

7.1.6 MAKING OF THE COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024

Responsible Manager:	Greg Talbot, Manager Community Amenity
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council

1. **Acknowledges and thanks the community for their participation and feedback through the community engagement process.**
2. **Having:**
 - a. **Completed the statutory process under Division 3 of Part 3 of the *Local Government Act 2020* for the making of the proposed, Community Safety and Amenity Local Law 2024 (Attachment One) (“the proposed Local Law”);**
 - b. **Obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the proposed Local Law is consistent with the local law requirements set out in Section 72 of the *Local Government Act 2020* (Attachment Two);**
 - c. **Undertaken community engagement in accordance with Council’s Community Engagement Policy in respect of the proposed Local Law; and**
 - d. **Considered all submissions received,**

Resolves to make the proposed Local Law in the form attached to this report as Attachment One.

3. **Authorises Council’s Chief Executive Officer to publish in the Victoria Government Gazette, and on Council’s website the notice required by Section 74 of the *Local Government Act 2020* in respect of Council’s decision to make the proposed Local Law 2024.**

INTRODUCTION

The purpose of this report is:

- for Council consider the feedback from the community engagement process regarding the proposed Community Safety and Amenity Local Law 2024
- to recommend that Council resolves to make the Community Safety and Amenity Local Law 2024 as discussed in this report and provided at (Attachment One) in accordance with the *Local Government Act 2020*.

COUNCIL PLAN STRATEGIC OBJECTIVES

Objective - Sustainable City

Strategies:

- Work with the community towards a zero-waste future, actively increasing reuse and recycling
- Ensure an economically, socially, and environmentally sustainable municipality

Major Initiative:

Progress the review and remaking of the Local Law No.3 - Community Amenity which provides for the peace, order and good governance as well as promotes a physical and social environment free from hazards to health and addresses nuisances that may impact on enjoyment and wellbeing.

Objective – Inclusive Services

Strategy:

- Fostering an equitable, just and inclusive Monash

Objective – Enhanced Places

Strategies:

- Improve public spaces and local employment by revitalising our employment hubs, activity centres and neighbourhood shops
- Prioritisation of pedestrians and active transport over vehicles

Objective - Good Governance

Strategies:

- Effectively communicate and engage with the community
- Maintain the highest standards of good governance

BACKGROUND

The *Local Government Act 2020* allows Council to make Local Laws about anything that Council is responsible for or can do under the *Local Government Act 2020*, or any other Act. Importantly a Local Law must not be inconsistent with any Act or regulation and must not duplicate or be inconsistent with a planning scheme.

The Community Safety and Amenity Local Law 2024 (proposed Local Law) has been prepared to replace Local Law No.3 - Community Amenity which is due to expire 1 February 2024. The proposed Local Law has been shared with the community in accordance with Council's Community Engagement Policy. The Local Law will operate for a 10-year period, unless revoked sooner, and will sunset in 2034.

DISCUSSION

The process of making a Local Law is set out in section 73 of the *Local Government Act 2020* and requires that Council releases a proposed Local Law for consultation in accordance with its community engagement policy.

At its meeting of 26 March 2024 Council resolved to release the proposed Community Safety & Amenity Local Law 2024 for consultation between 2 April and 12 May 2024. The results from that consultation are discussed in this report to assist Council's final considerations prior to resolving on the matter.

Importantly, if Council now alters the proposed Local Law in a way that materially alters the rights and responsibilities of any person, it must conduct a further community engagement process regarding the proposed alterations. While the consultation process has resulted in some minor

changes to the proposed Local Law, as outlined later in this report, these changes do not necessitate further consultation.

Before making a local law, Council must obtain a certificate from a suitably qualified lawyer stating that, in their opinion, the proposed local law complies with the statutory requirements outlined in the Act. A certificate to that effect has been issued by Maddocks Lawyers (Attachment Two).

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

The engagement was open between 2 April and 12 May 2024.

During this time, the Shape Monash platform attracted 1151 visits to the page, and 150 submissions were made by 79 contributors. The feedback is provided in detail at Attachment Three.

The engagement was undertaken via Council's Shape Monash platform and the opportunity to provide feedback on the draft Local Law was advertised in the May edition of the Monash Bulletin that was distributed to all households and was promoted on Council's website.

Posters with a QR code directing users to Shape Monash were displayed at the Monash Aquatic and Recreation Centre and the Oakleigh Recreation Centre and hard copies of the draft Local Law were made available at the Glen Waverley and Oakleigh Services Centre's. Council's advisory committees were also informed of the consultation with the opportunity to provide feedback.

The engagement was open between 2 April and 12 May 2024. During this time, the Shape Monash platform attracted 1151 visits to the page, and 150 submissions were made by 79 contributors. The feedback is provided in detail at Attachment Three.

The opportunity to provide feedback was presented through six surveys, aiming to outline the proposed changes clearly and unambiguously for submitters. Each survey garnered feedback on each topic.

Topic One – Changes arising from inconsistencies with State or Federal Legislation

This topic identified a range of clauses within the existing Local Law that were omitted from the proposed Local Law due to being inconsistent with State or Federal laws. These included:

- noise provisions that are addressed under the Environment Protection Act 2017 and/or the Public Health and Wellbeing Act 2008.
- nuisance arising from fires covered by the Public Health and Wellbeing Act 2008.
- access to facilities being gender specific
- some parking matters that are subject to the Road Safety Act 1986.
- provisions associated with Graffiti addressed in the Graffiti Prevention Act 2007.

Inconsistencies with State or Federal Legislation - Key Feedback Insights

Seven submissions were received from drone operators seeking the removal of clause 15.1.1, which prohibits a person from flying any aircraft (including any powered model aeroplane) in a reserve without a permit. The submissions were supported by a primary submission made on behalf of the Victorian Drone Flyers Group (Attachment Four) and contend the operation of drones are regulated by the Civil Aviation Safety Authority (CASA). Whilst it is noted that unpiloted aircraft are heavily regulated by CASA, this clause is not concerned with the way that unpiloted aircraft are operated. Rather, it is concerned with what Council considers to be acceptable and unacceptable use of its land, including by balancing the interests of diverse groups of reserve users.

The proposed Local Law excludes the existing clause that makes access to dressing rooms, showers and other facilities on Council land, gender specific. The clause has been removed because it is inconsistent with the Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006 and cannot remain as is.

Officers are aware that similar clauses in other Victorian Councils' local laws have been the subject of complaints to the Victorian Human Rights and Equal Opportunity Commission. One submission from the Victorian Pride Lobby was received in support of its removal (Attachment Five) and two submissions opposed it.

There was also some discussion about the words "his or her" being replaced with "their" and the words "he or she" being replaced with "they". Four submissions sought no change to these words, however this change was made to promote inclusivity and neutrality. It ensures the law applies to all individuals, regardless of gender identity, making the language more modern and non-discriminatory. This language is consistent with contemporary practices in legal drafting and language.

One participant made a broad submission on most aspects of the proposed Local Law and these have been divided into 72 sub-topics (p5 – p15) in Attachment Three. This submission has been carefully considered and officer comments have been provided in response to each of these in the attachment. Notably, however, having considered this submission the following changes have been made to the proposed Local Law:

1. References to 'assistance dog' have been amended to read 'assistance animal'. Amending this language is consistent with the Disability Discrimination Act 1992 (Cth) and the Equal Opportunity Act 2010.
2. References to 'green waste' have been amended to 'food and green waste' where appropriate to reflect Council's kerbside collection services.
3. Clause 72 – Transportation of Waste has been removed as the issue is considered to be covered by the general environmental duty under the Environment Protection Act 2017.
4. Rats and caged birds have been added to the table that provides for the number of animals that may be kept without a permit. Consequential changes have been made to the 'definitions'.

Topic Two - Use of, and behaviour on Council land

The proposed Local Law introduces two minor amendments to the existing provisions, which outline the expected behavior on Council land and in Council buildings, as well as how the use of this land is managed.

The first amendment provides a clear definition of an 'event', specifying it as an 'organised' recreational, cultural, commercial, or social event or gathering of people." This distinction is made to differentiate between casual gatherings and formal events, the latter of which require adherence to specific clauses related to safety and amenity.

The second amendment clarifies that an individual who has been directed to leave Council land may return after a period of 48 hours unless they are given written notice of a longer period of exclusion. Previously, the clause could be misinterpreted to mean that without written permission, the individual could not ever return to the area, which was not the intended interpretation. This makes the clause self-executing in terms of allowing a person to return automatically unless advised otherwise.

Use of, and behaviour on Council land - Key Feedback Insights

There was good support for this section of the Local Law, with 41% of submitters expressing support, 6% expressing strong support, and 41% maintaining a neutral position.

The areas of opposition primarily focused on concerns about 'events' being the subject of permits and concerns that casual gatherings or family picnics may be affected. In the context of the proposed local law an 'event' is typically characterised by elements of organisation and planning, potentially involving permits, hired services, or public advertising. While a large family picnic may involve a significant number of people, it would generally be considered a private, informal gathering.

Topic Three – Municipal Amenity

This section of the proposed Local Law addresses matters which if left uncontrolled have the potential to cause hazards and detriment to the amenity of an area. Such matters may include things such as overhanging vegetation and the unsightliness of properties. These matters are generally well addressed through the existing controls however, the following changes include the following:

- *Property managers responsible:*

The proposed Local Law includes mechanisms to make property managers equally responsible, along with landowners and occupiers, for matters related to safety and the appearance of land, especially regarding unsightliness. This will ensure that property managers are accountable for maintaining the standards and conditions of the land they manage, and that they can be penalised for any breaches.

- *Unregistered and unused vehicles:*

The proposed Local Law limits the number of unregistered and unused vehicles that can be kept on private land. This will prevent the accumulation of vehicles that may pose a fire hazard, create an environmental nuisance, or affect the amenity of the neighborhood.

- *Building condition:*

The proposed Local Law strengthens the rules around the condition of buildings, including incomplete and dilapidated buildings. So far as practicable, this will include measures to help ensure that buildings are safe, secure, and not detrimental to the public health or the visual amenity of the area.

Municipal Amenity - Key Feedback Insights

Submitters expressed considerable support for the existing and proposed amenity controls, with 37% expressing support and an additional 29% expressing strong support. Opposition was limited to 18%, while 16% remained neutral.

The submissions received confirmed that municipal amenity is very important to the Monash community, with an expectation that these controls are actively enforced. Some submissions suggested extending these controls to issues such as property developments, flying the Australian flag, and light emissions. However, these matters are already addressed by planning controls, the Flags Act 1953 (Cth), and the *Public Health and Wellbeing Act 2008*.

Opposition to the existing and proposed controls include concerns about the costs associated with compliance for both Council and individuals. Additionally, there are calls for the relaxation of caravan controls due to the current lack of rental opportunities, and concerns that the regulations for unregistered and unused vehicles kept on private property do not go far enough.

This section of the Local Law also addresses fires, and relevant clauses have been updated to replace references to the “Metropolitan Fire and Emergency Services Board” and the “Melbourne Fire and Emergency Services Board” with “Fire Rescue Victoria”.

Topic Four – Waste Management and Resource Recovery

Failing to adhere to the requirements of Council’s waste management service significantly impacts neighborhood amenity, especially when bins are overfilled and spill their contents or are left out for days at a time. It also impacts on the cost to Council of delivering these services to the community due to contamination, damaged bins and additional labour.

The proposed Local Law enhances existing controls to improve waste management at multi-tenancy accommodation. In shared accommodations, waste management issues frequently arise due to insufficient bin capacity, leading to overfilled bins and spillage. The proposed Local Law requires property owners and managers to ensure the provision of adequate bins to meet the needs of the occupants. This clause will apply to all shared properties where four or more unrelated people reside, not just rooming houses.

Regarding waste management in general, the proposed Local Law clarifies the times when Council bins can be left out and when they must be returned to the property. Notably, the draft Local Law proposed a new clause stipulating that bins cannot be placed out for collection earlier than 5 PM on the day before the scheduled collection day for that approved receptacle. This measure addresses ongoing community concerns about bins being left out for extended periods.

Waste Management and Resource Recovery - Key Feedback Insights

It is clear that stipulating bins be placed out no earlier than 5 PM the day before collection was the most contentious issue identified by submitters. A significant portion of responses opposed this change, with 26% expressing opposition and 34% expressing strong opposition and 20 written comments being left – by far the most of any proposed change. The remaining responses were either neutral or supportive of the remainder of the changes.

Reference to the 5 PM bin placement restriction has therefore been removed from the relevant clause in the proposed Local Law. It now simply requires that bins must be placed out no earlier than the day before the scheduled collection day.

Topic Five – Infringement Amounts

The proposed Local Law maintains consistency with existing fine amounts while introducing targeted changes. Specifically, fines related to building works and the protection of Council assets and building site management have been increased. These adjustments align with community expectations and enhance their deterrent effect. The same principle has been applied to offences associated with the keeping of unsightly/dangerous land and dilapidated buildings.

Infringement Amounts - Key Feedback Insights

Most submissions (44%) expressed a neutral sentiment regarding the proposed infringement regime in the Local Law, with some indicating there was insufficient information for them to fully understand it. However, 28% expressed support for the regime, while an equal 28% expressed opposition to it. Those in opposition sought minimal or no penalties, whereas supporters sought enforcement measures.

It should be noted that Council's approach to compliance is grounded in the 'Ask-Tell-Enforce' principle which typically affords offenders an initial opportunity to rectify a breach prior to the escalation of enforcement processes.

Schedule One to the proposed Local Law lists the infringement penalty amounts applicable to each clause that creates an offence. The specifics of the pertinent clause are not reiterated in the Schedule, as the relevant details are comprehensively outlined within the main body of the Local Law itself.

Topic Six - Works on, and protection of Council Land and Roads

The proposed Local Law is designed to protect Council Land and assets, particularly on and around building sites, and provides the ability to regulate works which may harm, potentially damage, or damage Council land or assets.

The proposed Local Law includes enhanced definitions and administrative changes that provide greater clarity. Additionally, an enhanced provision specifies responsibilities not only for the person carrying out works on roads and Council land, but also for the person causing the works

and any appointed agent. This provision ensures safety, the use of adequate control devices, and compliance with Australian Standards and Council directions.

Works on, and protection of Council Land and Roads - Key Feedback Insights

Of the twelve submissions received, only one opposed the changes, citing that the controls do not address furniture trucks. The remaining submissions expressed support or strong support for the changes.

While the proposed controls address the use of concrete pumps, travel towers, and mobile cranes on roads to ensure pedestrian and road safety, they were never intended to regulate the intermittent presence of furniture removal trucks in local streets. It is noted that furniture removal trucks are required to comply with the road rules and local parking provisions.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

The Local Government Act 2020 stipulates that a Local Law must not conflict with any Act or regulation, inclusive of the Charter of Human Rights and Responsibilities Act 2006. The proposed Local Law has been carefully drafted to ensure its consistency with the Charter.

GENDER IMPACT ASSESSMENT

Because Local Laws have a direct and significant impact on the Monash community, considerations around gender impact have informed each stage of the Local Law making process.

When drafting the proposed Local Law, the following changes were implemented as a result of this process:

- The use of gendered language throughout the Local Law has been replaced with gender neutral pronouns such as 'they' and 'them,' not specifically to recognise non-binary persons to the exclusion of others, but to ensure inclusivity more broadly.
- Removal of Clause 14.9 (Access to Bathrooms): This clause restricted access to bathrooms, change rooms and similar facilities for different genders if over 6 years of age. It has been removed due to its inconsistency with the Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006.
- The original wording of the Local Law required the consent of Council or an authorised officer for bringing any vehicle or wheeled toy into a Municipal Place, with exceptions for prams or pushers being used by children and wheelchairs being used by "physically disabled persons". This language was potentially discriminatory as it implied a narrow definition of who might need a wheelchair. The revised sentence now states that wheelchairs can be used by any person "who is reliant on it for mobility".

Following the consultation process, an additional change was made to the proposed Local Law.

- The previous Clause 16.3 (now Clause 13.2.3) has been amended to use the term “assistance animal” rather than “assistance dog”. This amendment aligns the language with the Disability Discrimination Act 1992 (Cth) but does not meaningfully alter the operation of the clause.

Once made the Local Law will be made available in hard copy in libraries and customer service center's to provide access to people who may not have access to online technology.

It is well-known that perceptions of safety differ between men, women and people who identify as non-binary. The Local Law includes mechanisms to ensure physical safety and elements of public amenity that enhance perceptions of safety. Intersectional discrimination is addressed in parts of the Local Law, specifically those relating to physical safety on roads and footpaths, and the expectations it establishes regarding behavior in municipal buildings and Council land.

CONCLUSION

The Community Safety and Amenity Local Law 2024 (proposed Local Law) has been prepared to replace Local Law No.3 - Community Amenity which is due to expire 1 February 2025. The proposed Local Law has undergone consultation in accordance with Council’s Community Engagement Policy and incidental changes have been a result of this.

It is recommended that Council adopts the proposed local law to become operational on 1 February 2025 and that it gives notice of its decision to do so.

ATTACHMENT LIST

1. Attachment One - Proposed Community Amenity and Safety Local Law 2024 [7.1.6.1 - 51 pages]
2. Attachment Two - Solicitor's Certificate - Community Amenity and Safety Local Law - 4 July 2024 [7.1.6.2 - 3 pages]
3. Attachment Three Community Safety and Amenity Local Law Engagement Feedback [7.1.6.3 - 30 pages]
4. Attachment Four - Consultation Submission from Victorian Drone Flyers Group Redacted [7.1.6.4 - 15 pages]
5. Attachment Five - Consultation Submission from Victorian Pride Lobby [7.1.6.5 - 1 page]



COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024



**CITY OF MONASH
COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024**

TABLE OF CONTENTS

Part 1 Preliminary	4
1 Title	4
2 What are the objectives of this Local Law?	4
3 What authorises this Local Law?	4
4 When does this Local Law commence?	4
5 When does this Local Law end?	4
6 To what part of the municipal district does this Local Law apply?	4
7 What does this Local Law replace?	4
8 Definitions	5
9 Notes in this Local Law	10
Part 2 Use of Council Land	11
10 What Council may do	11
11 What a person cannot do	11
12 Behaviour on Council land	12
13 Access to Municipal Places	13
14 Activities Prohibited in Reserves	13
15 Activities which may be permitted in Reserves	14
16 Public Libraries	15
Part 3 Protection of Council Land and Assets	16
17 What are a person's responsibilities relating to drains?	16
18 Interference with Watercourse	16
19 Constructing Vehicle Crossings	16
20 Maintaining Vehicle Crossings	17
21 Directing Vehicle Crossing Works	17
22 Asset Protection	17
23 Building Sites Generally	20
24 Works on Council Land and Roads	22
25 Damaging Council Land or Roads	22
26 Recreational Vehicles	22
27 Fences Between Private and Council Land	23
Part 4 Municipal Amenity	24
28 Unightly land	24
29 Nature strips	25
30 Shipping containers	25
31 Old, Used or Second Hand Machinery, Materials, Goods and Vehicles	25
32 Permitting Camping	25
33 Camping	26
34 Caravans	26
35 Camping on roads or Council land	26
36 Vegetation	27
37 Overhanging and Encroaching Vegetation	27
38 Vermin and Blackberries	27
39 Prevention of Fire Risks	27
40 Numbering of Allotments	28
41 Fires	28
42 Incinerators	28
43 Extinguishing Fires	29
44 Dilapidated Buildings	29
Part 5 Road and Council land: Obstructions and Behaviour	31

45	Dog Excrement	31
46	Spitting	31
47	Shopping Trolleys	31
48	Signs, Goods and Street Trading Items.....	32
49	Obstructions on Roads	33
50	Spoil on Roads.....	33
51	Occupation of Roads for Works.....	34
52	Repair and Display for Sale of Vehicles	34
53	Storage of Vehicles.....	35
54	Consumption of Alcohol.....	35
55	Wheeled Toys	35
Part 6 Sale of Goods, Street Collections and Distributions and Street Parties		36
56	Persons Selling Goods	36
57	Street Collection.....	36
58	Unsolicited Material.....	36
59	Busking	36
60	Street Parties	36
Part 7 Keeping of Animals		37
61	Application of this Part	37
62	Keeping of Animals Generally	37
63	Housing of Animals	37
64	Noise and Smell from Animals.....	38
65	Feeding of Animals	38
Part 8 Resource Recovery		39
66	Disposal of Disused Refrigerators and other Compartments	39
67	Resource Collection.....	39
68	Hard Rubbish and Green Waste Collection.....	43
69	Interference with Waste	43
70	Suspension of Waste Collection Service	43
71	Street and Other Litter	44
72	Storage of Trade Waste.....	44
73	Storage Site for Trade Waste	44
74	Waste Management at Accommodation.....	44
75	Waste Management Plans.....	45
Part 9 Administration and Enforcement.....		46
76	Impounding	46
77	Notices to Comply.....	46
78	Permits.....	47
79	Considering Applications	48
80	Correction of Permits	48
81	Grounds for Cancellation of or Amendment of Permits	48
82	Exemption	49
83	Urgent Circumstances	49
84	Offences.....	49
85	Infringement Notices.....	50
86	Penalties	50
87	Requirement to Act Fairly and Reasonably	50
88	Delegation.....	50
Schedule 1		51

CITY OF MONASH
COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024

PART 1
PRELIMINARY

1 Title

1.1 This Local Law is called "Community Safety And Amenity Local Law 2024".

2 What are the objectives of this Local Law?

2.1 The objectives of this Local Law are to:

- 2.1.1 provide for the peace, order and good governance of the municipal district;
- 2.1.2 promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community; and
- 2.1.3 prevent and suppress nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district,

and to achieve these objectives by:

- 2.1.4 regulating and controlling activities of people within the municipal district which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the municipal district; and
- 2.1.5 providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the municipal district.

3 What authorises this Local Law?

3.1 This Local Law is made under section 71 of the Act.

4 When does this Local Law commence?

4.1 This Local Law commences on 1 February 2025.

5 When does this Local Law end?

5.1 Unless revoked sooner, this Local Law ends on 1 February 2035.

6 To what part of the municipal district does this Local Law apply?

6.1 This Local Law applies throughout the whole of the municipal district.

7 What does this Local Law replace?

7.1 From the commencement of this Local Law, Local Law No. 3 – Community Amenity is revoked.

8 Definitions

8.1 The following defined terms are intended to have the following meanings, unless the context suggests otherwise:

"accommodation" means all forms of accommodation on private land where four (4) or more people who are not family are accommodated.

"Act" means the *Local Government Act 2020*.

"advertising sign" includes any placard, board, sign, card, banner or similar item, whether portable or affixed or attached to any land, building or other structure or item, which:

- (a) provides information about a business, an industry or an organisation; or
- (b) advertises goods, services, an event, a competition or similar activity.

"alcohol" 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.

"allotment" means any land in separate ownership or occupation.

"animal" includes every species of quadruped and every species of bird (including, without limitation, poultry).

"appointed agent" means the person authorised in writing by an owner of land to make an application, appeal, referral or representation on the owner's behalf.

"approved garbage receptacle" means a wheeled mobile garbage receptacle supplied by Council for the purpose of disposing of domestic waste.

"approved food and green waste receptacle" means a wheeled food and green waste receptacle supplied by Council for the purpose of disposing of food and green waste.

"Asset Protection Permit" means a written permit issued by Council for the protection of public assets and infrastructure during building work.

"Assistance animal" has the same meaning as in section 9(2) of the *Disability Discrimination Act 1992* (Cth) and includes an assistance dog as defined in section 4(1) of the *Equal Opportunity Act 2010*.

"authorised officer" means a person appointed by Council to be an authorised officer under section 224 of the *Local Government Act 1989*.

"authorised token" means any object the same size as an Australian currency one (1) dollar (\$1) or two (2) dollar (\$2) coin approved by a retailer to release a trolley from a coin mechanism, other than an Australian currency one (1) dollar (\$1) or two (2) dollar (\$2) coin.

"builder" means a person who:

- (a) carries out building work; or
- (b) is not an owner of land on which the building work is carried out but manages or arranges the carrying out of building work on that land.

"builder's refuse" includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality, includes any glass, metal, plastic paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with building work.

"building site" means the parcel of land on which or part of which building work is being carried out.

"building work" means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building, and includes any changes to the natural or existing topography of land including excavation, landscaping, concreting, trenching, digging, filling, subdivision and road construction, whether by mechanical or manual methods, and the loading and unloading of any goods or materials for or in connection with any building work, but excludes minor building work.

"bulk rubbish container" means a bin, skip or other container used for the deposit of waste, but excludes a receptacle used in connection with Council's waste collection services.

"busk" means entertain, whether by playing a musical instrument, singing, conjuring, juggling, miming, dancing, operating puppets, drawing on a pavement or otherwise.

"caged bird" means any bird ordinarily kept in a cage or aviary or in a place that prevents it from flying away, but excludes poultry.

"caravan" includes a mobile home and moveable dwelling.

"carriageway" means the portion of the road generally available for traffic by motor vehicles, whether sealed, formed or unconstructed.

"coin deposit and release mechanism" means a coin-operated lock that operates with the insertion of an Australian currency one (1) dollar (\$1) or two (2) dollar (\$2) coin or equivalent authorised token of the same size.

"construction period" means the period during which building work is being carried on.

"Council" means Monash City Council.

"Council Asset" means any asset, item or thing located, in, on or under a road or Council land, including a structure, building, fixture, freestanding object, appliance, equipment, drain, tree, bridge, turf, cricket pitch, service channel, sign and hydrant that is not owned by another person or public body.

"Council land" means any land (including a building) vested in or under the control of Council, including a reserve, watercourse, reservation and the like but excludes a road.

"domestic waste" means all waste or rubbish produced or accumulated in or on any land but excludes:

- (a) hot or burning materials;
- (b) nightsoil, sewerage, and animal excreta unless it is wrapped in a manner which prevents its escape;
- (c) slops or liquid wastes;
- (d) waste generated from building work;

- (e) waste generated from the restoration, repair or servicing of motor vehicles;
- (f) waste from a vacuum cleaner, hair, moist refuse or similar waste, unless it is wrapped or contained in a manner which prevents its escape;
- (g) ash, unless it is:
 - (i) cold;
 - (ii) dampened; and
 - (iii) wrapped or contained in a manner which prevents its escape;
- (h) trade waste;
- (i) recyclables;
- (j) oil, paints, solvents and similar substances;
- (k) any broken glass, lancet or other sharp object, unless:
 - (i) it is wrapped in impermeable material; or
 - (ii) contained entirely within an impermeable container from which it cannot escape;
- (l) disposable nappies, unless they have been cleaned of faeces and wrapped in impermeable material;
- (m) any waste that cannot be contained in an approved garbage receptacle due to its size, shape, nature or volume;
- (n) medical or veterinary waste;
- (o) building materials, including, without limitation, bricks, concrete, timber and metal objects;
- (p) furniture and like objects;
- (q) motor vehicle parts;
- (r) green waste;
- (s) recyclables;
- (t) food and green waste;
- (u) any object which may damage the collection mechanism or a vehicle used for the collection of refuse; and
- (v) any other substance declared by Council or an authorised officer not to constitute "domestic waste" for the purposes of this Local Law from time to time, the details of which appear on Council's website.

