and entitle any person to make a submission.
- 69.4 Subject to clause 69.5 the Council or an authorised officer in its, his or her absolute discretion may issue a permit with or without conditions or refuse to issue a permit.

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- 69.5 An authorised officer may not issue or enter into a Public Space Licence Agreement for any semi-permanent or permanent structure located or to be located on land classified in the Planning Scheme as a Public Park and Recreational Zone or a Public Conservation and Resource Zone unless the Council has authorised the issue of Public Space Licences for such structures on that land by resolution passed at an ordinary meeting of Council.
- 69.6 The Council must keep a register of permits.
- 69.7 A permit expires on the date specified in the permit or if no such date is specified one (1) year after the date of issue.
- 69.8 In deciding to grant a permit, Council may require the applicant to lodge with Council a security bond in an amount and in a manner as Council or an authorised officer considers reasonable in the circumstances.
- 69.9 Council may;
- 69.9.1 use any security bond to remedy a breach of a condition of a permit or contravention or failure to comply with the Local Law;
 - 69.9.2 release any security bond upon the satisfactory completion of any activity authorised by the permit.
- 69.10 If after 12 months, from the date on which the release of the security bond may be released, Council cannot locate the person entitled to the security bond or remaining security bond, Council may retain the security bond or remaining security bond and pay the money into its general revenue.
- 69.11 Council may by resolution, from time to time, determine fees for the purposes of this Local Law, and:
- 69.11.1 in determining any fees and charges, 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; and
 - 69.11.2 may waive, reduce or alter a fee with or without conditions.

70 Considering Applications

- 70.1 In considering an application for a permit the Council or an authorised officer may consider:
- 70.1.1 any policy or guideline adopted by the Council or anything contained in the *procedure and protocols manual* relating to the subject matter of the application for the permit;
 - 70.1.2 any submission that may be received in respect of the application;
 - 70.1.3 any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and
 - 70.1.4 any other relevant matter.

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71 Correction of Permit

71.1 The Council or an authorised officer may correct a permit issued if the permit contains:

71.1.1 a clerical mistake or an error arising from any accident, slip or omission; or

71.1.2 an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the *permit*.

71.2 The Council or the authorised officer must note the correction in the register of permits.

72 Grounds for Cancellation of or Amendment of Permits

72.1 The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been:

72.1.1 a material misstatement or concealment of facts in relation to the application for a *permit*;

72.1.2 any material mistake in relation to the issue of the permit;

72.1.3 any material change of circumstances which has occurred since the issue of the permit;

72.1.4 a failure to comply with the conditions of the permit was issued; or

72.1.5 a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.

72.2 The Council or the authorised officer must notify the holder of a permit of the Council's or authorised officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.

72.3 If the Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or authorised officer must note that cancellation or amendment in the register of permits.

73 Exemptions

73.1 Council or an authorised officer may, by written notice, exempt any person or class of persons from the requirement to obtain a permit, either generally or at specified times.

73.2 Any person or class of persons, specified in the *procedure and protocols manual* may be exempt from the requirement to obtain a permit.

73.3 Council or an authorised officer may, require an applicant to provide additional information before dealing with an application for an exemption.

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73.3 An exemption from the requirement to obtain a permit may be granted subject to conditions.

73.4 A person must comply with the conditions of an exemption from the requirement to obtain a permit.

74 Notices to Comply

74.1 If an authorised officer reasonably believes that a person has contravened or failed to comply with the Local Law, the authorised officer may issue to the person a written notice to comply, requiring that person to stop contravening or to comply with the Local Law or to remedy any contravention or failure.

74.2 A notice to comply must include:

74.2.1 the name of the person or if not know the statement “the owner” or “the occupier”;

74.2.2 the clause of the Local Law contravened or failed to comply with;

74.2.3 the action required;

74.2.4 the time for compliance;

74.2.5 the date on which it is issued; and

74.2.6 the authorised officer’s name or Council identification number.

74.3 The time required by a notice to comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:

74.3.1 the amount of work involved;

74.3.2 the degree of difficulty;

74.3.3 the availability of necessary materials or other necessary items;

74.3.4 climatic conditions;

74.3.5 the degree of risk or potential risk; and

74.3.6 any other relevant factor.

74.4 A person must comply with a notice to comply.

74.5 If a person does not comply with a notice to comply, Council or an authorised officer or any employee or any other person authorised in writing by Council or an authorised officer, may enter upon any private land or public land on which there is any such failure to comply and do all acts, matters or things that are required to comply with the notice to comply.

74.6 All costs and expenses including any administration fee incurred by council in carrying out any acts, matters or things are a debt due to Council from the person on whom the notice to comply was issued.

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75 Appeals

- 75.1 A person may request Council or an authorised officer to review an order, direction or notice issued in relation to him or her under this Local Law.
- 75.2 If a request for review has been made, the person requesting the review must do everything practicable to co-operate in the prompt and speedy review of the order, direction or notice.

