



GLEN EIRA CITY COUNCIL

LOCAL LAW 2009

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TABLE OF PROVISIONS

PART 1 - PRELIMINARY PROVISIONS

Clause	Subject
100.	Title
101.	Purpose
102.	Authorising Provision
103.	Operation Date
104.	Revocation Date
105.	Definitions of words used in this Local Law
106.	Interpretation

PART 2 - THE COUNCIL

DIVISION 1 - COMMON SEAL

200.	Purpose
201.	Authority
202.	Signature to accompany common seal
203.	Unauthorised use of the common seal

DIVISION 2 - ELECTION OF MAYOR AND DEPUTY MAYOR

210.	Purpose
211.	Presiding over election
212.	Procedure – election of Mayor
213.	Procedure – election of Deputy Mayor

DIVISION 3 - MEETING PROCEDURES

220.	Purpose
221.	Scope
222.	Quorum
223.	Public notice of meetings of Council or a Special Committee
224.	Circulation of notice papers and agendas
225.	Business of ordinary Council meetings
226.	Business of Special Committee meetings
227.	Special meetings of Council
228.	Order of business
229.	Meetings open to the public
230.	Public participation
231.	Councillor Questions
232.	Public questions to Council
233.	Confirmation of minutes
234.	Procedure for moving a motion or amendments and conduct of debate
235.	Divisions
236.	Points of order

Clause	Subject
237.	Time limits
238.	Right to make a statement
239.	Close of meeting
240.	Adjournment of meetings
241.	Voting
242.	Conflict of interest
243.	Maintaining a quorum
244.	Removal from meeting room
245.	Responsibility
246.	Offences

PART 3 - PERMIT REQUIRED

300.	Purpose
301.	Permit requirement
302.	Failure to obtain a Permit
303.	Direction
304.	Tapping into drains
305.	Interference with waterways
306.	Lighting fires
307.	Mobile machinery
308.	Bulk Containers
309.	Clothing bins
310.	Camping, caravans, campervans and shipping containers
311.	Supply and consumption of Liquor
312.	Vehicles in Public Reserves
313.	Sale of goods and collection of money
314.	Model aeroplanes
315.	Advertising signs and displays of goods on roads and Council Land
316.	Chairs, tables and furniture
317.	Building materials and rubble
318.	Advertising and bill posting
319.	Circuses, Carnivals and festivals
320.	Keeping dogs and cats
321.	Keeping poultry
322.	Keeping pigeons
323.	Keeping horses, cattle, sheep, pigs and general livestock
324.	Shooting and snaring birds and animals
325.	Busking
326.	Organised activities
327.	Planting on nature strips
328.	Building over easements
329.	Asset protection
330.	Building Site Management
331.	Filming
332.	Polluting storm water drains

PART 4 - PROHIBITED

- 400. Purpose
- 401. Prohibited matters and activities
- 402. Offence
- 403. Direction
- 404. Inappropriate behaviour on Council Land and Roads
- 405. Informal sport and games which unreasonably affect other users of Council Land
- 406. Interference with authorised activities and sport within Public Reserves
- 407. Animal litter
- 408. Shopping trolleys
- 409. Repairing and sale of Vehicles on Roads
- 410. Fire hazards
- 411. Dangerous Property
- 412. Unsightly Property
- 413. Pedestrian safety
- 414. Trees plants and other structures causing a potential hazard to traffic
- 415. Rubbish
- 416. Incinerators
- 417. Abuse and misuse of mobile garbage bins and containers for recyclables
- 418. Smoking
- 419. Crossings no longer required
- 420. Numbering of Properties
- 421. Overdue library books
- 422. Caulfield Alcohol Free Zone
- 423. Aerosol paint containers
- 424. Defacing any advertising or bill posting
- 425. Unsatisfactory Fowl Houses, Kennels, Pigeon Lofts and animal enclosures
- 426. Animals and amenity
- 427. Dogs and adequate fencing
- 428. Damage, destruction or interference with Council Land
- 429. Damage, destruction or interference with Roads

PART 5 - PARKING SCHEMES

DIVISION 1 - PARKING SCHEMES

- 500. Purpose
- 501. Residential parking schemes
- 502. Tradesperson parking scheme
- 503. Conditions of parking Permits
- 504. Offences and penalty

DIVISION 2 - TICKET PARKING AREAS

- 520. Signs indicating ticket parking
- 521. Validity of tickets
- 522. Display of tickets
- 523. Offences

DIVISION 3 – PARKING PERIODS

- 524. Parking beyond the time allowed

PART 6 - PERMIT PROCESS

- 600. Purpose
- 601. Applications
- 602. Fee
- 603. Further information
- 604. Notice
- 605. Conditions of Permit
- 606. When does a Permit commence?
- 607. When does a Permit expire?
- 608. Consideration of applications
- 609. Correction of permit
- 610. Grounds for cancellation or amendment of Permits
- 611. Change to Permits
- 612. Delegations
- 613. Transfer of Permits
- 614. Offences
- 615. Impounding

PART 7 - INFRINGEMENT NOTICES

- 700. Purpose
- 701. Persons who may issue an infringement notice
- 702. Do you have to accept an infringement notice?
- 703. How is payment to be made
- 704. Can Council waive the infringement notice?
- 705. Penalty by infringement notice
- 706. Service of infringement notice

PART 8 - ENFORCEMENT

- 800. Purpose
- 801. Offences and penalties
- 802. Giving name and address
- 803. Proceeding for enforcement
- 804. Application for injunction
- 805. Additional penalty for continuing offence
- 806. Recovery of costs
- 807. Enforcement of Building Site Management Code of Practice



**PART 1 – PRELIMINARY
PROVISIONS**

Title

100. This Local Law is the Glen Eira City Council Local Law 2009 and is referred to as the “Local Law”.

Purpose

101. The purposes of this Local Law are to -
- (1) provide for the peace order and good government of the municipal district of Glen Eira City Council;
 - (2) provide for those matters which require a Local Law under the *Local Government Act 1989* and any other Act;
 - (3) provide for the administration of Council powers and functions;
 - (4) prohibit, regulate and control activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood, or nuisance to a Person, or a detrimental effect to a Person’s property; and
 - (5) repeal the City of Glen Eira Local Law 2000.

Authorising Provision

102. This Local Law is made under section 111 of the *Local Government Act 1989*.

Operation Date

103. This Local Law comes into operation on 25 November, 2009.

Revocation Date

104. This Local Law ceases to operate on 24 November, 2019.

Definition of words used in this Local Law

105. Unless the contrary intention appears in this Local Law:
- (1) words defined in the *Interpretation of Legislation Act 1984*, the *Planning and Environment Act 1987* and the Glen Eira Planning Scheme have the same meaning in this Local Law; and
 - (2) words defined below have that meaning in this Local Law.
- “Advisory Committee” means any committee established by the Council which is not a Special Committee under Section 86 of the *Local Government Act 1989*.
- “Authorised Officer” means an authorised officer appointed pursuant to Section 224 of the *Local Government Act 1989*.

“Barbecue”	means a structure device or contraption designed or constructed for the primary purpose of cooking food in the open air for human consumption but does not include barbecues which use gas or electricity as the fuel or heating medium.
“Building”	includes part of a building and includes a structure, temporary building, temporary structure and any part thereof.
“Building Site”	means any land on which Building Works are carried out.
“Building Site Management Code of Practice”	means the Building Site Management Code of Practice adopted by Council as amended from time to time.
“Building Works”	means work for the construction, renovation, alteration, demolition, relocation or removal of a Building or excavation or any associated earth work that is undertaken on the premises on which that Building is or will be located.
“Carnival”	means a temporary fair or amusements for the purpose of providing recreation or entertainment such as side shows, merry-go-rounds, stalls for games or snacks. It does not include a trade fair, sporting event, or exhibition.
“Caulfield Alcohol Free Zone”	<p>means the area the boundary of which:</p> <ul style="list-style-type: none"> • commences at the south-east corner of Balaclava Road and Kambrook Road, • then southerly along the western boundary of Kambrook Road to the roundabout at the intersection of Kambrook Road, Glen Eira Road and Booran Road, and then around the western perimeter of that roundabout, • then south-easterly along the western boundary of Booran Road to the southwest corner of its intersection with Neerim Road, • then easterly across Booran Road and along the southern boundary of Neerim Road before crossing Neerim Road to the south-east corner of its intersection with Queens Avenue,

- then northerly along the eastern boundary of Queens Avenue to the south-east corner of its intersection with Sir John Monash Drive, and then easterly along the southern boundary of Sir John Monash Drive to a point adjacent to the Princes Highway,
- then north-westerly across Sir John Monash Drive and along the southern boundary of the Princes Highway to its intersection with Normanby Road, then across that intersection and south-westerly and north-westerly along the western and northern boundary of Normanby Road to its intersection with Balaclava Road, and
- then westerly along the northern boundary of Balaclava Road to its intersection with Kambrook Road, then across Kambrook Road to the commencement point.