"donation bin" means a receptacle located outdoors and placed, installed, displayed, operated, used, altered or maintained for the purpose of collecting donated items from the

public, but does not include a receptacle located within a building or a receptacle owned or operated by Council.

"dwelling" means a building or portion of a building, which is used, or intended, adapted or designed, for residential purposes.

"event" means an organised recreational, cultural, commercial or social event or gathering of people.

"food and green waste" means food scraps, cooked leftovers (including meat, seafood, and bones), garden clippings (such as grass, leaves, flowers, weeds, plants, small branches, and sticks), and other organic materials like paper towel, shredded paper, human hair, animal hair, and small amounts of newspaper and cardboard, and includes any other material which Council has resolved to be, and excludes any other material which Council has resolved not to be, food and green waste for the purposes of this Local Law (the details of which appear on Council's website).

"frontage" means a boundary between an allotment and an adjoining road, and if an allotment adjoins more than one (1) road, the frontage is the boundary between the allotment and the road to which the largest building on the allotment fronts.

"green waste" means all organic waste produced or accumulated in or on any land, including grass clippings, branches, garden prunings, leaves and other waste declared by Council to constitute "green waste" for the purposes of this Local Law (the details of which appear on Council's website) but excluding any log, stump, soil, rubbish, domestic waste or portion of a tree, shrub, trunk or branch which has a diameter exceeding 75 millimetres or a length exceeding 400 millimetres.

"incinerator" means any structure, device or item of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and is not:

- (a) enclosed in any building;
- (b) a barbeque; or
- (c) licensed under the provisions of the *Environment Protection Act 2017*.

"minor building work" means building work valued at less than \$5,000 but excludes the construction of any masonry structure and the demolition and removal of buildings and structures (regardless of value).

"motor vehicle" has the meaning ascribed to it by the *Road Safety Act 1986*.

"municipal district" means the municipal district of Council.

"Municipal Place" means any building which is on Council land, and includes a public library and any recreation centre which is owned, occupied or under the management or control of Council.

"Notice to Comply" means a notice served under clause 77.

"poultry" includes hens, ducks, geese, peacocks, turkeys, bantam, squab, guinea fowls and other edible birds over the age of 12 weeks but excludes roosters.

"private land" means any land which is not Council land nor land occupied or under the control or management of a public body.

"property manager" means the person appointed by the owner of land or premises to manage that land or premises on their behalf.

"public holiday" means a public holiday within the meaning of the *Public Holidays Act 1993*, applying in the municipal district.

"public library" means a library operated by Council.

"public library manager" means a member of Council staff who manages a public library.

"public place" has the meaning ascribed to it by the *Summary Offences Act 1966*.

"racing pigeon" means any pigeon kept by its owner for the purpose of racing if that owner is a member of a club or association:

- (a) established for the racing of pigeons; or
- (b) which is affiliated with an organisation established for the racing of pigeons.

"receptacle" means any approved garbage receptacle, approved food and green waste receptacle and recycling receptacle.

"recreational vehicle" means any mini-bike, trail-bike, motor bike, motor scooter, go-kart or other vehicle propelled by a motor which is ordinarily used for recreational purposes but excludes a motorised wheelchair and motorised bicycle with a maximum capacity of 22 watt aggregate power.

"recyclables" means any empty glass bottles or jars (clear, brown or green), polyethylene terephthalate (PET), high density polyethylene (HDPE), polyvinyl polyethylene (PVC), hard plastics (coded or uncoded), aluminium cans and foil, steel cans, clean paper and cardboard, liquid paper board and includes any other material which Council has resolved to be, and excludes any other material which Council has resolved not to be, recyclables for the purposes of this Local Law (the details of which appear on Council's website).

"recycling receptacle" means a recyclables receptacle supplied by Council for the purpose of disposing of recyclables.

"refuse facility" means a container capable of retaining all builder's refuse within a building site and preventing removal of the builder's refuse by unauthorised persons or by wind or rain.

"reserve" means any land which is owned, occupied or managed or controlled by Council and dedicated or used for outdoor cultural, sporting or recreational purposes.

"Residential Area" means any area zoned as residential or predominantly residential under an applicable Planning Scheme.

"residential parking area" means a parking area in which lawful parking is restricted, whether for the whole or part of a day, to residents of a particular area.

"residential parking permit" means a permit authorising a person to park in a residential parking area.

"retailer" means a person who sells goods by retail and provides shopping trolleys to its customers.

"road" has the meaning ascribed to it by section 3 of the *Local Government Act 1989*.

"sell" includes:

- (a) sell by means of any machine or mechanical device;
- (b) barter or exchange;
- (c) agree to sell;
- (d) offer or expose for sale; or
- (e) keep or have in possession for sale –

and directing, causing or attempting any of such acts or things.

"Service Authority" means an emergency service or a public body which Council has resolved is a Service Authority for the purposes of this Local Law and which is described as such on Council's website.

"stormwater system" means a drainage system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

"street party" means an organised social gathering of up to 150 people which is held on a road for the sole purpose of bringing together people in a particular locality.

"trade waste" means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.

"trade waste hopper" means a purpose-built container for the deposit of trade waste that is ordinarily emptied by mechanical means.

"vehicle" has the meaning ascribed to it by section 3(1) of the *Road Safety Act 1986*.

"wheeled toy" means a child's pedal car, scooter, skateboard, roller skates, roller blades, tricycle or similar toy vehicle to which wheels or blades are attached.

9 Notes in this Local Law

- 9.1 Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.

PART 2 USE OF COUNCIL LAND

Introduction: This Part contains provisions that define what is and what is not permitted on Council land. Generally, the provisions apply to Council land. Specific provisions then extend to Municipal Places and reserves.

10 What Council may do

- 10.1 Council may:
- 10.1.1 restrict access to Council land or part of it;
 - 10.1.2 authorise any person to occupy Council land;
 - 10.1.3 close any Council land or part of it to the public;
 - 10.1.4 establish conditions of entry to Council land;
 - 10.1.5 set or authorise another person to set fees or charges for admission to or the hire or use of Council land or part of it;
 - 10.1.6 set or authorise another person to set fees or charges for the hire or use of any Council property in connection with Council land; and
 - 10.1.7 authorise a person to do any one or more of the things described in this clause 10.1.
- 10.2 Council, an authorised officer or any other person authorised by Council may from time to time establish:
- 10.2.1 conditions applying to and fees or charges for admission to or the hire or use of Council land or part of Council land; and
 - 10.2.2 conditions applying to and fees or charges for the hire or use of any property of Council in connection with Council land.
- 10.3 In exercising the powers conferred by clause 10.2, Council, an authorised officer or any other person authorised by Council may determine conditions applying to and fees and charges for admission to or the use of Council land:
- 10.3.1 on multiple occasions;
 - 10.3.2 over a period of time; or
 - 10.3.3 on any other basis that it considers, or they consider, appropriate.

11 What a person cannot do

- 11.1 A person must not, without the consent of Council or an authorised officer:
- 11.1.1 act contrary to any conditions of entry applicable to Council land;
 - 11.1.2 enter Council land without paying any fee or charge applicable to that Council land or the hire or use of the Council land;

- 11.1.3 hire or use any Council property in connection with Council land without first paying any fee or charge which is applicable;
- 11.1.4 remain on Council land after being directed to leave by an authorised officer; or
- 11.1.5 enter Council land, after having been directed to leave that Council land by an authorised officer, for 48 hours or such other period as notified in writing by Council or an authorised officer.

Penalty: 10 Penalty Units

12 Behaviour on Council land

- 12.1 A person must not:
 - 12.1.1 commit any nuisance on Council land;
 - 12.1.2 interfere with another person's use and enjoyment of Council land;
 - 12.1.3 act in a manner which endangers any other person on Council land;
 - 12.1.4 use indecent, insulting, offensive or abusive language on Council land;
 - 12.1.5 behave in an indecent, offensive, insulting or riotous manner on Council land;
 - 12.1.6 without the consent of Council or an authorised officer:
 - (a) destroy, damage, interfere with or deface Council land;
 - (b) destroy, damage, interfere with or deface anything located at or on Council land; or
 - (c) remove any object which is owned by Council from Council land;
 - 12.1.7 act in a manner contrary to any restriction or prohibition contained in the inscription on a sign on Council land;
 - 12.1.8 without the consent of Council or an authorised officer, conduct any filming for commercial purposes on Council land;
 - 12.1.9 without the consent of Council or an authorised officer, sell any goods or services on Council land;
 - 12.1.10 without the consent of Council or an authorised officer, erect, operate or cause to be erected or operated any amusement on Council land;
 - 12.1.11 obstruct, hinder or interfere with any member of staff of Council in the performance of their duties on Council land;
 - 12.1.12 act contrary to any lawful direction of an authorised officer or member of Council staff given on Council land, including, without limitation, a direction to leave the Council land, whether or not a fee for admission to the Council land has been paid;
 - 12.1.13 use or interfere with any life saving or emergency device located on Council land, unless:

- (a) using the device in an emergency; or
 - (b) participating in an instruction approved by Council or an authorised officer;
- 12.1.14 organise any function or event on Council land without the consent of Council or an authorised officer; or
- 12.1.15 bring onto Council land any substance, liquid or powder which may:
- (a) be dangerous or injurious to health;
 - (b) have the potential to foul, pollute or soil any part of the Council land; or
 - (c) cause discomfort to any person
- without the consent of Council or an authorised officer.

Penalty: 10 Penalty Units

13 Access to Municipal Places

- 13.1 Council or an authorised officer may determine the hours when any Municipal Place will be open to the public.
- 13.2 A person must not, without the consent of Council or an authorised officer:
- 13.2.1 enter a Municipal Place other than through an entrance provided for that purpose;
 - 13.2.2 enter or remain in a Municipal Place during hours when the Municipal Place is not open to the public;
 - 13.2.3 bring any animal into, or allow any animal under their control to remain in, a Municipal Place, except for an assistance animal being used by that person; or
 - 13.2.4 bring any vehicle or wheeled toy into a Municipal Place, except for:
 - (a) a pram or pusher being used by a child; or
 - (b) a wheelchair being used by a person who is reliant on it for mobility.

Penalty: 10 Penalty Units

14 Activities Prohibited in Reserves

- 14.1 In a reserve, a person must not:
- 14.1.1 unless that person is a player, official or competitor in or at a sporting match, training session or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering;
 - 14.1.2 climb or jump on any wall, fence, gate, seat or other structure;
 - 14.1.3 intentionally roll or throw any stone or missile so as to endanger any person or cause any damage;
 - 14.1.4 spit on or otherwise foul any path or structure;

- 14.1.5 use any children's playground equipment other than for the purpose for which it is provided;
- 14.1.6 swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain;
- 14.1.7 throw, place or allow to be thrown or placed any liquid, stone, stick, paper, dirt or other object, substance or thing into any wetland, lake, pond or fountain;
- 14.1.8 play, engage in or practise any game or sport, whether or not in accordance with a permit issued under this Local Law, in a manner that is:
 - (a) dangerous to any other person in the reserve; or
 - (b) likely to interfere with the reasonable use or enjoyment of the reserve by any other person; or
- 14.1.9 play or practise golf other than in a reserve designated or set aside as a golf course.

Penalty: 10 Penalty Units

15 Activities which may be permitted in Reserves

- 15.1 In a reserve, a person must not, without a permit:
 - 15.1.1 fly or permit to be flown any aircraft (including any powered model aeroplane);
 - 15.1.2 ride or drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the reserve by another person;
 - 15.1.3 light a fire or permit any fire to remain alight except:
 - (a) a barbecue provided by Council; or
 - (b) a portable liquid petroleum gas barbecue;
 - 15.1.4 camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
 - 15.1.5 conduct or celebrate a wedding;
 - 15.1.6 organise, hold or participate in any rally, procession, demonstration or any other public gathering;
 - 15.1.7 hold a circus or carnival;
 - 15.1.8 make a collection of money;
 - 15.1.9 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna;
 - 15.1.10 use an amplifier;
 - 15.1.11 walk on any plot, bed, border or any other area set aside for vegetation;
 - 15.1.12 conduct any fitness training for commercial purposes; or

15.1.13 play, organise or engage in any organised competitive sport or game.

Penalty: 10 Penalty Units

16 Public Libraries

16.1 Council or a public library manager may:

16.1.1 establish conditions of membership for any public library; and

16.1.2 set fees or charges in connection with the use of any public library.

16.2 A person:

16.2.1 who is a member of a public library must comply with any conditions of membership which have been established under clause 16.1.1 and which are applicable to them;

16.2.2 must pay any fee or charge set under clause 16.1.2 which is applicable to them; and

16.2.3 must:

- (a) open for inspection at the request of a public library manager or any other member of Council staff present in the public library any bag, briefcase, container or similar item in their possession;
- (b) not leave any pamphlet, poster or handbill in any public library without the consent of a public library manager or other member of Council staff present in the public library;
- (c) relinquish any item ordinarily held in the public library at the request of any public library manager or other member of Council staff present in the public library; and
- (d) not leave any child under the age of 11 years unsupervised in any public library without the consent of the relevant public library manager or other member of Council staff present in the public library.

Penalty: 5 Penalty Units

**PART 3
PROTECTION OF COUNCIL LAND AND ASSETS**

Introduction: This Part is designed to protect Council land and assets. Specifically, it regulates drains, vehicle crossings and recreational vehicles. More generally, it establishes a system of Asset Protection Permits, as a means of regulating building work which may harm Council land or assets.

17 What are a person's responsibilities relating to drains?

17.1 A person must not:

17.1.1 without a permit, destroy, damage or tap into any drain, culvert or sewer vested in Council;

Penalty: 20 Penalty Units

17.1.2 allow any drain vested in them and located on land which they own or occupy to fall into disrepair or a condition which is dangerous to health; or

Penalty: 20 Penalty Units

17.1.3 perform any act in relation to a drain into which they have been permitted to tap or to which they have been permitted to connect which causes the drain to:

(a) fall into disrepair; or

(b) develop a condition which is dangerous to health.

Penalty: 20 Penalty Units

18 Interference with Watercourse

18.1 A person must not, without a permit, destroy, damage or interfere with any watercourse, wetland, ditch, creek, gutter, tunnel, bridge, levy or culvert which is vested in or under the management or control of Council.

Penalty: 10 Penalty Units

19 Constructing Vehicle Crossings

19.1 A person must not, without a permit, construct, remove or relocate any temporary or permanent vehicle crossing.

Penalty: 20 Penalty Units

19.2 Each owner and occupier of land must not, without a permit:

19.2.1 construct or allow to be constructed; or

19.2.2 use or allow to be used

a second or subsequent vehicle crossing to service the land.

Penalty: 20 Penalty Units

20 Maintaining Vehicle Crossings

- 20.1 Each owner and occupier of land must maintain and keep in good condition any vehicle crossing which services that land.

Penalty: 10 Penalty Units

21 Directing Vehicle Crossing Works

- 21.1 Council or an authorised officer may direct:

21.1.1 the construction of a temporary or permanent vehicle crossing;

21.1.2 the repair or reconstruction of a vehicle crossing; and

21.1.3 the removal of a vehicle crossing, and the reinstatement of any kerb, channel, footpath or other areas to the satisfaction of the authorised officer

by the owner or occupier of any adjacent land at the owner's or occupier's cost.

- 21.2 Each owner or occupier of land to whom a direction has been given under this clause 21 must comply with that direction by applying for a permit to do, and conduct the works necessary for, the thing which is directed.

Penalty: 10 Penalty Units

22 Asset Protection

- 22.1 The:

22.1.1 owner of any land;

22.1.2 builder engaged to carry out building work on land;

22.1.3 appointed agent; and

22.1.4 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,

must:

22.1.5 obtain an Asset Protection Permit before carrying out the building work or allowing the building work to be carried out on that land; and

22.1.6 not carry out or allow to be carried out any building work on that land unless an Asset Protection Permit has been obtained.

Penalty: 20 Penalty Units

- 22.2 On the payment of an application fee, Council or an authorised officer may issue an Asset Protection Permit in respect of any land where building work is to be carried out.

- 22.3 An Asset Protection Permit may allow a person to enter land from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged.

- 22.4 An Asset Protection Permit may be subject to such conditions as Council or an authorised officer determines, including conditions:
- 22.4.1 requiring protection works to be done;
 - 22.4.2 requiring the payment of a security bond;
 - 22.4.3 requiring that any or all public assets and infrastructure damaged in connection with the building work the subject of the Asset Protection Permit be repaired, replaced or re-instated within a specified time and to the satisfaction of Council or an authorised officer; and
 - 22.4.4 requiring a temporary vehicle crossing to be installed to Council's or an authorised officer's specification before commencement of any building work or delivery of any equipment or materials to the land.
- 22.5 A person who is not one of the persons described in clause 22.1 must not:
- 22.5.1 carry out building work on land unless, in respect of the building work, an Asset Protection Permit has been obtained; or
 - 22.5.2 deliver to a building site any equipment or materials unless an Asset Protection Permit has, in respect of the building work being carried out on the land, been obtained.

Penalty: 10 Penalty Units

- 22.6 The:
- 22.6.1 owner of any land on which building work is being or is to be carried out;
 - 22.6.2 builder engaged to carry out building work on land;
 - 22.6.3 appointed agent;
 - 22.6.4 driver of any vehicle involved in placing or removing a refuse facility on land; and
 - 22.6.5 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,
- must, in respect of the building work, ensure that:
- 22.6.6 entry takes place only across a temporary vehicle crossing unless otherwise permitted by Council or an authorised officer and in accordance with that permission; and
 - 22.6.7 no materials are deposited on any part of a road or Council land without the approval of Council or an authorised officer.

Penalty: 20 Penalty Units

- 22.7 Regardless of whether a building permit has been issued, the:
- 22.7.1 owner of any land on which building work is being or is to be carried out;
 - 22.7.2 builder engaged to carry out building work on land;

- 22.7.3 appointed agent; and
 - 22.7.4 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,
- must:
- 22.7.5 notify Council in writing of the proposed building work at least seven (7) days before the building work commences; and
 - 22.7.6 provide to Council written notice of any prior damage to any part of the adjoining road or any other adjoining public asset or infrastructure at least seven (7) days before building work commences or the delivery of any equipment or materials to the land which relate to that building work.

Penalty: 20 Penalty Units

- 22.8 If the owner, builder or appointed agent or, in the case of building work involving demolition, the demolition contractor, fails to give written notice in accordance with clause 22.7, it will be presumed that there was no prior damage to any part of the adjoining road, Council land or other adjoining public asset or infrastructure prior to the commencement of building work.
- 22.9 The owner, builder and appointed agent and, in the case of building work involving demolition, the demolition contractor, must repair to the satisfaction of Council or an authorised officer any damaged road (including carriageway), channel, drain, vehicle crossing or other asset vested in Council adjacent to the land where the building work takes place or which is likely to be affected by the building work for which an Asset Protection Permit has been obtained.

Penalty: 20 Penalty Units

- 22.10 The amount of any security bond required under any Asset Protection Permit must be proportionate to the likely costs of repairing any potential damage to any existing Council land, road (including carriageway), channel, drain, vehicle crossing or other public asset or infrastructure arising from the building work.
- 22.11 Upon completion of the building work, the amount of the security bond:
 - 22.11.1 may be retained by Council to offset the costs of carrying out any works in accordance with the Act and this Local Law;
 - 22.11.2 may be refunded to the person who lodged it, upon Council's or an authorised officer's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to Council's or an authorised officer's satisfaction; and
 - 22.11.3 must be supplemented by a further payment equal to the difference between the cost of carrying out any works in accordance with the Act and this Local Law and the amount of the bond, if Council or an authorised officer is satisfied that the amount of the bond is insufficient to meet such cost and it makes a demand for such payment in writing.
- 22.12 Where Council or an authorised officer so determines, it or they may agree to accept an alternative form of security to a security bond.

23 Building Sites Generally

- 23.1 Council or an authorised officer may inspect a building site at any reasonable time.
- 23.2 If Council or an authorised officer identifies any damage to any existing Council land, road (including carriageway), channel, drain, vehicle crossing or other public asset or infrastructure which appears to result from non-compliance with this Local Law, Council or an authorised officer:
- 23.2.1 may direct the responsible party to repair the damage within a specified time; and
- 23.2.2 must provide the responsible party with written confirmation of the damage either at the time of the inspection or within a reasonable time after the inspection.
- 23.3 A responsible party must comply with any direction given under clause 23.2.

Penalty: 20 Penalty Units

- 23.4 Where any building work is being carried out on any land, the owner of the land, the builder engaged to carry out building work on the land, the appointed agent and, in the case of building work which involves demolition, the demolition contractor engaged to demolish a structure on the land, must ensure that the building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice, by adopting measures to:
- 23.4.1 minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
- 23.4.2 prevent building clean-up, wash-down or other wastes being discharged offsite or allowed to enter the stormwater system.

Penalty: 20 Penalty Units

- 23.5 Where any building work is being carried out on any land, the owner of the land, builder engaged to carry out building work on the land and the appointed agent must:
- 23.5.1 provide a refuse facility for the purpose of disposal of builder's refuse, and, provided the refuse facility contains all builder's refuse on the land to the satisfaction of Council or an authorised officer, its size, design and construction will be at the discretion of the builder;
- 23.5.2 place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the duration of the building work;
- 23.5.3 not place the refuse facility on any Council land or road without a permit;
- 23.5.4 not deposit any builder's refuse in or over any part of the stormwater system; and
- 23.5.5 empty the refuse facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.

Penalty: 20 Penalty Units

- 23.6 On any land where building work is being, or has been, carried out, the:
- 23.6.1 owner of the land on which the building work is being or has been carried out;

23.6.2 builder engaged to carry out the building work; and

23.6.3 appointed agent

must remove and lawfully dispose of all builder's refuse, including, without limiting the generality, the builder's refuse in the refuse facility, within seven (7) days of completion of the building work or the issue of an occupancy permit, whichever occurs last.

Penalty: 20 Penalty Units

23.7 The:

23.7.1 owner of the land on which the building work is being or is to be carried out;

23.7.2 builder engaged to carry out the building work; and

23.7.3 appointed agent

must not carry out or allow to be carried out any building work or other work necessitating the employment or engagement of persons on a building site unless a sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (at least monthly), for the use of persons on that building site to the satisfaction of Council or an authorised officer.

Penalty: 20 Penalty Units

23.8 No liability will arise under clause 23.7 if:

23.8.1 a building is being constructed on an adjacent building site simultaneously by the same person; and

23.8.2 Council or an authorised officer allows and there is provided one (1) sewerer toilet system or a fresh water flush with waste seal type portable toilet (closed) system serviced as required for three (3) building sites.

23.9 An authorised officer may enter any building site at any reasonable time for the purpose of inspecting any sewerer toilet, portable toilet (closed) systems, urinal, pan, refuse facility, trade waste hopper, vehicle, plant or other thing placed on it, for the purpose of carrying out the provisions of this Local Law.

23.10 The:

23.10.1 owner of land on which building work is to be carried out;

23.10.2 builder engaged to carry out the building work; and

23.10.3 appointed agent,

must not, without a permit, carry out or allow to be carried out any building work on the land unless, in respect of that building work, the land is secure with permanent or temporary fencing which is at least 1.5 metres high and is to the satisfaction of Council or an authorised officer.

Penalty: 20 Penalty Units

24 Works on Council Land and Roads

24.1 Where works are carried out on Council land or a road:

24.1.1 the person causing the works to be carried out;

24.1.2 the person carrying out the works; and

24.1.3 any appointed agent

must ensure that:

24.1.4 those works are carried out safely;

24.1.5 adequate pedestrian and traffic control devices are installed and maintained during the course of the works; and

24.1.6 any pedestrian or traffic control device which is being used in connection with the works complies with the applicable Australian Standard and any directions issued by Council or an authorised officer.

Penalty: 20 Penalty Units

25 Damaging Council Land or Roads

25.1 A person must not, without a permit:

25.1.1 destroy, damage or interfere with any Council land or any road or thing on Council land or any road;

25.1.2 place or allow to be placed any thing on Council land or any road so as to endanger any other person or any property;

25.1.3 remove any thing from Council land or any road;

25.1.4 light a fire on any Council land or any road, except in a properly constructed barbecue; or

25.1.5 discharge or cause or allow to be discharged any fireworks from Council land.

Penalty: 20 Penalty Units

25.2 Clause 25.1 does not apply to a person employed or engaged by Council while acting in the course of their duties.

26 Recreational Vehicles

26.1 A person must not, without a permit:

26.1.1 use; or

26.1.2 allow a person under their care or control to use

a recreational vehicle on any Council land.

Penalty: 10 Penalty Units

27 Fences Between Private and Council Land

- 27.1 An owner and occupier of land adjoining Council land must not, without a permit, construct or otherwise effect an opening or construct or install a gate in any fence on the boundary between their land and the adjoining Council land.

Penalty: 10 Penalty Units

**PART 4
MUNICIPAL AMENITY**

Introduction: This Part is concerned with the visual amenity of the municipal district. Its provisions control a number of activities which, if left uncontrolled, have the potential to detract from the natural environment.

28 Unsightly land

28.1 Unless permitted under a Planning Scheme applicable to the land, an owner and occupier of land must not keep that land or allow that land to be kept in a manner which causes in the land to become:

28.1.1 unsightly;

28.1.2 dangerous; or

28.1.3 detrimental to the general amenity of the neighbourhood in which it is located.

Penalty: 20 Penalty Units

28.2 Without limiting the generality of clause 28.1, land may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:

28.2.1 unconstrained rubbish;

28.2.2 dead trees and/or excessive growth of vegetation;

28.2.3 waste material;

28.2.4 more than three (3) unregistered, unroadworthy, disassembled, incomplete or deteriorated vehicles;

28.2.5 machinery or vehicle parts which has or have been stored on the land for more than sixty (60) days in one calendar year and the appearance of which is detrimental to the appearance of the surrounding area;

28.2.6 flammable material or any solid or liquid likely to assist the spread of fire or constitute a fire hazard;

28.2.7 scrap metal;

28.2.8 a disused excavation; or

28.2.9 a building or structure which is incomplete and not currently being constructed.

28.3 Each owner and occupier of land must maintain the land by:

28.3.1 mowing;

28.3.2 slashing; or

28.3.3 otherwise removing all overgrown grass and weeds

so as to give the land an overall appearance of neatness.

Penalty: 15 Penalty Units

29 Nature strips

29.1 An owner and occupier of land must ensure that the nature strip adjacent to or otherwise referable to that land:

29.1.1 is maintained in a neat and tidy condition; and

29.1.2 does not contain grass, stubble, scrub or undergrowth exceeding thirty (30) centimetres in height.