76 Urgent Circumstances

- 76.1 Council or an authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or which Council or the authorised officer considers necessary to prevent any danger to the environment or any nuisance arising, without serving a notice to comply, provided that:
- 76.1.1 the circumstance arises out of a person's use of *Council land*, a recreational reserve, a municipal building, a *road* or *footway* or failure to comply or contravention of a clause of this local law;
- 76.1.2 Council or the authorised officer considers the circumstance to be sufficiently urgent and that the time necessary to serve, or the potential difficulty in serving a notice to comply may place the person's life, health or property, or the animal, or the environment at risk or in danger of substantial detriment;
- 76.1.3 the action taken is no more than the minimal reasonably necessary to remedy the urgent circumstance; and
- 76.1.4 the person on whom a notice to comply would have been issued is notified of the urgent circumstance and action taken to remedy it as soon as possible.

77 Offences

- 77.1 A person who:
- 77.1.1 contravenes or fails to comply with any provision under this Local Law; or
- 77.1.2 contravenes or fails to comply with any condition contained in a permit; or
- 77.1.3 contravenes or fails to comply with a notice to comply; or
- 77.1.4 fails to comply with a direction of an authorised officer-
is guilty of an offence and is liable to:
- is guilty of an offence and is liable to:
- 77.1.5 the penalty stated under a provision, or if no penalty is stated then twenty (20) penalty units;

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- 77.1.6 a further penalty of two (2) penalty units for each day after conviction during which the contravention continues; and
- 77.1.7 upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply.
- 77.2 As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 78.
- 77.3 A person who is found guilty of an offence under this Local Law must pay Council all reasonable costs incurred by Council in remedying the contravention or failure.

78 Infringement Notices

- 78.1 If an authorised officer reasonably believes that a person has committed an offence against this Local Law, the *authorised officer* may issue and serve on that person an infringement notice as an alternative to a prosecution for that offence.
- 78.2 The penalties fixed for infringement notices are set out in Schedule 1, or if no penalty is fixed, the penalty is two (2) penalty units.

79 Delegation

- 79.1 In accordance with section 114 of the Act, Council delegates to:
 - 79.1.1 the *Chief Executive Officer* and to each *authorised officer* the powers, discretions and authorities of *Council* under this Local Law including the powers and discretions to issue or refuse *permits*, fix conditions and durations relevant to such *permits*, cancel *permits*, require additional information, apply guidelines or policies of *Council*, waive the need for any *permit*, waive, fix or reduce fees or charges, issue any notice to comply, or to do any act matter or thing necessary or incidental to the exercise of any function or power of Council.
- 79.2 Nothing in clause 79.1 prevents Council from revoking any delegation to any member of Council staff or from delegating any or any other duty imposed or function or power conferred by this Local law to any member of Council staff.

Attachment 2 - Proposed General Local Law - Attachment 2**SCHEDULE 1****Infringement Notice value and Court penalty for contravention of this Local law****(All values expressed in Penalty Units)**

Clause	Description of Offence	Infringement Notice	Court penalty
10.1	Obstructions and Hazards Advertising sign or other object obstructing council land or views	3	20
10.2	Bulk rubbish container or other thing on road	3	20
10.3	Place or pick up bulk rubbish container after hours	3	20
11.2	Fencing vacant land Fail to comply with direction	5	20
12.2	Securing dilapidated land Fail to comply with direction	5	20
13.1	Vehicle crossings Construct vehicle crossing without permit	5	20
13.4	Fail to make application to Council	3	20
13.7	Carry out work without a permit	5	20
13.8	Fail to repair damage	10	20
13.10	Fail to comply with notice	5	20
15.3	Failure to collect a shopping trolley	3	20
16.3	Fail to collect and dispose animal excrement	5	20
16.4	Allow excrement to remain	5	20
19.3	Commercial fitness activities Conduct activity in recreational reserve	5	20
19.4	Conduct activity in contravention of a condition	3	20
19.5	Conduct activity in an exclusion zone	5	20
20.1	Commercial dog walkers Fail to have a permit	5	20
20.2	Fail to produce a permit, no effective control, more than 4 dogs	5	20
21.1	Damage Council assets Damage to Council asset	10	20
22.1	Occupation of Council land Occupy Council land without a permit	10	20
23.1	Occupation of roads for filming No filming permit	10	20
24.1	Occupation of roads or Council land Fail to have a permit	10	20