“Chairperson”	refers to the chairperson of a meeting of Council or of a Committee and includes an acting, a temporary or a substitute chairperson.
“Chief Executive Officer”	has the same meaning as a Chief Executive Officer appointed by Council under section 94(1) of the <i>Local Government Act 1989</i> .
“Circus”	means a company of performers gathered for the purpose of providing entertainment such as acrobatic feats, tricks of skill, clowns and exhibiting animals.
“Committee”	means an Advisory Committee or Special Committee of Council.
“Council”	means the Glen Eira City Council and where the context permits includes the persons elected to act as Councillors.
“Council Land”	means all land owned, leased, managed or occupied by Council or for which it has a duty to maintain including without limitation Roads, easements, Buildings, structures, fixtures and lighting.
“Council Premises”	means all Buildings owned, leased, managed or occupied by Council.
“Council Vehicle”	means a motor vehicle owned by, leased to or under the control of Council.
“Fire”	does not include:

	(a) a fire lit by a member of a fire brigade in the course of his or her official duties; and
	(b) a tool of the trade.
“Fowl House”	means any Building or erection whether roofed or not used or intended or designed as a pen for the keeping of Poultry.
“Incinerator”	includes a structure device or contraption (not enclosed in any other Building) which is used or designed or capable of being used for the purpose of burning any matter or material. The term includes a domestic backyard incinerator used to burn household rubbish or garden refuse, but does not include a Barbecue.
“Junk”	means scrap metal, second hand timber, second hand building materials, motor vehicles or machinery (or parts thereof), second hand containers, waste paper, rags, bottles or similar material.
“Kennel”	means any Building used or intended or designed as a pen for the keeping of two or more dogs.
“Liquor”	means a beverage intended for human consumption with an alcohol content greater than 0.5% by volume at a temperature of 20 degrees Celsius.
“Member”	refers to- <ul style="list-style-type: none"> (a) in the case of Council, Councillors; (b) in the case of Special Committees, all members appointed to the Special Committee by Council under Section 86(2) of the <i>Local Government Act 1989</i>; (c) in the case of Advisory Committees, all members appointed to the Advisory Committee by Council.
“Model aeroplane”	includes any similar airborne device that is powered, including a drone.
“Minor Building Works”	means Building Works for which a building permit is not required under the <i>Building Act 1993</i> .
“Municipal District”	means the municipal district under the local government of the Council.
“Penalty Unit”	has the same meaning as set out in Section 110(2) of the <i>Sentencing Act 1991</i> .

“Permit”	means a written permit issued by the authority of the Council and signed by an Authorised Officer.
“Person”	includes a sole person, a corporation, a partnership, an incorporated association and an unincorporated association.
“Pigeon Loft”	means any Building for the housing or use of pigeons.
“Poultry”	means domestic fowls, turkeys, ducks and geese.
“Property”	means any land in separate ownership or separate occupation in the Municipal District.
“Public Place”	<p>has the same meaning as in the <i>Summary Offences Act 1966 (Vic)</i> and, to the extent that meaning does not include the following, also includes:</p> <ul style="list-style-type: none"> (a) any place where Council has designated areas in which, or dates and times on which, restrictions apply to the taking of Liquor, consumption of Liquor or possession of Liquor in an unsealed container; (b) any park, garden, research facility or any public place of recreation or resort; (c) any vacant land or vacant space adjoining a Road; and (d) any Council Land or Council Premises, <p>but does not include Caulfield Racecourse, being the land described in certificate of title Volume 7275 Folio 814.</p>
“Public Reserve”	means Council Land which is used as a sports ground, park, nature reserve or a facility provided for or used in association with activities at a sports ground, park or nature reserve including land which Council declares by resolution to be a Public Reserve.
“Race Meeting”	has the same meaning as in the <i>Racing Act 1958</i> .
“Race Meeting Day”	means a day on which a Race Meeting is held at Caulfield Racecourse.

“Residential Area”	means any area within the Municipal District which is included in a Residential Zone under a Planning Scheme.
“Road”	has the same meaning as set out in Section 3 of the <i>Local Government Act 1989</i> .
“Selling”	includes barter, offering or attempting to sell, have in possession for sale, expose for sale, send or deliver for sale, or cause or permit to be sold or offered for sale.
“Smoking”	includes smoking tobacco or any other substance whether in the form of a pipe, cigar, cigarette or otherwise.
“Special Committee”	means any committee established by Council under Section 86 of the <i>Local Government Act 1989</i> .
“Toy Vehicle”	a vehicle (other than a bicycle) ordinarily used by a child at play and designed to be propelled by human power, and includes a child’s tricycle, a scooter, a skateboard, roller skates and similar toys.
“Vehicle”	a conveyance designed to be propelled or drawn by any means, and includes a bicycle, a tram and, where the context permits, an animal driven or ridden, but does not include:- <ul style="list-style-type: none"> (a) a train; (b) a Toy Vehicle; or (c) in respect of an injured or disabled person a motorised electric scooter, or a wheelchair (whether motorised or not).

Note: *Under the Interpretation of Legislation Act 1984 “land” includes building and other structures permanently affixed to land, land covered with water, and any estate, interest, easement, servitude, privilege or right in or over land.*

Interpretation

106. Headings above each clause do not form part of this Local Law but are for ease of reference only.



PART 2 - THE COUNCIL

DIVISION 1 - COMMON SEAL

Purpose

200. To regulate the use of the common seal of the Council under section 5(3)(c) of the *Local Government Act 1989*, and to prohibit unauthorised use of the common seal or any device resembling the common seal.

Authority

201. Subject to clause 202, the Chief Executive Officer has the power to affix the common seal to any instrument or other document which gives effect to any decision of the Chief Executive Officer, whether taken by or under statute or under an instrument of delegation. The authority to affix the common seal in all other cases shall be by resolution of Council.

Signature to accompany common seal

202. Every instrument or other document to which the seal is affixed must be signed by one Councillor and the Chief Executive Officer.

Unauthorised use of the common seal

203. A Person must not, unless authorised under this Local Law or authorised by the Council;
- (1) use the common seal;
 - (2) affix the common seal or any other seal or device to a document with the intent to deceive any other Person into believing that it is the common seal of the Council; or
 - (3) sign any document to which the common seal or any other seal or device as referred to in (2) is affixed.

Penalty

10 units

DIVISION 2 - ELECTION OF MAYOR AND DEPUTY MAYOR

Purpose

210. To regulate the proceedings for the election of the Mayor in accordance with Section 71 of the *Local Government Act 1989* and for the election of Deputy Mayor.

Presiding over election

211. The Chief Executive Officer shall preside over the election of Mayor and Deputy Mayor.

Procedure – election of Mayor

212. (1) The Chief Executive Officer must call for nominations, from those Councillors present at the meeting of Council called under section

71 of the *Local Government Act 1989* for the purpose of election of the Mayor, for candidates for election as Mayor.

- (2) A Councillor may decline his or her nomination as a candidate.
- (3) If there is only one candidate, the Chief Executive Officer must declare that candidate elected as Mayor.
- (4) If there is more than one candidate, the Chief Executive Officer must conduct a poll, by show of hands, with voting to take place for each candidate in turn in the order in which his or her nomination was received.
- (5) The Chief Executive Officer must declare elected as Mayor the candidate receiving an absolute majority of votes.
- (6) If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted in accordance with sub-clause 212(4). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- (7) If, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by lot by the Chief Executive Officer.
- (8) If, where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Chief Executive Officer must conduct a further poll to attempt to break the deadlock. If the second vote is also tied, the candidate to be declared as Mayor shall be determined by lot by the Chief Executive Officer.
- (9) For the purpose of this clause, an “absolute majority of votes” means a number of votes greater than one half of the total number of votes lawfully cast in the poll.

Procedure – election of Deputy Mayor

- 213.
- (1) A Deputy Mayor must be elected at each meeting referred to in clause 212(1) of the Local Law after a Mayor has been declared elected under clause 212.
 - (2) The Chief Executive Officer must call for Councillors present at the meeting to nominate candidates for election as Deputy Mayor. Any Councillor, other than the Mayor, is eligible for election or re-election to the office of Deputy Mayor and may be nominated.
 - (3) A Councillor may decline his or her nomination as a candidate.
 - (4) If there is only one candidate, the Chief Executive Officer must declare that candidate elected as Deputy Mayor.
 - (5) If there is more than one candidate, the Chief Executive Officer must conduct a poll, by show of hands, with voting to take place for

each candidate in turn in the order in which his or her nomination was received.