Penalty: 10 Penalty Units

30 Shipping containers

30.1 An owner and occupier of land must not, without a permit, keep any bulk shipping container on that land.

Penalty: 10 Penalty Units

31 Old, Used or Second Hand Machinery, Materials, Goods and Vehicles

31.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:

31.1.1 use any land for the storage, assembly or dismantling of any old, used or second hand:

(a) machinery;

(b) materials; or

(c) goods; or

31.1.2 use any land for the storage, assembling or dismantling of any old or second hand vehicles.

Penalty: 10 Penalty Units

32 Permitting Camping

32.1 Unless permitted under a Planning Scheme applicable to the land, the owner and occupier of any land in a Residential Area must not, without a permit, allow any person to:

32.1.1 occupy; or

32.1.2 place or cause to be placed for the purpose of occupation,
any

32.1.3 caravan;

32.1.4 tent; or

32.1.5 like structure

on that land.

Penalty: 10 Penalty Units

33 Camping

33.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:

33.1.1 occupy; or

33.1.2 cause to be occupied

any

33.1.3 caravan;

33.1.4 tent; or

33.1.5 like structure

on any land for a period longer than a total of three (3) weeks in any calendar year.

Penalty: 10 Penalty Units

34 Caravans

34.1 Unless permitted under a Planning Scheme applicable to the land, a person must not:

34.1.1 without a permit:

(a) place;

(b) cause to be placed; or

(c) permit to be placed,

more than one (1) caravan on any land in a Residential Area; or

34.1.2 place or cause or permit to be placed a caravan on any land in a Residential Area unless the placement is to the satisfaction of an authorised officer.

Penalty: 10 Penalty Units

35 Camping on roads or Council land

35.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:

35.1.1 camp; or

35.1.2 erect, place or occupy a:

(a) caravan;

(b) tent; or

- (c) similar structure

on a road, Council land or public place.

Penalty: 10 Penalty Units

36 Vegetation

36.1 The owner and occupier of any land must not permit any vegetation located on the land to grow in a manner that obstructs the clear view:

36.1.1 by a driver, of any:

- (a) pedestrian;
- (b) vehicle;
- (c) street sign; or
- (d) traffic control item; or

36.1.2 by a pedestrian, of any:

- (a) vehicle;
- (b) street sign; or
- (c) traffic control item.

Penalty: 10 Penalty Units

37 Overhanging and Encroaching Vegetation

37.1 An owner and occupier of any land must not permit vegetation on that land to:

37.1.1 overhang a road or Council land at a height of less than 2.5 metres from the surface of the road or Council land; or

37.1.2 encroach upon any adjacent road or Council land.

Penalty: 10 Penalty Units

38 Vermin and Blackberries

38.1 An owner and occupier of land must not allow any vermin or blackberry (*rubus fruticosus* agg.) to be present on the land.

Penalty: 10 Penalty Units

39 Prevention of Fire Risks

39.1 The owner and occupier of any land must not permit the land to contain any thing which constitutes or is likely to constitute a fire hazard or a source of fuel for a fire.

Penalty: 20 Penalty Units

40 Numbering of Allotments

40.1 Council or an authorised officer may from time to time allot a number to an allotment and may from time to time allot a different number to an allotment or otherwise change the numbering.

40.2 The owner and occupier of an allotment to which a number has been allotted by Council or an authorised officer must mark the allotment with the number:

40.2.1 in a form;

40.2.2 of sufficient size; and

40.2.3 in such a position, clear of vegetation, and other obstructions

so as to be clearly visible and legible from the road on which the allotment has its frontage.

Penalty: 5 Penalty Units

40.3 The owner and occupier of an allotment must ensure that all numbers marking the allotment are:

40.3.1 made of durable materials;

40.3.2 kept in a good state of repair; and

40.3.3 renewed as often as may be necessary.

Penalty: 5 Penalty Units

41 Fires

41.1 A person must not, without a permit:

41.1.1 light;

41.1.2 allow to be lit; or

41.1.3 allow to remain alight

a fire in the open air.

Penalty: 10 Penalty Units

42 Incinerators

42.1 A person must not:

42.1.1 construct;

42.1.2 erect;

42.1.3 install;

42.1.4 use; or

42.1.5 permit to be constructed, erected, installed or used
an incinerator on any land.

Penalty: 15 Penalty Units

43 Extinguishing Fires

43.1 A person who has lit or allowed a fire to remain alight contrary to clause 41 must extinguish the fire immediately on being directed to do so by:

- 43.1.1 an authorised officer;
- 43.1.2 a member of the Victoria Police; or
- 43.1.3 an employee of Fire Rescue Victoria.

Penalty: 20 Penalty Units

43.2 Nothing in clause 41 or 42 applies to:

- 43.2.1 a barbeque, pizza oven or other appliance constructed for the purposes of cooking food while it is being used for that purposes;
- 43.2.2 a fire in a brazier, chimenea or other appliance constructed for the purposes of heating while it is being used for that purposes;
- 43.2.3 a tool of trade while being used for the purpose for which it was designed;
- 43.2.4 a fire lit by a member of staff of Fire Rescue Victoria in the course of their duties;
- 43.2.5 an incinerator licensed under the *Environment Protection Act 2017*;
- 43.2.6 gas and kerosene lights, flares, outdoor braziers or heaters or burners installed for the comfort or convenience of those seated outside a restaurant, cafe or like establishment; or
- 43.2.7 a fire lit as part of a religious or cultural ceremony.

44 Dilapidated Buildings

44.1 The owner, the occupier and the property manager of land must not permit a building located on the land to:

- 44.1.1 become dilapidated;
- 44.1.2 become further dilapidated;
- 44.1.3 become derelict;
- 44.1.4 be in a state of disrepair;
- 44.1.5 become damaged or defaced;
- 44.1.6 adversely affect the amenity of the surrounding neighbourhood; or
- 44.1.7 be left unsecured so as not to prevent unauthorised entry.

Penalty: 20 Penalty Units

- 44.2 The owner, the occupier and the property manager of land must maintain any building on the land in a state of good repair.

Penalty: 20 Penalty Units

- 44.3 The owner, the occupier and the property manager of land on which there is a vacant or derelict building/s must take all reasonable steps to secure the land from unauthorised access.

Penalty: 20 Penalty Units

- 44.4 Without limiting the generality of clause 44.1, a building may be kept in a manner that offends clause 44.1 if the building is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, or misuse.

PART 5
ROAD AND COUNCIL LAND: OBSTRUCTIONS AND BEHAVIOUR

Introduction: In this Part, the emphasis is on things which interfere with the use and enjoyment of roads and Council land.

45 Dog Excrement

45.1 A person:

45.1.1 must not permit excrement of a dog under their care or control to remain on a road or Council land; and

45.1.2 who is in charge or control of a dog on a road or Council land must have in their possession a bag for the purpose of removing from the road or Council land any excrement from that dog deposited on the road or Council land.

Penalty: 10 Penalty Units

46 Spitting

46.1 A person must not spit upon or otherwise foul any road, Council land or public place.

Penalty: 10 Penalty Units

47 Shopping Trolleys

47.1 A person must not leave a shopping trolley:

47.1.1 on a road;

47.1.2 on Council land; or

47.1.3 in a car park vested in Council

except in an area designated by Council for the leaving of shopping trolleys.

Penalty: 10 Penalty Units

47.2 Subject to clause 47.3, a retailer must not make available for use or allow to be used a shopping trolley which:

47.2.1 does not have a fully functioning coin deposit and release mechanism attached to it; or

47.2.2 is not secured to the retailer's premises by a perimeter constraint system approved by Council or an authorised officer.

Penalty: 20 Penalty Units

47.3 Clause 47.2 does not apply when a retailer makes available for use, or allows to be used, twenty-five (25) shopping trolleys or less.

47.4 An authorised officer or a person engaged by Council for this purpose may, on behalf of Council, seize and impound any shopping trolley which is being made available for use or

is being used or has been left on a road or on Council land in contravention of this Local Law.

- 47.5 On the first business day of each month or as soon possible thereafter, a list of shopping trolleys that have been impounded by Council will be forwarded to each retailer stating:
- 47.5.1 the period within which the shopping trolley must be claimed;
- 47.5.2 that unclaimed shopping trolleys may be disposed of by Council after the period; and
- 47.5.3 that it is an offence for a retailer to not claim an impounded shopping trolley.
- 47.6 Any impounded shopping trolley may be claimed by the retailer who owns the shopping trolley after payment of a fee set by Council, which fee must not exceed an amount that reasonably represents the cost to Council of seizing, impounding, moving, keeping and releasing the shopping trolley (including any relevant overhead and other indirect costs).
- 47.7 Any impounded shopping trolley not claimed within the time specified in the list of impounded shopping trolleys referred to in clause 47.5 may be disposed of by Council.
- 47.8 A retailer must claim the impounded shopping trolley within the period stated by Council in the list of impounded shopping trolleys forwarded to that retailer.

Penalty: 10 Penalty Units

48 Signs, Goods and Street Trading Items

- 48.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:
- 48.1.1 display or permit to be displayed any goods on a road or Council land;
- 48.1.2 place or allow to be placed an advertising sign on a road or Council land; or
- 48.1.3 place or allow to be placed any table, chair, barrier or other street trading item on a road or Council land.

Penalty: 20 Penalty Units

- 48.2 An advertising sign must not contain any offensive or inappropriate content.

Penalty: 20 Penalty Units

- 48.3 In deciding whether to grant a permit under clause 48.1, Council or an authorised officer may have regard to:
- 48.3.1 the effect on pedestrian traffic flows and safety;
- 48.3.2 the impact on the appearance of the road or Council land and its surroundings;
- 48.3.3 the impact on residential amenity;
- 48.3.4 the duration of the use;
- 48.3.5 the effect on vehicular traffic flows and safety;

- 48.3.6 compatibility with other uses of the road or Council land;
 - 48.3.7 whether it is complementary to the primary adjoining use;
 - 48.3.8 whether it is less intensive than the primary adjoining use;
 - 48.3.9 the applicant's previous record of compliance;
 - 48.3.10 any relevant policies of Council; and
 - 48.3.11 any other matter relevant to the application.
- 48.4 A person who has placed or displayed, or permitted to be placed or displayed, goods, an advertising sign, a table, chair, barrier or other item on a road or Council land, with or without a permit issued under clause 48.1, must move or remove them or it if directed to do so by:
- 48.4.1 an authorised officer; or
 - 48.4.2 a member of staff of a Service Authority.

Penalty: 20 Penalty Units

49 Obstructions on Roads

- 49.1 A person must not, without a permit:
- 49.1.1 leave or permit to be left any:
 - (a) bulk rubbish container on a road or Council land; or
 - (b) other thing on a road or Council land which encroaches on, or obstructs the free use of, the road or Council land or which reduces the breadth, or confines the limits, of the road or Council land; or
 - 49.1.2 leave or permit to be left on a road or Council land any donation bin.

Penalty: 20 Penalty Units

- 49.2 Any person who is concerned with or takes part in the management of a business which supplies a bulk rubbish container or other thing which is left on or obstructs the free use of a road in contravention of clause 49.1 is also guilty of an offence.
- 49.3 A person may be found guilty of an offence against cl 49.2 whether or not any other person is found guilty of or prosecuted for the offence.

50 Spoil on Roads

- 50.1 A person must not:
- 50.1.1 drive; or
 - 50.1.2 permit or cause to be driven
- a vehicle on a road if the vehicle is being or has been used directly or indirectly in:
- 50.1.3 the filling or excavation of any land; or

50.1.4 building work

unless the exterior of the vehicle is free from soil, earth and clay.

Penalty: 20 Penalty Units

50.2 Any person who is concerned with or takes part in the management of a business which supplies vehicles used directly or indirectly in the filling or excavation of any land or building work which are driven in contravention of clause 50.1 is also guilty of an offence.

50.3 A person may be found guilty of an offence against cl 50.2 whether or not any other person is found guilty of or prosecuted for the offence.

51 Occupation of Roads for Works

51.1 A person must not, without a permit:

51.1.1 occupy or fence off;

51.1.2 erect a hoarding or scaffolding on;

51.1.3 use a concrete pump, mobile crane or travel tower for any work on;

51.1.4 make a hole or excavation in;

51.1.5 fill a hole or excavation in; or

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

any road or part of a road.

Penalty: 20 Penalty Units

51.2 Clause 51.1 does not apply to the works or activities of a Service Authority if the Service Authority notifies Council in writing that it has made, proposes to make or has authorised the making of a hole or excavation in a road.

52 Repair and Display for Sale of Vehicles

52.1 A person must not:

52.1.1 paint a vehicle on a road or Council land;

52.1.2 service a vehicle on a road or Council land;

52.1.3 carry out maintenance on a vehicle on a road or Council land;

52.1.4 repair or dismantle a vehicle on a road or Council land except in an emergency breakdown to enable it to be removed; or

52.1.5 display for sale a vehicle on a road or Council land.

Penalty: 20 Penalty Units

53 Storage of Vehicles

53.1 A person must not, without a permit, store on any road or Council land a:

53.1.1 boat;

53.1.2 trailer;

53.1.3 caravan; or

53.1.4 vehicle, whether registered or not, which is in a dilapidated state

for more than seven (7) consecutive days or for more than eight (8) days in any period of fourteen (14) days.

Penalty: 20 Penalty Units

54 Consumption of Alcohol

54.1 A person must not:

54.1.1 consume any alcohol; or

54.1.2 have in their possession any unsealed container of alcohol

in any place which Council declares from time to time by resolution to be a prohibited place for the purpose of this clause 54.

Penalty: 10 Penalty Units

55 Wheeled Toys

55.1 A person must not:

55.1.1 use; or

55.1.2 allow a person under their care, custody or control to use

a wheeled toy on any Council land or part of Council land which Council declares from time to time by resolution to be a prohibited place for the purpose of this clause 55.

Penalty: 10 Penalty Units

PART 6
SALE OF GOODS, STREET COLLECTIONS AND DISTRIBUTIONS AND STREET PARTIES

Introduction: This Part is concerned with commercial activities on Council land and roads. It establishes a permit system to regulate these commercial activities.

56 Persons Selling Goods

56.1 A person must not, without a permit, sell or allow to be sold, any goods on, or within, a road or Council land.

Penalty: 10 Penalty Units

56.2 Unless permitted to do so under a Planning Scheme applicable to the land, a person must not, without a permit:

56.2.1 erect or use on any land a temporary structure or building for the sale of goods;
or

56.2.2 sell goods from a tent or a temporary structure or building erected in contravention of clause 56.2.1.

Penalty: 10 Penalty Units

57 Street Collection

57.1 A person must not, without a permit, solicit to collect, on a road or Council land, any gifts or subscriptions for any purpose or cause nor authorise another person to do so.

Penalty: 10 Penalty Units

58 Unsolicited Material

58.1 A person must not, without a permit, distribute any handbills, place cards, notices, advertisements, books, pamphlets, goods, gifts or samples to any person on any road or Council land.

Penalty: 10 Penalty Units

59 Busking

59.1 A person must not, without a permit, busk on any:

59.1.1 road; or

59.1.2 Council land

with the object, or apparent object, of collecting money.

Penalty: 10 Penalty Units

60 Street Parties

60.1 A person must not, without Council's written approval, host or hold a street party.

Penalty: 10 Penalty Units

**PART 7
KEEPING OF ANIMALS**

Introduction: In this Part, the provisions regulate the keeping of animals. They regulate the number and type of animals which can be kept, and the conditions in which they are kept.

61 Application of this Part

61.1 This Part does not apply to any land:

61.1.1 on which a pet shop is located; or

61.1.2 on which an animal hospital or veterinary practice is located

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

62 Keeping of Animals Generally

62.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit, keep or allow to be kept on land any more of each species or group of animals than is stated in the following table:

Type of Animal	Maximum Allowed
Dogs	2
Cats	2
Poultry	5
Pigeons	10
Racing Pigeons	60
Rabbits	5
Guinea Pigs	8
Mice	8
Rats	4
Caged Birds	10
Cold water and Tropical Gold Fish	unlimited

Penalty: 10 Penalty Units

62.2 Unless permitted under a Planning Scheme applicable to the land or an Act, a person must not, without a permit, keep an animal of a species not listed in the table in clause 62.1 on any land.

Penalty: 10 Penalty Units

63 Housing of Animals

63.1 Any structure used for housing an animal and the area within three (3) metres of such structure must be maintained:

63.1.1 in a clean, inoffensive and sanitary condition;

63.1.2 so as not to cause any nuisance; and

63.1.3 to the satisfaction of Council or an authorised officer.

Penalty: 10 Penalty Units

- 63.2 A structure used for housing an animal must not be attached to, or within one (1) metre of, any fence or other structure designed to separate neighbouring properties.

Penalty: 10 Penalty Units

- 63.3 A person must not keep any poultry in a wire-mesh battery cage.

Penalty: 10 Penalty Units

64 Noise and Smell from Animals

- 64.1 An occupier of any land on which any animal is kept must not allow any noise or smell to emanate from the animal which interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

Penalty: 10 Penalty Units

65 Feeding of Animals

- 65.1 If the feeding of an uncaged animal by a person is causing a nuisance or may damage property, an authorised officer may direct the person to cease feeding the animal.

- 65.2 A person to whom a direction is given under clause 65.1 must comply with that direction.

Penalty: 10 Penalty Units

**PART 8
RESOURCE RECOVERY**

Introduction: This Part is concerned with the collection and disposal of waste. Among other things, it regulates the collection and disposal of domestic waste, food and green waste, recyclables, paper and cardboard and hard rubbish.

66 Disposal of Disused Refrigerators and other Compartments

66.1 A person must not place:

66.1.1 a disused refrigerator;

66.1.2 an ice chest;

66.1.3 a chest; or

66.1.4 any other similar article

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

66.1.5 rubbish tip;

66.1.6 road;

66.1.7 Council land;

66.1.8 public place; or

66.1.9 unfenced vacant land,

unless:

66.1.10 in the case of a road, Council land or public place, it is a day designated on Council's website as a day for the collection of hard rubbish; and

66.1.11 in any event, they have first:

(a) removed from it every door and lid;

(b) removed from it every lock, catch and hinge attached to a door or lid; or

(c) otherwise rendered every door and lid incapable of being fastened.

Penalty: 10 Penalty Units

67 Resource Collection

67.1 The occupier of any land to which Council provides a:

67.1.1 domestic waste collection service must:

(a) without delay deposit all domestic waste generated on the land which is to be collected by Council into an approved garbage receptacle designated for the deposit of domestic waste, although nothing in this clause will preclude an occupier from using some other object for the deposit of domestic waste prior to the transfer of the domestic waste to the approved garbage

receptacle or from composting any organic waste in a fly and vermin-proof compost container;

- (b) not place out for collection by Council any domestic waste other than in an approved garbage receptacle designated for the deposit of domestic waste;
- (c) not place out for collection any approved garbage receptacle, except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove an approved garbage receptacle from any land except when it is placed out for collection;

67.1.2 food and green waste collection service must:

- (a) without delay deposit all food and green waste generated on the land which is to be collected by Council into an approved food and green waste receptacle designated for the deposit of food and green waste, although nothing in this clause will preclude an occupier from using an object for the deposit of food and green waste prior to the transfer of the food and green waste to the approved food and green waste receptacle;
- (b) not place out for collection by Council any food and green waste other than in an approved food and green waste receptacle designated for the deposit of food and green waste;
- (c) not place out for collection any approved food and green waste receptacle except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove any approved food and green waste receptacle from any land, except when it is placed out for collection;

67.1.3 recycling collection service must:

- (a) without delay deposit all recyclables used on the land which are to be collected by Council into a recycling receptacle, although nothing in this clause will preclude an occupier from using an object for the deposit of recyclables prior to the transfer of the recyclables to the recycling receptacle;
- (b) not place out for collection by Council any recyclables other than in a recycling receptacle;
- (c) not place out for collection any recycling receptacle except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove any recycling receptacle from any land, except when it is placed out for collection; and

67.1.4 commercial paper and cardboard collection service must:

- (a) without delay deposit all paper and cardboard used on the land which are to be collected by or on behalf of Council into the container provided by or on behalf of Council for that purpose, although nothing in this clause will preclude an occupier from using an object for the deposit of paper and

cardboard prior to the transfer of the paper and cardboard to the provided by Council for that purpose;

- (b) not place out for collection by or on behalf of Council any paper or cardboard other than in the container provided by Council for that purpose;
- (c) not place out for collection any paper or cardboard, except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove a container provided by or on behalf of Council for the purpose of the paper and cardboard collection service from any land, except when it is placed out for collection.

Penalty: 5 Penalty Units

- 67.2 The occupier of any land must not, without the consent of Council or an authorised officer, place out for collection more than one (1) receptacle of each type.

Penalty: 5 Penalty Units

- 67.3 Any receptacle placed out for collection by the occupier of any land must:

67.3.1 be placed:

- (a) on the nature strip in front of the land within one (1) metre of the kerb; or
- (b) in the absence of a nature strip, on the footpath in front of the land within one (1) metre of the kerb

unless Council or an authorised officer directs that the receptacle be placed in another position;

67.3.2 be placed so that there is a minimum:

- (a) vertical distance of three (3) metres above the lid of the receptacle; and
- (b) horizontal distance of 500 millimetres from the sides of the receptacle clear of any structure, tree, shrub or any vehicle;

67.3.3 be placed with the side of the receptacle on which hinges securing the lid are located positioned facing the land; and

67.3.4 be placed out for collection no earlier than the day before the scheduled collection day for that approved receptacle.

Penalty: 5 Penalty Units

- 67.4 A person must not place an approved garbage receptacle, approved food and green waste receptacle or recycling receptacle out for collection which has a gross weight of more than 72 kilograms.

Penalty: 5 Penalty Units

- 67.5 A person must not place any domestic waste, food and green waste or recyclables in an approved garbage receptacle, approved food and green waste receptacle or recycling

receptacle (as the case may be) that would prevent the lid of the relevant receptacle being closed.

Penalty: 5 Penalty Units

- 67.6 A person must not place out for collection any receptacle so as to cause a hazard to any person or a vehicle.

Penalty: 5 Penalty Units

- 67.7 The occupier of any land must keep any receptacle in a clean, inoffensive and sanitary condition.

Penalty: 5 Penalty Units

- 67.8 The occupier of any land must ensure that any area where a receptacle is placed between collections is kept in a clean, inoffensive and sanitary condition.

Penalty: 5 Penalty Units

- 67.9 The occupier of land must ensure that an approved garbage receptacle, an approved food and green waste receptacle and a recycling receptacle are covered by their lids at all times, except when domestic waste, food and green waste or recyclables (as the case may be) is or are being deposited in or removed from the approved garbage receptacle, approved food and green waste receptacle or recycling receptacle or such approved garbage receptacle, approved food and green waste receptacle or recycling receptacle is being cleaned or repaired.

Penalty: 5 Penalty Units

- 67.10 The occupier of any land must not:

67.10.1 use; or

67.10.2 allow to be used

a receptacle for any purpose other than the deposit of relevant waste in accordance with this Local Law.

Penalty: 5 Penalty Units

- 67.11 If any loss of, or damage to, a receptacle is due to the neglect or deliberate act of any person, that person must pay:

67.11.1 a fee determined by Council or an authorised officer from time to time for the replacement of the receptacle; or

67.11.2 such part of the fee set under clause 67.11.1 as Council or an authorised officer determines.

- 67.12 Once waste has been collected by or on behalf of Council, the occupier of any land must:

67.12.1 return any receptacle to the land to which it was supplied by Council on the same day; and

67.12.2 remove any waste from a road or any Council land which has spilled from the receptacle supplied to the land which they occupy.

Penalty: 5 Penalty Units

68 Hard Rubbish and Green Waste Collection

- 68.1 Where Council or an authorised officer has given public notice that a hard rubbish or green waste collection will be made, or where other arrangements are made by Council to collect hard rubbish or green waste, any hard rubbish or green waste to be collected must be left out for collection in a neat, tidy, safe and orderly manner and in accordance with Council's or the authorised officer's directions.

Penalty: 5 Penalty Units

- 68.2 A person must not place, or cause or allow to be placed, any item (other than a receptacle) on a nature strip or other part of a road, except for the purposes of a hard waste or green waste collection provided by Council and in accordance with clause 68.1.

Penalty: 5 Penalty Units

69 Interference with Waste

- 69.1 A person must not:
- 69.1.1 without the consent of the occupier, deposit waste or other matter in any receptacle supplied to any land on which they do not reside; or
 - 69.1.2 without the consent of Council or an authorised officer, remove or interfere with any waste placed out for collection in a receptacle or any hard rubbish left out for collection in accordance with clause 68.1.

Penalty: 5 Penalty Units

- 69.2 Council or an authorised officer may, by notice in writing, direct the owner or occupier of any land to install, repair, replace or modify a fence or other means of screening a receptacle or trade waste hopper from public view if the receptacle or trade waste hopper is unsightly, dangerous or detrimental to the general amenity of the neighbourhood in which it is located.
- 69.3 An owner or occupier of land to whom a direction is given under clause 69.2 must comply with that direction.

Penalty: 10 Penalty Units

70 Suspension of Waste Collection Service

- 70.1 If an occupier of land:
- 70.1.1 has persistently contravened; or
 - 70.1.2 is persistently contravening,
- any provision in this Part 8, Council or an authorised officer may suspend the provision of any waste collection service to the land.
- 70.2 If Council or an authorised officer suspends the provision of any waste collection service to land the suspension may be:
- 70.2.1 indefinite; or

70.2.2 for such a period as Council or the authorised officer specifies by a notice given to the occupier of land,

and, in either case, on such terms as are specified by Council or the authorised officer in any notice given to the occupier of the land.

71 Street and Other Litter

71.1 A person must not deposit into any street litter bin any green waste or trade or commercial waste.

Penalty: 10 Penalty Units

71.2 A person must not sweep or otherwise deposit any leaves, garden clippings or like things into any gutter or other part of a road.

Penalty: 5 Penalty Units

72 Storage of Trade Waste

72.1 The owner and occupier of any land must ensure that any trade waste hopper kept on the land is constructed and maintained in accordance with any requirements detailed by an authorised officer.

Penalty: 10 Penalty Units

73 Storage Site for Trade Waste

73.1 If directed by Council or an authorised officer, the owner of any land must ensure that any area where a trade waste hopper is placed:

73.1.1 has an impermeable surface;

73.1.2 is drained to an outlet approved by Council or an authorised officer;

73.1.3 is supplied with water from a tap and hose; and

73.1.4 is maintained in a clean, inoffensive and sanitary condition.

Penalty: 10 Penalty Units

74 Waste Management at Accommodation

74.1 The owner and the property manager of accommodation must ensure that the waste services provided at the accommodation are adequate for the number of occupants of, and the amount and type of waste generated in, that accommodation.

Penalty: 10 Penalty Units

74.2 If adequate waste services are not provided under clause 74.1, Council or an authorised officer may direct the owner and the property manager in writing to prepare a Waste Management Plan for the accommodation and submit it to Council for approval.

