

EFFECTIVE 20 JULY 2018 TO 19 JULY 2028

# General Local Law 2018 (No.1)

 stonningtoncouncil

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City of  
**STONNINGTON**



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GENERAL LOCAL LAW 2018

# Part 1 – Preliminary

## 1. Name and Objectives of Local Law

This Local Law is known as the General Local Law No. 1, and the objectives of this Local Law are to provide for:

- (a) the peace, order and good government of the Municipal District;
- (b) the administration of Council powers and functions;
- (c) a safe and healthy environment so the community can enjoy a quality of life that meets its expectations;
- (d) the safe and equitable use and enjoyment of Public Places;
- (e) the protection and enhancement of the amenity and environment of the Municipal District;
- (f) the fair and reasonable use and enjoyment of private land;
- (g) the prohibition, regulation and control of activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood nor nuisance caused to a person nor damage caused to a person's property; and
- (h) the prohibition, regulation and control of activities that may affect urban character and local amenity.

## 2. Authorising Provision of this Local Law

This Local Law is a Local Law made under section 111 of the **Local Government Act 1989** and section 42 of the **Domestic Animal Act 1994**.

## 3. Commencement of this Local Law

This Local Law comes into operation on the day after the date of notice of making the Local Law is published in the Victoria Government Gazette.

## 4. Revocation Date of this Local Law

This Local Law ceases to operate on 19 July 2028.

## 5. Definition of Words Used in this Local Law

Unless the contrary intention appears in this Local Law:

**“Act”** means the **Local Government Act 1989**, as amended from time to time.

**“Advisory Committee”** means an advisory committee established by Council under section 86(1) of the Act.

**“Agenda”** means the notice of a meeting setting out the business to be transacted at the meeting.

**“Animal”** includes a bird or reptile.

**“Approved Receptacle”** means a waste receptacle purchased and supplied by Council.

**“Asset Protection Permit Bond”** means a bond, bank guarantee or like security required to be paid under a Permit.

**“Assistance Animal”** has the same meaning as in section 9 of the **Disability Discrimination Act 1992** (Cth).

**“Authorised Officer”** means a person appointed by Council to be an Authorised Officer pursuant to section 224 of the Act or treated by section 224A of that Act to have been either in relation to the whole of this Local Law or to a particular portion of it in which the term is used.

**“Barbecue”** means a permanent structure, device or contraption:

- (a) designed or constructed for the purpose of cooking food in the open air for human consumption; and
- (b) which is being used for the purpose of cooking food or prior to or subsequent to cooking food.

**“Building”** includes a part of a building, a structure, temporary structure, part of a temporary building, outbuilding, fence, wall, provision for lighting, heating, water supply, drainage and sewerage and any other appurtenances of a building.

**“Chairperson”** means the Chairperson of the meeting and includes an acting, a temporary and a substitute Chairperson.

**“Chief Executive Officer”** means the Chief Executive Officer of Council appointed in accordance with section 94 of the Act, or other person appointed to act in that position during the Chief Executive Officer's absence.

**“Chimney”** includes a structure or opening of any kind from or through which smoke or air impurity may be emitted from a building.

**“Committee”** means an advisory Committee or a Special Committee.

**“Common Seal”** means the common seal of Council.

**“Confidential Business”** means:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any matter that Council or the Special Committee considers would prejudice Council or any person;

- (i) a resolution to close the meeting to members of the public.

**“Construct”** includes build, construct, erect, place in position, re-build, re-construct, re-erect, replace in position or do any structural work.

**“Council”** means Stonnington City Council.

**“Council Land”** means all land:

- (a) owned, leased, managed or occupied by Council; or  
 (b) vested in Council or under the control of Council and which it has a duty to maintain.

**“Council Meeting”** means an Ordinary Meeting or a Special Meeting of Council.

**“Council Reserve”** means Council land that is:

- (a) a sports ground; or  
 (b) a park; or  
 (c) a nature reservation; or  
 (d) a facility provided or used in association with activities at a sporting ground, park or nature reservation; or  
 (e) a place specified in the Procedure and Protocol Manual; or  
 (f) a reserve, as declared by resolution of the Council; or  
 (g) purchased by, leased or otherwise provided to or managed or controlled by Council for a recreation, cultural or entertainment purpose.

**“Council Waste Depot”** includes:

- (a) any depot or station for the collection or transfer of Waste; or  
 (b) any Waste disposal landfill site, operated by or on behalf of Council.

**“Councillor”** means an elected person who holds the office of a member of Council.

**“Delegate”** means a delegate appointed on the nomination of Council.

**“Election Period”** means the election period as defined in section 3 of the Act.

**“Extraordinary Vacancy”** means an extraordinary vacancy as described in section 69(1) of the Act.

**“Fire”** includes smouldering or causing smoke (whether or not there is a conflagration) but does not include:

- (a) a fire lit in the course of official duties by a member of a Fire Brigade;  
 (b) a domestic appliance; or  
 (c) a tool of trade.

**“Footpath Trading Code”** means the code regulating activities that occur on the footpaths as adopted by Council by resolution dated 17 September 2007 as amended by Council from time to time.

**“General Election”** means a general election as described in section 31 of the Act.

**“General Manager”** means a member of staff occupying a second-level position in the organisational structure of the organisation as approved by Council.

**“Goods”** includes food or services.

**“Graffiti”** includes any inscriptions or drawings scribbled, scratched, sprayed or otherwise applied, as determined by Council, on any surface.

**“Hard Waste”** means garden refuse, any rubbish of a size, shape, nature or volume that cannot be contained in an Approved Receptacle including any brick, concrete, masonry or engine parts and any other type of rubbish prescribed by Council.

**“Liquor”** means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

**“Litter Device”** means an apparatus designed for the purpose of removing Animal excrement and includes a paper or plastic bag.

**“Manager”** includes:

- (a) the person for the time being holding the office of Manager of a swim centre;  
 (b) any person from time to time acting as Manager of a swim centre;  
 (c) any person from time to time appointed or authorised by Council to deal with, form an opinion, or act in regard to any act, matter or thing required or authorised to be dealt with or acted in regard to by a Manager;  
 (d) the person for the time being holding the office of Library Coordinator, or the person in charge of each branch library or history service, or senior on Duty Officer;  
 (e) the person for the time being holding the office of General Manager or Manager of the Stonnington City Council; and  
 (f) any person holding the office of or from time to time acting as Manager of a municipal building.

**“Material or Substance”** includes undergrowth, scrub, bracken, ferns, weeds, stubble and grass (whether alive or dead and whether standing or not standing).

**“Mayor”** means the Mayor of Council and any person acting as Mayor.

**“Meeting”** means an Ordinary or a Special meeting of Council, a Special Committee meeting or an Advisory Committee meeting.

**“Member”** means a Councillor or a member of a Special Committee Meeting.

**“Motor Vehicle”** has the same meaning as in the **Road Safety Act 1986**.

**“Municipal District”** means Council’s municipal district.

**“Municipal Place”** means the area which the public as the public may go (whether an admission fee is required or not) of a Library, building, golf course or swimming pool that is owned, managed or under the control of Council.

**“Notice to Comply”** means a Notice to Comply given under clause 11 specifically provided for in any other clause.

**“Occasional Event”** means a gathering of 30 or more people for any purpose.

**“Ordinary Meeting”** means an ordinary meeting of Council as described in section 83(a) of the Act.

**“Penalty Unit”** has the same meaning as set out in section 110 of the **Sentencing Act 1991**.

**“Permit”**, when used as a noun, means a written permit issued under this Local Law.

**“Personal explanation”** means an explanation about an action or statement where that action or statement reflects, or may reflect, on the personal qualities, conduct or reputation of the person making the explanation.

**“Planning Scheme”** means the Stonnington Planning Scheme or any replacement scheme.

**“Principal Local Law”** means the General Local Law No.1 made by Council.

**“Public Body”** means any government department or municipal Council or body established for a public purpose by an Act of the Parliament of Victoria, any other state or territory of the Commonwealth, or the Commonwealth.

**“Public Place”** has the same meaning as in the **Summary Offences Act 1966**.

**“Road”** has the same meaning as in the **Local Government Act 1989**.

**“Segway”** means a two wheeled self-balancing scooter.

**“Sell”** includes:

- (a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and
- (b) sell for re-sale.

**“Service Centre”** means an administrative office of the Council.

**“Special Committee”** means a Special Committee established by Council under section 86 of the Act.

**“Special Meeting”** means a special meeting of Council as described in section 83(b) of the Act.

**“Statutory Meeting”** means a meeting of Council at which the Mayor is elected, as described in section 84A of the Act or as called under clause 26.

**“Vehicle”** has the same meaning as in the **Road Safety Act 1986**.

## 6. Application of the Local Law

- (1) This Local Law applies throughout the whole of the Municipal District.
- (2) Nothing in this Local Law relating to an Animal in general or a dog in particular prevents:
  - (a) a blind or deaf person being entitled at all times and in all places to be accompanied by an Assistance Animal; or
  - (b) a member of the police force or government agency in charge of a dog from carrying out their law enforcement duties.
- (3) This Local Law does not apply to an Authorised Officer or a member of Council staff in the course of carrying out that person’s powers and duties.
- (4) This Local Law does not apply to a person engaged to undertake any activity on behalf of Council.
- (5) No footnote in this Local Law shall be taken to form part of the Local Law.
- (6) Explanatory notes shall not be taken to form part of the Local Law. They are provided to assist understanding.

## 7. Council Positions

- (1) A reference to a person by way of that person’s position with Council includes a person:
  - (a) authorised to carry out the powers, duties and functions of that position at Council;
  - (b) acting in that capacity; or
  - (c) if that position in Council ceases to exist, any person exercising any power, duty or function that was previously a power, duty or function of the previous position.

## 8. Conflict with Other Legislation

- (1) This Local Law does not apply where any act or thing is authorised by or under the Planning Scheme.

GENERAL LOCAL LAW 2018

# Part 2 – Administration of this Local Law

## 9. Exercise of Discretions

- (1) In exercising a discretion in this Local Law, the matters that Council are to have regard to include:
  - (a) the objectives and purposes of this Local Law;
  - (b) any standards and codes of practice adopted by Council from time to time; and
  - (c) any guidelines adopted by Council from time to time.
- (2) Council may prepare guidelines for use by Council, a member of Council staff, Authorised Officers and other persons for the purposes of this Local Law.
- (3) Guidelines prepared by Council must not be inconsistent with the objectives of this Local Law or with the standards and codes of practice as adopted by Council.
- (4) In preparing guidelines, Council must have regard to the objectives of this Local Law and the standards and codes of practice as adopted by Council.

## 10. Register of Determinations

- (1) A standard, code of practice or guideline adopted by Council for the purposes of this Local Law must be maintained by the Chief Executive Officer in a register kept for that purpose.
- (2) The register must be available for inspection at the office of Council during normal business hours.

## 11. Direction of Council: Notice to Comply

- (1) Council may, by a Notice to Comply, make any reasonable direction to a person:
  - (a) to remedy any situation that, in the opinion of Council, constitutes a breach of this Local Law; or
  - (b) to do anything specifically provided in this Local Law and being the subject of a Notice to Comply, and the person must comply with that direction.
- (2) Council may determine the form of a Notice to Comply contained in the Procedure and Protocol Manual.

## 12. Time to Comply

- (1) A Notice to Comply must state the time and date by which the notice must be complied.
- (2) 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; however, the following should be taken into account, where applicable:

- (a) the amount of work involved;
- (b) the degree of difficulty in remedying the situation;
- (c) the availability of necessary materials or other necessary items;
- (d) climatic conditions;
- (e) the degree of risk or potential risk; and
- (f) any other relevant matter.

## 13. Service of Notice to Comply

A Notice to Comply may be served or given pursuant to section 234 of the Act.

## 14. Failure to Comply with a Notice to Comply

A person who fails to comply with a Notice to Comply is guilty of an offence.

## 15. Power of Authorised Officers to Act in Urgent Circumstances

- (1) An Authorised Officer may in urgent circumstances arising out of a failure to comply with this Local Law take immediate action to remedy the situation without the necessity to serve a Notice to Comply if:
  - (a) he or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply may place a person, Animal, property or thing at risk or in danger; and
  - (b) details of the circumstances and remedying action are as soon as possible forwarded to the person on whose behalf the action was taken.
- (2) The action taken by an Authorised Officer under sub-clause (1) must not extend beyond what is reasonably necessary to remedy the risk or danger involved.

## 16. Appeals

- (1) Any person who is aggrieved by a direction or Notice to Comply may, within 28 days after the date of issue of the direction or notice, apply to Council to be heard and may make a written submission for consideration by Council.
- (2) Notwithstanding that a person has made application to Council in sub-clause (1) he or she is not relieved of the obligation to comply with the direction or Notice to Comply.



### 17. Compliance with Directions and Notices

- (1) Where:
- (a) section 225 of the Act does not apply; and
  - (b) the person given the direction or served with a Notice to Comply fails to comply with the direction or notice,

Council or any other person, with the approval of Council, may enter upon any land on which there is any such failure to comply and do all such acts, matters or things that are required to comply with the direction or Notice to Comply.

- (2) All costs and expenses incurred by Council in carrying out any acts, matters or things described in sub-clause (1) are a debt due to Council from the person on whom the direction or Notice to Comply was given or served.

### 18. Delegations and Authorisations

In accordance with section 114 of the Act, Council hereby delegates to the Chief Executive Officer and Authorised Officers all the powers, discretions, authorities and considerations of Council under this Local Law including the powers, discretions, authorities and considerations to make a direction by Notice to Comply, the powers, discretions and authority to issue or refuse Permits, fix conditions and durations relevant to Permits, cancel or suspend Permits, require additional information, apply guidelines, standards or codes of practice of Council, waive the need for any Permit or to do any act, matter or thing necessary or incidental to the exercise of any function or power by Council.

### 19. Incorporation of Documents

- (1) The document titled "Procedure and Protocol Manual", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.
- (2) The document titled "Keeping of Animals Policy", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.
- (3) The document titled "Footpath Trading Code", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.

GENERAL LOCAL LAW 2018

# Part 3 – The Common Seal

**20. Purpose of the Common Seal**

The purpose of this Part is to regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal or any device resembling the Common Seal as required by section 5(3)(c) of the Act.

**21. Who Keeps the Common Seal**

The Chief Executive Officer or a General Manager must keep the Common Seal in safe custody.

**22. Signatures to Accompany the Common Seal**

Every document to which the Common Seal is affixed must be signed by a Councillor and either the Chief Executive Officer or a General Manager.

**23. Affixing the Common Seal**

- (1) The Common Seal may be affixed to a document for the purpose of giving effect to a decision:
  - (a) made by Council resolution;
  - (b) made by resolution of a Special Committee composed solely of Councillors;
  - (c) made by resolution of a Special Committee under delegation; or
  - (d) made by the Chief Executive Officer under delegation.
- (2) The Chief Executive Officer must ensure a Common Seal register is kept that records, for each time the Common Seal is affixed to a document:
  - (a) the names of the people who signed as witnesses;
  - (b) a description of the document to which the Common Seal was affixed;
  - (c) the date on which the Common Seal was affixed;
  - (d) the date of the authorising Council resolution.

- (3) The sealing clause is:
 

“The COMMON SEAL of the  
STONNINGTON CITY COUNCIL  
was hereunto affixed in the  
presence of:

.....  
Councillor

.....  
Chief Executive Officer/General Manager”

- (4) The sealing clause to be used by the Chief Executive Officer under delegation is:
 

“Signed under delegation on behalf of Stonnington City Council by:

.....  
Chief Executive Officer

in the presence of

.....  
Witness”

**24. Unauthorised Use of the Common Seal**

A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

GENERAL LOCAL LAW 2018

# Part 4 – Council Administration

## Division 1 – Procedure for the Conduct of a Meeting to Elect a Mayor

### 25. Purpose

The purpose of this Division is to regulate the proceedings for the conduct of the Statutory Meeting and provide for the appointment of a Deputy Mayor in certain circumstances.