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Clause	Description of Offence	Infringement Notice	Court penalty
25.1.5	Asset Protection Permit Fail to have a permit	10	20
25.1.6	Breach of condition	10	20
25.1.7	Fail to pay an asset protection permit bond	10	20
26.1	Street Signs, Goods and Furniture Display of sign, goods or furniture on road / footway without a permit	5	20
26.4	Failure to remove sign, goods or furniture from road / footway when directed by Authorised officer	5	20
26.5	Failure to remove semi-permanent or permanent structure from road / footway when directed by Authorised Officer	5	20
26.6	Failure to remove for lease sign	5	20
27.1	Persons selling goods Selling any goods from road / footway without a permit	4	20
27.3	Without a permit, selling goods carried about on person, animal or vehicle. (Selling on road / footway / door to door)	5	20
28	Street collectors Street collection without a permit	5	20
31.1	Spoils on Roads Driving a commercial / trade vehicle with muddy / soiled wheels and tyres	10	20
31.2	Driving a commercial / trade vehicle and allowing spoils to fall onto road	10	20
31.3	Whilst cleaning a commercial / trade vehicle, allowing grease, oil, clay etc. to run, onto the road or into a drain	10	20
32.1	Repair and Display of Vehicles Repairing, or in the course of a business, displaying a vehicle for sale from road or footway etc.	5	20
33.1	Noisy Vehicles Leaving a stationary (heavy) vehicle's motor running for longer than 5 minutes (warm up and cool down) Permitting a refrigeration unit mounted on a vehicle to operate between 7:00pm and 7:00am, in designated planning zones	5	20
34.1/2	Safety Failure to maintain a safe work site (or vehicle) on or adjacent to a road or Council land	5	20

Attachment 2 - Proposed General Local Law - Attachment 2

Clause	Description of Offence	Infringement Notice	Court penalty
36.1	Parking Permits Offence to sell, give away or rent a Vehicle Parking Permit	5	20
37.1	Offence to accept or to use a permit where not the Vehicle Parking Permit Holder	5	20
38.1	Offences relating to falsification of Vehicle Parking Permits	5	20
39.1	Significant tree Remove, damage, destroy or lop significant tree	10	20
39.4	Owner of land on which significant tree removed, damaged, destroyed or lopped	10	20
40.1	Use of land Use land for materials recycling	10	20
40.2	Use land to repair or service vehicle	10	20
40.3	Caravan, tent etc. on land	5	20
40.4	Occupy caravan, tent etc. on land	5	20
41.1	Unightly land Cause or allow land to be kept in an unsightly condition	10	20
41.2	Not ensure land kept in certain condition	10	20
42.1	Dilapidated buildings Owner of dilapidated building	5	20
43.1	Circuses, Carnivals and Festivals Fail to have a permit	10	20
44.2	Disturbing noise in council's parks and gardens Fail to have a permit	5	20
44.3	Produce sound heard in a habitable room without a permit	3	20
45.3	Occasional Events Occasional event without a permit	5	20
45.4	Fail to comply with a permit condition	3	20
46.1	Activities on Council land Launch or land hot air balloon without a permit	5	20
46.3	Activities on Council land contrary to local law	5	20
47.1	Heavy Motor vehicle Keep heavy motor vehicle on land without a permit	5	20
48.1	Use of awnings for advertising Use awning and veranda for advertising without a permit	10	20

Attachment 2 - Proposed General Local Law - Attachment 2

Clause	Description of Offence	Infringement Notice	Court penalty
49.1	Building works Building work carried out side of hours	10	20
49.3	Contamination of storm water system	10	20
49.4	No refuse facility and/or fail to comply with requirements	10	20
49.5	Control of refuse	10	20
49.6	Fail to remove refuse	10	20
49.7	Access to land other than authorised	10	20
49.8	No toilets	10	20
49.10	Fail to submit waste management plan	10	20
49.12	Carry out building work prior to approval of waste management plan	10	20
49.13	Fail to comply with waste management plan	10	20
49.14	Exceed noise limit or other nuisance	10	20
50.1	Disposal of refrigerators and compartments Disposal of refrigerator, ice chest etc. in a dangerous manner	10	20
50.2	Disposal of refrigerator, ice chest etc. on Council land	10	20
51.1	Household waste collection Failure to comply with waste collection requirements	5	20
51.2	Failure to comply with recycling collection requirements	5	20
51.3	More than one waste or recycling receptacle	5	20
51.4	Over weight	5	20
51.5	Lid unable to be closed	5	20
51.6	Creating hazards	5	20
51.7	Fail to maintain a clean and sanitary condition	5	20
51.8	Use receptacle other than for waste	5	20
51.9	Damage or destroy receptacle	5	20
51.10	Fail to comply with requirements of procedure and protocols manual	5	20
52.1	Hard rubbish and green waste collection Fail to comply with requirement	5	20
53.1	Interference with waste Interfere with waste	5	20
54.1	Storage of trade waste Fail to comply with procedure and protocols manual	10	20