74.3 The owner and the property manager of accommodation on private land to whom a direction is given under clause 74.2 must comply with that direction.

Penalty: 10 Penalty Units

- 74.4 Once a Waste Management Plan is approved in respect of accommodation, the owner and the property manager must comply with that Waste Management Plan, unless given a written exemption from compliance by Council or an authorised officer.

Penalty: 10 Penalty Units

- 74.5 Clauses 74.1, 74.2 74.3 and 74.4 do not apply to any accommodation where the delivery of waste services is regulated by:

- 74.5.1 conditions in a planning permit applicable to the accommodation;
- 74.5.2 an existing Waste Management Plan approved by Council (other than a Waste Management Plan approved under this clause 74); or
- 74.5.3 requirements of the *Public Health and Wellbeing Act 2008* and associated regulations.

75 Waste Management Plans

- 75.1 If directed by Council or an authorised officer, an owner and occupier of land used primarily for commercial purposes must:

- 75.1.1 prepare a Waste Management Plan and submit it to Council for approval; and
- 75.1.2 not cause or allow any waste to be collected from the land other than in accordance with the Waste Management Plan approved by Council.

Penalty: 10 Penalty Units

PART 9
ADMINISTRATION AND ENFORCEMENT

Introduction: This Part aims to supplement the preceding provisions of the Local Law by explaining how the Local Law may be administered and enforced. In particular, powers to impound and serve Notices to Comply and Infringement Notices are given, and the system of applying for, obtaining and retaining permits is provided for.

76 Impounding

- 76.1 An authorised officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
- 76.2 Where any thing has been impounded under this Local Law, Council or an authorised officer must, if it is practicable to do so, serve notice of the impounding personally or by mail on the person who appears to be the owner of the impounded thing.
- 76.3 An impounded thing must be surrendered to:
- 76.3.1 its owner; or
 - 76.3.2 a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of their authority from the owner,
on
 - 76.3.3 evidence to the satisfaction of the authorised officer being provided of the owner's right to the thing; and
 - 76.3.4 payment of any fee determined by Council or an authorised officer from time to time.
- 76.4 Clauses 76.2 and 76.3 do not apply to the impounding of alcohol or any shopping trolley under this Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.
- 76.5 If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within fourteen (14) days of the notice of impounding being served or, if no notice of impounding has been served, of the act of impounding, Council may, at its discretion:
- 76.5.1 sell;
 - 76.5.2 give away; or
 - 76.5.3 destroy
- the impounded thing.

77 Notices to Comply

- 77.1 Council or an authorised officer may, by serving a Notice to Comply, direct any owner, occupier or other person to remedy any thing which constitutes a breach of this Local Law.
- 77.2 A Notice to Comply issued under this Local Law must:

- 77.2.1 specify the thing in breach of the Local Law;
 - 77.2.2 specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and
 - 77.2.3 state the time and date by which the thing must be remedied.
- 77.3 The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- 77.3.1 the amount of work involved;
 - 77.3.2 the degree of difficulty;
 - 77.3.3 the availability of necessary materials or other necessary items;
 - 77.3.4 climatic conditions;
 - 77.3.5 the degree of risk or potential risk; and
 - 77.3.6 any other relevant matter.
- 77.4 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

- 77.5 Nothing in this Local Law
- 77.5.1 obliges Council or an authorised officer to serve a Notice to Comply; or
 - 77.5.2 precludes Council or an authorised officer from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

78 Permits

- 78.1 Council or an authorised officer may issue a permit under this Local Law with or without conditions, or may refuse to issue the same.
- 78.2 Council or an authorised officer may from time to time prescribe:
- 78.2.1 the manner and form in which applications for permits under this Local Law should be made;
 - 78.2.2 the manner in which any permit under this Local Law should be issued; and
 - 78.2.3 the fee for any such permit.
- 78.3 Council or an authorised officer may waive payment of any fee for a permit.
- 78.4 Council must keep a register of permits.
- 78.5 Council or an authorised officer may require an applicant for a permit to give notice of the application in a manner specified from time to time by Council or the authorised officer.

78.6 Council or an authorised officer may require an applicant for a permit to provide Council with more information before Council or the authorised officer deals with the permit application.

78.7 A permit expires on the date specified in the permit or, if no such date is specified, the permit will expire one (1) year after the date of issue.

79 Considering Applications

79.1 In considering an application for a permit, Council or an authorised officer may consider any:

79.1.1 policy or guideline adopted by Council relating to the subject matter of the application for the permit;

79.1.2 submission that may be received in respect of the application;

79.1.3 comments that may be made in respect of the application by any public body, community organisation or other person; and

79.1.4 other relevant matter.

80 Correction of Permits

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

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

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

80.2 Council or the authorised officer must note the correction in the register of permits kept under clause 78.4.

81 Grounds for Cancellation of or Amendment of Permits

81.1 Council or an authorised officer may cancel or amend any permit if there has been:

81.1.1 a material mis-statement or concealment of fact(s) in relation to the application for a permit;

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

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

81.1.4 a failure to comply with the conditions under which the permit was issued; or

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

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

81.3 If Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, Council or the authorised officer must note that cancellation or amendment in the register of permits kept under clause 78.4.

82 Exemption

82.1 Council or an authorised officer may exempt a person or a class of persons from the application of, or need to comply with, this Local Law or any part of it, either generally or in a particular instance.

82.2 Any exemption:

82.2.1 must be in writing; and

82.2.2 may be subject to conditions.

83 Urgent Circumstances

83.1 If:

83.1.1 a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued;

83.1.2 the breach threatens a person's or an animal's life or health, any property or the natural environment; and

83.1.3 the circumstances are sufficiently urgent and the time necessary to serve and ensure compliance with a Notice to Comply may exacerbate that threat,

an authorised officer may take such action as they consider necessary to abate or minimise the danger without serving a Notice to Comply if notice is given of:

83.1.4 the reasons for taking the action; and

83.1.5 the action taken

to the person in breach of the provision of this Local Law in respect of which the action was taken as soon as practicable afterwards.

84 Offences

84.1 A person who:

84.1.1 contravenes or fails to comply with any provision of this Local Law;

84.1.2 contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or

84.1.3 contravenes or fails to comply with a Notice to Comply by the date specified in the Notice to Comply,

is guilty of an offence and is liable to the penalty stated under the provision that is contravened or, if no penalty is stated, five (5) penalty units.

84.2 Where a person is found guilty of an offence under this Local Law they will be liable to:

- 84.2.1 a further penalty of one (1) penalty unit for each day during which the contravention continues; and
- 84.2.2 upon being found guilty of a second or subsequent offence, a penalty that is double the penalty stated under the provision that is contravened or 20 penalty units, whichever is the lesser.

85 Infringement Notices

- 85.1 Where an authorised officer has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the authorised officer may, as an alternative to prosecution for an offence, serve on that person an Infringement Notice.
- 85.2 The penalties fixed for Infringement Notices are set out in Schedule 1.
- 85.3 If no penalty for an Infringement Notice is stated in Schedule 1, the penalty is two (2) penalty units.
- 85.4 Any person issued with an Infringement Notice may pay the penalty in the manner stated on the Infringement Notice.

86 Penalties

- 86.1 If no penalty is fixed for an offence against this Local Law, the maximum penalty is ten (10) penalty units.

87 Requirement to Act Fairly and Reasonably

- 87.1 In exercising any power under this Local Law, Council and an authorised officer must act fairly and reasonably and in proportion to the nature and extent of the breach of this Local Law.

88 Delegation

- 88.1 Pursuant to section 78 of the Act, Council:
 - 88.1.1 delegates to the Chief Executive Officer all of its powers under this Local Law; and
 - 88.1.2 authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council staff.

This Local Law was made by resolution of Council at a meeting held on [##INSERT DATE].

THE COMMON SEAL of MONASH CITY COUNCIL

was hereto affixed in the presence of :

.....
.....

Schedule 1

CLAUSE	PENALTY FOR INFRINGEMENT NOTICE (IN PENALTY UNITS)
11.1, 12.1, 13.2, 14.1, 15.1, 18.1, 20.1, 21.2, , 22.7, 26.1, 27.1, 29.1, 32.1, 33.1, 34.1, 35.1, 38.1, 45.1, 46.1, 54.1, 55.1, 62.1, 62.2, 63.1, 63.2, 63.3, 64.1, 65.2, 66.1, 72.1, 73.1, 74.1, 74.3, 74.4, 75	1
16.2, 40.2, 40.3, 67.1, 67.2, 67.3, 67.4, 67.5, 67.6, 67.7, 67.8, 67.9, 67.10, 67.12, 68.1, 68.2, 69.1, 69.3, 71.1, 71.2	0.5
17.1, 19.1, 19.2, 22.1, 22.5, 22.6, 22.9, 23.3, 23.4, 23.5, 23.6, 23.7, 23.10, 24.1, 25.1, 28.1, 28.3, 39.1, 43.1, 44.1, 44.2, 44.3, 48.1, 48.2, 48.4, 49.1, 50.1, 51.1, 52.1, 53.1, 77.4	2.5
28.1, 28.3, 41.1, 42.1	1.5
30.1, 31.1, 36.1, 37.1, 47.1, 47.2, 47.8, 56.1, 56.2, 57.1, 58.1, 59.1, 60.1	1.25



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Solicitor's Certificate – Section 74(1) *Local Government Act 2020*

**Monash City Council
Community Amenity and Safety Local Law 2024**

Monash City Council (**Council**) is proposing to make the Community Amenity and Safety Local Law 2024 (**proposed Local Law**).

I have been asked to provide a certificate under s 74(1) of the *Local Government Act 2020 (Act)* in respect of the proposed Local Law.

In accordance with s 74(1) of the Act, I have assessed the proposed Local Law for consistency with the local law requirements, as outlined in the following table.

Local Law Requirement	Consistent
<p>A local law must not be inconsistent with any Act (including the <i>Charter of Human Rights and Responsibilities Act 2006</i>) or regulations.</p>	<p>Yes.</p> <p>As at the date of this certificate, the proposed Local Law does not overlap or conflict with, or duplicate, existing legislation. The proposed Local Law is therefore not inconsistent with any Act or regulations, nor, with respect to the <i>Sex Work Decriminalisation Act 2022</i>, does it undermine the objectives of that Act.</p> <p>The proposed Local Law has been reviewed for compatibility with the <i>Charter of Human Rights and Responsibilities Act 2006 (Charter)</i>. The proposed Local Law engages a number of rights, including the rights to:</p> <ul style="list-style-type: none"> • freedom of movement (see cls 11.1, 12.1.12, 13.1, 13.2.1, 13.2.2, 14.1.1, 14.1.6, 15.1.6 and 35.1); • privacy (see cl 16.2.3(a)); • freedom of thought, conscience, religion and belief (see cls 12.1.14, 15.1.3, 15.1.4, 15.1.5, 15.1.6, 15.1.10, 32, 33, 35, 41, 43.1, 48.1.2, 57, 58, 59 and 60); • freedom of expression (see cls 12.1.6, 12.1.8, 12.1.10, 12.1.14, 15.1.5, 15.1.6, 15.1.7, 15.1.10, 28.1, 32, 33, 35, 48.1.2, 57, 58, 59 and 60); • peaceful assembly (see cls 12.1.14, 15.1.5, 15.1.6, 15.1.7, 15.1.12, 15.1.13, 32, 33, 35 and 60); • enjoy cultural rights (see cls 12.1.14, 12.1.15, 15.1.3, 15.1.4, 15.1.5, 15.1.10, 32, 33, 35, 41, 48.1.2, 57, 58 and 60); and • not be deprived of their property (see cls 21, 27, 28.1, 28.3, 44, 47.4, 76, 77 and 83). <p>Each of these matters has been assessed and it has been determined that:</p> <ul style="list-style-type: none"> • most activities which engage the Charter can be conducted with a permit issued by Council; and • each limit, if any, is proportionate and can be demonstrably justified taking into account the matters set out in s 7 of the Charter. <p>The proposed Local Law, having been reviewed for compatibility with the Charter, is therefore considered to be compatible with the Charter.</p>
<p>A local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district.</p>	<p>Yes.</p> <p>The proposed Local Law is drafted so as not to operate where it concerns matters which are otherwise addressed under the Monash Planning Scheme.</p>

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Local Law Requirement	Consistent
<p>A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.</p>	<p>Yes. Clause 12.1.8 prevents a person from conducting filming on Council land for commercial unless they first obtain a permit. There is nothing in cl 12.1.8, or elsewhere in the proposed Local Law, which is inconsistent with the film friendly principles.</p>
<p>A local law must not exceed the power to make local laws conferred by this Act or any other authorising Act.</p>	<p>Yes. I consider the activities sought to be regulated by the proposed Local Law to be matters for or with respect to which Council has a function or power under the Act and other Acts. The proposed Local Law is therefore consistent with, and does not exceed, the scope of Council's powers to make Local Laws under the Act.</p>
<p>A local law must be consistent with the objectives of this Act or any other authorising Act.</p>	<p>Yes. I consider the activities sought to be regulated by the proposed Local Law to be matters of municipal concern and matters that have been reasonably understood to be within the province of municipal government because they affect the safety, amenity, welfare and good government of the municipal district and its inhabitants and are consistent with the overarching governance principles set out in s 9 of the Act. The proposed Local Law furthers the objects of accountable, transparent, collaborative and efficient operations of Council in a manner that engages with the municipal community and its needs.</p>
<p>A local law must be expressed as clearly and unambiguously as is reasonably possible.</p>	<p>Yes. The proposed Local Law is as clear and unambiguous as is reasonably possible. The purpose of each of its provisions and the means adopted to implement the purpose is discernible from the provision itself. This Certificate has not sought to interrogate Council as to whether the purpose of each of the proposed Local Law provisions as drafted, and the manner in which the proposed Local Law seeks to implement those purposes, is as Council had intended them to be when drafting the proposed Local Law. This Certificate assumes that Council is aware of the purpose behind each provision and has familiarised itself with, and accepts the manner in which, that purpose is implemented by the Local Law.</p>
<p>Unless there is clear and express power to do so under this Act or any other authorising Act, a local law must not—</p> <p>(i) seek to have a retrospective effect; or</p> <p>(ii) impose any tax, fee, fine, imprisonment or other penalty; or</p> <p>(iii) authorise the sub-delegation of powers delegated under the local law.</p>	<p>Yes. The proposed Local Law:</p> <ul style="list-style-type: none"> • does not seek to have retrospective effect; • makes provision for the imposition of penalties in respect of offences that are created, which penalties are: <ul style="list-style-type: none"> ○ consistent with s 79 of the Act; ○ similar in nature when compared to like councils; and ○ sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences; • makes provision for the setting and imposition of fees in a manner that is consistent with s 77 of the Act; and • consistent with s 78(d) of the Act, authorises the Chief Executive Officer to sub-delegate powers delegated to that position under cl 88 of the proposed Local Law.



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Local Law Requirement	Consistent
A local law must comply with any details prescribed in the regulations relating to the preparation and content of local laws.	Yes. No regulations relating to the preparation and content of local laws have, at the time of preparing this certification, been made.

This Certificate is only valid as at the date below. I cannot predict what may occur in future with respect to:

- a) amendments to the proposed Local Law that Council may make;
- b) other legislation that may be made or amended which brings the proposed Local Law into conflict or which overlaps with the proposed Local Law (including future regulations);
- c) a decision of a Superior Court which fundamentally changes the accepted principles or precedent regarding the inconsistency of laws;
- d) amendments to the Monash Planning Scheme which bring the proposed Local Law into conflict or which overlaps with the proposed Local Law; or
- e) the manner in which Council administers or makes decisions with respect to the granting of permits or exemptions under the proposed Local Law which may bring the proposed Local Law into conflict with other legislation.

I, Kate Emily Oliver, Partner at Maddocks, certify that I:

- am an Australian lawyer who has been admitted to the legal profession for at least 5 years;
- am not a Councillor of Council;
- have reviewed the proposed Local Law against the local law requirements; and
- am of the opinion that the proposed Local Law is consistent with the local law requirements set out in s 72 of the Act.

Signed by Kate Oliver
in Victoria on 4 July 2024

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)
)

.....

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

Inconsistencies With State Or Federal Law		
	Feedback Received	Officer Response
	No, these all seem reasonable.	
	Regarding Behaviour on Council Land. 14.9. The existing council rule should remain unchanged. Do not remove it. Regarding change to Pronoun. Please do not change the existing condition. Leave as is.	<i>Clause 14.9 is being removed because it is inconsistent with the Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006 and therefore cannot remain as is.</i>
	I do not agree with removing 14.9 as removing it would allow people of the opposite gender into change rooms and showers over the age of 6.	<i>See above.</i>
	No feedback. Looks ok.	
	I have attached a submission for the removal of Clause 15.1.1 on behalf of the Victorian Drone Flyers Group. If you require any further information or would like to discuss the submission, I can be reached on [REDACTED]	<i>The full submission can be found within Attachment four (4). Please see the officer response below.</i>
	Note: The following submission was tendered by five separate participants. I'd like to see the removal of the following... (15.1 In a reserve, a person must not, without a permit:) 15.1.1 fly or permit to be flown any aircraft (including any powered modelled aeroplane) As a member of Victorian Drone Flyers I support their submission submitted on our behalf.	<i>It is noted that unpowered aircraft are already heavily regulated by the Civil Aviation Safety Authority (CASA). However, cl 15.1 is not concerned with the way that unpowered aircraft are operated. Rather, it is concerned with what Council considers to be acceptable and unacceptable use of its land, including by balancing the interests of diverse groups of users.</i>
	In reference to Council's proposed Community Safety and Amenity Local Law 2024, I wish to make a submission for the removal of Clause 15.1.1: 15.1 In a reserve, a person must not, without a permit: 15.1.1 fly or permit to be flown any aircraft (including any powered modelled aeroplane) as there is no need for Councils to continue to regulate aircraft, ie remotely piloted aircraft systems (RPAS). The Civil Aviation Safety Authority (CASA) is the Federal legislator for the airspace with adequate rules in place for the safety of people and property. At present, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts are consulting on mandatory Remote Identification for all RPAS. The future may look somewhat like the Jetsons, with emerging technologies and a wide variety of uses for RPAS, all regulated by CASA with regulations able to be changed at any given time with advancement/changes. Details of the initial consultation can be found here for your information: Remote ID Consultation Summary	<i>As above</i>

<p>Councils have started to remove permit requirements for RPAS from their Local Laws after seeking legal advice. As you are aware Council needs to look at existing legislation and not make Local Laws that are unnecessary, pursuant to the Guidelines for Local Laws Manual. RPAS are already heavily regulated at a Federal level and can be regulated further at any given time.</p> <p>A permit requirement only puts an unnecessary burden on the people who already fly RPAS in accordance with the existing legislation. Let's face it, the people who are going to fly against the rules are never going to apply for a permit anyway. Then it becomes an onerous, unnecessary task on Council to enforce its Local Laws.</p> <p>A permit requirement also means that Council needs to have knowledge of where or when it can lawfully provide a permit. At any given time and place CASA can implement restricted airspace in which case, Council would have no authority to issue a permit anyway.</p> <p>With all of the advancements in technology and RPAS and their wide variety of uses, Council no longer needs to waste its resources implementing permit requirements and purporting to regulate them. I am more than happy to discuss this information with you further and I again request Council to remove Clause 15.1.1 from its proposed new Community Safety and Amenity Local Law 2024.</p>	
<p>I note that Monash City Councils Community Amenity Local Law No. 3 is due to expire in February 2025 and Council is now seeking feedback on the new proposed Community Safety and Amenity Local Law 2024.</p> <p>15 Activities which may be permitted in Reserves 15.1 In a reserve, a person must not, without a permit 15.1.1 fly or permit to be flown any aircraft (including any powered modelled aeroplane).</p> <p>I would like for you to consider that the Civil Aviation Safety Authority (CASA) who are the federal level authority in these matters already have laws that limit and control the use of unmanned aircraft (drones, and other rc aircraft) so there is no need for Councils to continue to regulate drones as they are already regulated at a Federal level by the CASA. A drone operator would be unable to fly at a reserve that was occupied by the public (eg a football game or cricket match) however an empty Council reserve provides a great opportunity for people to hone their drone skills. As the saying goes, you have to start somewhere!</p> <p>I refer you to the Guidelines for Local Laws Manual published by Local Government Victoria, in particular</p>	<p><i>As above</i></p>

	<p>the section 2.4 on Preparing for Local Laws which states: Council needs to consider whether there is a possible alternative to a Local Law that might better suit the needs of the community.</p> <p>The key role of CASA is to conduct the safe regulation of air operations across all of Australia, and to ensure that Australian airspace is administered and used safely.</p> <p>I have been flying my drone all over Victoria and recently in WA, with never any incident or problems. I have been happy to educate other drone uses in not only the correct way but the legal and safe ways to enjoy their drone.</p> <p>I am an active member of the Victorian Drone Flyers Facebook group. We are a state-wide group, with just over 5,600 members and we encourage the safe and legal flying of drones together with providing education on the drone rules to our members. Our members include both aerial and ground-based photographers, people looking at purchasing a drone and members who have an appreciation for photography and videography.</p>	
	<p>Yes, thank you. It's fair enough to be consistent ... although I believe that even though state or federal law applies ... the Monash Local Law should retain some of the items and reference the applicable other law. By omitting them, the reader of the Local Law may conclude that there are no applicable regulations ... Council must not presume that everyone will know to reference the (or which) relevant state or federal law at CommLaw or the Vic Legislation site. If the Council is fair dinkum, it would facilitate compliance by inclusion, not omission.</p> <p>For example (and not limited to these examples):</p> <ol style="list-style-type: none"> 1) Parking ... must be in accordance with the Road Safety Rules 2017. 2) Nuisances ... must be in accordance with the Environment Protection Act 2017 and the Public Health and Wellbeing Act 2008 3) Noise ... must be in accordance with the Environment Protection Act 2017. 4) Graffiti ... must not be contrary to the Graffiti Prevention Act 2007. 	<p><i>The Local Law is drafted in a manner consistent with the requirements set out in the Local Government Act. Whilst it is acknowledged a casual reader might not be aware of additional state or federal legislation that addresses safety or amenity issues, it's important to note that the local law specifically governs activities falling under the purview of the Council's functions and responsibilities which are not already imposed or conferred on Council by other legislation.</i></p>
	<p>No change is required</p>	
	<p>Re: Changes in use of pronouns. I understand that some individuals may prefer to be referred to as 'they' instead of he/she and 'their' instead of his/her. However I and others, who do identify as either a man or a woman, may feel discriminated against being identified as gender non specific.</p>	<p><i>The Local Law employs 'they' (and its derivatives 'their' and 'them') as neutral singular pronouns and not as specific recognition of non-binary persons to the exclusion of others. This aligns with contemporary practices in legal drafting and language.</i></p>

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

	Why not consider having the following: 'he/she/they' and ' his/her/their' to be completely fair and non discriminatory to all? A simple inclusion as above would cover everyone, not simply to a minority group.	
	<p>Clause 75.1 in Noise Generally specifically targets refrigeration units mounted on a motor vehicle. I don't understand why, or is the clause taken out of context? Why not include non-essential diesel generators, they're pretty noisy too!</p> <p>Clause 75.3.2 in Noise Generally does not allow for emergency tree removal outside hours stated. What happens if it is necessary to remove the tree outside those stated hours because of safety issue?</p>	<p><i>Clause 75.1 and 75.3.2, originating from the current Local Law, will not be included in the proposed Community Safety and Amenity Local Law 2024. These clauses were removed due to their inconsistency with the Environment Protection Act 2017, which already establishes a comprehensive framework for managing noise emissions in a range of settings.</i></p> <p><i>This will extend to emergency tree removal works, given that these clauses have been removed.</i></p>
	<p>I think rationalization of duplicated legislation is appropriate.</p> <p>I do not agree in any way with Changes to Pronouns re gender to their, they etc as they only lead to confusion and are only applicable to a minority.</p>	<p><i>The change in the way pronouns are described in the Local Law is consistent with contemporary practices in legal drafting and language. It is not specific recognition of non-binary persons to the exclusion of others.</i></p>
	I have no feedback.	
	Why are wasting time and money with all this is nothing do with Monash do your jobs rubbish roads.	
	Seems to clear a lot up with over-encompassing Acts!	
	<p>Changes regarding "Behaviour on Council land" and "Change to Pronouns" are to appease a small minority and totally disregard any discomfort that may be incurred on the majority who have used and would continue to use their designated facilities. This is purely being introduced for fear of retribution of the minority. As has always been the case you cannot appease everybody so you have aim to satisfy the majority. Someone of a male gender in a female facility would not work well for most, I suspect the opposite would be similar but far less common.</p> <p>The pronoun changes are a reaction to a fad that will be short lived and will only cause confusion while once again appeasing a minority of people.</p> <p>The penalty unit increases may be considered just an inflationary lift, except it appears to be accompanied by a reduction in parking spots and changes in time limits. A revenue lift more likely as consistency in this case with a state number hardly seems relevant.</p>	<p><i>The change in the way pronouns are described in the Local Law is consistent with contemporary practices in legal drafting and language. It is not specific recognition of non-binary persons to the exclusion of others.</i></p> <p><i>A Local Law penalty unit aligns with the penalty unit amount determined annually by the Treasurer under the provisions of the Monetary Units Act 2004 and Council is required to apply them accordingly. Council has no control or discretion with respect to those changes.</i></p> <p><i>There is no correlation between the penalty unit amount and parking management.</i></p>
	I believe the proposal represents a significant, and unreasonable withdrawal by council from providing enforcement of laws around Noise, Building Work and Waste Collection. Council should not abdicate its responsibility to ratepayers to ensure enforcement of these laws at a local level	<p><i>These provisions have been removed from the local law to avoid duplication. This is not a matter of choice, but a requirement under the law. Most of these matters continue to be regulated by other legislation, including the Environment</i></p>