- (6) The Chief Executive Officer must declare elected as Deputy Mayor the candidate receiving an absolute majority of votes.
- (7) If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted in accordance with sub-clause 213(4). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- (8) If, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by lot by the Chief Executive Officer.
- (9) If, where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Chief Executive Officer must conduct a further poll to attempt to break the deadlock. If the second vote is also tied, the candidate to be declared as Deputy Mayor shall be determined by lot by the Chief Executive Officer.
- (10) For the purpose of this clause, an “absolute majority of votes” means a number of votes greater than one half of the total number of votes lawfully cast in the poll.
- (11) The office of Deputy Mayor becomes vacant in the circumstances set out in relation to a Mayor in sections 72(1)(a)-(d) of the *Local Government Act 1989*.
- (12) If the office of Deputy Mayor becomes vacant for any reason prior to the date of each meeting referred to in clause 212(1) of the Local Law, then the Council may at an ordinary meeting elect a Deputy Mayor in accordance with sub-clauses 213(2) – (10).
- (13) During any period that the Mayor is absent or unable to act, the Deputy Mayor shall act as the Mayor. During any period that both the Mayor and the Deputy Mayor are absent or unable to act then the most recent former Mayor who is present and able to act shall act as Mayor.

DIVISION 3 - MEETING PROCEDURES

Purpose

220. To regulate the conduct of meetings of Council and its Committees, as required by Section 91(1) of the *Local Government Act 1989*.

Scope

221. Applies to all meetings of Council and Committees established at any time by Council.

Quorum

222. A quorum for a meeting of Council or a Special Committee is a majority of the Members of Council or of that Special Committee. Unless otherwise resolved by Council, the quorum of an Advisory Committee meeting is fifty per cent (50%) of the Advisory Committee's Members or in case of an uneven number of Members, a simple majority.

Public notice of meetings of Council or a Special Committee

223. Section 89 (4) and (5) of the *Local Government Act 1989* must be observed in respect to advising the public of a meeting.

Circulation of notice papers and agendas

224. (1) Other than for special meetings of Council called under section 84(1) of the *Local Government Act 1989*, the notice papers and agenda for all meetings of the Council shall be prepared by the Chief Executive Officer or his/her delegate.
- (2) Notice papers for special meetings of Council called under section 84(1) of the *Local Government Act 1989* must be prepared by the person/s calling the meeting. The agenda must be prepared by the Chief Executive Officer or his / her delegate, in consultation with the person/s calling the meeting.
- (3) A copy of the notice paper for all meetings of the Council and its Committees, together with a copy of all available reports to be considered at that meeting, shall be delivered, posted, conveyed by email, facsimile machine or handed personally to every Member. Other than where a special meeting of Council is called under section 84(1) of the *Local Government Act 1989* less than 48 hours before the time fixed for the holding of the meeting, such delivery of the notice papers must occur not later than 48 hours before the time fixed for the holding of the meeting.
- (4) Notice papers must contain the time, date and location of the meeting.
- (5) Where a special meeting of Council is called under section 84(1) of the *Local Government Act 1989* less than 48 hours before the time fixed for the holding of the meeting, the notice paper shall be delivered as soon as possible after the written notice calling the meeting is given.

Business of ordinary Council meetings

225. No business shall be considered at an ordinary meeting of the Council unless it appears in the notice paper or in a report accompanying the notice paper, except:-
- (1) if a matter of an urgent nature has arisen since the most recent Ordinary Council Meeting and the Council resolves to consider the matter as urgent business;
- (2) if a Member requests that a report be prepared by a member of Council staff, in which case a formal resolution of Council in relation

to preparation of that report must be passed in order for the report to be prepared; or

- (3) if a Member asks a question to a member of Council's staff on a matter which has not been included on the notice paper, in which case the question may be taken on notice for answer at a future ordinary meeting of Council.

Business of Special Committee meetings

226. No business shall be considered at a Special Committee meeting unless:-

- (1) it appears in the notice paper or in a report accompanying the notice paper; or
- (2) the instrument of delegation to the Special Committee provides otherwise.

Special meetings of Council

227. Special meetings of Council shall be called in accordance with the provisions of Section 84 of the *Local Government Act 1989*. Business at special meetings of Council shall be in accordance with Section 83(b) and 84(4) of the *Local Government Act 1989*.

Order of business

228. The order of business of meetings of the Council and its Committees shall be as follows, unless for the greater convenience of the meeting, it has been altered by resolution to that effect.

- (1) Ordinary Council meetings:-
 1. Acknowledgement of traditional owners.
 2. Apologies.
 3. Reminder of declaration by Members of any direct or indirect conflict of interest in any items on the notice paper.
 4. Confirmation of minutes of previous meeting or meetings.
 5. Reception and reading of petitions and joint letters.
 6. Documents for sealing.
 7. Reports by delegates appointed by Council to various organisations.
 8. Reports from Committees.
 9. Officer reports (as listed).
 10. Urgent business.
 11. Ordinary business:
 - 11.1 Request for reports from Officers
 - 11.2 Right of reply
 - 11.3 Councillor questions
 - 11.4 Public questions to Council
 12. Confidential items.
- (2) Special and Advisory Committee meetings:-
 1. Apologies.
 2. Reminder of declaration by Members of any direct or indirect conflict of interest in any items on the notice paper.

3. Confirmation of minutes of previous meeting or meetings (Special Committees only).
4. Officer reports (as listed).

Meetings open to the public

229. In accordance with Section 89 (1) of the *Local Government Act 1989*, all meetings of Council must be open to members of the public unless a specific resolution is made to close the meeting to members of the public pursuant to Section 89 (2) of the *Local Government Act 1989*. Section 89 (3) of the *Local Government Act 1989* must also be observed.

Public participation

230. Members of the public may address Council and Committee meetings:
- (1) at the discretion of, and under direction of, the Chairperson; or
 - (2) as provided in section 223(1)(b) of the *Local Government Act 1989*,
- in accordance with any guidelines for public participation in Council and Committee Meetings adopted by Council from time to time.

Councillor questions

231. A Councillor may ask a question of another Councillor or Councillors provided that it is in accordance with the Councillor Questions Policy as adopted from time to time.

Public questions to Council

232. (1) Members of the public may submit written questions to ordinary meetings of the Council in accordance with any guidelines adopted by Council from time to time and the following procedure:
- (a) Questions must be received not later than 12 noon on the business day preceding the day of the ordinary Council meeting. Questions should be clearly headed "Public Question" and may be submitted to the Council by email (publicquestions@gleneira.vic.gov.au), fax (9524 3358), mail, or personal delivery or Internet [<http://www.gleneira.vic.gov.au/>];
 - (b) Questions must bear the questioner's printed name and address, the date, and a telephone number at which the questioner may be contacted for verification. Questions must be less than 150 words. Questions exceeding 150 words will not be accepted.
 - (c) Each person may submit up to a maximum of two questions to any one Ordinary Council Meeting. If more than two questions are received from any one person, only the first two will be processed in accordance with this Local Law.
- (2) Questions will be considered by Council, under the direction of the Chairperson, as follows:
- (a) The Chief Executive Officer or another officer designated by him/her shall:

Glen Eira City Council Local Law 2009

- (i) examine the questions;
 - (ii) recommend to the Chairperson for the Chairperson's decision any questions deemed to be inappropriate having regard to clause 232(2)(j) below;
 - (iii) if the person asking the question is present, the Chief Executive Officer or nominee shall read the question to the Meeting. If the person submitting the question is not present, the question will not be read to the Meeting but will be answered in the mode that it was received (eg. mail or email).
- (b) After a question has been read, the Chairperson may decide to either:
- (i) personally answer the question; or
 - (ii) refer the question to the appropriate Councillor; or
 - (iii) refer the question to the appropriate officer; or
 - (iv) advise that the question is taken on notice and that a written response will be sent.
- (c) Responses provided under clause 232(2)(b)(iv) above shall be given within a reasonable time (usually in less than ten working days).
- (d) All questions and answers shall be as brief as possible and, subject to clause 232(2)(f) below, no discussion on the questions and answers will be allowed.
- (e) Where a question is asked about an individual Councillor in their capacity as a Councillor, the question may be redirected to the Councillor concerned.
- (f) Where a Councillor disagrees with, or is aggrieved by, the response provided by a fellow Councillor appointed by the Chairperson to answer the question, he or she may seek leave of the Chairperson to make an appropriate brief explanatory statement as provided for under the provisions of Clause 238 of the Local Law (Right to make a statement).
- (g) The time for public question time shall be no longer than fifteen minutes unless determined otherwise by the Chairperson having regard to the other business on the agenda. In the event of questions not being dealt with during the time allowed, all such questions shall be taken on notice in accordance with as per clause 232(2)(b)(iv) for separate reply.
- (h) The minutes shall record questions read (unless ruled inappropriate under sub-clause 232(2)(j)). They shall also record any answers which are given at the meeting. Where a question is read at the Meeting, taken on notice and an answer is given later in writing, the question shall be re-submitted to the meeting at which the answer is available and both the question and the answer shall be recorded in the minutes of that meeting.