### 26. Statutory Meeting after a General Election

- (1) Following a General Election, or upon the term of office of the Mayor concluding, the Chief Executive Officer must summon a Statutory Meeting after the fourth Saturday in October but not later than 30 November.
- (2) Alternatively, or if the Chief Executive Officer does not summon a Statutory Meeting in accordance with sub-clause (1), at least three (3) Councillors may, by a written notice, call a Statutory Meeting.
- (3) In the case of an Extraordinary Vacancy in the office of the Mayor, the Chief Executive must convene a Special Meeting to enable a Mayor to be elected.
- (4) Alternatively, or if the Chief Executive Officer does not convene a Special Meeting in accordance with sub-clause (3), at least three (3) Councillors may, by a written notice, convene a Special Meeting.

### 27. Statutory Meeting after an Extraordinary Vacancy in the Office of Mayor

This clause was incorporated into clause 25.

### 28. Statutory Meeting after a Mayoral Office Becomes Vacant (Non-Election Years)

This clause was incorporated into clause 25.

### 29. Council Meeting to Elect An Acting Mayor

- (1) In the event the Mayor is unable to carry out the powers, functions or duties prescribed for the Mayor due to absence or illness, an Acting Mayor may be elected at a Council Meeting.
- (2) An Acting Mayor elected in accordance with sub-clause (1) must carry out the powers, duties and functions prescribed for the Mayor until such time as the Mayor resumes his or her role or until such time as Council votes that the Acting Mayor should no longer continue to act in that role, whichever occurs first.
- (3) The procedure for electing an Acting Mayor is to be the same as the procedure under clause 33(3) for the election of the Mayor, as if any reference to the Mayor is a reference to the Acting Mayor and any reference to the Statutory Meeting is a reference to the Council Meeting.

- (4) As far as reasonably practicable, an Acting Mayor has the same rights, powers, duties and functions as the Mayor when he or she is Acting Mayor.

### 30. Timing of Statutory Meetings

This clause was incorporated into clause 25.

### 31. Order of Business of the First Statutory Meeting

- (1) Until the Mayor is elected, the Chief Executive Officer will be the temporary Chairperson and Returning Officer of the Statutory Meeting but will have no voting rights.
- (2) Unless Council resolves in a particular case, the order of business for a Statutory Meeting called under clause 26 must be as follows or as near to follows as may be practicable:
  - (a) reading of the Reconciliation Statement and Affirmation Statement;
  - (b) apologies;
  - (c) swearing in new Councillors;
  - (d) oath of office – the making of the oath of office by each Councillor under section 63 of the Act;
  - (e) code of conduct – the declaration by each Councillor to observe the Councillor Code of Conduct pursuant to section 76C of the Act;
  - (f) fixing of allowances – the fixing of allowances for the Mayor and Councillors pursuant to section 74 of the Act;
  - (g) decision of the length of the Mayoral term;
  - (h) election of Mayor and any Deputy Mayor; and
  - (i) Mayoral Address.

## Division 2 – Procedure for Election of Mayor

### 32. Purpose

The purpose of this Division is to regulate the procedure for electing a Mayor.

### 33. Procedure for Election of Mayor

- (1) Councillors must elect a Mayor at a Statutory Meeting or, following an Extraordinary Vacancy, at a Special Meeting.
- (2) All Councillors are eligible for election or re-election to the office of Mayor.

- 3) The election of Mayor is to be in accordance with the following:
- (a) The Returning Officer must invite nominations for the office of Mayor.
  - (b) Nominations do not require a seconder.
  - (c) If there is only one nomination, the candidate nominated is deemed to be elected.
  - (d) If there is more than one nomination, the Councillors present at the meeting may vote for one of the candidates.
  - (e) If a candidate receives an absolute majority of the votes, that candidate is declared to have been elected.
  - (f) If no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is to be declared a defeated candidate. The Councillors present at the meeting may then vote for one of the remaining candidates. This procedure will continue until one of the candidates has an absolute majority.
  - (g) In the event of two or more candidates having an equality of votes and one of them having to be declared:
    - (i) a defeated candidate; or
    - (ii) duly elected,
 the result must be determined by lot; and
  - (h) if a lot is conducted, the Returning Officer has the conduct of the lot.

#### 34. Procedure for Election of Deputy Mayor

- (1) Councillors may elect a Deputy Mayor at a Statutory Meeting.
- (2) Any election for the office of Deputy Mayor will be regulated by clause 33 subject to:
  - (a) the Mayor being ineligible for election to the office of Deputy Mayor; and
  - (b) clause 33 being applied as if the reference to the Mayor in clause 33(3) is a reference to the Returning Officer (other than in clause 33(3)(h) when the reference to the Returning Officer is a reference to the Chief Executive Officer).

#### 35. Mayor to Take the Chair

- (1) All meetings must be presided over by a Chairperson.
- (2) After the election of the Mayor, subject to sub-clause (4) and (5), the Mayor must be the Chairperson.
- (3) The Mayor, when present, must take the chair at all Council Meetings.
- (4) If the Mayor is absent from a Council Meeting:
  - (a) the Deputy Mayor, if a Deputy Mayor has been elected in accordance with clause 33, will take the chair; or
  - (b) the most recent past Mayor will take the chair as temporary Chairperson if a Deputy Mayor has not been elected.
- (5) If the Mayor and all past Mayors are absent from a Council Meeting, and a Deputy Mayor has not been elected, then the following procedure must be followed for electing a temporary Chairperson:
  - (a) The Chief Executive Officer must take the chair and invite nominations from the Councillors present for a temporary Chairperson. Nominations do not require a seconder. If there is more than one nomination the Chief Executive Officer will act as Returning Officer for the election of a temporary Chairperson.
  - (b) The procedure for electing a temporary Chairperson is to be the same as the procedure under clause 33(3) for the election of the Mayor.
- (6) A temporary Chairperson has the same rights and duties as the Mayor when he or she sits as Chairperson.

#### 36. Duties of a Chairperson

At a Council Meeting, the Chairperson's duties include but are not limited to:

- (a) presiding over and controlling the meeting to ensure, to the best of their ability, it is conducted in accordance with this Local Law;
- (b) ascertaining that a quorum is present, and if a quorum is present, formally declaring the meeting open;
- (c) welcoming Councillors and visitors;
- (d) signing minutes of meetings as correct when they have been confirmed in accordance with section 93(5) of the Act;
- (e) calling for disclosure by Councillors of any conflicts of interest in accordance with section 79 of the Act;
- (f) presenting any reports for which he or she is responsible;
- (g) ensuring debates are conducted in the correct manner;



- (h) in the case of competition for the right to speak, deciding the order in which the Councillors concerned will be heard;
  - (i) declaring the results of all votes;
  - (j) giving rulings on points of order and other questions of procedure;
  - (k) preserving order and, if necessary, "naming" offending Councillors; and
  - (l) adjourning (when so resolved) or formally declaring a meeting closed when all business has been concluded.
- (4) The Chief Executive Officer must ensure that a notice of meeting and the agenda for any Council Meeting is sent to every Councillor by hard copy or electronically so that it is received at least 48 hours before the meeting, except in the case of an adjourned meeting or lapsed meeting.
  - (5) The Chief Executive Officer must ensure that a notice of meeting and the Agenda for any adjourned meeting or lapsed Council Meeting is sent to every Councillor by hard copy or electronically so that it is received at least 48 hours before the meeting, but where that is not practicable because time does not permit that to occur, the Chief Executive Officer may provide the notice of meeting by telephone or in person and may provide the agenda as soon as practicable before the meeting commences.
  - (6) It is not necessary for a notice of meeting for a Council Meeting, or an adjourned or lapsed meeting, to be given to any Councillor who is on leave of absence, unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice.

### Division 3 – Meeting Procedure

#### 37. Purpose

The purpose of this Division is to regulate proceedings for the conduct of Council Meetings as required by section 91(1) of the Act and provide for other miscellaneous matters.

#### 38. Date, Time and Place of Council Meetings

Council may, by resolution at a Council Meeting, determine the day, time and place upon which any future Council Meeting will be held.

#### 39. Agenda for and Notice of a Council Meeting

- (1) A notice of meeting for any Council Meeting, including an adjourned Council Meeting and a meeting that has lapsed in accordance with clause 44, must state the date, time and place of the meeting.
  - (2) The Chief Executive Officer must give public notice of every Council Meeting including the date, time and place of such meeting at its Service Centres and on the Council's website at least 48 hours before the meeting and as soon as practicable thereafter in Council libraries, except in the case of an adjourned or lapsed meeting, but where that is not practicable because time does not permit that to occur, the Chief Executive Officer must provide reasonable public notice of the meeting in accordance with section 89(4)(A) of the Act.
  - (3) The Chief Executive Officer must give public notice of any adjourned or lapsed Council Meeting including the date, time and place of such meeting at its Service Centres and on the Council's website as soon as practicable before the meeting, but where that is not practicable because time does not permit that to occur, the Chief Executive Officer must provide reasonable public notice of the meeting in accordance with section 89(4)(A) of the Act.
- (4) In accordance with section 84(1) of the Act, the Mayor or at least three (3) Councillors may, by a written notice, call a Special Meeting.
  - (2) The notice must specify the date and time of the Special Meeting and the business to be transacted.
  - (3) The Chief Executive Officer must call the Special Meeting as specified in the notice and must distribute an Agenda for the Special Meeting.
  - (4) Unless the meeting decides otherwise, the order of business of a Special Meeting must be the order set out in the Agenda.
  - (5) Despite the requirements of clause 39, the Chief Executive Officer is not required to send the Agenda for a Special Meeting so that it is received 48 hours before the meeting if in the circumstances it is not possible to do so.
  - (6) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is to be transacted at the Special Meeting.

#### 40. Special Meetings

#### 41. Councillors Address for Delivery of Notices, Agendas, Minutes and other Documents

- (1) Each Councillor shall notify the Chief Executive Officer in writing of his or her address for delivery of notices of meetings, agendas, minutes and like documents. That address may be a residential or business address within the Municipal District or facsimile or email address and may be specified to be "care of Council offices". The address given will be deemed to be his or her address for delivery of such documents. The address given may be changed by the Councillor giving written advice of such change to the Chief Executive Officer.
- (2) If no address for delivery is specified, or if an invalid address is specified, all documents may be left for collection by the Councillor "care of Council offices".

#### 42. Documents to be in the English Language

- (1) All documents referred to in this Local Law must be in the English language.
- (2) Any document provided to Council in another language will be translated into English by authorised translators before being forwarded to Councillors or Council staff for action.
- (3) Sub-clause (2) applies to any documents not in English tabled at a Council Meeting.

#### 43. Quorum

The quorum for a Council Meeting is a majority of the number of people currently holding the office of Councillor.

#### 44. Failure to Raise a Quorum

If a quorum is not present within 30 minutes of the time specified in the notice of meeting for the commencement of a Council Meeting:

- (a) the meeting lapses; and
- (b) the Chairperson must convene another Council Meeting and ensure that the agenda for it is identical to the Agenda for the meeting that has lapsed.

#### 45. Failure to Maintain a Quorum

- (1) If a quorum is lost after a Council Meeting has begun, the Chairperson must adjourn the meeting and then reconvene the meeting within 30 minutes after it was adjourned, in which case:
  - (a) if a quorum is then present the meeting resumes; or
  - (b) if a quorum is not present and if, after using best endeavours to regain a quorum, the Chairperson is unsuccessful, the Chairperson must announce that the meeting has lapsed, whereupon the meeting lapses.

- (2) If a meeting lapses under sub-clause (1)(b), those Agenda items that have not been dealt with must, unless already disposed of at a Special Meeting, be included in the Agenda for the next Ordinary Meeting.
- (3) Despite the loss of a quorum in the circumstances set out in sub-clause (1), the Agenda items dealt with at the meeting to that point shall remain valid and be capable of being acted upon.
- (4) If a quorum cannot be achieved or maintained due to declarations of interest or conflicts of interests, the Chief Executive Officer may adjourn the item for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

#### 46. No Business Outside the Agenda

Unless a quorum of Councillors is present and agree by majority to deal with another matter, no business can be transacted at an Ordinary Meeting unless it appears on the Agenda.

#### 47. Open Meetings

- (1) Subject to sub-clause (2), Council Meetings must be open to members of the public pursuant to section 89(1) of the Act.
- (2) Council may resolve, under section 89(2) of the Act, that a meeting be closed to members of the public if Confidential Business is to be discussed.

#### 48. Order of Business of an Ordinary Meeting

- (1) Unless Council resolves in a particular case, the order of business of any Ordinary Meeting must be as follows, or as near thereto as may be practicable:
  - (a) reading of the Reconciliation Statement and Affirmation Statement;
  - (b) introductions;
  - (c) apologies;
  - (d) adoption and confirmation of minutes of previous meeting(s) in accordance with section 93 of the Act and clause 49;
  - (e) disclosure by Councillors of any conflicts of interest in accordance with section 79 of the Act;
  - (f) questions to Council from members of the public;
  - (g) correspondence (only if related to council business);
  - (h) questions to Council Officers from Councillors;
  - (i) tabling of petitions and joint letters;

- (j) notices of motion;
  - (k) reports of Special and Other Committees – including tabling of any Assembly of Councillors Record;
  - (l) reports by Delegates;
  - (m) General Business including Other General Business;
  - (n) urgent business; and
  - (o) Confidential Business.
- (2) The Chief Executive Officer must, in respect of an Ordinary Meeting, determine which matters are to be included in the Agenda for the meeting.

#### 49. Confirmation of Minutes

- (1) Subject to sub-clause (2), prior to every Ordinary Meeting, the Chief Executive Officer must deliver a copy of the minutes of the preceding Ordinary Meeting and any Special Meeting held after the last Ordinary Meeting to each Councillor by hardcopy or electronically, no later than 48 hours before the next meeting.
- (2) In the event it is not practicable for the Chief Executive Officer to deliver a copy of the minutes of the preceding Ordinary Meeting and/or Special Meeting to each Councillor no later than 48 hours before the next meeting, the Chief Executive Officer must deliver a copy of the minutes to each Councillor as soon as practicable prior to the Ordinary Meeting.
- (3) The Chairperson must call for a confirmation of the minutes of any Council Meeting at the next appropriate meeting and must ask whether any item requires correction.
- (4) If no correction to the minutes is requested, the Chairperson must call for a motion (and a seconder to a motion) that the minutes be confirmed.
- (5) If a Councillor indicates that a correction is required to the minutes he or she must specify the item(s) that he or she considers requires correction.
- (6) The item(s) to which correction is required must be considered separately and in the order in which they appear in the minutes.
- (7) A Councillor who requires the minutes to be corrected must move a motion indicating the amendment proposed but must not speak to the motion.
- (8) No discussion is permitted on a motion for confirmation of minutes, except as to their accuracy as a record of the proceedings of the meeting to which they relate.
- (9) Once the minutes are confirmed they must be, at all reasonable times, open for inspection by any person free of charge.

- (10) The minutes will be written in accordance with the Minute Writing Guidelines.