Attachment 2 - Proposed General Local Law - Attachment 2

Clause	Description of Offence	Infringement Notice	Court penalty
54.2	Collection outside of hours	10	20
55.1	Screening of bins and hoppers Fail to comply with direction	10	20
56.1	Trade waste hoppers and noise Leave out on road	10	20
56.2	Cause an obstruction	10	20
56.3	Lid not closed	10	20
56.4	Fail to repair damage	10	20
56.5	Cause noise outside of hours	10	20
57.2	Screening of bins and hopper Fail to comply with a notice	5	20
59.1/2	Animals and birds in dwellings No permit	5	20
59.3/4	Animals and birds in flats and units No permit	5	20
60.1/2/ 3/4/5	Keeping of animals and birds Fail to comply with requirements for housing	5	20
61.1	Feeding animals and birds in a public place Feeding animals or birds in a public place	5	20
62.1	Maintain drains Fail to maintain a drain	5	20
63.1	Tapping into drains Tap into a drain without a permit	5	20
64.1	Building over drains Build over a drain without a permit	5	20
65.1	Open air fires No permit	10	20
66.1	Extinguish fire Fail to extinguish fire	10	20
67.1	Nuisances Cause nuisance	10	20
74.4	Notice to comply Fail to comply with a notice to comply	10	20
77.1.2	Offences Fail to comply with conditions of a permit	5	20
77.1.4	Offences Fail to comply with direction of authorised officer	5	20

11.4 Yarra Active Ageing Advisory Group Membership

Trim Record Number: D16/41779

Responsible Officer: Director Community Wellbeing

Purpose

1. To inform Council that a public Expression of Interest process has been completed, as required, to recruit new members for the third term of the Yarra Active Advisory Group ("AAAG").
2. To seek Council's endorsement of the proposed new members.

Background

3. In 2007 when Council adopted its first River of Life Positive Ageing Action Plan ("the Plan"), it resolved to establish the AAAG.
4. The AAAG is a community committee representing interests of older people living in Yarra. The Terms of Reference state that the AAAG will provide advice and support to Council regarding the following matters:
 - (a) development of policy and programs impacting on the lives of older people in Yarra, by Council and non-government organisations;
 - (b) the needs, interests and well-being of Yarra's older people;
 - (c) the integration of Age Friendly planning into the core planning activities of Council, including social, infrastructure, corporate, recreation, leisure, physical, open space, asset management and statutory planning;
 - (d) monitoring and guidance of the implementation of the River of Life Positive Ageing Action Plan; and
 - (e) promotion of positive portrayals of older people and Yarra as an inclusive community.
5. The term of appointment is for four years, with provision for members to retire each two years. Retiring members may re-nominate at the conclusion of the four year term.
6. In line with the Terms of Reference and the requirements of Council in advertising vacancies on community advisory committees, the community was notified of the EOI process as follows:
 - (a) an advertisement was placed in the local Leader newspaper;
 - (b) notifications were placed on Council's website and twitter feed;
 - (c) emails were issued via Council to its contacts network which includes seniors, U3A, Historical Societies, Neighbourhood Houses and information in libraries; and
 - (d) advice was provided to current members of the AAAG whose initial term of appointment had expired.
7. Nominations were open from the 29 January to 10 March 2016. Due to several retirements occurring during the current term of the AAAG, only one member was eligible to continue, while three existing members were eligible to re-nominate.
8. At a recent meeting Council resolved, following receipt of a Delegates Report to increase the membership from six to up to eight members. Therefore seven vacancies currently exist. Following completion of the nomination period, seven nominations were received.
9. Council sought applicants who could demonstrate their:
 - (a) capacity to consult and represent a wide range of views;
 - (b) understanding of the needs of older people from diverse backgrounds;

- (c) ability to work with Council to inform stakeholders of activities, outcomes and achievement of AAAG;
 - (d) capacity to analyse information and advice on issues affecting older people;
 - (e) strong knowledge of issues facing older people now and into the future; and who
 - (f) live, work or study in the City of Yarra.
10. Nominations were also sought from residents who reflect the diversity of Yarra, including:
- (a) different cultural and linguistic background; and
 - (b) Gay, Lesbian, Bisexual, Trans and Intersex (GLBTI) background.
11. The Terms of Reference state that:
- (a) members will not be appointed as representatives of particular interest groups, regardless of whether that interest group has nominated them as members, nor are members expected to represent the specific view or be accountable to any organization;
 - (b) members are chosen because of their individual knowledge, networks and abilities and their ability to represent a wide and diverse range of experience, expertise, networks and interests relevant to older people; and
 - (c) it is expected that where possible, all members attend AAAG meetings for the duration of each, and participate in AAAG Working Groups as agreed. This may include providing input into specified projects. Although not appointed as representatives of specific organisations, AAAG members are expected to provide feedback on the work of the AAAG within their networks.
12. The Selection Panel (“the Panel”) comprised Cr Amanda Stone, Chair AAAG, Rosemarie Speidel, current member of AAAG, Adrian Murphy, Manager Aged & Disability Services and Fran Moloney, Coordinator Community Development.
13. Applications were assessed individually against the above criteria (paragraph 9) and the Panel then reviewed the overall mix and potential membership. This resulted in further information being sought regarding two new nominees to further clarify their capacity to represent a broad range of views and the nature of their community networks.
14. In addition, one nominee works at a Neighbourhood House that is located outside the municipal boundary (Alphington Community Centre) and while the Terms of Reference state that members must live, work or study in the City of Yarra, the Panel is of the view that given this Neighbourhood House supports many Yarra residents and Council recognizes this alignment through the provision of support to the Neighbourhood House, it is reasonable to consider this nominee.
15. The Panel was generally pleased with the diversity of knowledge, skills and community representation reflected in the applications. Subject to Council approval, the new AAAG would see four new members joining with four existing members. This should offer strong continuity while also introducing new members with direct links to the Yarra Men’s Shed; a Neighbourhood House and the Yarra U3A.
16. The nomination process did not result in strong interest being shown from older members of Yarra’s CALD community; there was only one male nominee and geographically, not all areas across Yarra are represented. The Terms of Reference do not mandate gender or geographical requirements. They do however encourage representation from the CALD community. Further consideration of CALD representation issues are considered in paragraphs 23 to 26 of this report.