Glen Eira City Council Local Law 2009

- (i) A report shall be submitted to a public Council meeting quarterly showing the numbers of questions read, number ruled inappropriate number answered at the meeting and time taken to reply to questions taken on notice.
- (j) A question shall be deemed inappropriate if it:
 - (i) relates to a matter that is *ultra vires*; or
 - (ii) does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity; or
 - (iii) is defamatory, indecent, may constitute discrimination, vilification, harassment or may place the Council at risk of legal action; or
 - (iv) refers to a matter which would, if answered, breach any provision of the *Information Privacy Act 2000* or the confidentiality provisions of the *Local Government Act 1989*; or
 - (v) exceeds 150 words.
- (k) The Chairperson shall make the final decision as to those questions deemed inappropriate under sub-clause 232(2)(j).
- (l) Where a question is deemed inappropriate by the Chairperson, the Chief Executive Officer or designated officer shall read to the meeting only the name and suburb of the person and the ground under sub-clause 232(2)(j) on which the question was ruled inappropriate.

Confirmation of minutes

233. The minutes of any meeting of the Council or Special Committee shall be submitted for confirmation at the next ordinary meeting of the Council or meeting of the Special Committee.

No discussion is permitted on the minutes except as to their accuracy as a record of the proceedings of the meeting to which they relate. Once the minutes are confirmed they shall be signed by the Chairperson. The minute books shall be at all reasonable times open for inspection by any person free of charge.

Procedure for moving a motion or amendments and conduct of debate

234. (1) The mover must state the motion.
- (2) The Chairperson must call for a seconder unless the motion is a call to enforce a point of order.
- (3) If there is no seconder the motion lapses.
- (4) If there is a seconder then the Chairperson must call the mover to address the meeting.
- (5) After the mover has addressed the meeting, the seconder may address the meeting.

Glen Eira City Council Local Law 2009

- (6) After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chairperson must call upon any Member who wishes to speak against the motion.
- (7) A mover or seconder of a motion who does not speak when called upon by the Chairperson is deemed to have exercised the right to speak.
- (8) If no Member speaks against the motion then the Chairperson may put the motion or call any other Member to speak.
- (9) Any Member with the exception of the mover and seconder of the original motion may move or second an amendment.
- (10) A Member may speak once on the motion and once on any amendment except for the mover of the motion (but not of an amendment) who has a right to make a final statement after which the motion must immediately be put to the meeting for a decision.
- (11) The mover of an amendment does not have a right to make a final statement.
- (12) A Member may be permitted by the Chairperson or by resolution to speak more than once to explain that the Member has been misrepresented or misunderstood.
- (13) A Member calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
- (14) A Member may be permitted by the Chairperson to ask questions pertaining to the subject matter of the motion or amendment under discussion.
- (15) No motion or amendment may be withdrawn without the consent of both the mover and seconder.
- (16) Amendments must be dealt with one at a time.
- (17) A second or subsequent amendment must not be considered until any previous amendment is decided upon.
- (18) After an amendment is accepted by a vote of the meeting it becomes the substantive motion and providing another amendment is not immediately proposed, the substantive motion must be put immediately by the Chairperson.
- (19) Once acknowledged by the Chairperson the Member has the floor and must not be interrupted unless called to order or if his or her time has expired.
- (20) If two or more Members rise or wish to speak at the same time, the Chairperson shall decide who is entitled to speak first.
- (21) Motions must be clear and unambiguous and not defamatory or objectionable in language or nature.

Glen Eira City Council Local Law 2009

- (22) The Chairperson may require motions to be put in writing.
- (23) The Chairperson may address any meeting upon any matter under discussion and shall not be deemed to vacate the chair on such occasions, except where clause 234(24) applies.
- (24) The Chairperson may vacate the chair during any item under discussion whereupon a temporary Chairperson appointed by the meeting may take the chair.

Divisions

- 235. (1) If a division is called by a Member the vote must be taken by Members voting in the affirmative by a show of hands and then Members voting in the negative by a show of hands. The Chairperson must declare the result.
- (2) The minute secretary must record in the minutes the names of Members voting on a division and whether they voted in the affirmative or negative.
- (3) A division may only be called on a substantive motion or question and not on an amendment.

Points of order

- 236. (1) The Chairperson is the final arbiter of all points of order.
- (2) The Chairperson must give reasons for the decision.
- (3) A point of order may be taken on the grounds that the matter is -
 - a) contrary to the Local Law;
 - b) defamatory;
 - c) irrelevant;
 - d) outside the Council's or Committee's power; or
 - e) improper.
- (4) A Member called to order shall cease speaking unless permitted to explain.

Time limits

- 237. No person may speak longer than the time set out below unless granted an extension by the meeting.

The mover of a motion	5 minutes
The mover of an amendment	3 minutes
Any other Member	3 minutes
The mover of a motion making a final statement	3 minutes

Right to make a statement

- 238 (1) Subject to sub-clause 238(2) a Councillor or member of Council staff may make a statement in response to comments made or reported as having been made about them by a member of the public, a Councillor or any other party – in any media or forum

Glen Eira City Council Local Law 2009

– which the Councillor or member of Council staff believes requires correction in order to balance the views the public might otherwise form.

- (2) The statement may be made in writing and included in the notice paper for the next ordinary meeting of Council or may be made at the Meeting.
- (3) Notice of the intention to make a Statement and the comments to which the statement will respond must be given to all Councillors by noon on the day of the Meeting. If the comments are made after noon on the day of the meeting, notice shall be given as soon as practicable
- (4) No debate will be permitted on a statement made under this clause.

Close of meeting

- 239.
- (1) All meetings of Council and Committees must cease no later than 10:00 pm on the day of the meeting, except where the Council or Committee resolves to extend the time of the meeting to 11:00 pm.
 - (2) If, upon the cessation of the Council or Committee meeting under clause 239(1) the business of the meeting as provided for in the agenda for that meeting has not been completed, the meeting must stand adjourned to a time, date and place announced then and there by the Chairperson. Such meeting can recommence not earlier than 7:30 am the following day and not later than 7 calendar days after the adjournment.

Adjournment of meetings

- 240.
- (1) A meeting of the Council or of a Special Committee may be adjourned by the moving and passing of a motion to adjourn, except where clauses 239(2) or 240(3) apply.
 - (2) If a meeting is adjourned for any reason under clause 240(1), the motion must be to reconvene within half an hour of the adjournment or to another day. The meeting cannot be adjourned for more than seven (7) calendar days.
 - (3) Subject to clause 239(1) the Chairperson may adjourn a meeting for up to one hour, if that meeting is excessively disorderly and he or she is unable to restore order. Under this sub-clause, the meeting cannot be adjourned to another day.

Voting

241. The Council or Committee shall vote by a show of hands. Subject to section 90 of the *Local Government Act 1989*, if there is an equality of votes the Chairperson has a second vote.

Conflict of interest

242. The conduct of Councillors and Members of a Special Committee and conflicts of interests of such persons are regulated under Part 4 Division 1A of the *Local Government Act 1989*.

Maintaining a quorum

243. If during the course of a Council or Special Committee meeting it becomes apparent to the Chairperson that it will not be possible to maintain a quorum because one or more of the Members present is prohibited from voting because of having a conflict of interest in an item of business, that item of business will lie on the table.

Removal from meeting room

244. The Chairperson may ask any Authorised Officer or police officer to remove any person from a room in which a meeting of Council or a Special Committee is being held, if the Chairperson determines that the person is behaving in an improper or disorderly manner and so interrupting the orderly and lawful process of the meeting.

Responsibility

245. (1) Chairpersons of meetings are responsible to ensure the Local Law is adhered to during conduct of a meeting.
- (2) The Chief Executive Officer is responsible to ensure notices, advertising and minuting of Council meetings are in accordance with both this Local Law and statutory requirements.

Offences

246. (1) Any person who:
- (a) is not a Member of the Council or a Committee;
 - (b) engages in any improper or disorderly conduct; and
 - (c) who does not leave the room in which the Council or Committee is meeting when requested to do so by the Chairperson,

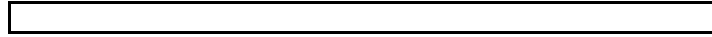
shall be guilty of an offence.

Penalty 5 units.

- (2) Any Member who:
- (a) uses disorderly language; and
 - (b) has been twice called to order or to apologise for such conduct; and
 - (c) refuses to come to order or apologise (as the case may be),

shall be guilty of an offence.

Penalty 5 units.