#### 50. Questions to Council from Members of the Public

- (1) Questions to Council from members of the public will be considered as part of the order of business of an Ordinary Meeting only when submitted in the format outlined below:
  - (a) Questions must be in writing and lodged at the office of the Chief Executive Officer by 12 noon on the day of the next scheduled Ordinary Meeting.
  - (b) A limit of five (5) questions per questioner applies.
  - (c) Questions must include the name and address of the questioner and the date of the question. Questions by facsimile or email are acceptable.
- (2) Within four (4) working days of receiving a complying question to Council from a member of the public, the Chief Executive Officer will dispatch a notice to the member of the public who submitted the question, advising that the question has been received.
- (3) At a meeting at which a question is to be considered:
  - (a) The Chairperson will acknowledge that a question or questions have been received from a (named) person and ask if that questioner is in the gallery.
  - (b) If the questioner is present in the gallery, a summary of the subject matter of the question(s) will be read out by the Chairperson and the questioner advised that a written reply to the question(s) will be issued within 14 days of that meeting date.
  - (c) If the questioner is not in the gallery, Council will respond to the question(s) in accordance with any standard correspondence to Council.
- (4) The Chairperson has the discretion to allow a question to be asked and/or answered at the meeting that is in variance with the procedure in this Local Law.
- (5) The Chairperson may refuse to acknowledge a question if, in the opinion of the Chairperson, the question is, or is potentially, defamatory, indecent, offensive, abusive, objectionable in language or substance, irrelevant, trivial, aimed at embarrassing a Councillor or a member of Council staff, outside Council's powers or functions, has been asked at a previous Council Meeting and a reply issued, or relates to matters that come under section 89(2) of the Act.
- (6) Any question relating to electoral matter during an Election Period will not be considered at any Council Meeting.

- (7) A copy of the questions and responses will be tabled and inserted into the minutes of the following Council Meeting.

### 51. Petitions and Joint Letters

- (1) A petition is a document that includes the whole of the wording of the request or prayer on every page. To be valid, a petition must contain the names, addresses and signatures of five (5) or more people.
- (2) A joint letter is a letter containing a request signed by two (2) or more people. The signatures may be on one page or on multiple pages. To be valid, a joint letter must contain the name and address of at least one (1) person (in addition to the requirement that a joint letter be signed by two (2) or more people). It is not necessary for a joint letter to contain the whole of the wording of the request or prayer on each page.
- (3) A petition or joint letter presented to Council must be in writing (other than pencil), typing or printing.
- (4) A petition or joint letter may be presented by a Councillor to an Ordinary Meeting in accordance with the order of business.
- (5) The Councillor presenting the petition or joint letter must sign or initial all the pages attached to the petition or joint letter before presenting it.
- (6) Council will pass a motion to receive the petition or joint letter and that the petition or joint letter be referred to the relevant Council Officer for appropriate action with a copy of the petition or joint letter to be circulated to all Councillors.
- (7) Any Councillor presenting a petition or joint letter is responsible for ensuring that:
- (a) he or she is familiar with its contents and purpose; and
  - (b) the petition or joint letter is not defamatory, indecent, offensive, abusive or objectionable in language or substance.

### 52. Procedural Motions

- (1) A procedural motion is one that deals with the conduct or process of the meeting itself.
- (2) A substantive motion is a motion that deals with matters other than the conduct or process of the meeting.
- (3) Procedural motions have precedence on substantive motions.
- (4) A procedural motion must be dealt with in accordance with the table set out in Schedule 5.

- (5) A procedural motion must be dealt with immediately by the Chairperson.
- (6) Except for a procedural motion to defer an item, a procedural motion, once moved and voted upon, has no bearing on any substantive motion currently before the Chairperson.

### 53. Notices of Motion

- (1) A notice of motion must be in writing and contain the names and signatures of at least two (2) Councillors, at a minimum, and be lodged with the office of the Chief Executive Officer, except for a rescission or alteration of resolution notice of motion, which requires three (3) Councillors to sign:
- (a) In the case of a notice of rescission – in person or by facsimile as soon as reasonably practicable but not later than by close of business on the second business day after the meeting to which the notice of rescission applies. A notice of rescission must include the full text of the motion proposed to be rescinded, together with any alternative motion and an explanation for the proposal. In the case of a notice of rescission lodged by facsimile, the original must also be lodged as soon as practicable after the facsimile is sent; or
  - (b) In the case of any other notice of motion – in person, by post or by facsimile or email in sufficient time to enable the Chief Executive Officer to give each Councillor at least 48 hours' notice of it prior to the meeting at which the motion is proposed to be tabled and must include an explanation of the proposal.
- (2) The Chief Executive Officer may reject any notice of motion that, in the opinion of the Chief Executive Officer, is vague or unclear in intention, is, or is potentially, defamatory, indecent, offensive, abusive, objectionable in language or substance, detrimental to the image or reputation of the Council, aimed at embarrassing a Councillor or a member of Council staff, or outside Council's powers or functions, but must:
- (a) notify the Councillor that the Chief Executive Officer intends to reject the notice of motion and give the Councillor reasons for the proposed rejection and give the Councillor an opportunity to amend the notice of motion prior to rejection, if it is practicable to so amend; and
  - (b) if the amended notice of motion is submitted by the Councillor in response to sub-clause (2)(a) does not cure the defect in the notice of motion or creates a new reason for rejection, notify the Councillor that the notice of motion is rejected and the reasons for the rejection.

- (3) The full text of any notice of motion must be included on the Agenda, unless:
- (a) the notice of motion has been rejected in accordance with sub-clause (2)(b); or
  - (b) the Councillor has been notified that the notice of motion may be rejected in accordance with sub-clause (2)(a) and the notice of motion has not been amended prior to the agenda being finalised.
- (4) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received, except notices of motion that have been rejected in accordance with sub-clause (2)(b) and notices of motion in respect of which notice of intention to reject has been given in accordance with sub-clause (2)(a) and the notice of motion has not been amended.
- (5) Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion book.
- (6) If a Councillor who has given a notice of motion:
- (a) is absent from the meeting; or
  - (b) fails to move the motion when called upon by the Chairperson,
- any other Councillor may move the motion, failing which, the motion lapses.
- (7) The Chairperson cannot accept a notice of motion unless it has been listed on the Agenda for the meeting at which it is proposed to be moved.
- (8) A notice of motion, whether or not amended, that has been voted on or lapsed cannot be resubmitted in materially the same form until a period of three (3) months has elapsed after the date of the meeting at which it was last considered.
- (e) If there is a seconder, the Chairperson must ask whether the motion is opposed.
- (f) If no Councillor indicates opposition to a motion or amendment, the Chairperson may declare the motion or amendment to be carried without the motion or amendment being voted on. Such motions or amendments must be treated as having been passed unanimously.
- (g) If a Councillor indicates opposition to a motion or amendment, before putting the motion or amendment to a vote, the Chairperson must request:
- (i) the mover to address the meeting on the motion;
  - (ii) the seconder to address the meeting on the motion (provided that the mover may, without speaking on the motion, reserve his or her address until later in the debate);
  - (iii) any Councillor opposed to debate the motion; and
  - (iv) any other Councillors for and against the motion to debate in turn.
- (h) A Councillor may speak once on a motion (subject to a right of reply in accordance with sub-clause (4)) and once on any amendment.
- (i) A Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that he or she has been misrepresented or misunderstood.
  - (j) A Councillor calling the attention of the Chairperson to a point of order is not regarded as speaking to a motion or amendment.
  - (k) A Councillor may be permitted by the Chairperson to ask questions about a motion being debated.

## **(2) Amendments to motions**

Proposed amendments to motions are to be dealt with as follows:

## **54. Procedure on Motions and/or Amendments to Motions**

### **(1) Calling for and carrying motions and/or amendments**

The procedure to be followed when calling for and carrying motions and/or amendments is as follows:

- (a) Before calling for a motion, the Chairperson may ask if there are any questions to Council officers on the item.
- (b) The mover of a motion must state the nature of the motion without speaking to it.
- (c) The Chairperson must call for a seconder to the motion.
- (d) If there is no seconder, the motion lapses.
- (a) Any Councillor, with the exception of the mover and seconder of the original motion, may move or second an amendment to a motion, provided that the Councillor has not previously spoken on the motion.
- (b) A proposed amendment to a motion may propose to alter an original motion by leaving out, inserting or adding words to the original motion.
- (c) A proposed amendment to a motion must be framed to complement the original motion, so that the amended motion will be an intelligible and consistent whole.



- (d) Proposed amendments to a motion must be dealt with one at a time.
- (e) A further proposed amendment to a motion must not be considered until any previous amendment is decided.
- (f) After a proposed amendment is accepted by a vote of the meeting, it becomes part of the substantive motion and, providing another amendment has not been foreshadowed, the substantive motion as amended must be put immediately by the Chairperson.
- (g) If a proposed amendment is moved but not accepted by a vote of the meeting no Councillor can move a subsequent amendment that is materially like the amendment that was unsuccessfully moved.

### (3) Withdrawal of motions and amendments

Motions and proposed amendments can be withdrawn as follows:

- (a) Before any motion is put to the vote, it may be withdrawn at the request of the mover and seconder with leave of the Chairperson.
- (b) Before any amendment is put to the vote, it may be withdrawn at the request of the mover and seconder with leave of the Chairperson.

### (4) Right of reply

Councillors have a right of reply in relation to motions as follows:

- (a) The mover of an original motion that has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during the debate but must not raise any new matters.
- (b) After any right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

### (5) No right of reply for procedural motions

No right of reply is available where a procedural motion is before a meeting.

### (6) Voting

The procedure for voting at Council Meetings is as follows:

- (a) Voting is by a show of hands.
- (b) All Councillors may vote unless prohibited from doing so in accordance with the Act.
- (c) Subject to the Act, the Chairperson may exercise a casting vote.
- (d) A Chairperson may declare a vote as unanimous if it appears to him or her that there is no opposition.

### (7) Sequence for dealing with motions and amendments

Motions, amendments and foreshadowed motions are to be dealt with in the following sequence.

- (a) Amendments to motions are to be considered in the sequence in which they are moved.
  - (b) When amendments have been considered, the motion is to be considered.
  - (c) If the motion is not carried, foreshadowed motions are then to be considered in the order in which they were foreshadowed.
  - (d) If the motion is carried, foreshadowed motions are to be considered to have been withdrawn.
- (8) Motions that have been carried must be actioned by Council officers in a timely manner following the conclusion of the relevant Council Meeting.

### 55. Foreshadowed Motions and Amendments to Motions

- (1) While a Councillor is speaking for/against a motion he or she may foreshadow a motion or an amendment to a motion so as to inform Council of their intention to move a motion or an amendment at a later stage in the meeting.
- (2) Foreshadowing a motion or an amendment does not extend any special right to the foreshadowed motion or amendment.
- (3) A statement foreshadowing a motion or amendment may advise that the motion or amendment is foreshadowed subject to a certain outcome of the standing motion.
- (4) A foreshadowed motion or amendment has no procedural standing and is merely a means to assist the flow of the meeting.

### 56. Repeating a Motion or Question

- (1) Before any matter is put to the vote, a Councillor may request that the question, motion or amendment be read again.
- (2) The Chairperson, without being so requested, may direct the mover of a motion or the Chief Executive Officer to read the question, motion or amendment to the meeting before the vote is taken.

### 57. Form of a Motion

- (1) A motion or an amendment must:
  - (a) be clear and unambiguous;
  - (b) relate to the powers or functions of Council;
  - (c) be in writing, if requested by the Chairperson or required by clause 53(1); and



- (d) except in the case of urgent business under clause 62, be relevant to an item of business on the Agenda.
- (2) A motion or amendment must not be defamatory, indecent, offensive, abusive, objectionable in language, substance or nature, irrelevant, trivial, aimed at embarrassing a Councillor or a member of Council staff, or outside Council's powers or functions.

### 58. Rescission or Alteration of a Resolution

A resolution made at any Council Meeting cannot be revoked, rescinded or altered in any subsequent meeting unless a written notice of rescission complying with clause 53(1)(a) is given to the Chief Executive Officer as soon as reasonably practicable and in any case by no later than the close of business on the second business day after the meeting at which the resolution was made

### 59. Reports of Special and Other Committees

- (1) The Chairperson of each Committee must ensure that a report of the Committee is tabled at the next appropriate Ordinary Meeting following the meeting of the Committee.
- (2) Pursuant to section 139(6A) of the Act, the Chairperson of the Audit Committee may require any report prepared by the Committee to be tabled at the next Ordinary Meeting of the Council.
- (3) A report of a Special Committee must contain:
  - (a) the time, date and place of the meeting;
  - (b) the names of the members of the Committee and other people in attendance;
  - (c) the business of the meeting;
  - (d) the resolutions carried; and
  - (e) the time of the next meeting.
- (4) A report of an Advisory Committee must contain:
  - (a) the time, date and place of the meeting;
  - (b) the members of the Committee and other people in attendance;
  - (c) the business of the meeting;
  - (d) the resolutions carried; and
  - (e) the time of the next meeting.
- (5) The Chairperson may allow a member of any Committee to speak to the report or its outcomes or recommendations if requested to do so.
- (6) A report from a Special Committee must be adopted by Council.

- (7) The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable:
  - (a) reported at an ordinary meeting of the Council; and
  - (b) incorporated in the minutes of that Council Meeting.

### 60. Reports by Delegates

- (1) A Delegate of Council is a Councillor who has been appointed by Council to represent Council on another body and is therefore responsible and accountable to Council for their actions as a Delegate.
- (2) A Delegate of Council to another body must present a report to Council at the next appropriate Ordinary Meeting following the meeting of that body.
- (3) If a Delegate gives a verbal report to Council then the duration of a verbal report is within the discretion of the Chairperson.

### 61. Other General Business

When dealing with Other General Business on the Agenda, a Councillor may make a statement on an issue of concern to the City or to a Ward, but there shall be no debate or resolution arising from that statement.

### 62. Urgent Business

- (1) A Councillor proposing an item of urgent business must, without speaking to it, shortly state its nature and intent.
- (2) Business cannot be admitted as urgent business unless it:
  - (a) relates to or arises out of a matter that has arisen since distribution of the Agenda;
  - (b) is manifestly urgent;
  - (c) is material to a power, duty or function of Council; and
  - (d) in the opinion of the Chairperson, cannot safely or conveniently be deferred until the next Ordinary Meeting.
- (3) The following items cannot be treated as items of urgent business:
  - (a) the creation or abolition of any office;
  - (b) the appointment or termination of any person to any office or termination of that appointment;
  - (c) the sale or lease of any asset;
  - (d) preparation or adoption of the budget or a revised budget under Part 6 of the Act;
  - (e) approval of the Council Plan under section 125 of the Act;

- (f) the declaration of any rate change;
  - (g) the adoption of a strategic plan required pursuant to any Act;
  - (h) the adoption of the Auditors' Report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - (i) the adoption of a proposed Council policy;
  - (j) determining under section 37 of the Act that an extraordinary vacancy on the Council not be filled;
  - (k) the return of a general valuation and any supplementary valuations;
  - (l) exempting a member of a Special Committee who is not a Councillor from submitting a return under section 81 of the Act; and
  - (m) the commitment of funds, or in-kind contributions, for any purpose exceeding \$5,000.
- (4) In the event that urgent business is admitted, a resolution must not be considered in urgent business unless:
- (a) all Councillors, excluding those granted leave of absence, are present and Council resolves by a simple majority that the resolution should be considered as urgent business in all of the circumstances; or
  - (b) a simple majority of those Councillors then present at the meeting resolves that the resolution should be considered in view of the extreme urgency of the situation.

### 63. Questions to Council Officers from Councillors

- (1) A Councillor may, at an appropriate time of a Council Meeting and in the appropriate form, direct a question to a Council officer.
- (2) The Chief Executive Officer may request the Chairperson to direct the Councillor to withdraw the question and excuse the officer from answering the question if, in the opinion of the Chief Executive Officer, the question is, or is potentially, defamatory, indecent, offensive, abusive, objectionable in language, substance or nature, irrelevant, trivial, aimed at embarrassing a Councillor or a member of Council staff, or outside Council's powers or functions.
- (3) The Chief Executive Officer may instruct a Council officer not to answer a question if, in the opinion of the Chief Executive Officer, the question is, or is potentially, defamatory, indecent, offensive, abusive, objectionable in language, substance or nature, irrelevant, trivial, aimed at embarrassing a Councillor or a member of Council staff, or outside Council's powers or functions.

- (4) If a Council officer is unable to provide an answer to a question from a Councillor, the officer shall provide and circulate to all Councillors a written answer as soon as is practicable, but in any event not later than five (5) working days after the meeting at which the question is asked.