External Consultation

17. The promotion of the nomination process for AAAG is detailed in paragraph 6 of this report.

Internal Consultation (One Yarra)

18. The Governance Unit and Communications Unit provided advice on the requirements of the public EOI process.

Financial Implications

19. There are no financial implications associated with this report.

Economic Implications

20. There are no economic implications associated with this report.

Sustainability Implications

21. The membership has been chosen to best advise Council on older person's issues, and support the implementation of the Yarra River of Life Positive Ageing Action Plan.

Social Implications

22. The membership has been chosen to reflect the social diversity of the Yarra community from the nominations received.

Human Rights Implications

23. The AAAG plays an important role in representing the issues facing older people and supporting Council in its planning and advocacy roles. Continuing to support the AAAG demonstrates Council's commitment to human rights and to ensure that the voices of older people are heard.

Communications with CALD Communities Implications

24. The current AAAG included two residents from CALD backgrounds and whose first language was not English. Interpreters were engaged to support all AAAG members with effective communication at meetings. Over the current term, it became evident that it was difficult within a formal group setting to establish effective communication between all members.
25. Prior to the Expression of Interest process, the AAAG discussed this challenge and proposed that should CALD representation on the AAAG continue to be problematic, alternative approaches such as attending CALD groups to participate in local community discussions should be trialled. Other options that could assist in ensuring diverse views are heard (and included in the Terms of Reference) include the option to establish specific work groups and encourage observers from different CALD groups to attend meetings from time to time.
26. At the point of commencing the nomination process, Officers held discussions with two current CALD members to discuss their ongoing participation on the AAAG, their engagement satisfaction and involvement on the Group.
27. Both representatives expressed concern with their ability to attend meetings because of time limitations and the challenge of contributing to meeting discussions through the use of interpreters and translations. After discussion both representatives felt it would be best to trial specific CALD group discussions, at Group venues, on issues relevant to AAAG and older residents.

Council Plan, Strategy and Policy Implications

28. The facilitation of AAAG represents a specific action within the Yarra River of Life Positive Ageing Action Plan and the membership proposed has been chosen to best assist Council in the implementation of the Plan.

Legal Implications

29. There are no legal implications associated with this report.

Other Issues

30. Nil

Options

31. Seven applications were received for the seven vacant positions. The Panel has reviewed and assessed the applicants based on their skills, knowledge, experience and ability to represent and assist Council to engage with the community.
32. Officers recommend Council support the appointment of the seven nominations received to join the one existing non-retiring member to establish a committee of eight, together with a Councillor Chairperson. The AAAG would effectively have four existing and four new members. It would include new members who are engaged with a Neighbourhood House; U3A and Men's Shed. In terms of CALD representation, it is proposed that this representation is pursued through special engagement with groups, such as attending group meetings and conducting specific consultation sessions.

Conclusion

33. The Selection Panel have undertaken a public EOI process to recruit new members to the AAAG in accordance with the Terms of Reference and Council's requirements relating to community advisory committees.
34. The community responded with seven nominations for seven vacant positions. A diversity of interests and skills is apparent in the nominees proposed for AAAG membership. Continuing to support the AAAG will maintain a strong and active committee to represent the interests of older Yarra residents.

RECOMMENDATION

1. That:
 - (a) Council appoint the following persons to the seven vacant community member positions on the Yarra Active Ageing Advisory Group:
 - (i) _____;
 - (ii) _____;
 - (iii) _____;
 - (iv) _____;
 - (v) _____;
 - (vi) _____;
 - (vii) _____.
 - (b) officers take action to support the AAAG in engaging with community representatives from CALD groups to ensure their views and interests are represented; and
 - (c) all persons who nominated be thanked for their interest and receive formal correspondence advising of the Council decision.