PART 3 - PERMIT REQUIRED

Purpose

- 300.
- (1) To regulate, through a Permit system, activities, works, buildings, events, the keeping of domestic pets and animals, and behaviour.
 - (2) In considering whether a Permit should be granted, regard will be had to any adverse consequences that may result from the grant or refusal of that Permit. A performance-based approach will be applied by Council when assessing Permit applications, and conditions of Permit will be designed to ensure that any potential detriment that could arise as a consequence of granting the Permit is minimised.
 - (3) In assessing all Permit applications, the aim of Council is to protect residential amenity and ensure reasonable levels of environmental health and safety.

Permit requirement

301. Each of the matters or activities in clauses 304 to 332 (inclusive) of this Local Law is prohibited unless a Permit has been granted to permit that matter or activity. The process for obtaining a Permit is set out in Part 6 of the Local Law.

Failure to obtain a Permit

302. A Person who conducts or carries out any matter or activity or causes or permits any other Person to conduct or carry out any matter or activity described in clauses 304 to 332 (inclusive) of this Local Law without a Permit is guilty of an offence under that clause. The penalty for each offence is set out in the corresponding clause.

Direction

303. The Council or an Authorised Officer may, in its discretion and without limiting its right to prosecute for an offence, issue a direction requiring a Person:
- (1) to cease any matter or activity conducted or carried out without a Permit in breach of clauses 304-332; or
 - (2) to undertake any works or to do specified things within a specified time to remedy a breach of this Local Law or to otherwise comply with the Local Law.

The direction may be issued in writing in the form of a written notice to comply.

Tapping into drains

304. Tapping into a Council drain.

Penalty: 10 Penalty Units

Interference with waterways

305. Interfering with or altering any Council owned or managed waterway, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or fence.

Penalty: 10 Penalty Units

Lighting fires

306. Lighting a Fire or allowing it to remain alight in the open air on any land except in a Barbecue or for the purpose of religious practices.

Penalty: 10 Penalty Units

Mobile machinery

307. Using any mobile crane, scissor lift, fork lift, boom, concrete line pump and tackle or hoist on any Road or Council Land.

Penalty: 10 Penalty Units

Bulk Containers

308. Placing, leaving or permitting to be placed or left on a Road or Council Land any:-

(1) bulk rubbish container;

(2) shipping container; or

(3) similar receptacle that encroaches on or obstructs the free use of a Road or Council Land or that reduces the breadth or confines the limits of a Road or Council Land.

Note: Council issued rubbish bins of 240 litres or less are not bulk rubbish containers for the purposes of this clause 308.

Penalty: 10 Penalty Units

Clothing bins

309. Placing a recyclable clothing bin on any Road or Council Land.

Penalty: 3 Penalty Units

Camping, caravans, campervans and shipping containers

310. Pitching a tent, erecting any temporary or permanent shelter or placing and occupying a caravan, campervan or shipping container on any, Council Land, public or private land for the purpose of camping or living. This law does not apply to the erection (with the land owner's consent) of a temporary shelter to facilitate the preparation of meals associated with a religious practice or festival for a period not exceeding twenty-one days.

Penalty: 3 Penalty Units

Supply and consumption of Liquor

311. Supplying or consuming Liquor on any Council Land or Road as part of or in conjunction with an activity involving 40 or more people (whether or not all of the people are involved in the consumption of Liquor). This law does not apply:

- (1) where a licence (other than a limited licence) has been issued for the activity under the *Liquor Control Reform Act 1998* or the Council has consented to the issue of a limited licence for the activity under that Act;
- (2) where the activity forms part of an authorised activity under a lease or licence granted by Council, or under a planning Permit issued by the Council in its capacity as responsible authority under the Glen Eira Planning Scheme; or
- (3) where clause 422 applies.

Penalty: 5 Penalty Units

Vehicles in Public Reserves

312. Riding, driving, stopping or parking of any motorised Vehicle in a Public Reserve except in a designated area. This law does not apply to Council Vehicles, motorised electric scooters used by disabled persons, the wheeling of bicycles or prams, wheelchairs or children's toys.

Penalty: 3 Penalty Units

Sale of goods and collection of money

313. Conducting or attempting to conduct activities of Selling, collecting or soliciting goods or services (including food and drink), money or donations, on any Council Land or Road, or 'door to door' to households, including pledge programs, commercial activities in Public Reserves, itinerant sales, temporary stalls, hawkers and peddlers, or street appeals. This law does not apply to the authorised activities of the Council, public authorities and utility service providers in the exercise of their statutory functions or where the activity is authorised on Council Land under a lease or licence granted by the Council.

Penalty: 10 Penalty Units

Model aeroplanes

314. Flying or permitting to be flown any model aeroplane in a Public Reserve.

Penalty: 3 Penalty Units

Advertising signs and displays of goods on Roads and Council Land

315. Placing advertising sign/s or displaying any goods on a Road (including a footpath) or Council Land unless permitted under the Glen Eira Planning Scheme.

Penalty: 10 Penalty Units

Chairs, tables and furniture

316. Placing a chair, table or other furniture on any Road (including a footpath).

Penalty: 10 Penalty Units

Building materials and rubble

317. Placing of building material, building rubble, plant and equipment or a portable toilet on any Road or Council Land.

Penalty: 10 Penalty Units

Advertising and bill posting

318. Writing, placing or affixing any letter, figure, device, poster, sign or advertisement on any Building, fence or Council Premises, except where the activity is permitted under the Glen Eira Planning Scheme.

Penalty: 10 Penalty Units

Circuses, Carnivals and festivals

319. (1) Conducting a Circus, Carnival or festival on any land.
- (2) This clause does not apply in relation to a Circus or Carnival which is operated in compliance with the 'Good Neighbour Code of Practice for a Circus or Carnival, April 1993', or where permitted under the Glen Eira Planning Scheme.

Penalty: 10 Penalty Units

Keeping dogs and cats

320. Subject to clauses 425 and 426, keeping more than two dogs or more than two cats over the age of 3 months on any one Property.

Penalty: 5 Penalty Units

Keeping poultry

321. Subject to clauses 425 and 426 keeping more than six Poultry.

Penalty: 5 Penalty Units

Keeping pigeons

322. Subject to clauses 425 and 426 keeping more than 20 pigeons.

Penalty: 2 Penalty Units

Keeping horses, cattle, sheep, pigs and general livestock

323. Keeping any horse, cattle, sheep, pigs or general livestock.

Penalty: 5 Penalty Units

Shooting and snaring birds and animals

324. Shooting or snaring any bird or animal on Council Land.

Penalty: 10 Penalty Units

Busking

325. Busking on any Road (including footpath) or Council Land.

Penalty: 5 Penalty Units

Organised activities

326. Participating in, or allowing, a formal, structured or organised sporting activity, including practice, or being responsible for organising a structured social activity such as a wedding or concert, on Council Land other than in designated locations.

Direction: A direction issued under clause 303 in respect of a breach of this clause may include, but is in no way limited to, a direction requiring a Person participating in or allowing a formal, structured or organised sporting activity on Council Land without a Permit to immediately cease the activity and leave the Council Land.

This clause should not unreasonably capture smaller informal groups.

Penalty: 3 Penalty Units

Planting on nature strips

327. Planting any tree on a nature strip.

Penalty: 2 Penalty Units

Building over easements

328. Causing or permitting any Building or structure to be built, or any filling to be placed, on land over which an easement exists in favour of Council.

Direction: A direction issued under clause 303 in respect of a breach of this clause may include, but is in no way limited to, a direction requiring the owner of any Property to remove any tree, Building or structure that is obstructing or damaging Council's works, assets or infrastructure within the easement.

Penalty: 2 Penalty Units

Asset protection

329. A Person in charge of a Building Site within the Municipal District (other than a site where only Minor Building Works will be undertaken) must obtain an asset protection Permit before commencing or allowing to be commenced, any Building Works.

Penalty: 2 Penalty Units

Building Site Management

330. A Person in charge of a Building Site (other than a Building site where only Minor Building Works will be undertaken) within the Municipal District must comply with any requirements imposed by the Building Site Management Code of Practice as adopted from time to time. The Building Site Management Code of Practice, as adopted from time to time, is incorporated into this Local Law by reference and must be read as part of this Local Law.

Penalty: 2 Penalty Units for a contravention of the Building Site Management Code of Practice

5 Penalty Units for a contravention which requires action to be taken under clause 807(b) of this Local Law, if the contravention is a first offence

10 Penalty Units for a contravention which requires action to be taken under clause 807(b) of this Local Law, if the contravention is a second offence

Filming

331. Filming on Council Land, other than filming for the purposes of private use.

Penalty: 2 Penalty Units

Polluting storm water drains

332. Causing or permitting any substance, other than storm water, to be discharged into the storm water system.

Penalty: 5 Penalty Units



PART 4 - PROHIBITED

Purpose

400. To prohibit activities, works, buildings, events, the keeping of animals or domestic pets and behaviour considered detrimental to residential amenity or contrary to maintenance of reasonable levels of environmental health and safety.