### 64. Confidential Business

Confidential Business may be transacted in a meeting that is closed in accordance with the section 89(2) of the Act and clause 47(2).

### 65. Time Limit for Meetings

- (1) A Council Meeting must not continue after 11pm unless a majority of Councillors present vote in favour of its continuance.
- (2) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Chairperson.
- (3) If all Councillors are not present when the meeting is adjourned, the Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- (4) Despite sub-clause (3), this requirement does not apply in respect of any Councillor who has been granted leave of absence pursuant to section 69 of the Act and who has not requested the Chief Executive Officer, in writing, to continue to give notice of meetings to be held during the period of leave of absence.

### 66. Vote to be Taken in Silence

- (1) Except that a Councillor may demand a division, Councillors must remain seated and in silence while a vote is being taken.
- (2) Except where this Local Law provides otherwise or Council otherwise determines, voting must be by a show of hands.
- (3) Unless prohibited by the Act, each Councillor present at the meeting may vote.

### 67. Recount of Vote

The Chairperson may direct that the vote be re-counted as often as may be necessary to satisfy himself or herself of the result.

### 68. Casting Vote

- (1) Subject to section 90(1)(e) of the Act and this Local Law, if there is an equal division of votes upon any question, the Chairperson at such meeting shall, in addition to their own vote as a Councillor, have a second or casting vote.
- (2) Sub-clause (1) does not apply to Statutory Meetings.

### 69. Division

- (1) A division may be used to formally record the names of individual Councillors opposing or supporting a motion, who are absent or who are abstaining from voting.
- (2) A division may be requested by any Councillor on any item of business.
- (3) A request for a division must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (4) A Councillor may change their original vote at the voting on a division.
- (5) One request for a division is permitted per item of business.
- (6) The voting by division will determine Council's resolution on the item of business.
- (7) If a division is called for, the Chairperson must:
  - (a) first ask each Councillor wishing to vote in the affirmative to stand and, upon such request being made, each Councillor wishing to vote in the affirmative must stand, except if that Councillor is prevented from doing so by reason of illness or infirmity, in which case the Councillor must inform the Chairperson he or she is not able to stand and wishes to record his or her vote by show of hand. The Chairperson must then state the names of those Councillors voting in the affirmative;
  - (b) then ask each Councillor wishing to vote in the negative to stand and, upon such request being made, each Councillor wishing to vote in the negative must stand, except if that Councillor is prevented from doing so by reason of illness or infirmity, in which case the Councillor must inform the Chairperson he or she is not able to stand and wishes to record his or her vote by show of hand. The Chairperson must then state the names of those Councillors voting in the negative; and

- (c) then ask each Councillor wishing to abstain to stand and, upon such request being made, each Councillor wishing to abstain must stand, except if that Councillor is prevented from doing so by reason of illness or infirmity, in which case the Councillor must inform the Chairperson he or she is not able to stand and wishes to record his or her abstention by show of hand. The Chairperson must then state the names of those Councillors abstaining from voting.
- (8) The Chief Executive Officer must record in the minutes:
  - (a) the names of the Councillors voting in the affirmative;
  - (b) the names of the Councillors voting in the negative;
  - (c) the names of the Councillors abstaining from voting;
  - (d) the names of the Councillors who are absent from the meeting; and
  - (e) the details of any casting vote, and advise the Chairperson of the result.
- (9) The Chairperson must declare the result of the vote on the division as soon as it is taken.

### 70. Election of Chairpersons and Delegates

- (1) When determining:
  - (a) the chairperson for an Advisory Committee or a Special Committee; or
  - (b) Delegates to another organisation,
 Council must follow, as nearly as is practicable, the procedure for election of Mayor set out in Division 2.

### 71. A Recording/Transcript of a Council Meeting May be Requested

- (1) A Councillor may request an audio copy of a Council Meeting or Committee meeting (if recorded).
- (2) A request for a copy of a transcript in relation to an Agenda item or items of a Council Meeting or Committee meeting must:
  - (a) be submitted in writing to the Chief Executive Officer;
  - (b) specify the agenda item or items in relation to which the copy of the transcript is sought; and
  - (c) be made no later than six weeks after the date of the Council Meeting or Committee meeting in question.

### 72. Cases in Which a Councillor Must Rise When Speaking

- (1) Except in the case of sickness or infirmity, a Councillor must rise when speaking at a Council Meeting.
- (2) The Chairperson may remain seated when speaking at a Council Meeting.
- (3) It is not necessary to rise when speaking at a Committee Meeting.

### 73. Interruptions, Interjections and Relevance

- (1) A Councillor must not be interrupted except by the Chairperson or upon a point of order or personal explanation.
- (2) If a Councillor is interrupted by the Chairperson or upon a point of order or personal explanation, the Councillor must be seated and remain silent until the Chairperson has ceased speaking, the point of order has been determined or the personal explanation has been given (as appropriate).
- (3) A Councillor must not digress from the subject matter of the motion or business under discussion.
- (4) The mover of a motion must not introduce a fresh matter when exercising any right of reply.

### 74. Resumption of Adjourned Debate

- (1) With the agreement of the meeting members, the Chairperson may adjourn the debate on a motion or amendment to a later time at the same meeting.
- (2) If a debate is adjourned by resolution, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless that Councillor has already spoken to the motion or amendment.

### 75. Time Limits

- (1) At an Ordinary Meeting, a Councillor may not speak on any item longer than the time set out in Table 1 unless granted an extension by the majority of Councillors present at the meeting:

Table 1

Councillor or other person	Time
The mover of the motion	Five (5) minutes
The mover of an amendment	Three (3) minutes
Any other Councillor	Two (2) minutes
The mover of a motion exercising the right of reply	Two (2) minutes
A Council Delegate or Committee Chairperson reporting to Council	Two (2) minutes

- (2) At an Ordinary Meeting, a Councillor may not speak longer than three (3) minutes on a point of order or a personal explanation unless granted an extension by the majority of Councillors present at the meeting.
- (3) The Chairperson may grant an extension of up to five (5) minutes under sub-clauses (1) and (2).

### 76. When the Chairperson May Speak

- (1) The Chairperson may address a meeting upon any matter under discussion and is not deemed to have left the Chair on such occasions. However, such addresses should only take place after all other Councillors have had the opportunity to address the meeting.
- (2) Despite sub-clause (1), the Chairperson may vacate the Chair for the duration of any item under discussion whereupon the temporary Chairperson (determined in accordance with clause 35(4) or 35(5) (as appropriate) must take the Chair until such item has been disposed of.

### 77. Code of Conduct

All Councillors must comply with the Councillor's Code of Conduct.

### 78. Point of Order

- (1) A point of order may be raised in relation to:
  - (a) a matter that is contrary to this Local Law;
  - (b) abusive or objectionable language or behaviour;
  - (c) a matter that is irrelevant;
  - (d) an error of fact;
  - (e) a Councillor who is or appears to be out of order; and
  - (f) any act of disorder.
- (2) The Chairperson must rule on a point of order and give reasons for the ruling at the time the point of order is raised. If the Chairperson is unable to rule on a point of order at the time it is raised, the Chairperson may adjourn the meeting to consider the point of order.
- (3) Once raised, all matters before Council are suspended until the point of order is decided.
- (4) A Councillor raising a point of order must state:
  - (a) the point of order; and
  - (b) the provision of this Local Law, or section, clause, paragraph, or practice or precedent relied upon to found the point of order.
- (5) The Chairperson is the final arbiter of all points of order unless Council resolves to dissent.

- (6) A motion of dissent on a point of order must contain the provision of this Local Law, or section, clause, paragraph, or practice or precedent in substitution for the Chairperson's ruling.
- (7) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Chairperson.

### 79. Personal Explanations

- (1) A Councillor may, at a time that is convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council Meeting or not) affecting his or her role as a Councillor.
- (2) A personal explanation arising out of a statement at a Council Meeting must be made as soon as possible.
- (3) A personal explanation must not be debated except upon a motion to censure a Councillor against whom a censure motion is moved.

### 80. Ordering a Withdrawal of a Remark and Apology

- (1) The Chairperson may order a Councillor to withdraw any remark that, in the opinion of the Chairperson, is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- (2) A Councillor ordered to withdraw a remark must do so immediately without qualification or explanation.
- (3) The Chairperson may order a Councillor to apologise for any remark that, in the opinion of the Chairperson, is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.
- (4) A Councillor ordered to apologise for a remark must do so immediately without qualification or explanation.

### 81. Gallery to be Silent

- (1) Visitors must not interject or take part in the debate.
- (2) The gallery must be silent at all times during any Council Meeting.
- (3) The ring tones of mobile telephones and other devices must be turned off by people in the gallery at all times.

### 82. Suspension from Meetings

- (1) If, during a Council Meeting, a Councillor disrupts the meeting or fails to comply with any procedure specified in this Local Law, Council may resolve to suspend the Councillor from the meeting for a period determined in the discretion of the Chairperson, but not more than the balance of the meeting.

- (2) Upon suspension under sub-clause (1), the Councillor must immediately leave the Council Meeting.
- (3) A Councillor must not be suspended under sub-clause (1) unless:
  - (a) the Chairperson has warned the Councillor in question; and
  - (b) Council resolves that the Councillor's actions following the Chairperson's warning:
    - (i) are continuing to disrupt the meeting; or
    - (ii) continue to fail to comply with any procedure specified in this Local Law; and
    - (iii) that the Councillor should be suspended.

### 83. Ejection of Disorderly Visitors

- (1) The Chairperson may call to order any member of the gallery who, in the opinion of the Chairperson:
  - (a) is disruptive or unruly;
  - (b) says anything that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature; or
  - (c) is in breach of this Local Law;
 during a Council Meeting.
- (2) If a member of the gallery is called to order by the Chairperson and thereafter again, in the opinion of the Chairperson:
  - (a) is disruptive or unruly; or
  - (b) says anything that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature; or
  - (c) is in breach of this Local Law,

the Chairperson may order that person to leave the meeting.

- (3) If a member of the gallery ordered to leave a meeting under sub-clause (2) fails to leave the meeting, the Chairperson may order that person to be removed from the gallery pursuant to clause 84.

#### 84. Removal from Chamber of a Councillor or Member of the Public

The Chairperson, or Council in the case of a suspension under clause 82, may ask any Authorised Officer or member of Victoria Police to remove from the meeting (including the gallery):

- (1) any person who the Chairperson has ordered to be removed under clause 83(3); or
- (2) any Councillor who has been suspended under clause 82 and who has not immediately left the Council Meeting.

#### 85. Disorderly Visitors May be Banned from Council Meetings

This clause has now been deleted from the Local Law.

#### 86. Chairperson May Adjourn a Disorderly Meeting

If there is disorder in the vicinity of a Council Meeting the Chairperson may adjourn the meeting to a later time on the same day or to some later day as thought to be proper.

#### 87. Production of a Document

- (1) A Councillor may, at a Council Meeting, require the production of any documents kept in the municipal offices that are directly relevant to the business being considered.
- (2) Upon any demand being made, the Chief Executive Officer must apply his or her best endeavours to produce the documents at the meeting or, if this is not feasible, as soon as practicable after that time.
- (3) If a document is not immediately available for production, Council may resolve to defer consideration of an item of business, unless it is an item of business in respect of which a call of Council has been convened under section 85 of the Act, to later in the meeting, or to the next appropriate meeting. If Council does not resolve to defer the item, then, notwithstanding the right conferred on a Councillor under clause 87(1), may proceed to consider and determine the item of business.

#### 88. Recording or Filming Proceedings

- (1) A person must not operate an audio tape, mobile telephone or other recording or transmitting equipment or film ('a device') at any Council Meeting without first obtaining the consent of the Chairperson.
- (2) Consent given under sub-clause (1) may be revoked by the Chairperson at any time during the course of a meeting.

- (3) If a device is operated, or suspected of being operated, in contravention of sub-clause (1), the Chairperson may:
  - (a) order the person operating, or suspected of operating, the device to produce the device to the Chairperson; and
  - (b) arrange for any matter that has been recorded on the device in contravention of sub-clause (1) to be deleted, erased or otherwise removed from the device.
- (4) Subject to sub-clause (5), the Chairperson shall return any device that has been produced to him or her pursuant to sub-clause (3) at the conclusion of the relevant Council Meeting.
- (5) If the Chairperson has been unable to arrange for the matter that has been recorded on the device in contravention of sub-clause (1) to be deleted, erased or otherwise removed from the device, the device shall be returned to the person as soon as practicable after the deletion, erasure or removal has been carried out.

#### 89. Procedure Not Provided in Local Law

- (1) Where a procedure has not been specifically provided for by this Local Law, resort must be had to the rules, forms and usages of the Victorian Parliament (so far as they can be applied to Council proceedings).
- (2) Where a procedure has not been provided for under this Local Law and the Victorian Parliament does not have a relevant rule, form or usage, Council may determine the procedure by resolution.

#### 90. Suspension of Local Law in Relation to the Meeting Procedure

- (1) The operation of any clause of this Local Law in relation to meeting procedure may be suspended by resolution of Council unless such suspension of operation would be inconsistent with the Act.
- (2) A reason for the proposed suspension under sub-clause (1) must be given in the motion to suspend the operation of the Local Law.
- (3) No motion may be moved or be lawfully dealt with during any suspension of the meeting procedure provisions of this Local Law unless in the discretion of the Chairperson it is appropriate to do so.
- (4) Once appropriate discussion has taken place and before any motions can be put, meeting procedure provisions of this Local Law must be resumed.



### 91. Meeting Offences

It is an offence:

- (a) for a Councillor to not withdraw a remark that is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and/or to not satisfactorily apologise when called upon twice by the Chairperson to do so;
- (b) for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting or gallery (as the case may be) when requested by the Chairperson to do so;
- (c) for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order; or
- (d) for a Councillor to refuse to leave the chamber on suspension under clause 82(1).

### Division 4 – Special Committees Composed Solely of Councillors

#### 92. Purpose

The purpose of this Division is to regulate:

- (a) proceedings at meetings of Special Committees composed solely of Councillors pursuant to section 91(1) of the Act; and
- (b) notice to be given of meetings of Special Committees composed solely of Councillors.

#### 93. Application Generally

- (1) Except as provided in this Division, if Council establishes a Special Committee composed solely of Councillors, Division 3 of this Local Law applies with any necessary modifications.
- (2) For the purposes of sub-clause (1), a reference in Division 3 to:
  - (a) a Council Meeting is to be read as a reference to a meeting of the Special Committee composed solely of Councillors;
  - (b) a Councillor is to be read as a reference to a member of the Special Committee; and
  - (c) the Chairperson is to be read as a reference to the Chairperson of Special Committee.

### 94. Quorum

The quorum for a meeting of a Special Committee is a majority of the number of members of the Special Committee.

### 95. Notice of Meetings

The requirements for public notice of any Council Meeting also apply to any meeting of a Special Committee.

### 96. Public Submissions

- (1) Councillors must at such time as is allocated by it or by Council hear any person wishing to be heard in respect of a submission to Council under section 223 of the Act.
- (2) Members of any Special Committee composed solely of Councillors may, through the Chairperson, question any submitter in relation to a submission to Council under section 223 of the Act.

### 97. Application Specifically

If Council establishes a Special Committee composed solely of Councillors:

- (a) Council may; or
  - (b) the Special Committee may, with the prior approval of Council,
- resolve that a provision of Division 3 does not apply.

### 98. “Call-up” Requests by Other Councillors

- (1) If Council establishes a Special Committee composed solely of Councillors who have delegated powers, the Chief Executive Officer must ensure that all Agendas for meetings of that Committee are provided to all Councillors (whether or not members of the Committee).
- (2) A Councillor who is not a member of a Special Committee who has delegated powers or who cannot attend a meeting of such a Special Committee may give notice in writing to the Chairperson of that Special Committee that an item is to be “called up” for consideration by Council.
- (3) If a Chairperson receives notice that an item is to be “called up” the Special Committee may consider that item and make a recommendation to Council about it, but must not exercise a delegated power in relation to it.