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

		<p><i>Protection Act 2017 and the Building Act 1993.</i></p> <p><i>Despite this Council continues to uphold its functions and responsibilities under the relevant state laws including enforcement where required.</i></p>
	In particular, I fully support the removal of the clause 14.9 in "Behaviour on Council Land" and the "Change to pronouns" proposal.	
	I support the changes	
	It is a legal requirement, so opposing it will be in vain	
	<p>I am a man . I use the pronouns he, his, . I do not have multiple personalities or identities hence I do not wish to be referred to in the plural.</p> <p>If the council wishes to appease the minority, then include masculine and feminine pronouns as well as the non gendered pronouns in all statements and laws. I am not homophobic , I respect their rights but do not wish to have their preferences replace mine.</p>	<p><i>The Local Law employs ‘they’ (and its derivatives ‘their’ and ‘them’) as neutral singular pronouns. This aligns with contemporary practices in legal drafting and language. It is not specific recognition of non-binary persons to the exclusion of others.</i></p>
	<p>Thanks for the opportunity to review your local law. I have read it and you have a few problems.</p> <p>No definitions for key terms. “people” “land”</p> <p>Items should be in the policy and procedure documents placed in the local laws. This means you can’t alter the procedure until the law has been reviewed.</p> <p>Not compliant with the Local Government Act 2020 with regards to fee setting and public exhibition and consultation legislated process.</p> <p>Local Laws not consistent with State Laws, Commonwealth Aviation Laws, Victorian Planning Scheme, and not understanding the Australian Constitution.</p> <p>Laws for services that don’t exist – Green Waste Service (now FOGO) & Paper and Cardboard Collection Service.</p> <p>Wrong industry definition for waste terms</p> <p>The use of “Ye Old English” from the days of Chaucer instead of modern clear English.</p> <p>The use of ambiguous terms for deciding if something is compliant or not.</p> <p>Use of residential – when what is residential vs commercial areas in Monash has become blurred with residents now living in traditionally business only areas.</p> <p>Formatting errors.</p> <p>I read your document once and it contained many errors. It took me a long time and I am not going to separate by your themes. I have provided the clause header so your teams can look at it and review line by line.</p> <p>I really think you should.</p>	<p><i>The submitter has presented several issues, which are further detailed in their subsequent comments. Responses to each of these points are provided below.</i></p>

	<p>Definitions</p> <p>No definition for “People”. The way you have used this word in your document means you have excluded controls on other types of legal entities that also have some rights like people, this includes, trust, proprietary limited companies and limited companies. For instance, a Company isn’t prohibited from creating a nuisance on public land (section 12.1.1). You need to add a definition for the word people and specify that people includes more than the generic application of the word in everyday language.</p> <p>Green Waste – actually you have FOGO (food organics and garden organics). You need to add FOGO and also the glass service which is due in 2027. Also consider the Recycling Victoria Service standard which is about to be released.</p> <p>Recyclables definition – the definition is not good enough. Recycling Victoria is about to change what this is. You should probably refer to the Recycling Service Standard definition of Recyclables and what ever is published in X document.</p> <p>Refuse facility – I think you mean a bin or container.</p> <p>Residential area – definition is problematic as we will have mixed use area going forward (commercial and residential 24/7 – Glen Waverly is headed this way and M-City is similar. As urbanisation means more people are living in place in which work is also undertaken such as waste collection early mornings to avoid the OH&S risk of running over and hurting, maiming and killing pedestrians Council will have to relax its position on noise impact and rely instead of good building design to reduce impacts from noise. Telling a coroner that noise was the reason why you created laws to encourage waste collection during busy hours is the reason why a person was hurt or killed is not good enough. Melbourne and parts of Monash will be a 24/7 and not a country town and laws in certain places need to reflect this reality. You need to construct laws by planning zone a one-sized fits all approach does not work – the EPA Noise Control Guidelines are a suggestion only, and not the final work – it even says so on their website page for this document.</p> <p>Sell – is your intention to regulate on-line trade? The definition would capture this. If this is incurring within a home – does this constitute an unreasonable invasion of privacy? Also how does it apply to persons that work from home and service different time zones (say Western Australia) vs China).</p> <p>Trade waste – This is a term that is applied to sewer water. The correct terms are C&I (commercial and industrial), C&D (construction and demolition), and MSW (municipal solid waste). These terms are used statewide in policy and statistical analysis.</p>	
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**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

	Trade waste hopper – this is not an waste industry term for a bin. The terms you are looking for a MGB (mobile garbage bin), bulk bin, skip or vestibule (such as a nally bin).	
	Section 10.1.5 – All fees are required to be advertised as part of the Budget Document for public comment. The local law cannot bypass this requirement. – delete or amend to say as per advertised budget rates through the budget process.	<p><i>Council is not required to advertise its fees and charges as part of the budget process, although in practice it will generally include a Schedule of Fees and Charges with its draft Budget in any event.</i></p> <p><i>Section 77(1)(a) of the Local Government Act 2020 permits a local law to provide for Council to determine, by resolution and by a delegate, fees and charges and does not require a community engagement process.</i></p> <p><i>There is nothing else in the Local Government Act 2020 which requires Council (or its delegates) to conduct a community engagement process in connection with its declaration of fees and charges.</i></p>
	10.1.2 – There should be a maximum time period of this before it has to go to public tender. This time period should also include any extensions. This will prevent misappropriation of public goods without the entire community having the opportunity to submit an expression of interest.	<p><i>Such an approach is not considered necessary given relevant polices such as the Leasing and Licensing Policy and the Procurement Policy.</i></p> <p><i>In any case, Council will be required to comply with the Local Government Act 2020, including s 115 in respect of leasing land.</i></p>
	10.1.6 All fees are required to be advertised as part of the Budget Document for public comment. The local law cannot bypass this requirement. – delete or amend to say as per advertised budget rates through the budget process.	As above.
	10.2. All fees are required to be advertised as part of the Budget Document for public comment. The local law cannot bypass this requirement. – delete or amend to say as per advertised budget rates through the budget process.	As above
	10.3 All fees are required to be advertised as part of the Budget Document for public comment. The local law cannot bypass this requirement. – delete or amend to say as per advertised budget rates through the budget process.	As above
	10.3.2 There should be a maximum time period of this before it has to go to public tender. This time period should also include any extensions. This will prevent misappropriation of public goods without the entire community having the opportunity to submit an expression of interest.	<p><i>Such an approach is not considered necessary given relevant polices such as the Leasing and Licensing Policy, the Procurement Policy and the various Active Monash recreation strategies and policies.</i></p> <p><i>In any case, Council will be required to comply with the Local Government Act</i></p>

		<i>2020, including s 115 in respect of leasing land.</i>
	11.1.1 Usually conditions of entry require the display of signage. Check this is intended.	<i>Where applicable conditions of entry are and will be displayed.</i>
	11.1.3 This should be conduct an event without first paying the fee or charge which is applicable, and/or use land for a purpose without seeking the appropriate permit.	<i>This clause is intended to ensure that the use of Council property – e.g. tables and chairs, AV equipment etc – in connection with Council land only occurs with the appropriate permission to do so and only after the any applicable charge has been paid for. The clause as drafted achieves this.</i>
	Section 12 The definition of “Person” is problematic (note the document does not have one). As written a company, or other non-person entity is permitted to do any of the things listed. See earlier comment.	<i>The term ‘person’ should be given its ordinary meaning and it is not necessary to define it. The ordinary meaning of ‘person’ includes bodies corporate. So, as intended, companies will also be capable of committing offences.</i>
	12.1.3 endangers – perhaps include cause or threaten to cause or cause physical or psychological harm. What about a persons property? Say a stall or caravan with a permit to operate on Council land?	<i>This sub-clause provides that a person on Council land must not act in manner that endangers another person. This is but one clause around behaviour on Council land and is considered appropriate without change.</i>
	12.1.6 I don’t know if Council manages any cemeteries but headstones are not the property of Council but the person and descendants that owns the plot. If the headstone or plaque is damaged or removed this does not actually work.	<i>Clause 12.1.6 deals with damage to Council land and property on Council land generally. There will always be circumstances where this clause may or may not apply however the clause as drafted does not require change.</i>
	12.1.15 Define “discomfort”. Many people don’t love the smell of Durian for instance. What is the benchmark?	<i>Where a term is not defined in the Local Law it will have its ordinary dictionary meaning which is considered satisfactory in this instance.</i>
	13.2.3 Assistance dog is okay, but the correct term is “assistance animal” which is permitted to enter a premise by State or Commonwealth Law for the purpose of supporting a person with mobility or sensory deprivation which the animal can directly ameliorate.	<i>The term ‘assistance animal’ is considered suitable and has now been incorporated into the proposed Local Law.</i>
	15.1.1 Council does has not power to regulate an aircraft flown above Council land – the proposed local law is invalid. Aircraft are regulated by the Air Navigation Act 1991 which is regulated by CASA a Commonwealth Agency. All airspace laws are required to be compliant with the ICAO rules established by the Chicago Convention of 1939. Council is also required to be complaint with the Australian Constitution Section 109. Inconsistency of laws. “When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.”	<i>Clause 15.1 is not concerned with the way that unpiloted aircraft are operated. Rather, it is concerned with what Council considers to be acceptable and unacceptable use of its land, including by balancing the interests of diverse groups of users.</i>

**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

	Council may only lawfully prohibit the launching, maintenance, and piloting of aircraft (including UAV unmanned aerial vehicles) from Council land. Model aircraft guided on strings (rare these days) on strings are not UAV and should be listed as toys.	
	15.1.10 – amplifier – are you planning to ban microphone used at sporting events?	<i>The Local Law allows for the use of amplifiers at sporting events where a permit has been issued and subject to the conditions of that permit.</i>
	15.1.11 – as written this includes a grassed oval.	<i>This clause relates to not walking on any plot, bed, border and any other area set aside for vegetation in a reserve. It has been specifically drafted in this way so as to not include ovals or a reserve in its entirety.</i>
	16.1 – All fees are required to be advertised as part of the Budget Document for public comment. The local law cannot bypass this requirement. – delete or amend to say as per advertised budget rates through the budget process.	<i>As above.</i>
	Part 3 – The definition of “person” means a company can do many of the activities you don’t want them to do. You really need to address this language.	<i>As above.</i>
	Section 17 Request – This also need extend to prevent Council officers from establishing trees over or within 2m of the legal point of discharge of a household as it crosses the nature strip. This causes thousands of dollars of damage to a property owner. It is not fair for this to be a one way relationship that causes property damage by poor Council decision making when establishing street trees. It should also prohibit the planting of trees with invasive root system (for pipes).	<i>The Local Law governs the behaviour of others in Council’s municipal district. It does not, and is not intended to, govern or apply to the operational decisions made by the Council itself. Issues related to the Council’s tree planting decisions would typically fall under different policies and/or regulations.</i>
	20 – Nature strips are not owned or occupied so you can’t do this. Its council land. At best you could say it was a permit condition. Do you have a permit for the driveways installation?	<i>There is nothing to prevent Council from requiring owners and occupiers to maintain vehicle crossings to an acceptable standard. This is within the scope of matters that the Local Law can address under the Local Government Act 1989.</i>
	21 - Nature strips are not owned or occupied so you can’t do this. Its council land. At best you could say it was a permit condition. Do you have a permit for the driveways installation? Note: You don’t even have a definition for owned or occupied.	<i>As above.</i> <i>The terms ‘owned’ and ‘occupied’ should be interpreted as having given their ordinary meaning and it is not necessary to define these terms.</i>
	22. Asset Protection – this is written poorly written. The header should at least be clear that it is for works on Council land. As written Council (the owner of the land) must also seek an asset protection permit	<i>Clause 22 is operates where a person carries out work on private land, not on Council land.</i>

	<p>before doing any works. I am sure this isn't the intention.</p>	<p><i>It is intended to ensure that Council assets such as footpaths, trees, roads, infrastructure and nature strips are protected from the impacts of works happening on adjacent private land, and deals with the need to obtain an Asset Protection Permit before commencing those works.</i></p> <p><i>There are circumstances where Council is required to obtain an Asset Protection Permit.</i></p>
	<p>22.2 This is procedural (policy) it is not a local law 22.3 This clause isn't actually required. It's a permit condition – (policy) procedural not a local law. 22.5 This is procedural (policy) it is not a local law 22..6.6 This is procedural (policy) it is not a local law 22.6.7 This is procedural (policy) it is not a local law 22.7 Most of this section is procedural (policy) it is not a local law 22.8 This is procedural (policy) it is not a local law 22.9 This is procedural (policy) it is not a local law 22.10 This is procedural (policy) it is not a local law 22.11 This is procedural (policy) it is not a local law 23.1 This is procedural (policy) it is not a local law 23.4 This is procedural (policy) it is not a local law 23.5 This is procedural (policy) it is not a local law 23.7 This is procedural (policy) it is not a local law</p>	<p><i>These clauses play a crucial role in reducing ambiguity and providing clear guidance and certainty to people applying for Asset Protection Permits about a range of matters including what constitutes an offence, and procedural aspects of permits are to be applied for and administered. This methodology is common in local laws and considered essential.</i></p>
	<p>23.8 – 23.10 The section should be removed. Instead it should be replaced with a clause that say non-compliance with Asset protection permit condition – 20 penalty units. 24 The section should be removed its procedural. Instead it should be replaced with a clause that say non-compliance with Asset protection permit condition – 20 penalty units.</p>	<p><i>Clause 23 establishes requirements, separate from the requirement to obtain an Asset Protection Permit, relating to the provision of toilet facilities on land where building work is taking place. Clauses 23.8 – 23.10 are appropriate and necessary as they clarify the circumstances in which those requirements do not apply.</i></p> <p><i>Clause 24 deals with work being conducted 'on' roads and Council land, rather than 'adjacent' to it. It is necessary to ensure pedestrian and road safety when that work is carried out. It does not relate to Asset Protection Permits and is considered necessary.</i></p>
	<p>26.1 Definition of recreational vehicle must exclude aircraft and UAV where not applicable by Commonwealth law. Also are you intending to include bicycles ridden by children and supervising adults on pathways in reserves. This is permitted under the state road rules.</p>	<p><i>'Recreational vehicle' is defined in the Local Law as including any 'vehicle propelled by a motor. It therefore does not include aircraft, Unmanned Aerial Vehicles or bicycles. Clause 26.1 will not apply to any of those things.</i></p>
	<p>29. There clause does not includes any conditions with regards to seeking a permit for nature strip</p>	<p><i>Nature strip planting is dealt with under Council's Planting on Nature Strip Guidelines.</i></p>

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

	planting Council should address this. It is a major problem sometimes for MGB (bin collection).	
	<p>30.1 What is the position in regards to shipping containers that have been converted to portable offices during COVID and granny flats?</p> <p>31 You do not have a definition for the word “land” so which land does this apply too? Private land – surely not!</p> <p>32. No definition of the word “land”. What is “land”? I also think that you need to use the “private land” definition if that is your intent.</p> <p>34 No definition of the word “land”. What is “land”? I also think that you need to use the “private land” definition if that is your intent. Also where does a tiny house sit?</p>	<p><i>A shipping container that has been transformed into an office or a granny flat would not be a ‘bulk shipping container’ for the purposes of the Local Law.</i></p> <p><i>The term ‘land’ should be given its ordinary meaning and it is not necessary to define this term.</i></p> <p><i>The specific ‘land’ to which each clause applies is distinctly outlined within the Local Law.</i></p>
	35 How does this relate to Clause 33. What is the difference – definitions needed and a review.	<i>Clause 33 is concerned with camping on private land while Clause 35 specifically deals with camping on roads and Council land. When the two are read together this is clear and both Clauses 33 and 35 operate as intended.</i>
	36 No definition of the word “land”. What is “land”? Problem with owner and occupier again.	<p><i>The terms ‘land’, ‘owner’ and ‘occupier’ should be given their ordinary meanings and it is not necessary to define these terms.</i></p> <p><i>The specific ‘land’ to which each clause applies is distinctly outlined within the Local Law</i></p>
	37.1.2 What does encroach mean? Road design guidelines can provide you with a clearance distance in metres from the pavement surface / gutter. I think you should include a drawing(s) so this is clear.	<p><i>The term ‘encroach’ should be given its ordinary meaning. It is typically used in contemporary Local Laws to describe the intrusion of vegetation from private land onto Council land, including footpaths and roads.</i></p> <p><i>These requirements are illustrated on Council’s website and in explanatory documents provided to residents following routine inspections.</i></p>
	38. Why not refer to all the species that have been declared noxious plants and animals under state and federal legislation that have to be controlled. They both exist as lists so refer to them.	<p><i>These matters are addressed by the Catchment and Land Protection Act 1994 and therefore Council must not duplicate these provisions in the Local Law.</i></p> <p><i>Blackberry is not addressed by the Catchment and Land Protection Act 1994 in Council’s municipal district but presents a nuisance. This is why it is sought to be addressed in the Local Law.</i></p>
	39.1 Duplication of State fire laws	<i>While there may be some similarities between Clause 39.1 of the proposed Local Law and certain provisions of the Fire Rescue Victoria Act 1958 (see, for example,</i>

		<i>fire prevention notice provisions at sections 87 to 94), there is no duplication.</i>
	40.1 Is not a local law its commentary.	<i>This clause provides context and establishes the basis for the numbering of allotments.</i>
	40.2 This is ambiguous. Also the way its written you can only number your property once (1) time to be compliant. If I show the number twice its not compliant. Also what is your requirement for visibility at night. Perhaps the clause is so that it can be clearly seen and identified by emergency services at night using vehicle headlights? You will need specific rules for MUDS (multi-unit development signage).	<i>This clause does not prevent multiple numbers being displayed, as long as they are correct. Indeed Clause 40.3 contemplates multiple numbers when it refers to 'all numbers marking the allotment'.</i> <i>This clause has been reviewed is considered consistent with the powers set out in Clause 5 of Schedule 10 of the Local Government Act 1989 – Power to name roads, erect signage and require premises to be numbered. The practical application of this clause is supported by Australian Standard AS/NZS 4819 – Geographic information – Rural and urban addressing.</i>
	41. Please ensure compliant with state acts	<i>This clause has been assessed against other legislation and drafted in a way to avoid any duplication or inconsistency with any other State or Commonwealth laws.</i>
	42. Only applies to a person not a company. Problem with language and definition 43 Only applies to a person and not a company. Problem with language.	<i>As above . The term 'person' should be given its ordinary meaning and it is not necessary to define it.</i>
	43.2 Not correct with state law during declared bushfire period– please refer to state rules for bush fire danger period and align: https://www.cfa.vic.gov.au/warnings-restrictions/fire-bans-ratings-and-restrictions/can-i-or-cant-i .	<i>The Local Law requirements regarding fire lighting become inoperable if they conflict with any obligations related to a Declared Fire Danger Period or a Day of Total Fire Ban as separate offences under the relevant State legislation will apply..</i>
	Section 44. Land is not defined	<i>The specific 'land' to which each clause applies is distinctly outlined within the Local Law.</i>
	45.1.2 One bag is not enough.	<i>A person who only has one bag and uses it will then no longer be in possession of a bag and will therefore be in breach of Clause 45.1.2. This is deemed appropriate.</i>
	47.4 This procedural (policy) and not a local law 47.5 This procedural (policy) and not a local law 47.6 This procedural (policy) and not a local law 47.7 This procedural (policy) and not a local law 47.8 This procedural (policy) and not a local law 48.3 This procedural (policy) and not a local law 49.3 This procedural (policy) and not a local law	<i>These clauses are essential for reducing ambiguity, providing clear guidance on managing shopping trolleys, and outlining enforcement options for officers. Furthermore, they ensure that Council is bound to deal with property belonging to third parties in a clear and specific way. They cover offences and are crucial for effective administration and enforcement.</i>
	50.2 & 50.3 this should be above Penalty Units (Formatting problem)	<i>The formatting is correct. These clauses outline certain liabilities for offences but</i>

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

		<i>do not create an offence within themselves.</i>
	51.2 This is Procedure and not a local law. It should also be above the Penalty Units (formatting problem)	<i>The formatting is correct. This clause outlines the circumstances where the provisions of clause 51 – Occupation of Roads for Works do not apply to Service Authorities and does not create an offence.</i>
	59. I wonder what you do if they are making a YouTube Video?	
	62.1 No provision in numbers for a dog with puppies or cat with a litter. How long may the young be kept (I imagine it varies by species).	<i>The Domestic Animals Act of 1994 and the Monash Planning Scheme both contain regulations related to animal breeding. While it is uncommon for an entire litter to be permanently kept, each case should be evaluated based on its individual merits when applying the Local Law.</i>
	62.2 A rat is a common pet – permit is not required. A permit is also not required for many common song birds. Clause requires improvement.	<i>In its current form the proposed Local Law requires a permit for the keeping of rats.</i>
	64.1 Either there is odor or there is not. What is the requirement if the person next door has an allergy?	<i>Not all odours will warrant action. The reference to an interference with the ‘reasonable comfort and convenience’ of a person is intended to recognise the necessary ‘give and take’ of living in a society. If an individual is adversely affected by an allergy, officers may consider action under the Public Health and Wellbeing Act of 2008.</i>
	66.2 The formatting of this clause is atrocious. Beats me why you have rubbish tip here. There are state laws that apply anyway – perhaps you should align with those?	<i>This clause aims to minimise risk and harm to children by requiring the removal of doors and lids from ice chests and fridges before disposal. Officers are unaware of any State or Federal laws that addresses this important issue.</i>
	66.1..11 This isn’t what you publish on your website (inconsistent) https://www.monash.vic.gov.au/Waste-Sustainability/Hard-Waste/What-goes-in-your-hard-waste	<i>Council’s website states that fridges with doors removed can be left out for hard waste collection. There is no inconsistency between the two.</i>
	67.1.1. What the! – going for Ye Old English Poetry here? How about plain English?	<i>This clause about domestic waste collection has been reviewed. The language used is consistent with that used across Victoria in connection with different types of waste services and is appropriate.</i>
	67.2 You don’t have a green waste service. You have a FOGO service. Its on your website https://www.monash.vic.gov.au/Waste-Sustainability/Bin-Collection/What-goes-in-your-food-and-garden-waste-bin Ye Old English Again!	<i>This clause about green waste collection has been reviewed. The language used is contemporary and considered appropriate. The term ‘green waste’ has been replaced with ‘food and green waste’ in the proposed Local Law.</i>

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

	67.1.3 It's a Recyclables Bin. What goes in it is material to be recycled. Ye Old English Again!	<i>This clause about recycling collection has been reviewed. The language used is consistent with that used across Victoria in connection with different types of waste services and is considered appropriate.</i>
	67.1.4 Commercial Paper and Cardboard collection service – Didn't this service stop operating about 20 years ago? If it did why is it here?	<i>Council continues to provide a commercial paper and cardboard collection service.</i>
	67 – You should probably prepare for the Glass Bin due in 2027. It should be pretty easy to condense your expectation for each bin in a single well phased clause.	<i>The specifics of this program are yet to be settled and therefore it is not possible to pre-empt any relevant Local Law controls. This can be revisited ahead of the introduction of a glass service.</i>
	67.2 You have properties with more than 1 bin. I think you likely just make a rates adjustment and have a formal written approval by a Council officer – check your procedure.	<i>This is addressed by the reference to 'the consent of Council or an authorised officer'.</i>
	67.3.4 Should have when a bin is to be placed out with the time for it to be taken back in (ease for reading).	<i>The timing for placing bins out for collection and returning them to the property is specified in other clauses.</i>
	67.4 This assumes a bin for side loader collection to 360L in capacity. For a 660L or 1100L bin you can put more in (different collection truck).	<i>This clause requires a bin placed out for collection must not exceed 72kg and this remains the industry standard.</i>
	67 – using green waste in the terms when you don't operate this service any more – its FOGO	<i>Where relevant, the term 'green waste' has been replaced with 'food and green waste' in the proposed Local Law .</i>
	67.10 The land definition is problematic again – you don't have one.	<i>The term 'land' should be given its ordinary meaning and it is not necessary to define this term. The specific 'land' to which each clause applies is distinctly outlined within the Local Law.</i>
	67.11 This is procedural and not a local law (condition of use).	<i>This clause holds a person liable for deliberate or negligent damage to a bin. The clause is necessary and has been drafted appropriately.</i>
	68 – Green waste collection – should be FOGO	<i>Amongst other things, this standalone clause addresses special green waste collections in addition to regular food and green waste collections.</i>
	68.2 Duplicate (somewhere else in document – similar effect)	<i>This is a necessary clause that clarifies a person must not place things on the nature strip other than a bin or items left out for green or hard waste collection.</i>
	69.2 Many bins in old lane ways and on Council land. Is council planning to write itself a letter?	<i>This clause enables Council to require that bins on any property must be screened from public view if the receptacle is considered unsightly, dangerous, or detrimental to neighbourhood amenity. It is not intended to address the number of bins in laneways but rather the manner in which bins are stored on land outside of collection times.</i>

**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

	70 – This is all procedural and not a local law. This should be written as explanatory text or better yet a separate policy or conditions of use.	<i>This clause is necessary because it empowers Council to suspend a waste collection service if a person resident persistently contravenes the waste collections provisions in the Local Law.</i>
	71.2 Ensure consistent with EPA laws. Its not.	<i>Clause 71.2 is concerned with the protection of Council assets, including roads and rains. It is not inconsistent with the Environment Protection Act 2017.</i>
	72.1 This does seem to be material that would be contained within another legislative instrument which should not be duplicated here as it may become out of date.	<i>This is likely to encroach on the field covered by the general environmental duty under the Environment Protection Act 2017 and will therefore be deleted.</i>
	74. This seems to be a planning condition. Not a local law but part of the Planning Scheme approval process. 75. This seems to be a planning condition. Not a local law but part of the Planning Scheme approval process. 75.3 This seems to be a planning condition. Not a local law but part of the Planning Scheme approval process. 75.4 This is a planning permit condition. Not a local law but part of the Planning Scheme approval process. 75.5 Is Policy / procedural and not a local law. 76.1 This is a planning permit requirement refer Monash Planning Scheme part of 58.06-3 55.07-11. It is not part of the local law framework. A waste management plan should not be requested via a Local Law.	<i>These provisions relate to waste management at accommodation and cover aspects such as ensuring waste services meet the needs of the occupants and complying with waste management plans when required. These specific matters fall outside the scope of planning controls.</i>
	77.1 This is policy procedural not a law. It should be written correctly. 77.2 is Policy / procedural and not a law. It should not be written here. 78.2 Is procedural and not a local law. The purpose of this document is to outline laws. A separate policy document is required which explains the mechanics and procedures that Council officers will follow to implement the local laws. 78.5 is not a local law – its procedural and falls within local officer discretion rules. 79 Not a local law. This is procedural It should be contained within a policy 80 Not a local law. This is procedural It should be contained within a policy 82 Not a local law. This is procedural It should be contained within a policy 83 Not a local law. This is procedural It should be contained within a policy 84 Not a local law. This is procedural It should be contained within a policy	<i>Clauses 77 – 84 are important procedural elements typical of any law. In this case they supplement the preceding provisions of the Local Law by explaining how the Local Law may be administered and enforced. In particular, powers to impound and serve Notices to Comply and Infringement Notices are given, and the system of applying for, obtaining and retaining permits is provided for. Being part of the Local Law these procedural steps give Council and authorised officers the power to take the action described, while also making Council and authorised officers accountable for ensuring proper processes are followed where the administration and enforcement of the Local Law involves an interference with property.</i>

**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

	85.2 This is application of a penalty and guilt. I would normally expect this type of penalty to be applied by a court not Council. Please check you have this interpretation and phrasing correct.	<i>This clause sets out how ongoing and second offences may be dealt with by a Court. It is expressly permitted by s 79 of the Local Government Act 2020.</i>
	86 Not a local law. This is procedural It should be contained within a policy 87 Not a local law. This is procedural It should be contained within a policy	<i>Clauses 86 and 87 are necessary to provide for the issue of infringement notices in respect of offences and the existence and application of penalties, respectively. They are critical to ensure the effective enforcement and administration of the Local Law.</i>
	89 This should be all in the delegation instrument managed by the CEO. It should be a separate document which is reviewed annually by the Council and Mayor. I am unsure why this is here.	<i>This reflects s 78 of the Local Government Act 2020, which expressly provides that a local law can delegate specified powers to the CEO, and that a local law can authorise the CEO to further delegate those powers..</i>