Prohibited matters and activities

401. Each of the matters or activities in Clauses 404 to 431 (inclusive) of this Local Law is prohibited.

Offence

402. A person who conducts or carries out any matter or activity or causes, permits or allows any other person to conduct or carry out any matter or activity described in clauses 404 to 431 (inclusive) of this Local Law is guilty of an offence under that clause. The penalty for each offence is set out in the corresponding clause.

Direction

403. The Council or an Authorised Officer may, in their discretion and without limiting a right, power or duty to prosecute for an offence, issue a direction requiring a person:

- (1) to cease any prohibited matter or activity; or
- (2) to undertake any works or to do specified things within a specified time to remedy a breach of this Local Law or to otherwise comply with the Local Law.

The direction may be issued in writing.

Inappropriate behaviour on Council Land and Roads

404. Behaving in an offensive or disorderly manner on Council Land or Roads, contrary to law or, where applicable, contrary to the Code of Conduct as adopted by Council from time to time. The Code of Conduct, as adopted from time to time, is incorporated into this Local Law by reference and must be read as part of this Local Law.

Direction - A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction to offenders to cease the use or activity and/or leave the Council Land or Road.

Penalty: 3 Penalty Units

Informal sport and games which unreasonably affect other users of Council Land

405. Participating in or allowing informal sporting activities (including practice) and games on Council Land so as to unreasonably interfere with the use and enjoyment of the Council Land by any other person.

Penalty: 3 Penalty Units

Interference with authorised activities and sport within Public Reserves

406. Interfering in an unreasonable way or remaining in a location set aside for an activity on Council Land that is authorised by Council, including under clause 326 of this Local Law.

Penalty: 3 Penalty Units

Animal litter

407. (1) As a person who has an animal under his or her care for the time being, on any Council Land or Road, including a footpath and nature strip allowing the animal's feces to remain on any Council Land or Road, including a footpath or nature strip.

(2) It is no defence to a breach of clause 407(1) for a person to fail to carry a receptacle, dispenser, bag or other similar device designed for or able to be used for the purpose of removing the animal's feces.

Penalty: 5 Penalty Units

Shopping trolleys

408. Leaving a shopping trolley in any car park, Road, or Public Place (other than in an area designated for the leaving of shopping trolleys).

Direction - A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction to the owner of a shopping trolley to remove the trolley in default of which the trolley may be impounded.

Penalty: 2 Penalty Units

Repairing and sale of Vehicles on Roads

409. Offering for sale, painting, dismantling or repairing any Vehicle on any Road or Council Land, except for such repairs as are necessary to enable the Vehicle to be removed.

Penalty: 10 Penalty Units

Fire hazards

410. Owning or occupying a Property that constitutes a Fire hazard because of vegetation, paper, combustible substance or any other material.

Penalty: 10 Penalty Units

Dangerous Property

411. Owning or occupying a Property that constitutes a danger including because of vermin, noxious weeds, storage of certain materials, liquids or any other substance.

Penalty: 10 Penalty Units

Unsightly Property

412. Owning or occupying any Property which is unsightly.

A Property is unsightly for the purposes of this clause if it contains any one or more of the following:

- (1) unconstrained rubbish;
- (2) excessive vegetation growth;
- (3) a disused excavation;
- (4) waste material;
- (5) a Building or other structure which is dilapidated;
- (6) a Building which is incomplete and not currently being constructed;
- (7) a Building or other structure or thing which is detrimental to the amenity of the area;
- (8) graffiti on any Building, structure or boundary fence; or
- (9) Junk which is detrimental to the amenity of the area.

Direction – A direction issued under clause 403 to the owner and/or occupier of the Property in respect of a breach of this clause may include, but is in no way limited to, a direction to remove or demolish:-

- any dilapidated Building or other structure; or
- any Building or other structure or thing or Junk which is detrimental to the amenity of the area.

Penalty: **8 Penalty Units**

Pedestrian safety

413. Owning or occupying a Property from which trees, plants, shrubs or any other thing overhang or encroach on any Road (including footpath) at a height of less than 3 metres or from which a gate obstructs any Road or footpath.

Penalty: **8 Penalty Units**

Trees, plants and other structures causing a potential hazard to traffic

414. An owner or occupier of Property who permits trees, plants or any other structure (including without limitation signage) on that Property to cause a traffic hazard by preventing a clear view of Vehicles or traffic related signs or signals.

Direction - A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction to the owner or occupier to undertake works to address this issue within a prescribed time.

Penalty: **5 Penalty Units**

Rubbish

415. Placing or leaving rubbish, litter, abandoned property or other waste or pollutants on any Council Land, Road or Public Reserve except in receptacles provided or in accordance with Council's rubbish collection procedures.

Penalty: 2 Penalty units

Incinerators

416. Constructing, erecting, installing or using any Incinerator on any Property in a Residential Area.

Penalty: 10 Penalty Units

Abuse and misuse of mobile garbage bins and containers for recyclables

417. Abusing or misusing mobile garbage bins and/or containers for recycling, or non-compliance with the Council policy for the use of such bins and containers as adopted from time to time. The Council policy for the use of mobile garbage bins and recycling containers, as adopted from time to time, is incorporated into this Local Law by reference and must be read as part of this Local Law.

Penalty: 2 Penalty Units

Smoking

418. Smoking as follows:

- (1) on or within any Council Premises or in any Council Vehicle; or (2)
when entering any Council Premises or any Council Vehicle.

Direction - A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction to a person to immediately cease smoking.

**Penalty: 1 Penalty Unit for an initial offence
3 Penalty Units for a subsequent offence**

Crossings no longer required

419. An owner of Property retaining a Vehicle crossing which is no longer required.

Direction - A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction to the owner of the land to which the crossing relates to remove the crossing and to reinstate or reconstruct the kerb and channel and footpath.

Penalty: 5 Penalty Units

Numbering of Properties

420. An owner or occupier of Property failing to maintain and display the number of the Property (being the street number, or other number allocated to the Property by the Council and commonly used to identify the Property) on the Property or on a fixture associated with the Property, so that the number can be readily seen and is clearly identifiable from the Road adjacent to the Property.

Penalty: 2 Penalty Units

Overdue library books

421. (1) Failing to return to a library operated by or on behalf of the Council, any material (including books, journals, cassette tapes, etc) borrowed from the library after any return date or expiry date notified at the time of borrowing or as set out in any subsequent reminder notice.
- (2) A person is not guilty of an offence under this Local Law if the person has lost or damaged the borrowed material and paid to the Council the replacement cost of the borrowed material.

Direction: A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction to a person requiring the immediate return of any borrowed material.

Penalty: 2 Penalty Units for an initial offence

5 Penalty Units for a subsequent offence

The penalty is payable in addition to any late fees or fine imposed by the library in accordance with its regulations, or any action to recover the borrowed material or damages commensurate with its value.

Caulfield Alcohol Free Zone

422. Except where premises are licensed under the *Liquor Control Reform Act 1998*, a person must not:
- (a) take any Liquor;
 - (b) consume any Liquor; or
 - (c) possess any Liquor in an unsealed container;
- at any Public Place in the Caulfield Alcohol Free Zone on Race Meeting Days.

Penalty: 5 Penalty Units

Aerosol paint containers

423. A Person who owns, operates or manages a business in the Municipal District which offers aerosol paint containers (as defined in the *Graffiti Prevention Act 2007*) for sale must ensure that the aerosol paint containers are stored:
- (1) in a secure area which is accessible only to the owner and staff of the business; and
 - (2) so that they are not visible from publicly accessible areas.

Penalty: 5 Penalty Units

Direction: A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction that aerosol paint containers that are stored or displayed contrary to this

clause be removed from any area which is visible or accessible to members of the public.

Defacing any advertising or bill posting

424. Defacing any letter, figure, poster, sign or advertisement on Council Land, except where the activity is authorised under a planning permit or enactment.

Penalty: 10 Penalty Units

Unsatisfactory Fowl Houses, Kennels, Pigeon Lofts and animal enclosures

425. Keeping Fowl Houses, Kennels, Pigeon Lofts and animal enclosures which are unsatisfactory because they are not:

- (1) kept clean and free of odour at all times;
- (2) constructed and maintained in a manner so as to prevent vermin;.
- (3) constructed of suitable material to enable cleansing; or
- (4) generally able to prevent detriment to neighbouring or nearby properties.

Penalty: 5 Penalty Units

Animals and amenity

426. Keeping any animal if there is a loss of or adverse impact on residential amenity by reason of odour, existence of vermin or the like.

Penalty: 2 Penalty Units

Animals and adequate fencing

427. An owner or occupier of Property on which a dog is kept who fails to ensure that the Property is adequately fenced so as to prevent the dog's escape from the Property.