## Division 5 – Other Committees

### 99. Purpose

The purpose of this Division is to regulate proceedings at meetings of Special Committees (other than those composed solely of Councillors) and of Advisory Committees as required by section 91(1) of the Act.

### 100. Application Generally

(1) If Council establishes:

- (a) a Special Committee (other than those composed solely of Councillors); or
- (b) an Advisory Committee,

### Division 3 of this Local Law applies with any necessary modifications.

(2) For the purpose of sub-clause (1), a reference in Division 3 to:

- (a) a Council Meeting is to be read as a reference to a meeting of the Special Committee or Advisory Committee (as appropriate);
- (b) a Councillor is to be read as a reference to a member of the Special Committee or Advisory Committee (as appropriate); and
- (c) the Chairperson is to be read as a reference to the Chairperson of the Special Committee or Advisory Committee (as appropriate).

## 101. Application Specifically

(1) Notwithstanding clause 100(1), if Council establishes:

- (a) a Special Committee (other than those composed solely of Councillors); or
- (b) an Advisory Committee,

then:

- (i) Council may; or
- (ii) that Special Committee or Advisory Committee (as appropriate) may, with the approval of Council,

resolve that a provision of Division 3 does not apply.

- (2) Councillors may be appointed as members of, or Delegates to, external organisations or committees only by resolution of Council.
- (3) Councillors appointed to external organisations or committees must report to the first appropriate Council Meeting following each organisation/committee meeting.

## Division 6 – Supply of Information

### 102. Purpose

The purpose of this Division is to enable fees to be charged for the supply of information.

### 103. Supply of Information

A General Manager may charge fees, as set by Council from time to time, for the supply of accounts and records of Council to members of the public, unless such charges are inconsistent with provisions of the Act or any other legislation.

GENERAL LOCAL LAW 2018

# Part 5 – Management of Drains

#### 104. Interference with Council Drains, Sewers or Similar

(1) A person must not, without a Permit:

- (a) destroy;
- (b) damage;
- (c) interfere with;
- (d) excavate; or
- (e) tap into,

any drain vested in Council.

(2) A person must not, without a Permit:

- (a) destroy;
- (b) damage;
- (c) interfere with;
- (d) excavate; or
- (e) tap into,

any sewer, watercourse, ditch, creek, gutter, tunnel, bridge, levee, culvert or fence which is in, on or under Council Land.

#### 105. Maintenance of Drains

(1) The owner and occupier of land must ensure that any drain on the land that is not vested in Council or another public authority is operated for the purpose for which it was designed.

(2) The owner and occupier of land must ensure that any drain on the land that is not vested in Council or another public authority is maintained in a condition that is not unsightly or a nuisance.

#### 106. Drainage of Properties

(1) The owner and occupier of land must ensure:

- (a) that the land is adequately drained to the satisfaction of an Authorised Officer;
- (b) that the land does not discharge water that is a nuisance to an owner or occupier of adjoining land;  
and
- (c) water does not discharge from an air conditioner or other equipment onto a footpath.

GENERAL LOCAL LAW 2018

# Part 6 – Vehicle Crossings

### 107. Vehicle Crossings

- (1) The owner and occupier of land must ensure that each point of vehicular access from a Road to the land has an appropriately constructed vehicle crossing.
- (2) A person must not cause, allow or drive a Motor Vehicle from or onto land other than by an appropriately constructed vehicle crossing.
- (3) Council may serve a Notice to Comply on the owner and occupier of land requiring the repair, removal or replacement of a vehicle crossing.

### 108. Temporary Vehicle Crossings

- (1) A person must construct a temporary vehicle crossing, to the satisfaction of an Authorised Officer, where it is likely that a Motor Vehicle accessing or leaving land, by reason of its nature, size or weight, may damage a kerb, gutter, nature strip, footpath or vehicle crossing.
- (2) If a temporary vehicle crossing has been constructed in accordance with sub-clause (1), a person must not allow a Motor Vehicle to enter the land or exit the land other than by using the temporary vehicle crossing.
- (3) A person who fails to comply with sub-clause (1) or (2) must repair any damage caused to the kerb, gutter, nature strip, footpath, vehicle crossing or other latent damage or, if Council elects to repair any damage, pay to Council the cost of repairing the damage.

### 109. Repair of Vehicle Crossings

The owner and occupier of land must ensure that each vehicle crossing to that land from an adjacent Road and any channel or pipe under or forming part of that crossing are maintained.



GENERAL LOCAL LAW 2018

# Part 7 – Protection of Council Land

### 110. Defacing/Damaging Council Land

- (1) A person must not, without a Permit, destroy, damage, remove or interfere with:
- (a) Council Land;
  - (b) any building, structure or any other thing on Council Land;
  - (c) anything belonging to Council on Council Land unless allowed by the Council, whether under this Local Law or otherwise; and
  - (d) any Council property or assets owned or managed by Council and located on or in any Council Land.
- (2) A person must not authorise or engage any other person to undertake the activities in sub-clause (1).

### 111. Lighting Fires

- (1) A person must not, without a Permit, light or allow to be lit on or in any Council Land (except where permitted in a Council Reserve):
- (a) any Fire; or
  - (b) a Barbecue.

### 112. Trees or Plants Causing Damage to Council Land

The owner and occupier of land must not allow a tree or plant on that land to cause damage to or interfere with Council Land or a building, structure or anything on Council Land.

### 113. Trees and Plants on Council Land

- (1) A person must not, without a Permit, remove, damage, kill or destroy any tree or plant on Council Land.
- (2) A person must not, without a Permit, prune, cut, trim, or interfere with in any way, any tree or plant on Council Land.

### 114. Temporary Buildings on a Road

A person must not, without a Permit, for the purpose of enabling any works to be carried out in, on or over a Road:

- (a) occupy or fence off a Road, or part of a Road; or
- (b) erect a structure or temporary crossing for vehicles in, on or over a road.

### 115. Damage to Kerbs, Paths and Other Assets from Building Work

- (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 (in accordance with the Procedure and Protocol Manual):
- (a) the owner of the relevant land;
  - (b) the builder engaged to carry out building work on the land;
  - (c) any appointed agent; or
  - (d) any demolition contractor engaged to demolish some object on the land as part of the building work,
- must:
- (a) not carry out or allow to be carried out building work on that land unless a Permit has been obtained;
  - (b) not carry out or allow to be carried out building work on that land in breach of any conditions of a Permit that has been obtained; and
  - (c) pay any Asset Protection Permit bond determined by Council from time to time, in accordance with the Procedure and Protocols Manual.
- (2) Council may exempt any building work, person or class of persons from the requirement of a Permit.

GENERAL LOCAL LAW 2018

# Part 8 – Use of Municipal Places

### 116. Prohibition of Entry

A person must not, without a Permit or in accordance with any other law:

- (a) enter or remain in a Municipal Place without paying the appropriate fee (if any);
- (b) enter or remain in a Municipal Place if that person is less than 10 years of age (except if in the care of an adult guardian);
- (c) enter or remain in a Municipal Place if that person has been excluded from a Municipal Place by a person authorised to do so;
- (d) re-enter a Municipal Place within 24 hours (or such other time as directed) after being excluded from a Municipal Place;
- (e) enter a Municipal Place if that person is suffering from any disease that presents a risk to the health of any other person;
- (f) enter a Municipal Place if that person is under the influence of alcohol or any other drug;
- (g) enter or leave a Municipal Place other than through an entrance or exit provided for the public for that purpose (unless the person is to use a specifically designated exit or entry); or
- (h) have in their possession in or on a Municipal Place any Liquor or other drug.

### 117. Behaviour

- (1) A person must not while in or on a Municipal Place:
  - (a) behave in a manner that is offensive, indecent, insulting or riotous or engage in any conduct that is dangerous or that interferes with any other person;
  - (b) act contrary to any sign or procedure in respect of the use of the Municipal Place;
  - (c) enter or use any dressing room, shower or convenience or any passage leading to it that has been appointed or appropriated to people of the opposite sex unless that person is a child under the age of six (6) years in the care of a responsible person of the opposite sex or a person authorised by the Manager;
  - (d) have any Animal in their possession other than an Assistance Animal;
  - (e) eat or drink other than in an authorised area;
  - (f) sell or hire any Goods in the Municipal Place other than with the written consent of a Manager or in accordance with a Permit;
  - (g) distribute, leave, post or display any pamphlet, poster, handbill or literature other than with the consent of a Manager; or

- (h) use any computer or other device in a Municipal Place for the downloading or display of pornography, illegal, offensive or inappropriate pictures, words, works or any other thing.
- (2) Council may determine any sign or procedure for the purpose of clause 1(b).
- (3) Council or an Authorised Officer may erect and display any sign or procedure for the purpose of clause 1(b).

### 118. Terms and Conditions of Admission to, or Membership of, a Municipal Place

- (1) A person must:
  - (a) comply with the terms and conditions of a membership or ticket of admission to any Municipal Place; and
  - (b) not sell, transfer, give to or share a membership or ticket of admission to any Municipal Place with any other person.

### 119. Prohibited Articles

- (1) A person must not, without the consent of Council or a Manager, bring into, cause or allow to be brought into or remain in any part of a Municipal Place:
  - (a) any wheeled Vehicle, skateboard, scooter or similar thing other than a pram or pusher with a child, a wheelchair for the purpose of assisting a person with a disability or a trolley or other similar device used in the process of assisting the delivery or removal of goods;
  - (b) any ball or other inflatable rubber or plastic article that may interfere with the use or enjoyment of any person of the Municipal Place or any part of it;
  - (c) any glass or thing containing glass other than a wristwatch, spectacles or thing for testing or sampling purposes pursuant to Regulations made under the **Public Health and Wellbeing Act 2008**; or
  - (d) any chemical, substance, liquid or powder that, in the opinion of a member of Council staff, is dangerous to health or has the potential to foul, pollute or soil any part of a Municipal Place or to cause discomfort to any person in a Municipal Place by any means whatsoever.

### 120. Directions

- (1) A person on Council Land must at all times observe and comply with any reasonable direction of a member of Council staff.
- (2) A person who fails to comply with a direction given under sub-clause (1) is guilty of an offence.

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# Part 9 – Council Reserves

### 121. Access to Council Reserves

- (1) A person must not, without a Permit, construct an opening or gate in a fence to access a Council Reserve from residential land.
- (2) A person must not use an opening or gate in a fence to access a Council Reserve from residential land unless in accordance with a Permit.

### 122. Use of Council Reserves

A person must not, without a Permit, in or on any Council Reserve:

- (a) pitch, erect or occupy any tent, marquee or temporary shelter, or any jumping castle, amusement ride or other recreational infrastructure;
- (b) operate or allow to be operated any amusement for which a charge is made;
- (c) light any Fire or allow any Fire to remain alight unless in a fireplace provided by Council;
- (d) use a Barbecue other than a gas Barbecue;
- (e) hold any circus, carnival, fair, event, commercial or promotional activity;
- (f) conduct or attend any rally, procession, demonstration or other public gathering;
- (g) sell, hire or give away any Goods or other thing;
- (h) erect, fix, place or display any advertisement;
- (i) seek a collection of money for any purpose;
- (j) conduct or celebrate any wedding;
- (k) conduct an Occasional Event;
- (l) conduct, participate, prepare or train for any competitive game or sport;
- (m) engage in, play or practice golf, archery or any other game that may interfere with the use or enjoyment of the reserve by any other person;
- (n) unless the person is a player, official or competitor at any sports match or sports gathering authorised under this clause, enter or remain within or upon the playing arena during the progress of such sports match or sports gathering;
- (o) conduct personal training services for individuals or groups for which a charge is made;
- (p) ride or drive any horse or Motor Vehicle, except the parking of any Motor Vehicle in any parking area set aside for that purpose by Council;
- (q) park or leave standing any Motor Vehicle except in any parking area set aside for that purpose by Council;
- (r) use or operate a motorised toy car, segway or other motorised recreational vehicle or toy;
- (s) land helicopters or hot air balloons other than in an emergency; or
- (t) enter any plot or area that is set aside for the planting or growing of plants.

### 123. Restrictions

(1) A person must not:

- (a) fly or allow to be flown any model aeroplane, remote-controlled helicopter or drone over a Council Reserve unless in a Council Reserve specified in the **Procedure and Protocol Manual**;
- (b) enter a Council Reserve unless that person pays the required charge or entry fee (where applicable);
- (c) consume Liquor in a Council Reserve or designated part of a reserve unless in accordance with any exemption specified in the **Procedure and Protocol Manual**;
- (d) interfere with or remove a structure, notice, building, seat, tree or plant;
- (e) get on or over any fence or gate;
- (f) spit upon or otherwise foul any path or structure;
- (g) shoot, attempt to shoot, snare or attempt to snare, destroy or attempt to destroy any Animal;
- (h) interfere with, hinder or interrupt any member of Council staff or a member of a management committee of the reserve engaged in any duty;
- (i) behave in a manner that is offensive, indecent, insulting, riotous or disorderly or engage in any conduct that is dangerous or that interferes with any other person;
- (j) ride a bicycle, children's toy, skateboard or skates in a manner that may interfere with the use or enjoyment of any part of the Council Reserve by any other person;
- (k) remain at any time when directed to leave the reserve by an Authorised Officer or member of Council staff (even though a fee or charge for admission may have been paid);



- (l) do anything that may endanger a person; or
  - (m) act contrary to a sign erected or authorised by Council or a management committee in respect to the use of the reserve or the conduct of a person in the reserve.
- (2) If an Authorised Officer believes that a person is contravening or has contravened sub-clause (1)(c), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- (3) A person who fails to obey a direction of an Authorised Officer under sub-clause (2) is guilty of an offence.
- (4) Council may designate any area within a Council Reserve for the purpose of clause 1(a).
- (5) Council may determine any sign for the purpose of clause 1(m).
- (6) Council or an Authorised Officer may erect and display any sign for the purpose of clause 1(m).
- (7) Council may prescribe the consumption of liquor in a Council Reserve or prescribed part of a reserve other than in accordance with the requirements specified in the **Procedure and Protocol Manual**;
- (8) Council may designate a Council Reserve or part of a Council Reserve for the purpose of clause 1(c).
- (9) Council may exempt a Council Reserve or part of a Council Reserve for the purpose of clause 1(c).
- (10) Council may prescribe an event that is exempt from the requirement of clause 1(c).

GENERAL LOCAL LAW 2018

# Part 10 – Roads, Public Places and Council Land

#### 124. Application

This Division applies to Roads, Public Places and Council Land within the Municipal District.

#### 125. Shopping Trolleys

- (1) A person must not make available for use, or permit to be used, a shopping trolley that does not have a device that is attached and used so as to ensure the return of the shopping trolley to an area specifically designated for storing shopping trolleys.
- (2) Sub-clause (1) does not apply if the person makes available or permits to be used 25 shopping trolleys or less or where the trolley is fitted with a baby capsule.
- (3) Council may exempt a person or a class of people from the application of sub-clause (1).
- (4) A person who makes an application to Council for exemption from sub-clause (1) must not make or cause to be made any false representation.
- (5) A person who makes or causes to be made any false representation is guilty of an offence.
- (6) A person who operates a supermarket or similar activity where shopping trolleys are made available for use or are permitted to be used must ensure that a shopping trolley is not left on any Road or other Public Place.
- (7) A person must not leave, cause to be left or authorise another person to leave a shopping trolley on any Road or other Public Place.
- (8) An Authorised Officer or a person engaged by Council may seize and impound any shopping trolley that is being made available for use, or which is being used, in contravention of this Local Law.
- (9) As soon as practicable after the impoundment of any shopping trolley an Authorised Officer must, if the identity of the person who owns the shopping trolley can be identified, serve a notice of impoundment on that person.
- (10) Any impounded shopping trolley must be returned to the owner of that shopping trolley after:
  - (a) payment of any fees, as determined from time to time by Council, have been paid in full; and
  - (b) evidence of ownership of the shopping trolley is provided to the satisfaction of the Authorised Officer.
- (11) Any impounded shopping trolley not claimed by the owner within the time specified on the notice of impoundment or within 14 days of the impounding, where the owner of the trolley cannot be ascertained, may be disposed of by an Authorised Officer.