MUNICIPAL AMENITY														
Feedback Received	Officer Response													
<table border="1"> <caption>Feedback Distribution Data</caption> <thead> <tr> <th>Feedback Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Strongly oppose</td> <td>5%</td> </tr> <tr> <td>Oppose</td> <td>13%</td> </tr> <tr> <td>Neutral</td> <td>16%</td> </tr> <tr> <td>Support</td> <td>37%</td> </tr> <tr> <td>Strongly support</td> <td>29%</td> </tr> </tbody> </table>	Feedback Category	Percentage	Strongly oppose	5%	Oppose	13%	Neutral	16%	Support	37%	Strongly support	29%		
Feedback Category	Percentage													
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Strongly Support	I am interested in Council's examples of unsightly properties. I understand that mowing, slashing and removal of overgrown grass and weeds is required but there are many properties in the vicinity of where I live (and have lived for over 52 years) that have an ugly landscape appearance. Many new arrivals to the area have no interest in landscape design or appearance and their front gardens are ugly and a disgrace. I take a pride in our property (██████, Glen Waverley) by planting natives, maintaining them and having a quality front lawn including nature strip. I don't expect my neighbour's to equal my standards but I want them to take some pride in their front gardens and be fair regarding the general amenity of the area. I can quote two properties that have ugly front gardens as examples. These are ██████, Glen Waverley and ██████ Road Glen Waverley. I would be interested in a further contribution if that is appropriate.	<p><i>Each year Community Laws Officers address approximately 1400 issues related to properties that are not maintained to community standards. The volume of these concerns underscores the community's expectations for maintaining the aesthetic appeal of properties.</i></p> <p><i>Community Laws Officers must be careful not to unreasonably infringe on a person's property rights when addressing unsightly land. Something that is ugly or untidy will not necessarily be unsightly.</i></p>												
Neutral	I have no opinion on these changes.													
Strongly Support	Need to prevent developers land banking heritage properties and then running them down so that they can then bulldoze and develop. Eg ██████ Lawrence Rd Mt Waverley	<i>Development sits outside of the scope of the local law.</i>												
Oppose	Very wary of these amendments regarding people's care of their properties.	<i>Maintaining a property's neat and tidy appearance does not necessarily entail significant expense. Community Laws</i>												

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

	A proportion of these are struggling to pay their mortgages, school fees, utility bills and may not have the finances for mowing and clipping grass and plants, or have a lack of knowledge. At present the council sends very officious letters to residents , very scary for migrants.	<i>Officers are currently undertaking a review of the correspondence sent to residents about compliance with the local law.</i> <i>Community Laws Officers must also be careful not to unreasonably infringe on a person's property rights when addressing unsightly land. Something that is ugly or untidy will not necessarily be unsightly.</i>
Support	No comments	
Support	Although not proposed for change, Clause 57 [57. Each owner or occupier of land must maintain his or her land by:] contains unnecessary gender references, in my opinion, so whilst the law is being updated, the opportunity should be taken to perhaps change "his or her" to "their".	<i>In the draft Local Law all of the pronouns "his and her" have been replaced with 'they' (and its derivatives 'their' and 'them') as neutral singular pronouns.</i>
Neutral	under the section " CAMPING ", section 33.1 seems to apply to a person WITHOUT a permit, whereas the " Rationale " is suggesting that it applies to a person WITH a permit. There is no indication of any time limitation on a person WITH a permit.	<i>Clause 33.1 is structured to permit intermittent occupancy of a caravan or tent for brief durations. Occupations extending beyond these short periods necessitate a permit.</i>
Strongly Oppose	Does a like structure include a motor home	<i>While a motor home is not classified as a structure, it may be interpreted as a caravan under the provisions of the Local Law.</i>
Support	Seems reasonable	
Support	It's getting more complicated! But more specific definitions in some areas may make it easier for residents to know what is permissible, and may reduce the number of frivolous complaints made to council. With regard to keeping lawns mowed, vegetation cut, etc, it may be better if lease/rental agreements were obliged to include specifics about whether the owner or occupier has the responsibility. It's hard work now getting property managers to get tidied up.	<i>Council has no ability to mandate or enforce terms in rental contracts. However, the proposed Local Law holds property managers equally accountable for maintaining certain properties in specific situations.</i>
Neutral	I think you will find that the Melbourne Fire and Emergency Services Board has been superseded by the Fire Rescue Victoria Board.	<i>References to the Melbourne/ Metropolitan Fire and Emergency Services Board will be replaced with "Fire Rescue Victoria".</i>
Neutral	Please include a review of all playground areas to ensure there is appropriate fencing in place to protect and enclose children. There are still several playground spaces where there is inadequate fencing near roads, whereby children can easily run onto roads.	<i>This suggestion pertains to operational aspects that fall beyond the scope of the Local Law.</i>
Strongly Support	The proposed changes are good but need to be policed and enforced . Otherwise they will be useless .	<i>Local Law controls are routinely administered and enforced where appropriate.</i>
Strongly Support	Please bring in these changes immediately.	
Strongly Support	None	

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

Support	It has become disheartening to see properties become a dumping ground for rubbish and gardens become overgrown. Not only is this a hazard to residents' health (poisonous and noxious plants), this is also a fire hazard and could harbor vermin. And, plainly, it's an eyesore.	
Support	None	
Strongly Support	There is a missing clause with regard to stop inappropriate outdoor lighting at a property that can glare obtrusively and be visible into the living areas of neighbours residence and so affect amenity of neighbours enjoyment of living area and dining spaces. Additionally, this lights can also glare into rear view mirrors of cars backing and so pose a safety issue. They can also glare into oncoming traffic. Lighting is also to meet a protocol if an Australian flag is used as I have raised this as a separate concern.	<i>Light emissions can potentially create nuisance conditions which are addressed under the provisions of state law such as planning controls and the Public Health and Wellbeing Act 2008.</i>
Support	None	
Strongly Support	Yes there is a missing clause relating to ongoing display and use of the Australian flag at a residence. It becomes an amenity (aesthetic) and offending issue if not kept according to Australian flag etiquette protocols. A flag should always be on a flag pole (a permit is suggested to ensure done properly): treated with the respect and dignity it deserves.	<i>The display of the Australian flag is governed by The Flags Act 1953 which is administered by the Federal Government and as such Council has no control or jurisdiction over this matter.</i>
Oppose	Need a clear definition of "Dilapidated" and a consultation period w/ Land Owner or Occupier. Who's going to administer all these changes for i) Consistency and ii) Council Overhead / Resource Cost minimisation. Seems like Council is growing and constituents will carry the cost burden again. Council should do all things possible to contain or reduce their operational costs.	<i>The term 'dilapidated' will be given its ordinary meaning and there is no need to include a definition.</i> <i>The updated clause offers varied enforcement strategies to meet community standards for maintenance, security, and local amenities. These enhancements complement existing efforts without additional costs.</i>
Strongly Support	Each owner must have a responsibility to maintain their property in good condition	<i>The Local Law stipulates that owners are accountable for maintaining their properties in a satisfactory condition.</i>
Support	Sensible approach which I support	
Strongly Support	None	
Support	None	
Oppose	At the present time rental properties are scarce, and those that are available are beyond the resources of would be renters. In this situation a caravan on a parent's property may be a reasonable solution for an offspring who would otherwise be homeless, hence the three week limit would not be reasonable and hence I would strongly oppose it.	<i>Occupation of a caravan beyond three weeks can be contemplated subject to a permit.</i>
Neutral	I think more thought may be required with regard to "unsightly land" based on "dead trees and/or excessive growth of vegetation". This should be clarified to be such that it is dangerous and not just an aesthetic choice. We should be encouraging greenery, and retention of dead trees can be useful as habitats.	<i>The Local Law provides that land <u>may</u> be considered unsightly by the presence of dead trees and/or overgrown vegetation. It is not absolute and the presence of such things alone will not determine if a property is unsightly. Unsightliness, in the case of the</i>

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

		<p><i>Local Law, requires an objective assessment of a range of matters.</i></p> <p><i>Additionally, Community Laws Officers must be careful not to unreasonably infringe on a person's property rights when addressing unsightly land. Something that is ugly will not necessarily be unsightly.</i></p>
Oppose	<p>The specification of "3 vehicles" in the unsightly clause is too relaxed. 3 unregistered vehicles, or parts there-of stored in the front yard of properties such that they are visible to the street is too many. (None should be the limit in excess of 14 calendar days per year). It is too great an impact on amenity to have a street full of front yards with car parts strewn all around (which is what this clause will enable).</p>	<p><i>The Local Law stipulates that the presence of unregistered vehicles and vehicle parts may contribute to a property being deemed unsightly. However, this is not an absolute measure. The determination of unsightliness does not solely rely on these factors. In the context of the Local Law, unsightliness necessitates an objective evaluation of various factors.</i></p> <p><i>Additionally, Community Laws Officers must be careful not to unreasonably infringe on a person's property rights when addressing unsightly land. Something that is ugly will not necessarily be unsightly.</i></p>
Support	<p>what about fire pits in the backyard Enhance the existing provision:</p> <p>41.1 A person must not, without a permit: 41.1.1 light; 41.1.2 allow to be lit; or 41.1.3 allow to remain alight a fire in the open air.</p> <p>Penalty: 10 Penalty Units</p>	<p><i>Clause 43.2.2 allows for fire pits and provides that clause 41 does not apply to a fire in a brazier, chimenea or other appliance constructed for the purposes of heating while it is being used for that purpose.</i></p>
Strongly Support	None	
Support	I hope council will enforce this by law!	<i>Local Law controls are routinely administered and enforced where appropriate.</i>
Neutral	<p>I support most of the proposed changes except for eh Camping section. I have no issue with camping being restricted on nature strips, parks and public places, I have no issue with sleeping in caravans being restricted on the streets but there should be no restriction on people sleeping in caravans and in tents on land people own. With the rental crisis as it is - that caravans may need to be used for family members. There should be no restrictions on what people do in their own yards</p>	<p><i>Unrestricted camping on residential land is prohibited due to safety concerns as it can lead to sanitation issues, fire hazards, nuisances and other potential risks.</i></p> <p><i>Clause 33.1 is structured to permit intermittent occupancy of a caravan or tent for brief durations. Occupations extending beyond these short periods are</i></p>

		<i>not prohibited but do necessitate a permit.</i>												
Support	Unightly nature strips with uncut grass and dog faeces are my main areas of concern where I live.	<i>The Local Law responds to these concerns.</i>												
Support	There are a number of properties under construction in the Oakleigh South area that are covered in rubbish, which would be a work health and safety issue. I will use snap send and solve now that I know there is a local law against this.	<i>Officers routinely respond to concerns raised via Snap-Send-Solve.</i>												
Strongly Support	The council says it prevents trailers being parked permanently on council nature strips outside people's houses, but I have complained 6 times about ██████████. Mount Waverley for 5 years. I live at ██████ Court, Mount Waverley, my name is ██████. But Monash Council says the owner keeps moving the trailer at least once a week, but this statement is totally incorrect, so consequently I have just given up. IF COUNCIL IS SERIOUS ABOUT NOT LETTING RESIDENTS PARK THEIR TRAILERS, CARAVANS OR EVEN THEIR CARS ON COUNCIL LAND ie. Nature Strips, THEN THEY NEED TO FINE PEOPLE.	<i>It is an offence to park on a nature strip however Council uses its discretion not to enforce this road rule if a person parks on the nature strip next to their own home, if the vehicle does not present a safety issue or cause a hazard to other road users.</i>												
Waste Management and Resource Recovery														
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Response	Percentage													
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Strongly Oppose	I strongly oppose the Resource Collection change. It's not unreasonable for a resident who's going away for a few days to put out their bins a day or two early, or collect them a day or two late. I certainly prefer that to the smell of rotting green waste wafting through the neighbourhood for an extra week.	<i>The proposed Local Law has been amended to require that bins must be placed out no earlier than the day before the scheduled collection day.</i>												
Support	Looks correct													
Strongly Oppose	Clause 67.3.4 requiring bins to be placed out for collection no earlier than 5pm on the day before the scheduled collection day, is a ridiculous rule and needs to be scrapped. Also the existing clause 67.12 should be scrapped. People should be allowed to collect their bins when it suits them, and Council workers should be made to pick up rubbish that they have dropped from a bin.	<i>As above.</i>												
Strongly Oppose	STRONGLY OPPOSE Proposed: New clause: 67.3.4 be placed out for collection no earlier than 5pm on the day before the scheduled collection day for that approved receptacle.	<i>As above.</i> <i>Council's enforcement approach will primarily focus on instances of wilful and repeated non-compliance.</i>												

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

	Question - will there be fines if bins are put out earlier? Might be away for the late afternoon/evening and want to put the bins out prior.	
Strongly Oppose	5pm day prior to collection is a ridiculous restriction. This is overreach and just plain stupidity. I'm not waiting until 5pm when it is dark during Winter.	As above.
Support	Mainly supportive but I do have a query re the Resource Collection which I take to mean the red/green/yellow waste bins, requesting bins to be put out after 5pm on the day before collection is not acceptable in winter / rainy weather. I don't want to be putting out the bins in the dark and I am sure there will be a lot of people who will feel the same. I don't want to be tripping over in the dark or slipping over on wet grass! I am 60 years of age and this is unacceptable for older people. I do try and put my bins out late afternoon mainly as I have seen some neighbours top up other neighbours bins. UNSUPPORTIVE of Proposed: New clause: 67.3.4 be placed out for collection no earlier than 5pm on the day before the scheduled collection day for that approved receptacle.	As above.
Strongly Oppose	This a ridiculous idea invented by someone trying without a real job. My neighbors will REFUSE to comply	
Strongly Oppose	I don't think we should put the wording 'adequate in 'The owner and the property manager of accommodation must ensure that the waste services provided at the accommodation are adequate for the number of occupants of, and the amount and type of waste generated in, that accommodation.' Because adequate is not a number. This encourages people to give reasons (parents with babies, or toddlers, or kid, etc. Or share houses, or apartment blocks), to ask for more bins - the issue of waste will not be solved by having more bins. We should decrease our waste. And to do so, we should have less bins and penalise everyone who has bins that overfills.	<i>The Local Law deals with safety and amenity whereas waste reduction is the focus of policy and other measures put in place at all levels of government. In shared accommodations, waste management issues frequently arise due to insufficient bin capacity, resulting in bins being filled beyond capacity causing spillage. This provision makes it incumbent upon property owners and managers to ensure the supply of adequate bins to cater to the needs of the occupants. It also creates the opportunity for a Waste Management Plan to be implemented, which may require alternative arrangements to be made.</i>
Oppose	What happens if someone starts work early and finishes late? Be more lenient and say more that by 11.59pm put your bin in	As above.
Neutral	None	
Strongly Oppose	Bins are frequently placed out during the day prior to collection, this gives the opportunity to avoid rain and darkness, this is how it has always been. If the council want to "alter something" chase up the residents who overfill the bins, fail to clean up spillage and the leave the bins out on the street for days if not weeks or in some cases leave the bins on the actual roadway for months. If you introduce the amendment you propose be prepared for backlash from elderly residents who avail themselves of home or neighbor assistance in placing the bins out.	As above.

**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

Oppose	While it does not affect my specific schedule, I think that bins being put out at any time on the previous day is fine, and that 5PM specifically seems overly prescriptive.	<i>As above.</i>
Support	<p>Agree with all except one.</p> <p>Strongly disagree with restricting putting the bins out to 5pm or later. I often put out the bins earlier during the day to ensure I don't forget. After 5 is busy time with a toddler and elderly mother to care for (dinner, bath, bed time, dishes, laundry, lunchbox, prep for next day....) If I don't do it earlier i often end up doing it in the dark, sometimes in the middle of the night. Many of my neighbours also put their bins out throughout the day. The house next door will sometimes have the bins on the curb in the morning or even the night before that as my neighbour died recently and her daughter puts the bins out on her way to work. I don't mind. I don't think any of the other neighbours care either.</p> <p>Let people do it when it's convenient. Don't threaten fines if they don't clock-watch and wait.</p>	<i>As above.</i>
Oppose	The proposed restrictions on when bins can be left out is ridiculous and an unnecessary intrusion into residents daily lives. There are far more serious matters council officers should be dealing with.	<i>As above.</i>
Strongly Oppose	<p>Hello again ... I have Supplementary feedback in respect of the Resource Collection prescribed 5pm time and a related matter.</p> <p>1) I do agree that bins remaining out for an extended period is inappropriate, especially from a safety and security view: recalcitrant bins can impede the roadway or a footpath (be it by not being returned to a property or handled by vandals). I suppose that the same could apply ahead of the collection of a bin, arguably with messy and unhygienic consequences.</p> <p>2) I know of residents whose My Aged Care at home service provider attend on the day before the Resource Collection day and puts their client's applicable bins out as part of their services that they conclude before 5pm: morning or afternoon! This would be contrary to the proposed Local Law.</p> <p>It seems to me that the proponents of these types of prescriptive Local Laws have not "lived the experience" that the proposal would then disallow. Having said that, if the Local Law is adopted, proponents have no valid recourse to complain when they or their family are at some time become inconvenienced by the 5pm limitation.</p>	<i>As above.</i>
Strongly Oppose	5pm is far too late to allow bins to go out for the next day - any part of the day before should be acceptable!	<i>As above.</i>
Strongly Oppose	<p>Hello ... what a load of rubbish to prescribe a 5pm earliest time!</p> <p>Does Council not realise that some people may not be able to be "in residence" at 5pm - work routines, extended shifts or otherwise - to NOT put bin out before going to a function/event (if home late, might forget the bin), or "going away" overnight. Not everyone has others (Family or neighbours) to assist regulating bin hours! What about businesses that close on a Friday until Monday, with a Monday collection day ... or similarly for a weekday public holiday before collection day: does Council</p>	<i>As above.</i>

**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

	expect the operators to have to return to their business merely to put the bin out? I trust that all Councillors, Executives and other Council staff who live in Monash are always available to wait at home until 5pm, lest they are in breach. Be reasonable ... any time on the day (or 2 days of weekend if Monday Collection) a before seems less prescriptive. Same applies for reverting the bin ... some people would have routines outside the time parameters. Lifestyle should not be dictated by "bin times". Thanks	
Oppose	I oppose the proposal to mandate that bins cannot be put out for collection any earlier than 5pm the day before. This change would not accommodate the needs of shiftworkers, those who are about to go on holidays and is overly prescriptive. Yes, we need to encourage residents not to leave bins out for extended periods, however, is Monash Council resourced to ensure compliance with this proposed change? And if Council officers are patrolling streets to ensure that bins haven't gone out too early, then why are they being diverted from more important tasks to deal with this relatively trivial problem. The other proposed changes are reasonable, but the 'no bins out before 5pm' is not.	As above.
Strongly Oppose	No change is required	
Oppose	I agree with change of terminology to donation bin. I don't agree with firm time limits on planning bins in and out ready for collection. I am concerned that elderly and frail people may get hurt trying to comply rather than waiting for help. It's hard if going away for a long weekend. Bins are now collected less frequently so I don't want to miss out just because I have to fly away for work or leisure and can't rely on elderly neighbours to help out.	As above.
Oppose	Not being able to out your bin out before 5.00pm the day before collection is not always practical if you are away the day before and the day of collection	As above.
Support	The change to allow 'for profit' donation bins to be placed outside, may impact the charity sector by allowing for - profit companies access to the donations, thereby diverting much needed funds from non-profits and creating competition. Without proper signage, it would be unclear where the donations are destined, whether supporting profit or non-profit organisations.	<i>The definition in the existing Local Law is specifically tailored to charity bins. However, the proposed amendment aims to broaden this definition to encompass all varieties of donation bins. This approach is designed to facilitate improved regulation and adherence.</i>
Oppose	With reference to Resource Collection clause 67.3.4, is this for residential ? What if I am going away (for short time) and want to leave my bin out early ? 5pm on the day before seems too short a time.	As above.
Support	5pm time limit for bins in business/shopping areas is a good idea. But in residential areas, 9am on the day before collection would be more practical to cater for people who won't be home that night for some reason or other circumstances.	As above.
Strongly Support	It is imperative for waste to be properly and regularly disposed of	
Support	Sensible	
Oppose	The proposed new amendment 67.3.4. will be a big dilemma for the person(s) living in that property, if for any legitimate reason,	As above.

**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

	he, she, or they should leave the house earlier than 5 pm on the day prior to the day of collection (for example one day earlier, or some hours earlier prior to the next day of collection) because he, she or they should travel or leave home for any business matter, or any other medical reasons that hinder she, he, or they to pull the waste out of the house from 5 pm onwards. The Council should not give unnecessary burden of life for the residents by doing such a proposed new amendment!	
Strongly Oppose	The 5pm aspect is too restricting, after all people may be absent from home , away for weekends , especially of concern to those whose bins are emptied on Monday.	<i>As above.</i>
Oppose	The resource collection requirement to put the bins out no earlier than 5pm on the previous day is unnecessary and can be an issue for those who work shift work. I regularly see bins out from 3 or 4pm and it does not cause me any concern.	<i>As above.</i>
Strongly Oppose	It is not always feasible not to put bins out before 5pm on the day prior to collection. Examples include if people are away, where the bin needs to be put out prior to departure, and I note that many elderly in the community prefer to complete such chores earlier in the day. The clause needs to be reconsidered.	<i>As above.</i>
Support	Thankyou for addressing the adequacy of waste bins at apartment blocks and shared households, it was overdue. Please also consider regular and timely resident education re the different bin types and collection services in areas where there's high turnover of residents such as Clayton proximal to Monash University.	<i>Council runs a waste education program in partnership with Monash University.</i>
Support	I think that the 5pm is a bit late and that you should be able to put the bin out from 9am onwards the day prior to collection. We don't all have 9-5 jobs, so more flexibility required. 67.3.4 be placed out for collection no earlier than 5pm on the day before the scheduled collection day for that approved receptacle.	<i>As above.</i>
Strongly Oppose	clause 67.3.4 is way to prescriptive. Id we are going away, for example, this makes it illegal to put the bin out before 5pm even if we are leaving at 1pm (for example). Not a practical change.	<i>As above.</i>
Strongly Support	As a Monash Resident and having made multiple complaints in relation to dumping around donation bins. I drive past Kerry road all the time and the bins on Gallaghers road are a constant dumping ground. Those bins should be removed.i know this won't help remove the bins, but these recycling companies constantly leave dumped donations until there is a complaint.	<i>Permits for charity bins are being reviewed with a failure to appropriately manage donations being relevant consideration.</i>
Support	None	
Support	All the proposals are common sense	
Neutral	I support most but reject the resource collection. If people are going away for an Easter break there should be no issue with them leaving their bin out for collection on Thursday night for collection on Monday. If there are people who leave bins out all the time - maybe some other wording could be used.	<i>As above.</i>
Support	I think everything looks reasonable except limitations to when bins are left out and brought in. Elderly residents may have family members come to our bins out and retrieve them so are dependent on family schedules. If bins are not overflowing, lying in the street or blocking the footpath, I see no reason to be strict about when bins are put out or retrieved, beyond putting them out the day before collection and bringing them on the day of or day after collection. I'm MUCH more concerned about what	<i>As above.</i>

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

	people put inside their bins - that is the biggest and most pressing issue requiring urgent attention.													
Infringement Amounts														
Feedback Received		Officer Response												
	<table border="1"> <caption>Feedback Received Data</caption> <thead> <tr> <th>Response</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Strongly oppose</td> <td>~22%</td> </tr> <tr> <td>Oppose</td> <td>~5%</td> </tr> <tr> <td>Neutral</td> <td>~45%</td> </tr> <tr> <td>Support</td> <td>~22%</td> </tr> <tr> <td>Strongly support</td> <td>~5%</td> </tr> </tbody> </table>	Response	Percentage	Strongly oppose	~22%	Oppose	~5%	Neutral	~45%	Support	~22%	Strongly support	~5%	
Response	Percentage													
Strongly oppose	~22%													
Oppose	~5%													
Neutral	~45%													
Support	~22%													
Strongly support	~5%													
Neutral	No Opinion													
Support	Looks Correct													
Strongly Oppose	There should be no fines for residents or visitors. When a bylaw has been overlooked the alleged offender should be urged and encouraged to conform to local customs and traditions.	<i>Local Law controls are enforced proportionately whereby an Officer's response to an offence is scaled to the seriousness of the breach.</i>												
Opposed	How much more money does this council want?													
Strongly Oppose	stop the revenue raising non-sense!													
Neutral	This information doesn't state what a Penalty unit is, nor does it clarify what the listed clauses pertain to. Therefore it is difficult to give proper feedback. My comment about penalties is that Council officers should NEVER give a warning to tradies about illegal parking, unless they are going to give everyone a warning for their first offence at that spot. (A Council officer has done this)	<i>A Local Law penalty unit aligns with the penalty unit amount determined annually by the Treasurer under the provisions of the Monetary Units Act 2004. As of 1 July 2024, a Penalty Unit is \$197.59. There will always be occasions when an officer exercises their discretion to issue a warning where appropriate.</i>												
Strongly Oppose	No change is required													
Support	Sounds reasonable													
Strongly Support	No comment provided													
Neutral	No comment provided													
Strongly Oppose	The Council charges too much													
Support	Without the full details associated w/ each of the clauses above, the changes should be simple and readily comprehend by each of the relevant parties ie Council and Offending. To that end, any alleged damage should be easily identified as such w/ defensible evidence including photo's or formal records. Any damage, should be rectified by the alleged guilty party within a reasonable time post event and fines should only be applied if no action of rectification is progress. Having a suite of fines judge becomes an assessment and quantification exercise. Why not	<i>Schedule One of the Local Law lists the infringement penalty amounts applicable to each clause that creates an offence. The specifics of the pertinent clause are not reiterated in the Schedule, as the relevant details are comprehensively outlined within the main body of the Local Law itself.</i>												