CONTACT OFFICER: Adrian Murphy
TITLE: Manager Aged and Disability Services
TEL: 9205 5450

Attachments

There are no attachments for this report.

11.5 Collingwood Women's Mural

Trim Record Number: D16/59606

Responsible Officer: Director Community Wellbeing

Purpose

1. To provide Council with a report outlining the response to the recent vandalism on the Collingwood Women's Mural in Smith Street.

Background

2. The mural From Bonbonniere to Barb Wire, more commonly known as the Women's Mural is credited to artists Megan Evans and Eve Glenn. Painted in 1986 by hand largely by the two artists and their helpers, the mural is a large scale representation of women from the local area.
3. The mural is painted in situ on a number of board panels that was attached to the wall of the former Gas and Fuel depot.
4. The mural was funded by a number of sources including the State Government arts funding body of the time, as well as sponsors and philanthropy.
5. After 30 years, there is some confusion about who is the owner of the mural and therefore, under whose care it lies. There have been suggestions that the life of the mural was intended to be 2 years and that the former City of Northcote is the owner. Nevertheless the mural has withstood time and weather.
6. However the mural was brought to prominence by a recent act of vandalism, in which the mural was "capped" with large letters spelling NOST, which covered a large portion of the original mural.
7. This act has brought the mural into public attention and debate and two submissions were made to Council seeking Council intervention and direction. Social media attention also demonstrated significant interest in the site.
8. Whilst the ownership of the mural is unclear and the site is owned by the State Government, Council has taken some action to manage the site that is dictated by our graffiti management framework as well as taking a lead in liaising with relevant organisations and consulting with the artists Megan Evans and Eve Glenn about their wishes for the future of mural.
9. The artists requested in-kind Council support to enable them to respond to the initial vandalism. This was provided and the response coincided with International Women's Day, according to the wishes of the artists.
10. Council provide traffic management support, secured permissions from relevant authorities and provide materials to enable the artists to undertake their intervention. The artists see this as their final interaction with the original mural on the site.
11. Officers have also been in consultation with the artists about their wishes for the mural in the future.
12. All parties agree that any restoration of the current mural is impracticable given the scale and materiality of the mural and the future of the site being fluid.
13. The State Government has planned forthcoming community engagement for the development of the former Gas and Fuel depot site and Officers have brought to their attention the significance of the mural that is currently on the site. It is hoped that the themes of celebrating and profiling diverse women in our community could be incorporated in any future developments on the site.
14. The artists are pursuing other lines of resurrecting the mural in discussions with a number of stakeholders, but wish for the details of this to remain confidential until it is realised.

15. The artists are interested in pursuing a publication to document the making of the mural, the women it celebrated and the subsequent community reaction to its vandalism. They have invited organisations such as the Women's Art Register and interested community members to assist.

External Consultation

16. In preparing this report a number of departments within State Government have been consulted, in addition to the artists, interested community members and the City of Darebin.

Internal Consultation (One Yarra)

17. Engineering operations have been closely involved in this project.

Financial Implications

18. The in-kind support provided to the project so far has been within existing operational budgets. The costs of the publication and other iterations have not been costed and whilst Council may make a contribution, it is not expected Council would bear any major costs for the project.

Economic Implications

19. These are not considered for this report.

Sustainability Implications

20. These are not considered for this report.

Social Implications

21. The mural's theme has implications for social justice and highlighting the rights of women in a culturally diverse community.

Human Rights Implications

22. The right to create and for freedom of expression are fundamental human rights.

Communications with CALD Communities Implications

23. This has not been undertaken.

Council Plan, Strategy and Policy Implications

24. Graffiti Management Strategy.
25. Arts and Cultural Strategy.

Legal Implications

26. No applicable.

Other Issues

27. The site is owned by the State Government, however, Council has taken a lead role in managing the site in terms of graffiti or otherwise from inappropriate commentary should that arise.

Options

28. Council can wait for the owners of the site and the artists to lead any further action relating to the future of the mural.
29. Alternatively Council Officers could continue to consult with the artists and interested organisations to facilitate an outcome on the site when that is developed and also for the current mural, whether that be the publication project or another identified by the artists.

Conclusion

30. The Women's Mural was a large scale important project of its time. It celebrated and featured local women who made up a very diverse city of its time. These themes are relevant to the Yarra community today and the focus on women in particular has been identified as a very important and urgent community issue.

31. Whilst the City of Yarra is not the owner of the mural, nor the site it is located on, it has an opportunity to lead a discussion on the creation of a permanent testimony to the mural, support the artists to bring the mural back into the public realm and advocate to the relevant bodies on any future developments on this site so that a new work could be made to advance the recognition of women and community.