#### 126. Footpath Trading Code

- (1) The Footpath Trading Code is incorporated into this Local Law.
- (2) A person must not, without a Permit, on Council Land:
  - (a) occupy;
  - (b) place any item or thing;
  - (c) construct or erect any structure or anything; or
  - (d) remove or interfere with any structure or thing.
- (3) A person who contravenes or fails to comply with a requirement of the Footpath Trading Code imposed on them is guilty of an offence.
- (4) A person who contravenes or fails to comply with a condition of a Permit is guilty of an offence.

#### 127. Obstructions

- (1) A person must not, without a Permit:
  - (a) place any item or thing or attach any structure, item or thing, on Council Land that creates an obstruction; or
  - (b) obstruct or restrict the use of any Road, footpath or Council Land by any means.
- (2) A person must not, without a Permit, attach any structure, item or thing that overhangs, is on, or is above any Road or any other Council Land.

#### 128. Repairing Vehicles

- (1) A person must not on any Road or Council Land service, paint or dismantle any Motor Vehicle.
- (2) A person must not on any Road or Council Land repair any Motor Vehicle, except where necessary to enable that Motor Vehicle to be removed.

#### 129. Consumption of Liquor

- (1) A person must not in a Public Place or within a Motor Vehicle that is in a Public Place, without a Permit:
  - (a) consume any Liquor; or
  - (b) have in their possession or control any Liquor other than Liquor in a sealed container.
- (2) Sub-clause (1) does not apply in such places as may for the time being be:
  - (a) licensed premises within the meaning of the **Liquor Control Reform Act 1998**;
  - (b) an area in which the consumption of Liquor is permitted in accordance with a licence granted under the **Liquor Control Reform Act 1998** or this Local Law; or

- (c) an area in which Council has issued a Permit for the consumption of Liquor.
- (3) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- (4) A person who fails to obey a direction of an Authorised Officer under sub-clause (3) is guilty of an offence.

### 130. Mobile Cranes

A person must not, without a Permit, place, leave standing or use a crane, travel tower, boom, hydraulic arm, lift, tackle or any other machine on or over a Road or Council Land.

### 131. Hoarding, Scaffolding and Overhead Protective Awning

- (1) A person must not, without a Permit, erect any hoarding, scaffolding, protective barrier or like structure on a Road, Public Place or Council Land.
- (2) A person must not, without a Permit, erect any hoarding, scaffolding, fencing, temporary fencing or like structure on the boundary of private land on which building works is being, or is to be, carried out.
- (3) A person must comply with any requirements imposed on that person in the Procedure and Protocol Manual.
- (4) Council may prescribe any requirements in relation to the requirements of hoarding, scaffolding, protective barriers or like structures including the nature and form, coverings, materials, location and maintenance.

### 132. Bulk Rubbish and Storage Containers Left on Roads

A person must not, without a Permit, place, leave or permit to be left any:

- (a) bulk rubbish container on a Road or Council Land;
- (b) shipping or other storage container on a Road or Council Land; or
- (c) thing that encroaches on or obstructs the free use of a Road or Council Land or that reduces the breadth or confines the limits of a Road or Council Land.

### 133. Clothing Bins

A person must not, without a Permit, place a clothing bin on Council Land or on a Road.

### 134. Unregistered and Abandoned Vehicles

- (1) A person must not, on a Road, Public Place or parking area vested in or under the control of Council, place any unregistered Motor Vehicle or abandon or cause to be abandoned any Motor Vehicle.
- (2) Council may impound any abandoned or unregistered Motor Vehicle found on any Road or in any Public Place or parking area vested in or under the control of Council in accordance with the provisions of the Act.

### 135. Parking Permits

- (1) A person who lives in an area in which a residential parking permit scheme operates may make an application to Council for a residential parking permit.
- (2) A person who has been allocated a residential parking permit must not sell, hire out, lease, license or lend to another person or offer to sell, hire out, lease, license or lend that residential parking permit to any other person.
- (3) A person must not purchase, hire, lease, license or receive, or offer to purchase, hire, lease, license or receive a residential parking permit from a person who has been allocated a residential parking permit.
- (4) The owner and occupier of land on which an advertisement is displayed for the sale, hire, offer for purchase or offer for hire of a parking permit is guilty of an offence.
- (5) A person must not:
  - (a) forge or counterfeit a parking permit;
  - (b) use a forged or counterfeit parking permit; or
  - (c) contravene or fail to comply with the conditions of use of a residential parking permit.

### 136. Filming

A person must not, without a Permit, occupy or allow the occupation of any Road or Council Land for the purposes of filming for commercial purposes or public exhibition or for the placement of any equipment associated with such activity.

### 137. Toy Vehicles

- (1) For the purpose of this clause a “wheeled recreational vehicle” means any mini bike, trail bike, motor bike, motor scooter, go-cart, Segway or other vehicle propelled by a motor that is normally used for recreational or transport purposes but does not include a motorised wheelchair or electric bicycle.
- (2) A person must not, without a Permit, use, or permit a person to use, a wheeled recreation vehicle on Council Land or a footpath.

GENERAL LOCAL LAW 2018

# Part 11 – Street Selling, Collections and Distributions

### 138. Itinerant Trading

- (1) A person must not, without a Permit:
  - (a) erect or place on any Council Land or in any Public Place a Vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling any Goods;
  - (b) sell or attempt to sell any Goods from a property, Road, Council Land or Public Place adjacent to a Road, to any person who is on a property, Road, Council Land or Public Place;
  - (c) have any Good, object or thing on any Council Land or any Public Place for sale, hire, transport or use.
- (2) Sub-clause (1) does not apply to:
  - (a) newspapers or magazines that are being home delivered; or
  - (b) the home delivery of Goods purchased at another location or online.

### 139. Street Appeals

- (1) A person must not, without a Permit, in a Public Place, solicit or collect money, gifts or subscriptions for any purpose or cause or authorise another person to do so.
- (2) Council may exempt any person, class of person or any particular collection activity from requiring a Permit.

### 140. Street Promotions

- (1) A person must not, without a Permit, on any Road, Council Land or Public Place:
  - (a) hand out a document that advertises a political party, commercial event or venture, or is of a fundraising nature;
  - (b) deliver any public address with or without any sound amplification equipment;
  - (c) spruik, tout or solicit the sale of any Goods;
  - (d) conduct any concert, public assembly or public event; or
  - (e) participate in any promotional activity.

### 141. Processions, Street Festivals and Street Parties

- (1) A person must not, without a Permit, hold, allow to be held or participate in or on a Road:
  - (a) a street party; or
  - (b) a street festival or procession.



GENERAL LOCAL LAW 2018

# Part 12 – Protection of the Amenity of the Municipal District

## Division 1 – General

### 142. Property Numbers

- (1) Council 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.
- (2) The owner or occupier of an allotment to which a number has been allocated by Council 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.
- (3) The owner or occupier of an allotment must ensure that all numbers marking the allotment are:
  - (a) made of durable materials;
  - (b) kept in a good state of repair;
  - (c) renewed as often as may be necessary; and
  - (d) located or positioned in accordance with a direction by Council.
- (4) A person must not display a number on an allotment unless the number has been allocated to the allotment by the Council.

### 143. Camping and Camping on Council Land or a Road

- (1) A person must not have more than one (1) caravan on residential land.
- (2) A person must not occupy or allow another person to occupy a caravan, tent or other thing on residential land for more than three (3) weeks in a calendar year.
- (3) A person must not, without a Permit, camp on Council Land, a Public Place or on any Road in a tent, caravan, Motor Vehicle or other temporary or makeshift structure unless he or she is within a caravan park licensed under the **Residential Tenancies Act 1997**.
- (4) A person must not leave any personal goods or effects on Council Land, Public Place or any Road as part of any camp.

### 144. Noise

- (1) The owner, occupier or person in charge of land must not cause or allow noise to emanate from that land that detrimentally affects the amenity of the area.
- (2) A person must not:
  - (a) on or adjacent to any Road; or
  - (b) in a Motor Vehicle or Vehicle on or adjacent to any Road,
 allow noise to emanate that detrimentally affects the amenity of the area.
- (3) An owner, occupier or person in charge of land or a Motor Vehicle must not:
  - (a) install or place (or allow that to occur) on that land or in a Motor Vehicle an audible alarm that when activated is audible outside the land or Motor Vehicle for more than 10 consecutive minutes; or
  - (b) allow an audible alarm installed on land or in a Motor Vehicle to be audible outside the land or Motor Vehicle for more than:
    - (i) 10 consecutive minutes; or
    - (ii) two (2) or more separate periods, each cumulatively amounting to 10 minutes or more within a period of one (1) hour.
- (4) Sub-clause (3) does not apply where the noise is from a different audible alarm or a location that is different from the earlier occasions, or where the noise occurred after the audible alarm had been manually re-set and (in the case of an audible alarm on land) there is displayed on the land, in a prominent location near the front door, details of the name and telephone number of a person (not at the land) who can and will deactivate the audible alarm to prevent a breach of this Local Law.
- (5) A person must not deliver to or pick up goods from land used for commercial purposes if noise from that activity is audible in a habitable room of any residential dwelling between:
  - (a) 10pm and 7am, Monday to Saturday; or
  - (b) 10pm and 9am, Sunday or a public holiday.
- (6) The owner, occupier and person in charge of land used for a commercial purpose must not cause or allow amplified speech or music to be audible outside the land unless each speaker is:
  - (a) within the building on the land;
  - (b) not less than three (3) metres from any entrance to the building;

Table 2

Group	Items	Prohibited times
1.	A motor vehicle (except a vehicle moving in or out of premises), lawn mower or other grass-cutting device and any equipment or appliance not falling within Group 2 having an internal combustion engine	Monday to Friday: before 7am and after 8pm Weekends and public holidays: before 8am and after 8pm
2.	An electric power tool, chain or circular saw, gas or air compressor, pneumatic power tool, hammer and any other impacting tool, grinding equipment	Monday to Friday: before 7am and after 8pm Weekends and public holidays: before 9am and after 8pm
3.	A musical instrument and any electrical amplified sound reproducing equipment including a stereogram, radio, television and public address system	Monday to Thursday: before 7am and after 10pm Friday: before 7am and after 11pm Saturday and public holidays: before 9am and after 11pm Sunday: before 9am and after 10pm
4.	Any electric equipment or appliance not falling within Group 2 or Group 3, including electric gardening equipment	Monday to Friday: before 7am and after 8pm Weekends and public holidays: before 9am and after 8pm

- (c) directed away from any wall (that is less than 15 metres from the device), external window or entrance to the building; and
- (d) operating at a level that does not exceed 65 dB (LA max) two (2) metres from the façade of a building adjoining a Road.
- (7) Without limiting the generality of sub-clause (1), any noise:
- (a) emitted from land, other than residential land, from any item at any time that is specified as a prohibited time in respect of that item in Table 2; and
- (b) that noise can be heard in a habitable room in any residential dwelling,
- is deemed to be detrimental to the amenity of the area unless it is emitted in the case of an emergency.

#### 145. Advertisements

- (1) A person must not, without a Permit, write, paint, stencil, place or affix any letter, figure, Graffiti, device, poster, sign or advertisement upon any:
- (a) Road;
- (b) Council Land;
- (c) Building, structure, fixture or any other thing on a Road or Council Land; or
- (d) Motor Vehicle, Vehicle, instrument, machinery, device, tool or other item on a Road or Council Land.
- (2) Any person who allows, authorises or engages another person to do anything in sub-clause (1) is guilty of an offence.
- (3) A person must not, without a Permit, erect and display any real estate sign on or above a verandah, over a footpath or on the façade of a Building on the boundary of a footpath.
- (4) An Authorised Officer may remove, or direct to be removed and disposed of, any letter, figure, Graffiti, device, poster, sign or advertisement in contravention of sub-clause (1) or (3).

#### 146. Mobile Billboards

- (1) A person must not, without a Permit, place a mobile billboard on:
  - (a) a Road, Road-related area or Council Land; or
  - (b) any other location likely to interfere with the vision of a pedestrian or driver.
- (2) For the purposes of sub-clause (1) a mobile billboard is an advertising sign that is specifically constructed to be part of a Motor Vehicle or pulled along on a trailer by a Motor Vehicle.
- (3) If a mobile billboard is placed in contravention of sub-clause (1) each of the following persons are guilty of an offence:
  - (a) the person who is responsible for the placement, siting or distribution of the advertising sign including, without limitation, the person who engages another whether as an employee or agent to place, site or distribute the advertising sign; and
  - (b) the person who is the promoter of the premises, property, business, event or activity to which the advertising sign relates.

#### 147. Incinerators and Fires

- (1) A person must not set alight or allow any Fire to remain alight on land or in the open air without a Permit.
- (2) Sub-clause (1) does not apply if:
  - (a) that person is a person authorised by a Public Body engaged in fire protection measures for or on behalf of that Public Body; or
  - (b) the Fire is in a Barbecue.
- (3) An owner, occupier or person in charge of land must not allow a Barbecue to discharge ash or smoke that is dangerous to health or offensive to any other person.

#### 148. Chimneys

The owner and occupier of any land must not cause or knowingly allow or suffer smoke to be emitted from a Chimney that is a nuisance.

#### 149. Directive Powers

- (1) An Authorised Officer may direct a person to extinguish a Fire where the Authorised Officer believes on reasonable grounds that the Fire is causing a nuisance to another person or is contrary to this Local Law.
- (2) Any person who does not comply with the direction of an Authorised Officer in sub-clause (1) or the direction of a member of Victoria Police or member of a fire brigade in relation to a Fire is guilty of an offence.

#### 150. Unsightly Premises

- (1) For the purpose of this section the word 'land' includes any nature strip.
- (2) The owner and occupier of land must not cause or allow the land to be kept in a condition that is unsightly or detrimental to the amenity of the area.
- (3) The owner and occupier of land must ensure that:
  - (a) all necessary steps are taken to prevent Fire on that land and minimise the possibility of the spread of Fire from that land; and
  - (b) the land is kept free of undergrowth, scrub bracken, ferns, weeds, stubble or grass (whether alive or dead exceeding 30 cm in height and whether standing or not standing) and any other material or substance likely to assist in the spread of Fire.
- (4) Without affecting the operation of clause 11, where Council is of the opinion that any land contains:
  - (a) unconstrained rubbish;
  - (b) an excavation that is not part of current works;
  - (c) waste material; or
  - (d) any material or substance on premises that constitutes or is likely to constitute a Fire hazard,
 the Council may serve a Notice to Comply on the owner and occupier of the land for the cleaning up, screening, removal or disposal of any material or substance on that land.

#### 151. Fencing of Vacant Land

- (1) If Council is of the opinion that vacant land is unsightly or waste is being dumped on the land or the land is dangerous, it may, by notice in writing, direct the owner or occupier of any vacant land to erect, repair, replace or modify fencing enclosing the vacant land.
- (2) A notice under this clause may specify:
  - (a) the material with which any fencing to be erected must be constructed;
  - (b) the material to be applied to the fencing to restrict the view into the vacant land; and
  - (c) the height and other dimensions of the fencing to be erected.
- (3) The owner or occupier of any land must comply with a notice directed to that person under clause 11 and must perform any work specified in the notice within the time specified in the notice.

### 152. Securing and Fencing Dilapidated Land

- (1) Council may, by notice in writing, direct the owner or occupier of land on which any dilapidated dwelling exists to:
  - (a) secure or better secure the dwelling; or
  - (b) fence the land.
- (2) The owner or occupier of any land must comply with a notice directed to that person under clause 11 and must perform any work specified in the notice within the time specified in the notice.