Penalty: 2 Penalty Units

Damage, destruction or interference with Council Land

428. Subject to the terms of any Permit issued pursuant to this Local Law:-

- (1) damaging, destroying or interfering with; or
- (2) procuring or permitting the damage to, destruction of or interference with,

any Council Land or infrastructure that is owned, controlled or managed by Council.

Direction: A direction issued under clause 403 in respect of a breach of this clause may include, but is in no way limited to, a direction to any offender to remedy or rectify any breach or, where an offender has acted

under instructions from a Property owner, then a direction may be served on that Property owner.

Penalty: 10 Penalty Units

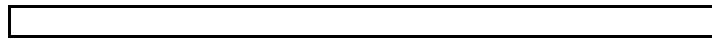
Damage, destruction or interference with Roads

429. (1) Planting any tree or plant on a nature strip where it causes a nuisance, poses a safety or health hazard or unreasonably interferes with access or visibility to a;
- (2) damaging, destroying or interfering with; or
- (3) procuring or permitting damage to, destruction of or interference with,

a Road, footpath, kerb and channel, crossing, road signs, traffic management device or a nature strip , except as permitted by the Glen Eira planning scheme or a Permit issued pursuant to this Local Law.

Note: Nothing in this clause is intended to require a person to obtain a Permit or prohibit a person from planting a plant (other than a tree) on a nature strip unless such planting breaches clause 429(1).

Penalty: 10 Penalty Units



PART 5 - PARKING SCHEMES

DIVISION 1 - PARKING SCHEMES

Purpose

500. The purpose of this Part is to control the issue of parking Permits.

Residential parking schemes

501. Council may set aside an area as a resident parking area. A person whose principal place of residence is within an area set aside as a resident parking area may apply for a resident parking Permit and visitors parking Permit(s) in accordance with Council Policy Parking Permit System as adopted by Council from time to time. The Council Policy Parking Permit System, as adopted from time to time, is incorporated into this Local Law by reference and must be read as part of this Local Law.

Tradesperson parking scheme

- 502.
- (1) A tradesperson engaged in Building Works or maintenance of a Building in an area set aside as a resident parking area may apply for a tradesperson parking Permit for that area, in accordance with Council Policy Parking Permit System as adopted by Council from time to time.
 - (2) The owner of a Building Site or Building subject to maintenance works in an area set aside as a resident parking area may apply for up to two (2) tradesperson parking Permits for that area, in accordance with Council Policy Parking Permit System as adopted by Council from time to time.
 - (3) A tradesperson engaged in emergency repairs or maintenance in a commercial area, or the owner of a Property in a commercial area, that is subject to such emergency repairs or maintenance, may apply for a temporary tradesperson parking Permit(s) in accordance with Council Policy Parking Permit System as adopted by Council from time to time.

Conditions of parking Permits

- 503.
- (1) Council may issue a parking Permit subject to conditions which Council considers appropriate to:
 - (a) provide that the parking Permit authorises parking within a limited area around the person's residence or site of Building Works, maintenance or emergency repairs as relevant;
 - (b) specify the period for which the parking Permit is valid; and
 - (c) provide for the orderly regulation of parking within the Municipal District.
 - (2) A parking Permit provides that, subject to the conditions of the parking Permit, a Vehicle displaying the Permit is permitted to park in an area set aside as a resident parking area regardless of the parking periods prescribed for the area by Council from time to time excluding periods prescribed of one hour or less.

Offences and penalty

504. It is an offence to park a Vehicle contrary to a disabled parking sign or a parking period sign in an area set aside as a resident parking area, or to use a parking Permit contrary to the conditions set out in the parking Permit.

Penalty: 2 Penalty Units

DIVISION 2 - TICKET PARKING AREAS

Signs Indicating ticket parking

520. Where a sign marking any parking area displays the words "Ticket Parking" or otherwise indicates that a fee is to be paid by means of a ticket dispensing machine, the fee shall be paid by the insertion of the necessary money, tokens or card in a ticket dispensing machine provided for the parking area.

Validity of tickets

521. (1) Each ticket issued by a ticket dispensing machine shall be valid only for parking in the area in connection with which the machine is used and for a period for which the fee represented on the ticket has been paid.
- (2) Where a person obtains a ticket or tickets from a ticket dispensing machine, the ticket or tickets are valid only for the date and for the period designated on the ticket.
- (3) Where a sign marking any parking area designates the maximum daily parking period for that parking area, no ticket or combination of tickets purchased from a ticket dispensing machine permits parking for a period in excess of that maximum.

Display of tickets

522. Every ticket obtained from a ticket dispensing machine shall be displayed on the Vehicle by being placed against or adjacent to the interior of the windscreen so that all writing and imprinted words, figures and symbols appearing on the side of the ticket bearing the date, time of issue and expiry of the ticket are capable of being clearly read by a person standing beside the Vehicle.

Offences

523. Any person who parks a Vehicle in an area designated as "Ticket Parking" during a period in which a ticket is required, without displaying a valid ticket for the entire period in which the Vehicle is parked in the area, commits an offence.

Penalty: 3 Penalty Units

DIVISION 3 - PARKING PERIODS

Parking beyond the time allowed

524. Where a sign marking a parking area or 'Ticket Parking' area sets a maximum parking period or maximum daily parking period for that parking area, a person who leaves a Vehicle standing in that parking area (whether unattended or not) during a period in which that maximum applies, for a period in excess of the stated maximum, commits an offence.

Penalty: 1 Penalty Unit



PART 6 - PERMIT PROCESS

Purpose

600. The purpose of this Part is to provide the method for obtaining Permits, including parking Permits, under other provisions of the Local Law.

Applications

601. A Person seeking to do anything for which a Permit is required under this Local Law must apply to the Council and enclose the relevant fee.

Fee

602. The fee which is payable on application is that determined by resolution of Council from time to time, unless waived (in whole or in part) at Council's discretion under section 113(3) of the *Local Government Act 1989*. A schedule of the fees can be obtained from Council's Local Law officers.

Further information

603. Council may require the applicant to provide further information before it deals with the application.

Notice

604. Council may require the applicant to give notice of the application for a Permit in the manner specified by Council. Council may require the notice to state that submissions in respect of the application may be made to Council, and to specify the form or period in which submissions may be made.

Conditions of Permit

605. (1) Council may grant the Permit subject to such conditions as it thinks fit including:
- (a) a condition that specified things are to be done to the satisfaction of Council;
 - (b) a condition that the Permit is not to come into effect unless a specified Permit is cancelled or amended;
 - (c) in relation to a Permit required by Part 3 of this Local Law which is stated to be for a use for a specified time, a condition that -
 - (i) the activity or matter authorised by the Permit is to cease or be removed from the premises to which the Permit relates at the end of the specified time; and / or
 - (ii) the premises to which the Permit relates is to be restored to a specified state at the end of the specified time;
 - (d) in the case of a parking Permit under Part 5 of this Local Law, conditions as provided in clause 503.

- (2) In deciding whether to impose a condition on a Permit, Council must have regard to the purposes of this Local Law set out in clause 101 and to the purposes set out in clauses 300 or 500 as relevant.

When does a Permit commence?

606. A Permit commences on the date specified in the Permit or, if no date is specified, the day on which it is issued.

When does a Permit expire?

607. A Permit expires on the date specified on the Permit or, if no date is specified, one year after the commencement of the Permit.

Consideration of applications

608. In considering an application for a Permit Council may consider:
- (1) the purposes of this Local Law set out in clause 101 and clauses 300 or 500 as relevant;
 - (2) any policy or guidelines adopted by Council relating to the subject matter of the application for the Permit;
 - (3) any submission that may be received in respect of the application;
 - (4) any comment that may be made in respect of the application by any public authority, government department or community organisations; and
 - (5) any other relevant matter.

Correction of Permit

609. Council may correct a Permit issued if the Permit contains:
- (1) a clerical mistake or an error arising from any accidental slip or omission; or
 - (2) an evident material miscalculation of figures or an evident material mistake in the description of any Person, thing or Property referred to in the Permit.

Grounds for cancellation or amendment of Permits

610. Council may cancel or amend any Permit if it considers that there has been:
- (1) a material mis-statement or concealment of fact in relation to the application for a Permit;
 - (2) any substantial failure to comply with a condition of the Permit;
 - (3) any material mistake in relation to the grant of the Permit; or

- (4) any material change of circumstances which has occurred since the grant of the Permit.

Change to Permits

611. Council may, pursuant to clause 609 or clause 610 as applicable, correct, cancel or amend the Permit at the request of any Person or at its own initiative.