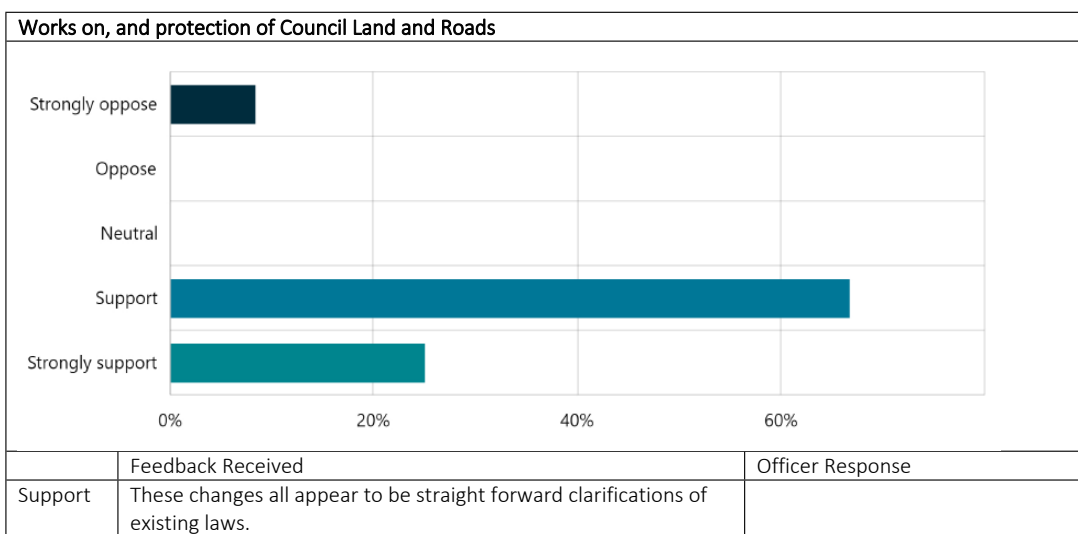
**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

	<p>simply state that party who has created the damage or safety breach will pay for corrective actions.</p>	<p><i>The Local Law, in conjunction with the Local Government Act 2020, incorporates mechanisms for the recovery of damage costs from offending parties.</i></p> <p><i>Council’s approach to compliance is grounded in the ‘Ask-Tell-Enforce’ principle. This approach typically affords offenders an initial opportunity to rectify a breach prior to the escalation of the enforcement process.</i></p>												
Neutral	Don’t understand this at all													
Support	I feel strongly that builders or residents/owners of property need to keep the property in good order													
Support	No comment provided													
Neutral	I do not know all these clauses, so I stay neutral	<p><i>Schedule One of the Local Law lists the infringement penalty amounts applicable to each clause that creates an offence. The specifics of the pertinent clause are not reiterated in the Schedule, as the relevant details are comprehensively outlined within the main body of the Local Law itself.</i></p>												
Neutral	Not enough information to understand the changes													
Use of, and behaviour on Council Land														
Feedback Received		Officer Response												
<table border="1"> <caption>Feedback Received Data</caption> <thead> <tr> <th>Response</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Strongly oppose</td> <td>~5%</td> </tr> <tr> <td>Oppose</td> <td>~5%</td> </tr> <tr> <td>Neutral</td> <td>~42%</td> </tr> <tr> <td>Support</td> <td>~42%</td> </tr> <tr> <td>Strongly support</td> <td>~5%</td> </tr> </tbody> </table>			Response	Percentage	Strongly oppose	~5%	Oppose	~5%	Neutral	~42%	Support	~42%	Strongly support	~5%
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Support	~42%													
Strongly support	~5%													
Oppose	<p>48 hours is too long, it should be a maximum of 24 hours (with discretion for the officer to specify a shorter period). This matches the state Summary Offences Act 1966, S. 6(2).</p>	<p><i>The ‘move-on powers’ provision in the Summary Offences Act allows for a person to be directed to vacate and refrain from returning to a public place for a duration not exceeding 24 hours.</i></p> <p><i>The proposed amendment to the Local Law stipulates that an individual may be prohibited from entering Council land for a period of 48 hours, or another duration as specified in writing, following a directive to leave.</i></p>												

Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback

		<p><i>Decisions to request individuals to vacate Council land are not taken lightly and are likely to be made primarily in the context of health and safety concerns.</i></p> <p><i>Given the circumstances under which such directives are likely to be issued, a 48-hour exclusion period is considered appropriate.</i></p>
Strongly Oppose	As a tax paying resident it is my expectation that I be able to use public spaces freely. I do not agree with councils new definition for "event". This is a ridiculous step to control the residence who should be able to freely gather in public spaces without having to jump through hoops, and to pay pointless fees.	<p><i>The current local law provides that a person must not organise any function or event on Council land without the consent of Council or an authorised officer. This requirement is included in the proposed Local Law which also includes a definition of an event meaning "an organised recreational, cultural, commercial or social event or gathering of people." The definition assists in distinguishing between casual gatherings and formal events.</i></p>
Neutral	No comment provided	
Neutral	No comment provided	
Strongly support	No comment provided	
Neutral	No comment provided	
Support	the rationale statement is confusing. I'm guessing its should say the person may NOT return to the area within 48 hrs	<i>Agreed.</i>
Neutral	No comment provided	
Support	You need to simplify these changes in plainer English for any resident to understand	
Support	No comment provided	
Neutral	<p>What has that to do with the survey?</p> <p>What is your gender? Woman Man Prefer not to say Prefer to self specify The last two options are BS</p>	<p><i>The engagement survey was designed to gather gender specific data to help inform the Gender Impact Assessment that must be undertaken when making a Local Law.</i></p>
Neutral	The definition of event should be clearer - what is the difference between an event and a large family picnic?	<p><i>In the context of the proposed local law, an 'event' is typically characterised by elements of organisation and planning, potentially involving permits, hired services, or public advertisement. 'Large family picnic'—while it may involve a significant number of people—would generally be considered a private, informal gathering.</i></p>
Support	Good clarification of the period that a person must stay away from the place in question.	

	<p>I have reviewed the “Community Safety and Amenity Local Law 2024” document that is available from the City of Monash website so I am submitting proposed amendments to this Law as described below.</p> <p><u>Proposal 1:</u> I propose a change to the “48 Signs, Goods and Street Trading Items” provision appearing in “Part 5 Road and Council land: Obstructions and Behaviour” section on page 32 of the “Community Safety and Amenity Local Law 2024” document. This provision “48.2 An advertising sign must not contain any offensive or inappropriate content” needs to be expanded to include: “Advertising signs that contain any non-English wording or language symbols MUST also include accurate English translation for the non-English wording or language symbols. The English translation and the non-English wording or language symbols must appear in the same print font with the English translation appearing above, NOT beside or below, the non-English wording or language symbols.”</p> <p><u>Proposal 2:</u> I propose the “69 Interference with Waste” provision appearing in “Part 8 Resource Recovery” section on page 43 of the “Community Safety and Amenity Local Law 2024” document needs to be enforced by Council, particularly during the annual Council hard rubbish collection. Each year, these scroungers troll through the neighbourhood, disturbing hard rubbish put out by residents, leaving unwanted items (by the scroungers) scattered on footpaths, nature strips and at times, on the road. I have even had the experience of scroungers removing hard rubbish I had left out as well as them dumping rubbish they would not otherwise be able to get rid of. In other words, I am sick to death of this happening every year with impunity towards the scroungers!!! These people need to be warned off by the Council!!!</p>	<p><i>Amending clause 48.2 as suggested would offend the Equal Opportunity Act 2010 because it will indirectly discriminate against non-native English speakers based on race, which is a protected attribute. Additionally, it would unlawfully infringe on rights protected by the Charter of Human Rights and Responsibilities Act 2006 by treating such individuals differently under the Local Law, and by infringing on their right to use their language.</i></p> <p><i>It is open for Clause 69 ‘Interference with Waste’ to be enforced where appropriate.</i></p>
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**Attachment 7.1.6.3 Attachment Three Community Safety and Amenity Local Law
Engagement Feedback**

Strongly Oppose	<p>Does this revision include delivery trucks of all types and if so is it the council's intention to restrict or control a removalist / furniture truck entering and leaving the property as is the case with a concrete delivery truck.</p> <p>you must make it legally clear what are "works"</p> <p>remember a 27,5 tonne furniture truck is heavier than a standard concrete truck,</p>	<p><i>It is not intended to control the use of removal or furniture trucks. Clause 51 deals with mobile cranes, concrete pumps and travel towers being used on roads for work to ensure pedestrian and road safety.</i></p> <p><i>The term 'works' should be given its ordinary meaning and it is not necessary to define it.</i></p>
Support	<p>I would encourage Council to enforce local laws, especially those relating to building works. Proper inspection of works is required to ensure compliance with building regulations and standards.</p>	<p><i>Local Law controls are routinely administered and enforced where appropriate.</i></p>
Strongly Support	<p>No</p>	
Strongly Support	<p>I really like the completeness and clarity of the clause update in Building Work.</p>	
Support	<p>Clarifying points makes it easier to implement</p>	
Support	<p>Clarity is good</p>	
Strongly Support	<p>Support the greater clarity and accountability, especially inclusion of adequate pedestrian devices</p>	
Support	<p>In the definition of building work: should the removal of trees that are significant to the existing streetscape be included? Too often blocks are cleared totally when new residences are built after knocking down existing buildings.</p>	<p><i>It is not intended to address tree removals under this Local Law, however it is noted the Monash Planning Scheme does address tree removals, and require permits, in some circumstances.</i></p>
Support	<p>No</p>	
Support	<p>What is the definition of `minor building works`?</p>	<p><i>Minor Building works is defined in the local law as 'building work valued at less than \$5,000 but excludes the construction of any masonry structure and the demolition and removal of buildings and structures (regardless of value)'.</i></p>
Support	<p>I fully support builders working more safely as I have seen and experienced many dangers - nail s and screws on roads, fences blown over, cars blocking roads, etc.</p> <p>It is a little hard to determine exactly what is being strengthened in the proposed changes ie what is not covered now and what will be included. A couple of examples would help.</p>	<p><i>The proposed changes include a new definition of 'Council Asset' and enhance the definitions of 'Builder' and 'Building Work' for clarity.</i></p> <p><i>The changes also specify responsibilities of not only for the person carrying out the works, but also the person causing the works to be carried out and any appointed agent. It ensures safety, adequate control devices, and compliance with Australian Standards.</i></p>

Community Amenity Team
Monash City Council

By email: mail@monash.vic.gov.au

Re: Proposed Community Safety and Amenity Local Law 2024

I note that Monash City Council's Community Amenity Local Law No. 3 is due to expire in February 2025 and Council is now seeking feedback on the new proposed *Community Safety and Amenity Local Law 2024*.

Accordingly I wish to make a submission for the removal of Clause 15.1.1:

(15.1 In a reserve, a person must not, without a permit:) **15.1.1 fly or permit to be flown any aircraft (including any powered modelled aeroplane);**

Originally when drones first came on the market there was a rush to legislate their use as they were deemed by many as a spying tool or an invasion of privacy. Councils rushed to regulate them for the protection of its residents. Drones are now used for a wide variety of recreational and commercial reasons and the initial 'fear' of them has now been surpassed by their use without incident.

There is no need for Councils to continue to regulate drones as they are already regulated at a Federal level by the Civil Aviation Safety Authority (CASA). A drone operator would be unable to fly at a reserve that was occupied by the public (eg a football game or cricket match) however an empty Council reserve provides a great opportunity for people to hone their drone skills. As the saying goes, you have to start somewhere!

I refer you to the [Guidelines for Local Laws Manual](#) published by Local Government Victoria, in particular the section 2.4 on **Preparing for Local Laws** which states: *Council needs to consider whether there is a possible alternative to a Local Law that might better suit the needs of the community.*

The key role of CASA is to conduct the safe regulation of air operations across all of Australia, and to ensure that Australian airspace is administered and used safely.

Point 2.6 in [Guidelines for Local Laws Manual](#) states:

Identifying existing legislation that might be used instead of a Local Law. The purpose here is to ensure that Local Laws are not unnecessarily made when the objective could be achieved by use of existing legislation.

CASA have in the last 5 years, substantially increased the amount of advertising they are doing, including print, television, social media, radio and cinema advertising, to the point that many people, including those who don't own or operate a drone, are now aware of the drone rules. CASA works with drone retailers, wholesalers and manufacturers and now use them as drone safety advocates, helping spread the word.

2.6 Identifying existing legislation that might be used instead of a Local Law



- Council needs to fully explore existing legislation to ensure there are no existing provisions that could be used.
- Local Laws should not be created unnecessarily.

2.6.1 Issues

This is a different exercise to section 2.8 – identifying existing legislative provisions which may be overlapped. The purpose here is to ensure that Local Laws are not unnecessarily made when the objective could be achieved by use of existing legislation.

Point 2.8 in [Guidelines for Local Laws Manual](#), it states:

Identifying existing legislative provisions that may be overlapped by a Local Law

Accordingly Council is trying to regulate in an area that is already regulated at a federal government level by CASA

[CASA has rules that apply to all unmanned aircraft nationally](#) which are designed to protect people on the ground and in the air.

2.8 Identifying existing legislative provisions that may be overlapped by a Local Law



Council needs to take steps to ensure a Local Law does not duplicate, overlap, conflict with, or is inconsistent with existing legislation.

2.8.1 Local Government Act 1989

The Act has provisions with which Local Laws must not be inconsistent.

[Drone Safety Rules](#)

The dos and don'ts of flying

The regulations

Flying for sport or recreation

Flying for work

Age limits

[Emergencies and public spaces](#)

Flying near emergencies

Flying in populous area

Flying near airports

Flying in national parks and forest reserves

Flying near marine and wildlife

These rules show that CASA has considered the safety of airborne manned and unmanned aircraft and people and property at ground level.

CASA can enforce the rules.

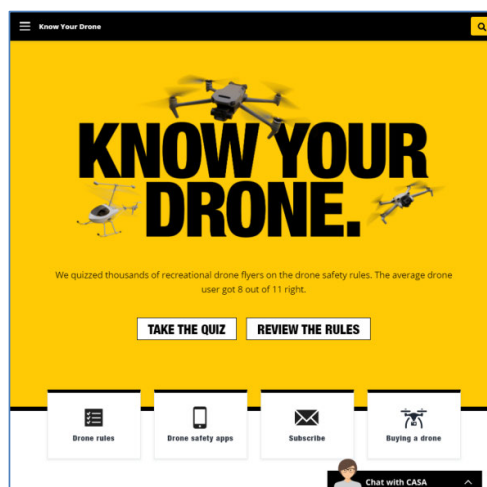
[Enforcement and penalties](#)

Enforcing the rules

Penalties

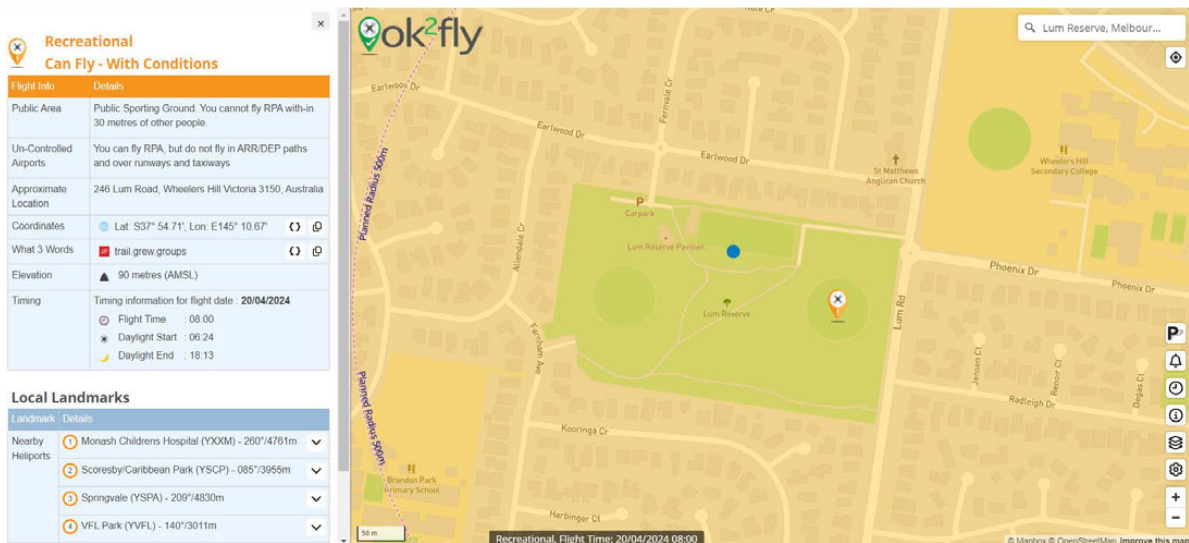
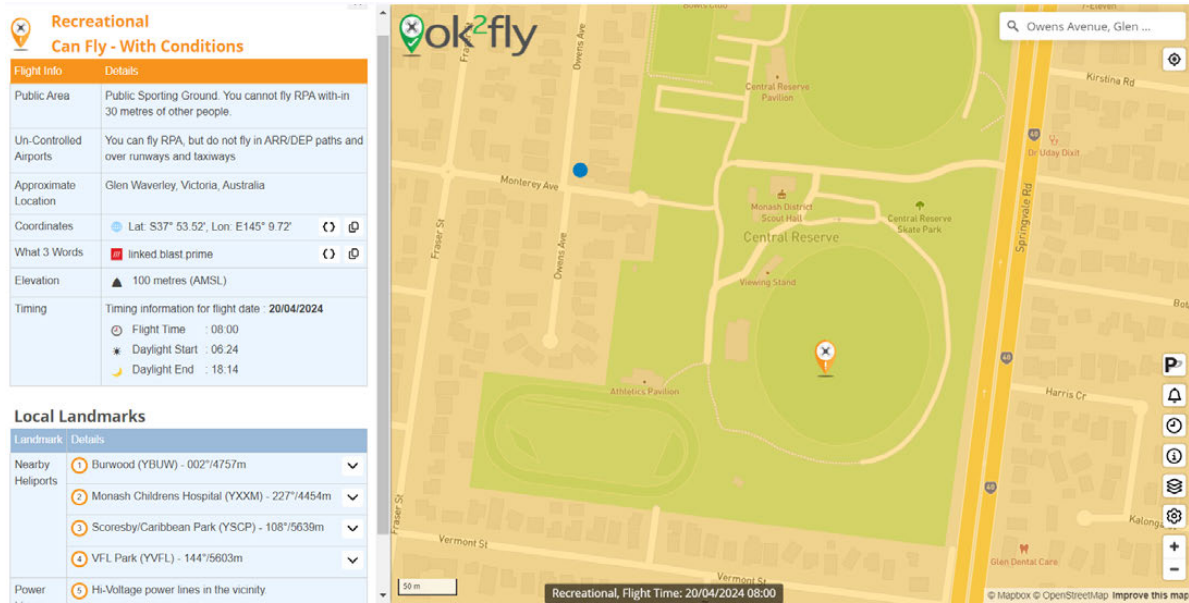
CASA, as the responsible authority for air space, has the power to investigate and fine drone operators who do the wrong thing. [There is a link on their website where breaches of the rules can be reported.](#)

Education and information is the key for safety and CASA's dedicated educational [Know Your Drone](#) website is updated regularly and provides an online chat facility, a video on the legal use of drones, a knowledge quiz, as well as the option to sign up for CASA's notifications and newsletters.



As an additional measure, there are [eleven CASA-verified drone safety apps](#) that use location-based maps to show where you can and can't fly your drone according to aviation legislation.

Screenshots from the CASA approved Drone Safety App <https://ok2fly.com.au>



CASA requires drones to be registered if they are flown for commercial purposes.

[Register your drone](#)

[Drone registration requirements](#)

[Penalties for flying an unregistered drone](#)

You can be fined if you fly an unregistered drone for business or as part of your job. The fine is up to \$13,750. You can be asked to produce your certificate of registration by either:

- an authorised representative of CASA
- a member of the Australian Federal Police or state and territory police services.

Since 1 July 2007, the [CASA Office of Airspace Regulation](#) has been the **Parliamentary appointed airspace regulator**. The use and rules for drones and model aircraft are regulated by CASA. Once a drone is in the air, it comes under CASA's regulations. The safety rules implemented by CASA are for the protection of the general public.

[CASA-recognised drone safety advocates](#) pledge to follow a specific set of guidelines when selling drones. This ensures they provide you important safety information on when, where, and how you can use your drone safely—before you take-off.

Privacy and Drones: There also seems to be a lot of misinformation about drones operated by individuals and privacy laws. The Privacy Act 1988 covers Australian Government agencies and organisations with an annual turnover of more than \$3 million, and [some other organisations](#). **The Privacy Act does not apply to individuals acting in a private capacity.**

Source: **Office of the Australian Information Commissioner (OAIC)**

<https://www.oaic.gov.au/privacy/your-privacy-rights/surveillance-and-monitoring/drones>

Further reading: **Drones and Privacy: What Are My Rights?** <https://www.gotocourt.com.au/legal-news/drones-privacy-rights/>

New [Drone Privacy Guidelines](#) have been developed to assist drone operators operate in accordance with Australian privacy laws and community guidelines.

The Drone Information Hub

[Drones.gov.au](#) provides a central location directing visitors to information on drone use. Such information spans drone related policy, rules and regulations, as well as specific resources on various linked sites, including the Civil Aviation Safety Authority and state and territory sites.

Councils and Drones

Most Victorian Councils are removing reference to drones or model aircraft from their local laws citing CASA as the responsible authority with rules already in place for the safety and protection of the general public. Here are a few recent examples of Councils which has arisen from education and acknowledgement of where the drone industry is now, and acknowledging the misconception that drones are merely a spying tool to spy on neighbours!

Wodonga Council

From 1 July 2024 Wodonga Council's new local law will no longer have a permit requirement for drones, powered watercraft or powered car or similar thing.

South Gippsland Council

Remote Control Aircraft was removed from the definition of a Toy Vehicle in the draft of the General Local Law 2024 that commenced 15 April 24.

Nillumbik Council

At the [Nillumbik Planning and Consultation Committee meeting \(YouTube link\)](#) on 11 October 2022 Councillor Duffy at the 44-minute mark said: “.....so drones for example, there was a provision for operating drones on Council land. This is no longer necessary as the Civil Aviation Safety Authority has regulations in place for this.”

Mornington Peninsula

Extract of the agenda of the [Mornington Peninsula Shire Council meeting 23 August 2022](#). Council recognised that remote control aircraft are regulated by CASA and removed “aircraft” from their definition of Toy Vehicles.

Community Amenity Local Law 2022	
Mornington Peninsula Shire Council	26
<hr/>	
Council Meeting Agenda	23 August 2022
3.4 (Cont.)	
As a result of the submissions received, the following amendments have been made to the draft Community Amenity Local Law 2022 that was released for public submissions:	
<ul style="list-style-type: none"> The words 'aircraft or' have been deleted from the definition of 'Toy vehicle' in Clause 8. This amendment was made as remote-control aircraft are regulated by the Civil Aviation Authority (CASA). 	

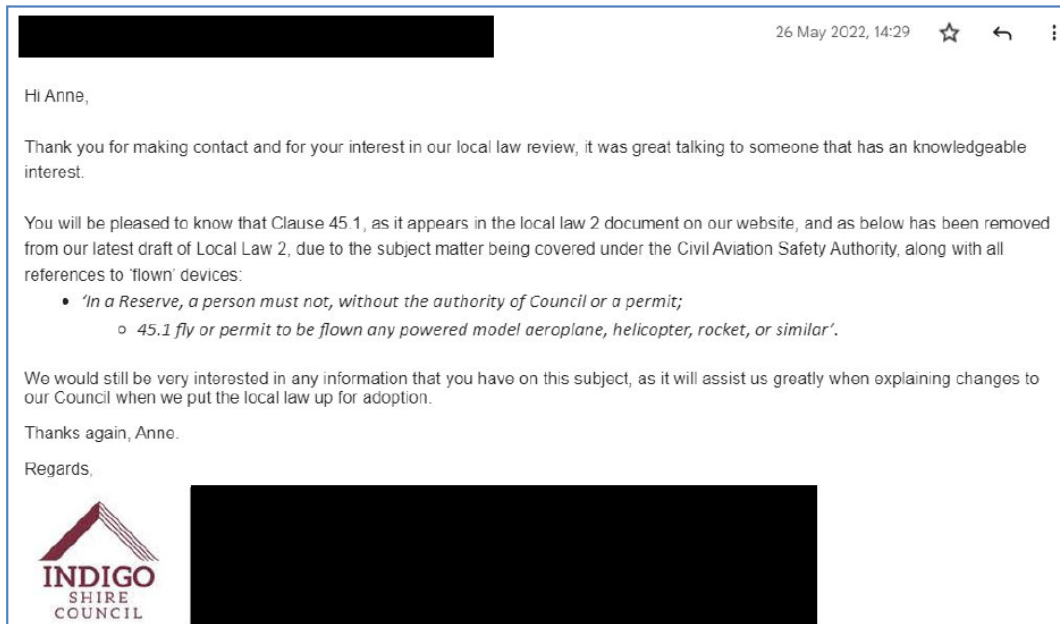
Bass Coast Council

Extract of the minutes from the [Bass Coast Council meeting on 20 July 2022](#) regarding the proposed local law

Minutes of Council Meeting - 20 July 2022	Bass Coast Shire Council
<ul style="list-style-type: none"> Power to issue a direction (S.106) – now includes verbal direction 	
Major Amendments to Existing Provisions	
<ul style="list-style-type: none"> Permits (S.9-15) – incorporates relevant provisions from guidelines and provides guidance on permit application, granting, refusal, cancellation, appeals etc. Permit conditions removed. Unightly and dangerous properties (S.20) – strengthened provisions. Camping on private property (S.23) – expanded definition. Noxious weeds (S.27) – previously incorporated in unsightly land guidelines. Obstructions from private property (including trees) (S.28) - expanded to include all items obstructing or overhanging Council land, footpaths, or roads. Provided clarity on what constitutes a danger to vehicles or pedestrians (covers bunting). Keeping of animals generally (S.32) - changed table 'land between 0.5ha and 2ha' to 'land 5000 square metres or greater' to better regulate keeping of animals on larger properties (exemptions apply). Housing of animals (S.33) – address animal odour and introduce buffer zones for animal housing. Open air burning (S.36-39) - includes important elements of the guidelines, clearly articulating what Council expects of residents. Clarity around what a resident 'can' do – ie. properly constructed barbeque, pizza oven, chiminea, fire pit used for heating or cooking food. Waste and recycling (S.40-44) – includes important elements of the guidelines, clearly articulating what Council expects of residents. Use of toy vehicles (S.46) - revised to better address nuisance, intimidating, obstructing, damaging or unsafe behaviour in a municipal place. Does not include provisions around drones this is heavily regulated by the Civil Aviation Safety Regulations 1998 (Cth) (Aviation Regulations). 	