RECOMMENDATION

1. That:
 - (a) Officers continue to work with the artists to develop a suitable response to recognise the significance of the 'From Bonbonniere to Barb Wire' Women's Mural; and
 - (b) Officers continue to work with the State Government, as the owner of the site of the Women's Mural, to explore how the theme of recognising local women can be incorporated into any future development of the site.

CONTACT OFFICER: Siu Chan
TITLE: Unit Manager Arts, Culture and Venues
TEL: 9205 5045

Attachments

There are no attachments for this report.

11.6 Endorsement of Motions for ALGA National General Assembly

Trim Record Number: D16/54260

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To present two motions to Council for endorsement for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 19 - 22 June 2016.

Background

2. Council has in recent years successfully submitted a number of motions to each of the MAV State Council and ALGA National General Assembly.
3. At the Council Meeting on 5 April 2016, Council nominated Cr Colanzi (Mayor) and Cr Fristacky to represent the Yarra City Council at the National General Assembly.
4. Council has an opportunity to submit motions for consideration by the National General Assembly. To be eligible for inclusion in the National General Assembly, motions must follow the principles set out by the ALGA Board, in that they must:
 - (a) be relevant to the work of local government nationally;
 - (b) be consistent with the theme of the NGA, which in 2016 is "*Partners in an Innovative and Prosperous Australia*";
 - (c) complement or build on the policy objectives of the Municipal Association of Victoria;
 - (d) propose a clear action and outcome; and
 - (e) not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.
5. Motions must be submitted to the ALGA Secretariat by 22 April 2016.
6. The following two motions have been drafted for submission to ALGA:
 - (a) restoration of federal government infrastructure funding to Victoria (**Attachment 1**); and
 - (b) re-alignment of federal funding arrangements (**Attachment 2**).

External Consultation

7. There has been no external consultation in the preparation of this report.

Internal Consultation (One Yarra)

8. Invitations have been extended to all Councillors and Senior Officers to propose suggested motions for consideration by Council for submission to the Assembly. The attached motions were submitted by Councillors as a result of this process.

Financial Implications

9. Council has previously authorised the attendance of Councillors at the ALGA National General Assembly and the associated costs. There are no additional financial implications of submitting one or motions to the National General Assembly.

Economic Implications

10. There are no economic implications associated with this report.

Sustainability Implications

11. There are no sustainability implications associated with this report.

Social Implications

12. There are no social implications associated with this report.

Human Rights Implications

13. There are no Human Rights implications associated with this report.

Communications with CALD Communities Implications

14. There are no CALD communities implications associated with this report.

Council Plan, Strategy and Policy Implications

15. The proposed motions are consistent with Council's established policy position on the relevant subjects.

Legal Implications

16. There are no legal issues associated with this report.

Other Issues

17. None applicable.

Options

18. As an alternative to the officer's recommendation, Council could choose to table additional motions for endorsement. In addition, it would also be an option to determine not to submit a motion for consideration in 2016.

Conclusion

19. This report provides Councillors an opportunity for Council endorsement of motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 19 - 22 June 2016 and presents two motions for endorsement.

RECOMMENDATION

1. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 19 - 22 June 2016:
 - (a) restoration of federal government infrastructure funding to Victoria (**Attachment 1**); and
 - (b) re-alignment of federal funding arrangements (**Attachment 2**).
2. That the Chief Executive Officer submits these motions to the ALGA Secretariat by 22 April 2016.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

- 1 Restoration of Federal Government infrastructure funding to Victoria - Motion for Submission to ALGA 2016
- 2 Re-alignment of federal funding arrangements - Motion for Submission to ALGA 2016

Attachment 1 - Restoration of Federal Government infrastructure funding to Victoria - Motion for Submission to ALGA 2016

Motion for Submission to ALGA 2016

The Australian Local Government Association (ALGA) Board is calling for motions. To be eligible for inclusion in the NGA Business Papers, motions must follow the principles set out by the ALGA Board, namely:

- (a) be relevant to the work of local government nationally;
- (b) be consistent with the theme of the NGA
(Partners in an innovative and prosperous Australia);
- (c) complement or build on the policy objectives of the MAV;
- (d) propose a clear action and outcome; and
- (e) not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.

Please be aware that ALGA reserves the right to reject motions which do not meet these conditions.