### 153. Vermin and Noxious Weeds

The owner and occupier of land must ensure that the land and nature strip adjacent to that land do not contain blackberries or a weed that is a noxious weed within the meaning defined in the **Catchment and Land Protection Act 1994**.

### 154. Dangerous Land

The owner and occupier of land must not allow the land to be kept in a manner that is dangerous or likely to cause danger to life or property.

### 155. Motor Vehicles and Machinery

- (1) Unless in accordance with the Planning Scheme or a Permit, a person must not use land for:
  - (a) the storage of old or second-hand Motor Vehicles, motor boats, machinery, goods or materials; or
  - (b) dismantling or breaking up of Motor Vehicles, motor boats, machinery, goods or materials.
- (2) Unless in accordance with a Permit or the Planning Scheme, a person must not use land for the repairing or servicing of any Motor Vehicle (except one that is registered under the **Road Safety Act 1986** to that address) or motor boat.
- (3) A person must not in the process of repairing or servicing a Motor Vehicle or motor boat perform any act in a manner that disturbs the peace and quiet of any person in an adjoining dwelling.

### 156. Overhanging and Encroaching Trees

- (1) The owner and occupier of land must not allow any tree, hedge, plant or vegetation of any kind growing on that land to:
  - (a) overhang any Road at a height less than two and a half (2.5) metres;
  - (b) grow in such a manner so that it obstructs the view of a Motor Vehicle, sign or signal on a Road by any person using that Road; or
  - (c) obstruct a footpath.

### 157. Dilapidated Buildings

- (1) The owner and occupier of land on which there is a Building must not allow or permit the Building to be dilapidated.
- (2) Where a Building is dilapidated, Council may serve a Notice to Comply on the owner and occupier of the land specifying the works required to correct the dilapidated state, or that the Building be removed or demolished.

GENERAL LOCAL LAW 2018

# Part 13 – Building Activity

### 158. Building Definitions

In this Part:

**“Building Activity”** includes:

- (a) any act or thing done or to be done on, over or across any Road or Council Land for the purpose of or in the course of constructing, repairing, demolishing, pulling down or removing any building;
- (b) the erection or removal of any kind of scaffolding and the excavation and carrying away of earth, soil, clay, rock or material of any kind on, over or across any Road or Council Land;
- (c) the moving about of any building equipment or material and any rubble, waste or second-hand building materials on, over or across any Road or Council Land; or
- (d) any work or action incidental to the matters referred to in paragraph (a), (b) and (c) conducted on, over or across any Road or Council Land.

**“Building Activity Hours”** means the period of time between 7am and 8pm on any week day or the period of time between 9am and 8pm on Saturday.

**“Repair”** includes the re-construction or renewal of any part of an existing building for the purpose of its maintenance.

### 159. Building Activity Hours

- (1) A person must not, without a Permit, carry out any Building Activity on land or use any machinery or device ancillary to Building Activity on or over or across a Road or Council Land:
  - (a) on Christmas Day, Easter Sunday, Good Friday, ANZAC Day;
  - (b) a Sunday; or
  - (c) on any other day outside of Building Activity Hours.
- (2) Sub-clause (1)(b) does not apply to a natural person who is an owner of land on which Building Activity is being carried out on that land.

### 160. Dust Control

- (1) A person carrying out any Building Activity, landscaping or gardening works on land must ensure that dust or spoil is not deposited on any Road.
- (2) A person carrying out any Building Activity, landscaping or gardening works on land must ensure that dust, spoil or other material does not escape from the land to be a nuisance.

- (3) A person carrying out any Building Activity, landscaping or gardening works on land must ensure that any rubbish, waste, water, slime or other debris does not escape from the land.
- (4) A person instructed by an Authorised Officer to rectify, clean up or remedy the dust or spoil referred to in sub-clauses (1) to (3) must immediately rectify the situation to the satisfaction of the Authorised Officer.

### 161. Spoil from Building Sites

- (1) An owner or occupier of land or a building contractor responsible for Building Activity on that land must not allow a Motor Vehicle to leave the land on which building works are being carried out and enter an adjoining Road unless the wheels and tyres of that Motor Vehicle are clean and free from soil, earth, clay or other debris.
- (2) An owner or occupier and building contractor responsible for Building Activity on that land who allows by consent, neglect, omission or direction the matters in sub-clause (1) to occur is guilty of an offence.

### 162. Building Material

A person must not, without a Permit, place any building material, rubble, plant, equipment or portable toilet on any Road or Council Land.



GENERAL LOCAL LAW 2018

# Part 14 – Tree Protection

### 163. Tree Protection

(1) In this Part:

**“Damage”** means to lop, prune or undertake Works near a tree such that the tree is no longer viable in terms of health, structure or stability.

**“Prune”** means to remove any branches of a tree that are greater than 50 mm in diameter at the point of contact with the larger branches or the trunk.

**“Significant Tree”** means a tree or palm:

- (a) with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;
- (b) with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;
- (c) with a trunk circumference of 180 cm or greater measured at its base; or
- (d) with a total circumference of all its trunks of 180 cm or greater measured at its base.

*Note: See Figure 1 and 2.*

**“Tree Protection Zone”** means the area surrounding a tree’s trunk that contains the roots that are essential to the tree’s continued health, vigour and stability, being a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk diameter measured at 1.4 m above its base.

*Note: See Figure 3.*

**“Works”** includes building, trenching, digging, compacting, excavating, filling or storing materials and equipment whether by mechanical or manual methods.

(2) Unless in accordance with a Permit a person must not:

- (a) remove, kill or Damage a Significant Tree; (these actions result in the killing or the necessary removal of the tree and therefore are the most serious offending)
- (b) lop, prune or trim a Significant Tree; (the lopping or pruning of a tree that does not result in the loss of the tree)
- (c) carry out any Works within the Tree Protection Zone of a Significant Tree; or (the carrying out of Works may or may not result in the death of the tree)
- (d) direct, authorise or allow a person to do any of (a), (b) or (c) above.

*Note: See Figure 3.*

(3) Sub-clause (1) does not apply to:

- (a) a person whose actions are authorised under a Planning Permit under the Planning Scheme;
- (b) a person whose actions are required by any other legislation or by any other statutory authority; or
- (c) a person acting in accordance with an instruction or direction from an Authorised Officer.

(4) If a tree is interfered with in any of the circumstances specified in breach of sub-clause (2) (having regard to sub-clause (3), the owner of land on which the tree is located is guilty of an offence, whether or not the person who actually contravened sub-clause (2) is identified or prosecuted, unless the owner can prove that the interference was undertaken by another person without the knowledge of the owner.

(5) A person must not, without a Permit, remove, kill, Damage, lop, Prune or trim a Significant Tree that is overhanging property owned or occupied by that person.

(6) In deciding whether to grant a Permit under this clause Council must take into consideration the matters specified in the Procedure and Protocol Manual.

Figure 1: Diagram illustrating how to measure a circumference of the base of different shaped trees.

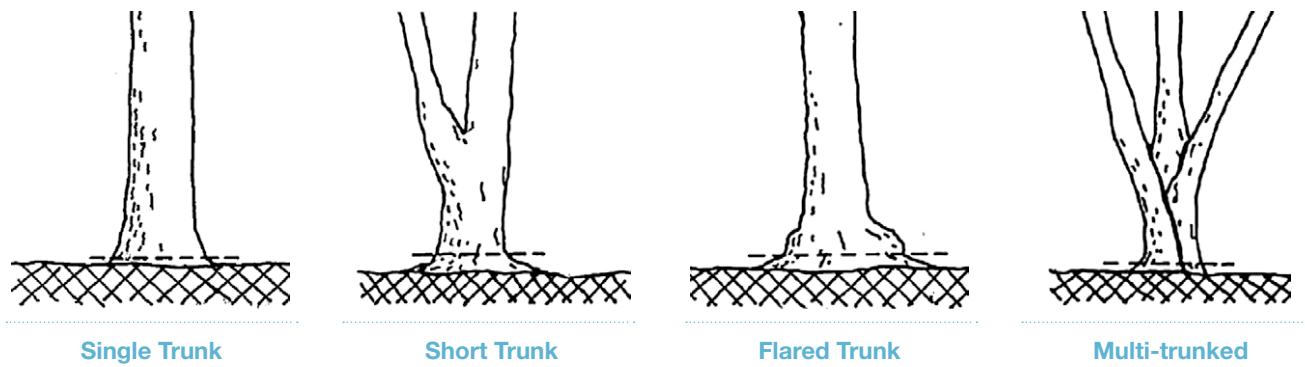


Figure 2: Diagram illustrating where and how to measure the circumference at 1.4m above ground level.

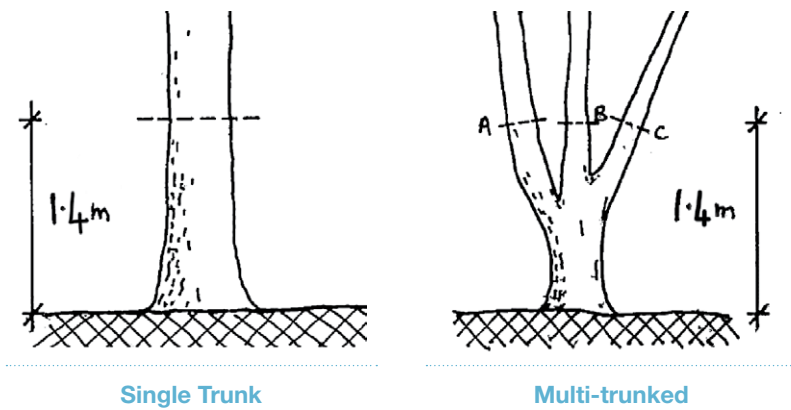
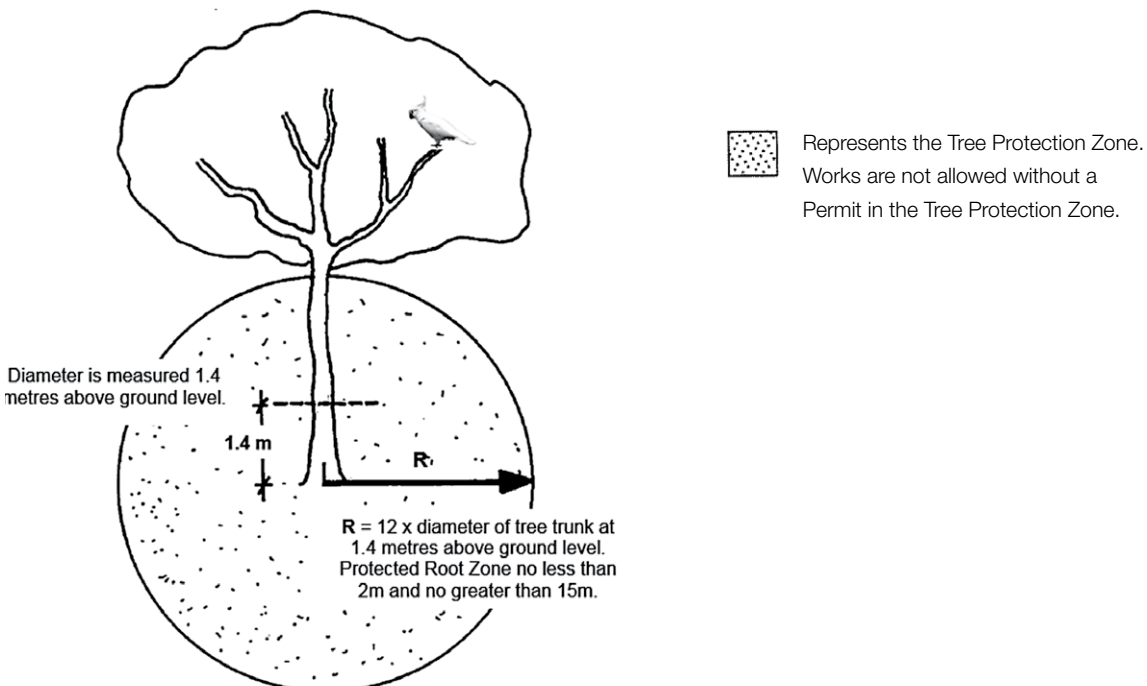


Figure 3: Diagram illustrating how to determine the **Tree Protection Zone**.



GENERAL LOCAL LAW 2018

# Part 15 – Animals and Birds

### 164. Application of Part

This Part does not apply to land:

- (a) on which a pet shop is located; or
- (b) on which an animal hospital or veterinary practice is located,

if the use of the land for this purpose is permitted under the Planning Scheme applicable to that land.

### 165. Conditions Under Which Animals May be Kept

- (1) The owner and occupier of land must not, without a Permit, keep or allow to be kept on that land at any time no more in number for each type of Animal than is set out in Table 3.
- (2) Sub-clause (1) does not apply where a Planning Permit has been obtained for the use of land for the purposes of Animal boarding or breeding.
- (3) A Permit may be granted for the keeping of any Animals not listed in Table 3 of sub-clause (1):
  - (a) if the Animals are to be part of a display for education, cultural or historical purposes; or
  - (b) if the Animal is not prohibited and in accordance with the requirements and criteria in the **Keeping of Animals Policy**.

### 166. Keeping of Animals Policy

- (1) The Keeping of Animals Policy is incorporated into this Local Law.
- (2) A person who contravenes or fails to comply with a requirement for the keeping of Animals in the **Keeping of Animals Policy** imposed on that person is guilty of an offence.
- (3) The owner and occupier of land must not keep or allow to be kept on that land at any time an Animal specified in the **Keeping of Animals Policy**.
- (4) A person who fails to comply with a condition of a Permit is guilty of an offence.

### 167. Animal Noises

- (1) The owner and occupier of land where any Animal is kept must ensure that the keeping of the Animal does not create a nuisance.
- (2) An Animal creates a nuisance for the purpose of sub-clause (1) if it creates a noise by any means and unreasonably interferes with the peace, comfort or convenience of any person.

Table 3

	Houses	Units, townhouses, flats and apartments
Cats	2	2
Cats under 3 months	12	2
Dogs	2	1
Dogs under 3 months	12	1
Domestic birds (budgie/canary or similar)	5	2
Domestic mice	6	3
Rabbits or guinea pigs	10	2
Cold water and tropical fish	unlimited	unlimited

### 168. Animal Excrement

- (1) A person in charge of any Animal in a Public Place must immediately remove that Animal's excrement and dispose of it as litter in a lawful manner.
- (2) A person in charge of any Animal in a Public Place must carry a Litter Device suitable to clean up and remove any excrement left by his or her Animal and must produce that Litter Device upon request of an Authorised Officer.
- (3) A person who fails to produce a Litter Device when requested to do so is guilty of an offence.

### 169. Wasp Nest(s) and Bee Swarm(s) to be Removed

The owner and occupier of land must, upon becoming aware of the existence of a wasp nest or bee swarm on the land or at the direction of an Authorised Officer:

- (a) take steps to cause the wasp nest or bee swarm to be removed; and
- (b) arrange for the removal to be undertaken by an appropriate contractor.

### 170. Pest Animals

- (1) A person must not keep, store or allow to be kept or stored on land any prepared food for consumption by an Animal unless the food is stored in a manner secure from all vermin, feral and stray Animals.
- (2) A person must not, without a Permit, feed or encourage the presence of feral Animals, stray Animals or foxes nor allow any such Animals access to prepared food stored or issued to Animals.

### 171. Fencing of Dogs

The owner and occupier of land on which a dog is kept must ensure that all boundary fencing is adequate to keep the dog wholly within the boundaries of the land.

### 172. Feeding of Animals and Birds

- (1) A person must not feed or leave food for an Animal or bird in a Public Place.
- (2) Nothing in sub-clause (1) applies to any person feeding or leaving food for an Animal that is registered under the **Domestic Animals Act 1994** and under the effective control of that person.