Indigo Shire Council

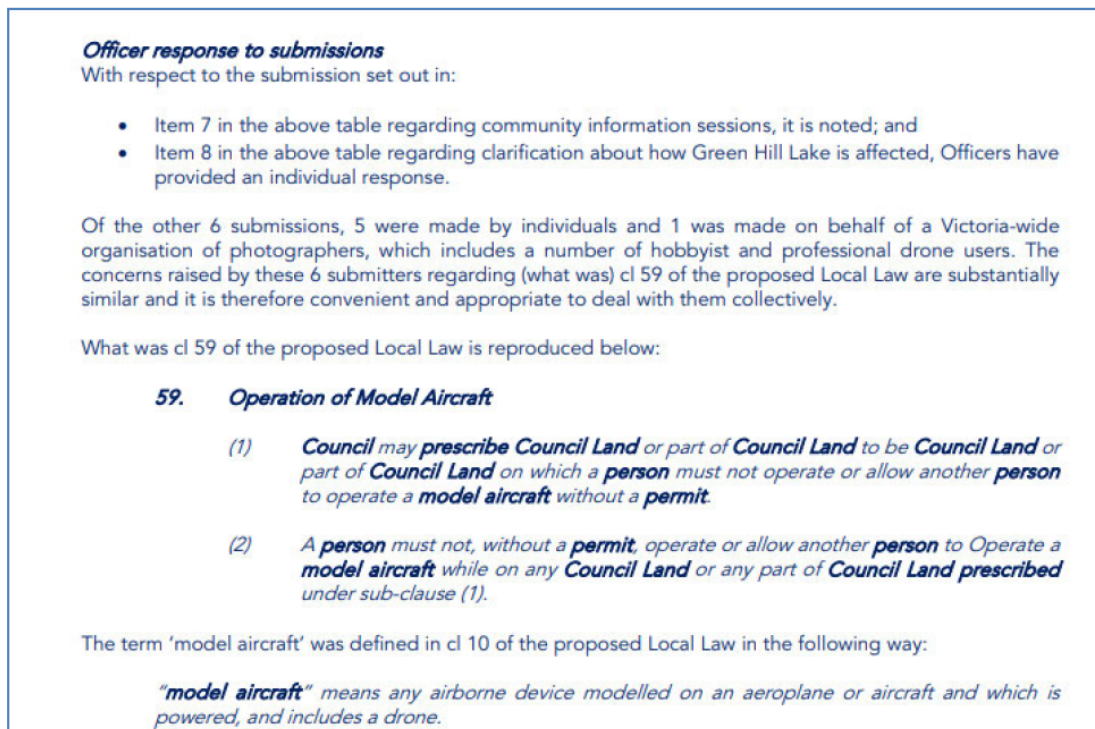
In May 2022, Indigo Shire Council removed all reference to “flown” devices from their draft local law.



Ararat Rural City Council

The Ararat Rural City Council at their meeting on 26 April 2022 voted to remove all reference to drones in their proposed new local laws, based on the following information.

<https://www.ararat.vic.gov.au/sites/default/files/CM%20Minutes%2020426.pdf>



While some of the submissions relating to (what was) cl 59 of the proposed Local Law are more detailed than others, the concerns shared by the submitters can be broadly summarised in the following way:

- the Civil Aviation Safety Authority (**CASA**), a specialist statutory authority established under the *Civil Aviation Act 1988* (Cth), is better placed than local councils to regulate drone use, particularly in relation to public safety;
- introducing localised restrictions on drone use creates a higher barrier to entry and, given the increased complexity and practical difficulties associated with enforcement, the cost associated with hindering the use of drones in public places would outweigh any perceived benefits; and
- Council does not have the authority to regulate where, and by whom, drones may be operated and a provision of a local law purporting to have such an effect would be inconsistent with the local law requirements and of no effect pursuant to s 72 of the Act.

4572

26 APRIL 2022
COUNCIL MEETING MINUTES



Having considered the feedback opposing (what was) cl 59 of the proposed Local Law, and considered legal advice relating to its operation, Officers have omitted it from the attached proposed Local Law and recommend that Council does not pursue it any further.

Officers note the following in making this recommendation:

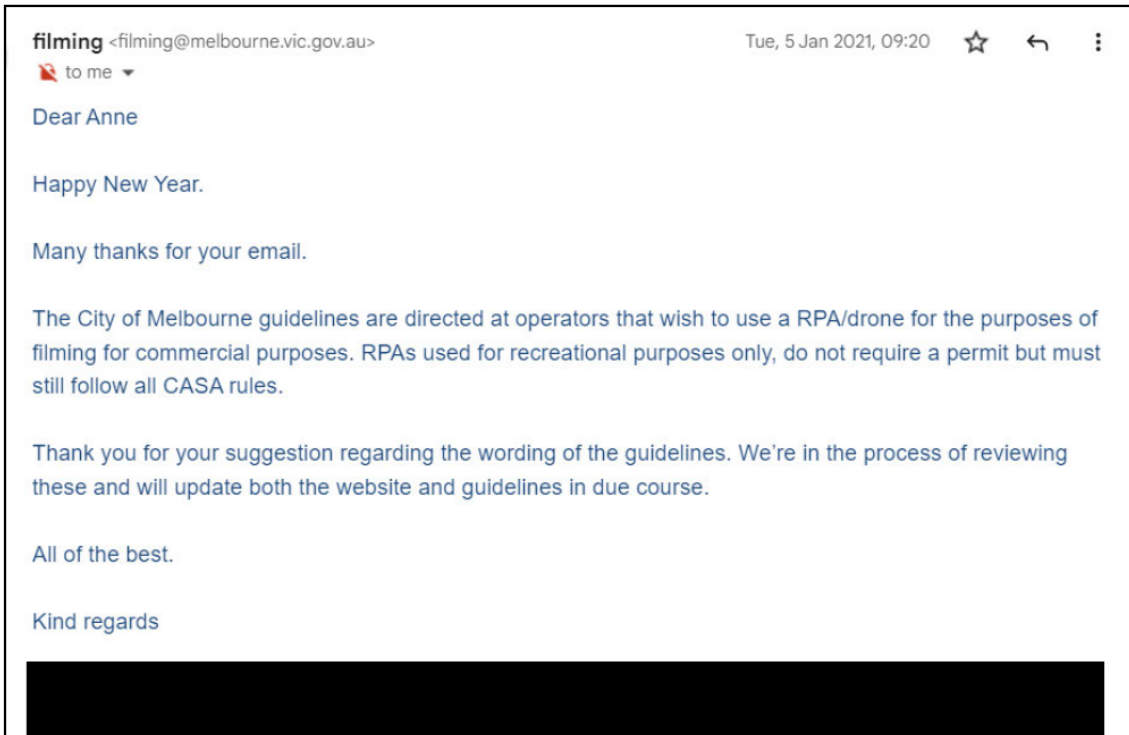
- The intent and effect of (what was) cl 59 of the proposed Local Law was not to create a blanket prohibition on the use of drones on Council land, but to preserve the amenity of Council Land by addressing drone use that may be liable to unreasonably interfere with the quiet enjoyment of Council Land by others;
- It is not a forgone conclusion that (what was) cl 59 of the proposed Local Law is inconsistent with the local law requirements in s 72 of the Act and therefore of no effect – this can only be finally determined by a Court of competent jurisdiction and there is at least an argument that there is space for Council to regulate the use of drones;
- CASA regulations are generally adequate to ensure that drones are used responsibly in public, including by:
 - prohibiting a person from operating a drone in a way that creates a hazard to another person or property;
 - prohibiting a person from operating a drone within 30 metres of another person not directly associated with the operation of the drone;
 - prohibiting a person from flying a drone over or above people or in a populous area (including beaches, parks, events, or sport ovals where there is a game in progress); and
 - prohibiting a person from dropping or discharging any thing from a drone in a way that creates a hazard to person or property;
- As regulation in this area continues to mature (including requiring the registration of recreational drones from mid-2023), it is anticipated that regulations will become more widely known to drone users and the general public and that responsible drone usage will continue to increase as a result; and
- Council does not currently regulate drones and the scale of the problem is not such that there is an immediate need to introduce a provision like (what was) cl 59 – if the need should arise, Council can revisit this issue.

Bayside City Council

The [Neighbourhood Amenity Local Law 2021](#) came into effect on 1 July 2021 where they too removed a Permit requirement for model aircraft.

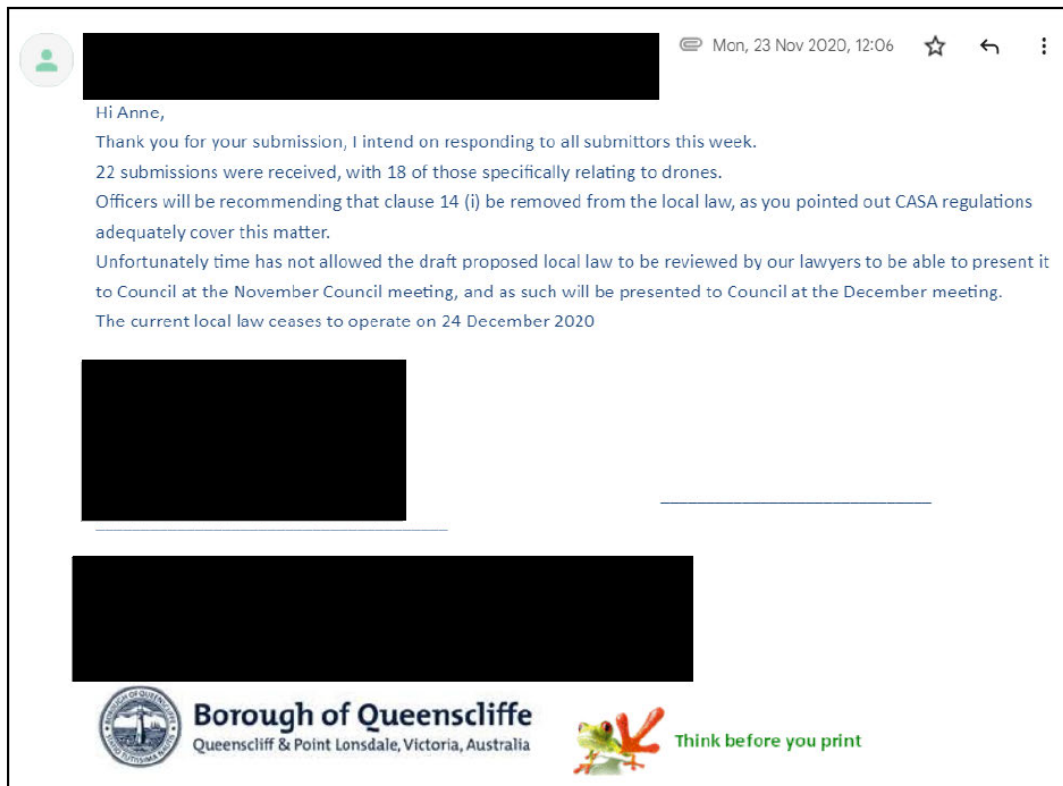
Melbourne City Council

Melbourne City Council does not require recreational drone flyers to have a permit, only to follow the CASA rules, as confirmed in this email of 5 January 2021:



Borough of Queenscliffe

Council updated their local laws in December 2020, removing any reference to drones.



Strathbogie Shire Council

In August 2020, **Strathbogie Shire Council** proposed to introduce a permit requirement for drones in their draft local laws. After a significant number of submissions from the public, Council sought legal advice and, recognising that CASA rather than Council is the responsible authority and, that the local law may not be enforceable, removed the permit requirement from the document.

https://strathbogie.vic.gov.au/images/Council_Minutes_and_Agendas/20200915_Agenda_Ordinary%20Council%20Meeting_September%202020.pdf

Strathbogie Shire Council Ordinary Council Meeting Agenda	Page 313	15/09/20
9.23 <u>Adoption of Strathbogie Shire Council Community Local Law No. 2 of 2020 (cont.)</u>		
Use of drones The proposal to include a permit requirement for the launching or landing of drones on Council land was met with a significant number of submissions against this provision. This was largely due to the use of drones being governed at a federal level by the Civil Aviation Safety Authority. Concerns were also raised about Council's ability to enforce this provision from both an administrative and community awareness perspective. On legal advice, it is considered that this provision not be included in the document for adoption.		

City of Boroondara

[On 9th December 2019, as part of the local law review for City of Boroondara](#), Councillors voted to accept the officer's recommendations to remove the requirement for a permit to fly a drone.

City of Boroondara	184
<hr/>	
Services Special Committee Agenda	11/11/19
<p>In other words, a wedding photographer (commercial) using a tripod in a way that does not cause any obstruction is exempt from a permit in the same way an amateur photographer (non-commercial) would be under the same circumstances.</p> <p>However, a permit would be required for a comparatively large-scale photographic shoot (for commercial purposes or non-commercial purposes) involving the placement of equipment causing an obstruction. In this case, a distinction is made only in relation to the permit cost.</p> <p>There would be no cost for a permit for a group of students, but a permit fee would be applied where the activity was for commercial purposes.</p> <p>In addition, officers are proposing the removal of the requirement for a permit to fly a drone (refer to section 4.5. below). This would enable photographers and filmmakers to use drones for the purpose of filming and photography in accordance with CASA regulations but without the requirement of a permit from Council.</p> <p>To assist filmmakers and photographers to understand Council requirements, guidelines and a checklist will be developed and available via Council's website.</p>	

4.5. Drones

The proposal to introduce a requirement for a permit to fly a drone on, over or above Council-controlled land was based on the need to ensure such devices would not cause danger to or unreasonably interfere with a person's use and enjoyment of Council land, or adversely impact amenity.

Whilst a permit requirement was originally proposed to regulate drone flying, officers have given further consideration to the issue and the role of CASA in regulating drone flying. This has involved additional benchmarking and investigation. There is conceivable risk an inconsistency would be created with the existing State legislation administered by CASA for the regulation of drones. As discussed previously, a local law should not duplicate or conflict with existing legislation.

Officers note CASA is in the process of applying mandatory registration for all remotely piloted aircraft systems (RPAS) or 'drones' and the requirement for operators to successfully complete a basic competence test regarding the safe use of RPAS. CASA has developed a proposed registration and accreditation scheme for drones weighing 250 grams or less and used for recreational purposes only. Upon adoption in April 2020, the scheme will augment the existing regulations already in place and enforced by CASA.

Officers note the City of Casey removed their requirement for a permit to fly a drone in recognition of the CASA regulations. Officers similarly propose to remove the requirement for a permit to fly a drone on or over Council-controlled land. Nonetheless, officers suggest there remains a need to regulate the use of model aircraft on and above Council-controlled land. This can be achieved by treating model aircraft separately from drones and as such officers suggest the definition for 'model aircraft' be amended to exclude drones.

Pyrenees Council

Pyrenees Council: Local law - [Adopted by Council on 19 February 2019, Commencement Date 7 March 2019](#). With the information we provided, Pyrenees Council realised there was no need to include any restrictions on the operations of drones.

Casey Council

Casey Council [removed a permit requirement](#) when they updated their local laws in 2018.

Flying a drone

You do not need a Council permit to fly your drone. There are [rules around how and when you can fly your drone](#)^{ca}. The Civil Aviation Safety Authority (CASA) also has a mobile application that helps you understand [where you can fly your drone](#)^{ca}.

If you have a large drone or want to fly for commercial reasons, you may need a [certification from CASA](#)^{ca}.

Ballarat Council

Ballarat Council [voted to remove drone regulations from their local laws](#) on 4 April 2018 so that no permits are required. Operators need only to abide by CASA rules and regulations.



Ordinary Council Meeting Minutes	4 April 2018
9.2. LOCAL LAW AMENDMENT	
Division:	Infrastructure and Environment
Director:	Terry Demeo
Author/Position:	Terry Demeo- Director Infrastructure and Environment
Mr Luke Parker, Ms Rachael Bott, Ms Anne Preston, Mr Brett James, Mr Philip Rowse, Mr Andrew Greg and Mr Peter Risdale made public representations.	
RESOLUTION:	
Council resolves to:	
1. Adopt a modified Local Law to include:	
a. Modifications to Clause 15.2 such that no permit is required for burning outside fire restriction periods for properties within the farming zone and properties within the rural living zone that exceed 2 hectares in area.	
b. Remove:	
- Clause 66.1 (A person must not undertake any of the following activities on a Municipal Reserve without first obtaining a Permit): fly or allow to be flown any aircraft (including an RPA or any powered aeroplane but excluding a kite).	
- Clause 71 and 71.1 – A person must not, without a Permit, operate an RPA within 100 metres of an Event on Council Land or a Road within the Municipal district.	
2. Publish the altered arrangements for burning in the rural environment for a consecutive period of a month in Council's noticeboard following the formal gazettal of the modified Local Law.	
3. Formally engage with representatives of drone stakeholder group in developing the policy position for drone activity.	
Moved: Cr Daniel Moloney	CARRIED
Seconded: Cr Des Hudson	(R76/18)

EXECUTIVE SUMMARY

Following the adoption of the Draft Community Local Law 2017 report at the Council Meeting held on 13 December 2017, there has been further consideration in relation to the implications of the adopted Local Law as it impacts on the emerging industry/recreational use of drones and also in relation to the impact of the Local Law in respect to permits to burn impacting on farming practices and maintenance associated with rural living allotments.

Having regard to the further consideration of these matters, it is recommended that the Local Law be modified to provide for a policy which explicitly states that a permit for drone activity is only required on public land where an event is underway and adopt a modified provision to allow burning in the farming and rural living environment in line with existing practices.

12

Ordinary Council Meeting Minutes

4 April 2018

Further, it is recommended that Council engage with stakeholders from the drone group in developing the policy position to inform Local Law operation.

The modified provisions of the Local Law have been through a government gazette and local notification process with no submissions received.

Knox City Council

Knox City Council have no restrictions on drone use and updated their [website](#) accordingly.

Filming with a drone

We are not responsible for providing permission for the use of drones, but we recommend reading the [information provided by Civil Aviation Safety Authority \(CASA\)](#).

It is always important to comply with the relevant CASA requirements and be mindful of respecting personal privacy.

Surf Coast Shire

Surf Coast Shire Council [website](#)

The screenshot shows the Surf Coast Shire website. The header includes the logo and a search bar with the text "Find almost anything on our website". The navigation menu contains links for "About us", "Property", "Community", "Experience", and "Environment". The breadcrumb trail reads "Home / About us / Permits, forms and applications / Drones Guidelines".

In This Section

- Council
- Working with us
- Permits, forms and applications
- Rates and payments
- Works and projects
- News and media
- About the Shire
- Contact Us
- Your Say

Drones Guidelines

Flying/Filming with drones for commercial or recreational purposes

The Civil Aviation Safety Authority (CASA) guidelines apply to all drone and RPA (remotely piloted aircraft) operators. Please see the [CASA website](#) for more information. Council does not have any specific local laws about flying drones, however the CASA guidelines do apply. If you are flying for commercial purposes you might also need a film permit from Council or another authority like the Great Ocean Road Coast Committee.

Here's a snapshot of the CASA guidelines:

- You must not fly your drone higher than 120 metres (400 ft) above the ground.
- You must not fly your drone over or near an area affecting public safety or where emergency operations are underway (without prior approval). This could include situations such as a car crash, police operations, a fire and associated firefighting efforts, and search and rescue operations.
- You must not fly your drone within 30 metres of people, unless the other person is part of controlling or navigating the drone.
- You must fly only one drone at a time.
- You must only fly during the day and keep your drone within visual line-of sight. This means being able to orientate, navigate and see the aircraft with your own eyes at all times (rather than through a device; for example, through goggles or on a video screen).
- You must not fly over or above people. This could include festivals, sporting ovals, populated beaches, parks, busy roads and footpaths.
- You must not operate your drone in a way that creates a hazard to another aircraft, person, or property.
- You must not operate your drone in prohibited or restricted areas.
- Please respect personal privacy.
- Don't record or photograph people without their consent—this may breach state laws.
- There might be local council and/or national park laws prohibiting drone flights in certain areas.
- Research the area you plan to fly and contact your council or national park if you're unsure.
- Don't operate near emergency services aircraft – if you fly, they can't.

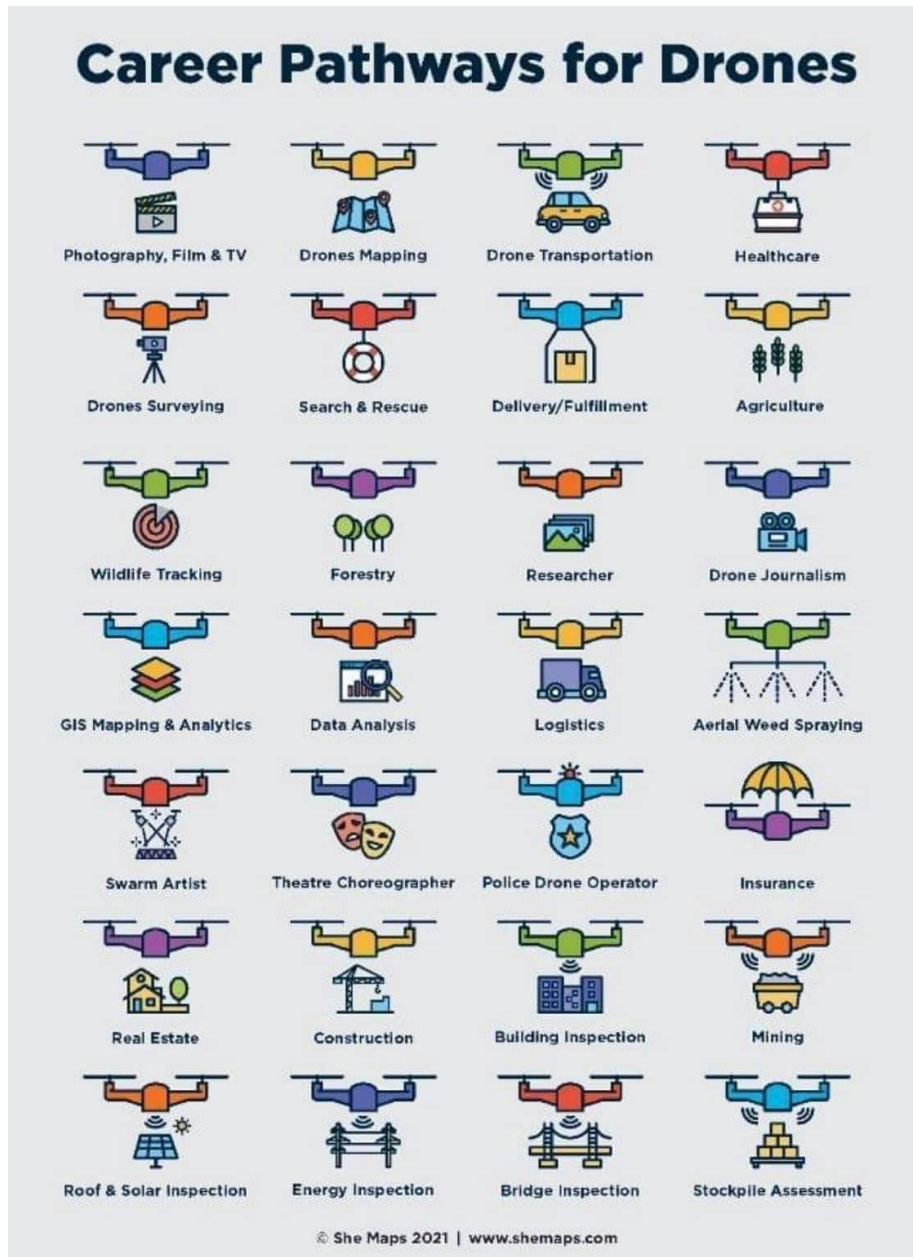
Additional information for drones over 100 grams:

Some other points to consider:

It is essential that Council are all inclusive of the community. Not everyone has an interest in participating in team sports. The use of drones provides people who are less mobile or with a disability the enjoyment of seeing things they would otherwise be restricted from. Flying of drones provides immense educational options. A fellow drone pilot stated, after attending an international drone conference in China in 2019, "drones are now a well-recognised stepping stone towards manned aviation careers and we're on the edge of a severe pilot shortage".

In Australia the use of drones, and their technology, is now being used across a variety of industries. CASA is the federal statutory authority to oversee all these activities.

As more industries search for modern, inventive solutions to issues of sustainability, productivity, and other challenges, drone technology has become more prevalent across a wide range of industries. This prevalence offers a growing catalogue of job opportunities in a variety of fields in need of drones — and pilots to fly them.



Many Councils are encouraging residents and visitors to promote their area by contributing their photos for local calendar competitions, often with several drone shots making the final selection. Social media is huge!

Australian local councils really need to embrace and support the use of drones by adults and for children under supervision to experience drone flying in open spaces. We cannot have skilled pilots to fill current and emerging drone pilot roles if Councils place unnecessary restrictions on people using public open spaces for learning and practice whilst flying within CASA regulations.

CASA can make changes to legislation as and when it is required, whereas Council local laws, once set in place, are normally for a 10-year period and could potentially be voided as they may not keep up with the progression in federal legislation.

By way of background, I'm a recreational drone owner, and CASA Remote Pilot Licence (RePL) holder i.e., I am a licenced drone pilot. I am part of the administration team of the **Victorian Drone Flyers** Facebook group. We are a state-wide group, with just over 5,600 members and we encourage the safe and legal flying of drones together with providing education on the drone rules to our members. Our members include both aerial and ground-based photographers, people looking at purchasing a drone and members who have an appreciation for photography and videography.

I welcome the opportunity to discuss this submission with you and again request that Clause 15.1.1 be removed from the proposed *Community Safety and Amenity Local Law 2024*.

Kind Regards

Anne Preston

Provided on behalf of the Victorian Drone Flyers Group

victoriandroneflyers@gmail.com



Locker 11
Victorian Pride Centre
79-81 Fitzroy Street
St Kilda, Victoria 3182
vicpridelobby.org

12 May 2024

Via email: mail@monash.vic.gov.au

Dear Community Amenity Team,

Re: Monash Local Law Review

Thank you for the opportunity to respond to the community consultation on the Monash Local Law Review.

The Victorian Pride Lobby is a community-based advocacy group that works towards equality, social justice and advancing human rights for the Victorian LGBTIQ+ community. In 2020, we launched the Rainbow Local Government campaign to recruit and support LGBTIQ+ candidates and allies to increase diversity and champion change on LGBTIQ+ issues in local government.

We welcome the removal of the current clause 14.9 that relies on proof of gender to enter dressing rooms, showers, conveniences or other gendered areas. This clause is unnecessary as other clauses adequately address anti-social behaviour, inconsistent with current approaches to such spaces, and potentially discriminatory particularly against gender diverse people.

We welcome the change to pronouns throughout the Local Law which “promotes inclusivity and neutrality”, “ensures the law applies to all individuals, regardless of gender identity”, and is “non-discriminatory”. However, **we recommend a further amendment to clause 26.1.2 to replace “his or her” with “their”**.

In the report accompanying item 7.1.7 of the 26 March 2024 meeting, Council flagged that a report will be presented to a future meeting on what Council is seeking to achieve by enhancing and strengthening the provisions around the use of Council land and behaviour on Council land under the Local Law. We would appreciate any further information on this so as to make an informed submission on this particular issue.

We welcome any opportunity to work together to ensure that the needs of LGBTIQ+ people who live, work and recreate in Monash continue to be addressed in all the work that the Council does.

Yours sincerely,

Sean Mulcahy, Jan Farrell and Chelsea Ayling
Victorian Pride Lobby - Rainbow Local Government campaign