Motion
<p><i>Restoration of Federal Government infrastructure funding to Victoria</i></p> <p><i>That the ALGA calls on the Federal Government to restore infrastructure funding to Victoria, reduce inequitable discrepancies between Australian States, and support State rail infrastructure projects.</i></p>
<p>National Objective</p> <p>Why is this a national issue and why should this be debated at the NGA? (Maximum 100 words)</p>
<p><i>Section 51 of the Australian Constitution reads: "The Parliament shall, subject to this Constitution, have power to make laws ... with respect to ... taxation; but so as not to discriminate between States or parts of States (and fund)... railway construction and extension in any State with the consent of that State."</i></p> <p><i>Section 117 reads "A ... resident in any State, shall not be subject in any other State to any disability or discrimination."</i></p> <p><i>The current allocation of infrastructure funding across Australia discriminates against Australians on the basis of their state of residence and should be of concern to their elected representatives.</i></p>
<p>Summary of Key Arguments</p> <p>Background information and supporting arguments (Maximum 300 words)</p>
<p><i>An April 2016 Grattan Institute Research Report (Marion Terrill April 2016) highlighted that the Commonwealth spent an average of only 1.5% of its budget on transport infrastructure over the decade 2005/15, while the States spent 6%. It also noted the Commonwealth Grants Commission had identified that "there is no relationship between State shares of (federal) payments (for transport infrastructure) and the currently assessed State-based drivers of road and rail investment".</i></p>

Attachment 1 - Restoration of Federal Government infrastructure funding to Victoria - Motion for Submission to ALGA 2016

The State of Victoria has received less than half the share of federal funding to which Victoria is entitled on a per capita basis. The May 2015 federal budget allocated to Victoria only 19% of Commonwealth national partnership payments for 2015/16, falling to 12% per cent over subsequent years.

The Federal Government directed \$1.5 billion to Victorian road and rail infrastructure to 2018-19 – a mere 8% of the \$19.8 billion invested nationally, compared with NSW \$7.7 billion over five years – 39%.

Victoria's allocation of \$67 per capita is compared with Western Australia at \$377 per head.

The huge discrepancy in funding especially to Victoria constitutes discrimination compared with other States and is seen as contrary to anti-discrimination provisions of the Australian Constitution.

While Victoria bears the brunt of this decision in the current political climate, the maintenance of a discriminatory process for the allocation of taxation revenue means that there is no protection for any Australian State or Territory against future dramatic funding reductions. All Councils across Australia should be alarmed at this prospect. The ALGA General Assembly endorsed a similar motion on this item last year regarding infrastructure funding and is urged to support this motion seeking continuation of ALGA representations on expanded and more equitable infrastructure funding to States.

Attachment 2 - Re-alignment of federal funding arrangements - Motion for Submission to ALGA 2016

Motion for Submission to ALGA 2016

The Australian Local Government Association (ALGA) Board is calling for motions. To be eligible for inclusion in the NGA Business Papers, motions must follow the principles set out by the ALGA Board, namely:

- (a) be relevant to the work of local government nationally;
- (b) be consistent with the theme of the NGA
(Partners in an innovative and prosperous Australia);
- (c) complement or build on the policy objectives of the MAV;
- (d) propose a clear action and outcome; and
- (e) not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.

Please be aware that ALGA reserves the right to reject motions which do not meet these conditions.

Motion
<p><i>Re-alignment of federal funding arrangements</i></p> <p><i>That ALGA continue to raise through the COAG Agenda, the urgent need for re-alignment of federal funding arrangements so that levels of Government in Australia have a more efficient match between their responsibilities and their finances and importantly to address the growing infrastructure gap and productivity impact.</i></p>
<p>National Objective</p> <p>Why is this a national issue and why should this be debated at the NGA? (Maximum 100 words)</p>
<p><i>To achieve responsible funding regimes which recognise the critical importance of maintaining Federal funding for public transport infrastructure having regard to its essential contribution to delivering positive productivity outcomes.</i></p>
<p>Summary of Key Arguments</p> <p>Background information and supporting arguments (Maximum 300 words)</p>
<p><i>Planning for urban transport in Australia has generally focused either on roads (especially car use) or public transport, often undertaken in isolation of each other. Urban transport has tended not to be viewed as an integrated system dealing with people, cars and freight flows (by road, rail, sea and air).</i></p> <p><i>Little consideration has been given to the impact of transportation on economic productivity, including its impact on the location, form and function of a city's employment and activity centres and on its urban form.</i></p> <p><i>Cities are major drivers of economic growth and productivity in Australia and research undertaken by The University of Western Australia (FACTBase Bulletin 21) identifies a clear link between city competitiveness and connectivity and the role that public transport and</i></p>

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other forms of transport and communications infrastructure play in enabling city productivity and competitiveness.

Australian governments at all levels therefore have a vested interest in ensuring that cities operate efficiently and enable vibrant and productive regional economies and in ensuring that Australia's cities remain globally competitive and attractive to skilled and talented people; as well as retain quality of life for Australian citizens.

The Council therefore believes that failure to consider public transport in Australia's cities an issue of national significance and any decision not to provide national funding to public transport projects on this basis is not only seriously remiss - it will have long term, negative consequences on the economic productivity, competitiveness and liveability of Australia's cities - to the detriment of the nation as a whole.

It is considered that ALGA should raise at COAG, the need for a more effective federal system with re-alignment of federal funding arrangements so that levels of Government in Australia have a more efficient match of their responsibilities with their finances.