GENERAL LOCAL LAW 2018

# Part 16 – Sanitation



### 173. Supply and Use of Waste Receptacles

- (1) The owner and occupier of land must:
  - (a) ensure that an appropriate receptacle for the collection of waste is available on the land for the collection and containment of waste;
  - (b) deposit or cause to be deposited in an appropriate receptacle only waste generated from the land;
  - (c) maintain all waste receptacles and any area of the land in which waste receptacles are located in a clean and sanitary condition; and
  - (d) not deposit commercial or residential waste in Council street bins.
- (2) The owner or owners corporation of commercial and residential land on which there is more than one premises or dwelling must:
  - (a) construct on the land an area for storing waste receptacles;
  - (b) ensure that the area constructed is screened from view and maintained in a clean and sanitary condition; and
  - (c) ensure that the area is used to store waste receptacles.
- (3) A person must not remove an Approved Receptacle from the land to which it has been assigned.
- (4) A person must not damage or destroy an Approved Receptacle.

### 174. Domestic and Recycling Waste Collection

- (1) The owner and occupier of land to which Council provides a domestic waste collection service or a domestic recycling collection service must only use an Approved Receptacle.
- (2) The owner and occupier of land to which Council provides a domestic waste collection service or a domestic recycling collection service must:
  - (a) ensure the Approved Receptacle and contents does not exceed 60 kg;
  - (b) not place in an Approved Receptacle commercial or industrial waste or use an Approved Receptacle for any other purpose other than for the collection and containment of domestic waste or domestic recycling;
  - (c) place an Approved Receptacle for collection at the front of the land adjacent to the kerb;
  - (d) ensure that the lid is secure and that waste cannot spill onto the ground;

- (e) ensure that if waste has spilled onto the ground that the waste is collected and deposited back into the Approved Receptacle;
  - (f) ensure that the Approved Receptacle is returned to the land on the day of collection; and
  - (g) comply with the additional requirements specified in the **Procedures and Protocol Manual**.
- (3) If Council has given notice of a collection of Hard Waste, the owner or occupier of land may place or allow to be placed at the front of the land in a neat, tidy, safe and orderly manner Hard Waste for collection by Council.
  - (4) Hard Waste placed out for collection becomes the property of Council or such person as Council may specify.
  - (5) A person must not deposit or allow to be deposited any Hard Waste contrary to the notice given pursuant to sub-clause (3).
  - (6) A person must not interfere with or remove any Hard Waste unless:
    - (a) it is a person who has a Permit to do so;
    - (b) it is Council;
    - (c) the person is authorised by Council; or
    - (d) it is the person who deposited the Hard Waste.

### 175. Trade Waste Bins and Hoppers

- (1) The owner and occupier of land on which a waste receptacle used for the collection and storage of commercial or industrial waste must:
  - (a) construct on the land an area to store the waste receptacle that is supplied with reticulated water so that the waste receptacle can be adequately cleaned;
  - (b) ensure that the area constructed is screened from view, maintained in a clean and sanitary condition and fenced in such a manner to deny access to the public;
  - (c) ensure the waste receptacle is available for collection on the day of collection and returned to the land after collection;
  - (d) ensure when the waste receptacle is on a Road or Council Land for collection:
    - (i) the lid is closed and waste is not able to spill onto the ground;
    - (ii) the waste receptacle is not in an unclean and offensive condition; and
    - (iii) any waste that has spilled onto the ground that the waste is collected and deposited back into the waste receptacle; and

- (e) comply with the additional requirements specified in the Procedures and Protocol Manual.
- (2) A person collecting and removing any commercial or industrial waste must not:
  - (a) collect and remove the waste other than between the hours of 7am and 10pm on Monday to Saturday (inclusive) and between the hours of 9am and 10pm (inclusive) on Sunday and a public holiday; and
  - (b) use a vehicle from which liquid waste water is able to leak onto the Road.
- (3) For the purpose of sub-clause (2) above, the person collecting and removing commercial or industrial waste in contravention of sub-clause (2) includes the driver of the vehicle and the employer of the driver of the vehicle.

#### 176. Council Waste Acceptance Facilities

- (1) A person must not, without a Permit, deposit any waste in or at, or enter any Council Waste Depot unless:
  - (a) the fee, if any, has been paid;
  - (b) the waste is deposited where directed by Council notice, an Authorised Officer or a member of Council staff acting in the course of that member's duties;
  - (c) the waste is waste approved by Council for deposit; and
  - (d) during the hours the Council Waste Depot is open to the public.
- (2) A person must not, without a Permit, remove from a Council Waste Depot any waste or material of any kind that has been deposited or left there.
- (3) A person must, while in any Council Waste Depot, obey:
  - (a) a lawful order or direction of any Authorised Officer or member of Council staff acting in the course of that member's duties; and
  - (b) any sign authorised by Council.

#### 177. Directive Powers

- (1) An Authorised Officer may direct and require a person who deposits waste or places a waste receptacle or allows it to remain in place contrary to:
  - (a) this Local Law; or
  - (b) a Permit,
 to immediately remove the waste or waste receptacle (as the case may be).

GENERAL LOCAL LAW 2018

# Part 17 – Permits

### 178. Application for a Permit

- (1) An application for a Permit must be in the form prescribed by Council from time to time and must be accompanied by the appropriate fee, as determined by Council from time to time.
- (2) Council may prescribe the form for an application for a Permit and specify the requirements for an application for a Permit and the matters to be considered or to be applied in the grant of a Permit in the **Procedure and Protocol Manual**.
- (3) Council may require a person making an application for a Permit to give public notice that will entitle any person to make a submission and to be heard.
- (4) Council may require additional information to enable an application for a Permit to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.
- (5) Council may grant a Permit with or without conditions or refuse to grant a Permit.

### 179. Consideration of Applications

- (1) In considering an application for a Permit, Council must consider as appropriate:
  - (a) any policy or guideline relating to the subject matter of the application for the Permit;
  - (b) any written objection or written submission received in respect of the application;
  - (c) any written comment made in respect of the application by any Public Body or community organisation;
  - (d) any matters specified in the **Procedure and Protocol Manual**; and
  - (e) any other relevant matter.
- (2) Where the applicant is not the owner of the land that is the subject of the application, the consent of the owner of the land to the application must be provided to Council with the application.

### 180. Permits May be Conditional

- (1) A Permit may be issued with or without conditions including, but not limited to, conditions relating to:
  - (a) the payment of a fee, charge, fare or rent;
  - (b) a standard to be applied;
  - (c) a time limit to be applied either specifying the duration, commencement or completion time or date;
  - (d) the issue of the permit subject to the happening of an event;
  - (e) the rectification, remedying or restoration of a situation or circumstance;
  - (f) a condition that a specified thing is to be done or not to be done to the satisfaction of Council or an Authorised Officer;
  - (g) the amendment or cancellation of a specified Permit prior the Permit coming into effect;
  - (h) a Permit for a use for a specified time:
    - (i) that any use or development carried out on the land under the Permit is to cease or be removed (as the case may be) at the end of the specified time; and
    - (ii) that the land is to be restored to a specified state at the end of the specified time;
  - (i) the consent of the owner of land where the applicant is not the owner of that land;
  - (j) the granting of some other Permit that may be required by Council whether under this Local Law or otherwise; and
  - (k) any other matter as considered appropriate.
- (2) Council may by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, goods, service or other act, matter or thing for the application, consideration, grant, renewal, suspension or cancellation of a Permit.
- (3) Council may prescribe, regulate or determine the manner in which an application may be made for a Permit and the conditions on which a Permit may be granted, any service performed or supplied or the supply of any goods or information.

### 181. Power to Amend Conditions

- (1) Council may, during the currency of a Permit, amend the conditions of a Permit if it considers it appropriate to do so.
- (2) In considering whether it is appropriate to amend the conditions on the Permit, Council must have regard to:
  - (a) the purposes for which the conditions were imposed;
  - (b) whether those purposes are adequately achieved by the current conditions;
  - (c) the impact of the proposed amendment on the Permit holder and any relevant third parties; and
  - (d) any other relevant matter.

If Council proposes to amend the conditions on a Permit, it must:

- (a) provide the permit holder an opportunity to make submissions on whether the amendment should be made; and
- (b) take into account those submissions in deciding whether to amend the permit.

### 182. Security Bonds

- (1) In deciding to grant a Permit, Council may require the applicant to lodge with Council a security bond, bank guarantee or similar surety in an amount and in a manner as Council considers reasonable in the circumstances.
- (2) Council may use a security bond, bank guarantee or other surety to remedy a breach of that Permit, Local Law or repair any damage caused by any works under a Permit.
- (3) Upon the completion of any required remediation works, Council must release any remaining security bond, bank guarantee or other surety.

### 183. Register of Permits

Council must keep a register of Permits.

### 184. Duration of Permits

Except where expressly stated in the Permit, the Permit operates from the date it is issued and expires one year after the date of issue or earlier if expressly provided in the Permit or if determined by Council.

### 185. Correction of Permits

- (1) Council may correct a Permit issued if that Permit contains:
  - (a) a clerical mistake or an error arising from any accident, slip or omission; or
  - (b) a material miscalculation of figures or a material mistake in the description of any person, thing or property referred to in the Permit.
- (2) Council must note the correction in the register of Permits.

### 186. Cancellation, Suspension or Amendment of Permits

- (1) Council may cancel, suspend or amend any Permit at any time if:
  - (a) it is requested to do so by the Permit holder; or
  - (b) Council considers that there has been:
    - (i) a material mis-statement or concealment of fact in relation to the application for the Permit;
    - (ii) any material mistake in relation to the issue of the Permit; or
    - (iii) any material change of circumstances that has occurred since the granting of the Permit;
  - (c) Council believes that the continuance of the activity permitted by the Permit may result in a hazard, danger or inconvenience to any other person or property or be otherwise detrimental to the amenity of the area;
  - (d) Council is satisfied that there has been a substantial failure to comply with a Permit condition or Notice to Comply relating to the Permit; or
  - (e) the Permit holder defaults in any payment of a fee, charge, security bond, bank guarantee or similar surety required by the Permit.
- (2) Council must note any cancellation, suspension or amendment of a Permit in the register of Permits.
- (3) Prior to cancelling, suspending or amending a Permit, Council must:
  - (a) provide the Permit holder an opportunity to make a submission on whether the Permit should be cancelled, suspended or amended; and
  - (b) take into account the submission in deciding whether to amend the Permit.

### 187. Transferability of Permits

Unless otherwise stated in the Permit, a Permit is:

- (a) personal and authorises only the person named in the Permit to carry out the activity authorised; and
- (b) not transferable without the consent of Council.

### 188. Permit Issue and Refusal

- (1) Wherever in this Local Law power is given to Council to issue, refuse to issue, suspend or cancel a Permit, such power may be exercised by an Authorised Officer.
- (2) The power conferred in sub-clause (1) does not apply where:
  - (a) a written objection is received to the issuing of a Permit, in which case the application and objections must be referred to an Authorised Officer nominated by the Chief Executive Officer, General Manager or Council for consideration and determination; or
  - (b) where Council has issued or refused a Permit.

### 189. Exemptions

- (1) Council may exempt any person or class of persons from the requirement to obtain a Permit, either generally or at specified times.
- (2) Any person or class of persons specified in the **Procedure and Protocols Manual** may be exempt from the requirement to obtain a Permit.

### 190. Information

- (1) A person must not obtain or attempt to obtain a Permit by knowingly making or causing to be made any false representation whether orally or in writing.
- (2) Any person must, when requested to do so, produce a Permit to:
  - (a) an Authorised Officer; and
  - (b) a member of Victoria Police or a member of the fire brigade.

GENERAL LOCAL LAW 2018

# Part 18 – Fees, Charges and Costs



### **191. Setting Fees and Charges**

Council may, from time to time and by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, goods, service or other act, matter or thing or the application, consideration, grant, renewal, suspension or cancellation of a Permit.

### **192. Differential or Structured Fees and Charges**

In determining any fee, charge, fare or rent, Council may establish a system or structure of fees, charges, fares or rents including a minimum or maximum, specific fees, scales of fees according to the value of goods or services provided or project being assessed, if it considers it is appropriate to do so.

### **193. Waiver or Alteration to Fees and Charges**

The Council may waive, reduce, alter or refund in whole or in part any fee, charge, fare or rent with or without conditions.

GENERAL LOCAL LAW 2018

# Part 19 – Infringement Notices

#### 194. Purpose

The purpose of this Part is to provide for the issue of infringement notices for contraventions of this Local Law.

#### 195. Infringement Notice

- (1) An Authorised Officer may serve, or cause to be served, an infringement notice to a person who the Authorised Officer reasonably believes has contravened or failed to comply with this Local Law.
- (2) An infringement notice may only be served to a person for a contravention of this Local Law if the offence is listed in the schedule to the **Procedure and Protocol Manual**.
- (3) The infringement notice must specify the penalty (shown as Penalty Units) specified for that offence in the schedule to the Procedure and Protocol Manual.

GENERAL LOCAL LAW 2018

# Part 20 – Enforcement, Offences and Prosecutions

### 196. Recovery of Costs

In addition to any penalty under the Act or this Local Law, any expense, damage or loss incurred by Council in consequence of a breach of this Local Law or in the prosecution of a breach of this Local Law must be paid by the person committing such a breach.

### 197. Offences

A person is guilty of an offence if the person:

- (a) does something that a provision of this Local Law prohibits to be done or makes an offence;
- (b) fails to do something that a provision of this Local Law requires to be done;
- (c) allows any act to occur by consent, neglect, omission or direction that is a contravention of this Local Law;
- (d) engages in activity without a current Permit where a provision of this Local Law requires that person to obtain a Permit before engaging in that activity;
- (e) breaches or fails to comply with a condition of a Permit issued under this Local Law;
- (f) is the driver of a Motor Vehicle that is parked or left standing on Council Land as well as the registered owner of the Motor Vehicle (unless the owner of the Motor Vehicle complies with the operator onus provisions of Part 6AA of the **Road Safety Act 1986**).

### 198. General Penalties

- (1) A person who is guilty of an offence against this Local law for which a specific penalty is not provided is liable to a penalty not exceeding 20 Penalty Units.
- (2) In the case of a continuing offence a person is liable to a penalty not exceeding two (2) Penalty Units for each day after conviction for an offence during which the contravention continues.

### 199. Power to Impound

- (1) An Authorised Officer may seize and impound a Motor Vehicle, Vehicle, sign, Goods or any other item where there has been a contravention of this Local Law.
- (2) As soon as practicable after impounding any Motor Vehicle, Vehicle, sign, Goods or any other item an Authorised Officer must, if the name and address of its owner is known, serve a notice of impoundment on the owner.
- (3) Council may determine, from time to time, a fee that must be paid by the owner of any impounded Motor Vehicle, Vehicle, sign, Goods or any other item before Council is required to release the Motor Vehicle, Vehicle, sign, Goods or any other item. Any impounded Vehicle, sign or Goods may be claimed by its owner after the payment of the relevant fees.
- (4) Any impounded Motor Vehicle, Vehicle, sign, Goods or any other item not claimed within the time specified on the notice of impoundment or within seven (7) days of the impounding may be disposed of by Council by tender or public auction, transferred to the Council Waste Depot or given away.

### 200. Impersonating Council Staff

- (1) A person who is not a member of Council staff must not, in any way, hold himself or herself out to be a member of Council staff.
- (2) A person who is not a member of Council staff must not produce a document that contains the Council logo or Council name, unless authorised by Council.
- (3) A person who is not a member of Council staff must not use a document that contains the Council logo or Council name, unless authorised by Council.

GENERAL LOCAL LAW 2018

# Schedule 5

## SCHEDULE 5

## PROCEDURAL MOTIONS TABLE

Procedural motion	Form	Mover and seconder
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion

When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
(a) During the election of a Chair; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of Council has been made for that meeting in accordance with section 85 of the Act; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the Agenda	Debate continues unaffected	Yes
During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No





**Stonnington City Centre**

311 Glenferrie Road, Malvern

**Prahran Town Hall**

180 Greville Street, Prahran

**Depot**

293 Tooronga Road, Malvern

**Open**

Monday to Friday, 8.30am to 5pm

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