Delegations

612. Council may delegate to an Authorised Officer its powers in respect of issuing, amending or cancelling Permits.

Transfer of Permits

613. No Permit shall be transferable by any holder to any other Person without the consent of Council.

Offences

614. (1) Any Person who obtains or attempts to obtain a Permit by wilfully making or causing to be made any false representations whether oral or in writing is guilty of an offence.
- (2) Any Person who fails, neglects or refuses to produce a Permit issued under this Local Law when requested to do so by an Authorised Officer, Council, a police officer or member of the fire brigade is guilty of an offence.
- (3) Any Person who fails to comply with the conditions of a Permit under these Local Laws (other than a failure to comply with a parking Permit, which is provided for in clause 504) is guilty of an offence.

Penalty: 10 Penalty Units

Impounding

615. (1) If any goods, items or material are placed on any Council Land or Road in a manner for which a Permit is required under this Local Law, but no Permit has been obtained, an Authorised Officer may impound such goods, items or material.
- (2) In addition to any penalty prescribed in this Local Law for an offence relating to goods, items or material impounded under subclause 615(1), Council may charge an appropriate fee for the release of such impounded material.



**PART 7 - INFRINGEMENT
NOTICES**

Purpose

700. The purpose of this Part is to provide for infringement notices relating to offences under this Local Law.

Persons who may issue an infringement notice

701. Where an Authorised Officer has reason to believe that a Person is guilty of an offence or offences under this Local Law, the Authorised Officer may issue and serve on that Person an infringement notice.

Do you have to accept the infringement notice?

702. A Person issued with an infringement notice is entitled to disregard the infringement notice and defend a prosecution for the offence to which the notice relates in court.

How is payment to be made?

703. If a Person issued with an infringement notice pays the penalty indicated on the infringement notice to Council within 28 days from the date of the issue of the infringement notice, the offence is expiated and the Person will not be prosecuted for the offence.

Can Council waive the infringement notice?

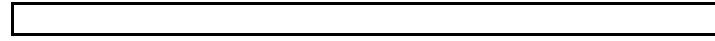
704. Council may, following consideration of correspondence from any Person issued with an infringement notice, waive the infringement notice.

Penalty by infringement notice

705. The amount of penalty indicated on the infringement notice will be the greater of:
- (a) 25% of the maximum penalty stated in this Local Law for the offence to which the infringement notice relates; and
 - (b) \$50.00.

Service of infringement notice

706. An infringement notice may be served:
- (a) by personally serving it on the alleged offender;
 - (b) by sending it by post addressed to the alleged offender at their last known place of residence or business;
 - (c) as permitted by the *Corporations Act 2001* (Cth);
 - (d) as permitted by the Rules of the Supreme Court of Victoria;
 - (e) in any other manner permitted by law; or
 - (f) in the case of an offence under clause 504, 523 or 524, by affixing the infringement notice to a conspicuous part of the offending Vehicle at the time that the infringement notice is issued.



PART 8 - ENFORCEMENT
(OTHER THAN BY INFRINGEMENT NOTICES)

Purpose

800. To provide for enforcement of this Local Law other than by infringement notices under Part 7.

Offences and penalties

801. Any person who (whether wilfully or not) fails to do anything directed to be done under this Local Law (including a direction under clauses 303 or 403) is guilty of an offence.

Penalty: 10 Penalty Units

Giving name and address

802. A person whom an Authorised Officer has reason to believe is guilty of an offence or offences under this Local Law must not refuse or fail to state his or her name and address or state a false name or address.

Penalty: 10 Penalty Units

Proceeding for enforcement

803. Any Authorised Officer may institute proceedings in the name of Council for the enforcement of this Local Law or the recovery of any penalty in relation to any offence under the Local Law.

Application for injunction

804. Any Authorised Officer may apply to a Court of competent jurisdiction for a declaration or an injunction to prevent any act or threatened act which is or would be contrary to this Local Law.

Additional penalty for continuing offence

805. In addition to any penalty imposed pursuant to the *Local Government Act 1989* or this Local Law for a contravention of this Local Law, a penalty not exceeding **two Penalty Units** shall apply for each day after conviction for an offence during which a contravention of the Local Law continues.

Recovery of costs

806. In addition to any penalty imposed pursuant to the *Local Government Act 1989* or this Local Law for a contravention of this Local Law, Council shall be entitled to recover from the offender any expense, damage or loss, incurred by the Council in consequence of the contravention or in prosecution of the offence.

Enforcement of Building Site Management Code of Practice

807. (1) Where an Authorised Officer has reason to believe that a Person has not complied with their obligations under the Building Site Management Code of Practice in contravention of clause 330 of this Local Law, the Authorised Officer may issue that Person with a notice to comply.

Glen Eira City Council Local Law 2009

- (2) Where an Authorised Officer considers that urgent action is necessary to prevent any danger to the environment or any nuisance arising from a contravention of the Building Site Management Code of Practice, the Chief Executive Officer or his/her delegate, not being the Authorised Officer administering this clause, may approve such action as is considered necessary to cause the immediate abatement or minimisation of the risk or danger involved.
- (3) If such action is taken under subclause 807(2), a notice must be served on the owner or builder of the Building Site or their authorised agent setting out details of the circumstances and action taken in response.

MOBILE GARBAGE BINS AND RECYCLING CONTAINERS

POLICY NUMBER:	Council Policy 8.6
ADOPTED BY:	Glen Eira City Council
DATE ADOPTED:	15 December 1998
DATE AMENDED:	24 November 2009
REFERENCE IN LOCAL LAW 2009:	Clause 417

1. Objective

The objective of the policy is to:

- 1.1 enhance the streetscape by limiting the times for which a Mobile Garbage Bin or Recycling Container can remain in the street;
- 1.2 reduce litter caused by poor presentation of a Mobile Garbage Bin or Recycling Container, or its contents;
- 1.3 prevent damage to a Mobile Garbage Bin or Recycling Container or the collection equipment;
- 1.4 define what materials may be placed in a Mobile Garbage Bin or Recycling Container for collection; and
- 1.5 define an Owner's responsibilities in respect of Mobile Garbage Bins and Recycling Containers.

2. Policy

2.1 Definitions

- 2.1.1 Mobile Garbage Bin (**MGB**): The receptacle provided by Council or private collection agency for the storage and collection of garbage.
- 2.1.2 Recycling Container: The receptacle provided by Council or private collection agency for the storage and collection of recyclables.
- 2.1.3 Garbage: Any refuse that would usually accumulate during the period of one week in or about tenements within the municipality which is not prohibited waste.
- 2.1.4 Recyclables: Any material deemed by Council as being suitable for its kerbside recyclables collection.
- 2.1.5 Prohibited Waste:
 - Building rubble;
 - mechanical parts;
 - liquid waste;

- any waste listed in schedule 1 of the Environment Protection Authority (Prescribed Waste) Regulations 1998, including sewerage, paint, oil or hazardous chemicals; and
- any other material likely to damage the MGB or collection equipment.

2.2 Requirements

- 2.2.1 It is the responsibility of the Owner of Premises to ensure that the requirements of this policy are complied with.
- 2.2.2 Only garbage shall be placed in the MGB for collection.
- 2.2.3 Only recyclables shall be placed in a Recycling Container.
- 2.2.4 The total weight of garbage and Council MGB shall not exceed 75 kgm.
- 2.2.5 Moist waste, ashes, dust or other light material must be securely wrapped to prevent litter during the collection process.
- 2.2.6 When placed out for collection the lid of the MGB must be completely closed.
- 2.2.7 When placed out for collection the MGB should be as near as practicable to the kerb, with the wheels facing the property and have at least 0.5 metres clearance from any obstruction, overhanging tree, other MGB or recycling crate.
- 2.2.8 MGB's and recycling containers must be placed out for collection, no earlier than 4:00 PM on the day before, and no later than 6:00AM on the day of, the scheduled collection day.
- 2.2.9 After collection MGB's and Recycling Containers from residential properties must be returned to the property on the day of the collection.
- 2.2.10 After collection MGB's and recycling containers from commercial properties must be returned to the property before 12:00 noon on the day of the collection.
- 2.2.11 A MGB should not be used for any other purpose than for the storage and collection of garbage.
- 2.2.12 A Recycling Container should not be used for any other purpose than for the storage and collection of Recyclables.
- 2.2.13 MGB's and Recycling Containers must be maintained in a clean and sanitary condition.

BUILDING SITE MANAGEMENT CODE OF PRACTICE

POLICY NUMBER:	Council Policy 12.9
ADOPTED BY:	Glen Eira City Council
DATE ADOPTED:	24 November 2009
REFERENCE IN LOCAL LAW 2009:	Clause 330

PART 1 – INTRODUCTION

1.1 Objective

The objective of this policy is to:

- (1) encourage the better management of Building Sites and amenity issues arising from building site activity preventing the escape of Potential Stormwater Pollutants from Building Sites;
- (2) provide a physical environment which aims to minimise hazards to health amenity and safety of persons attending Building Sites and those adjacent, opposite or passing building sites;
- (3) define the standards to which persons engaged in Building Works or landscaping should adhere; and
- (4) educate and encourage persons involved in Building Works or landscaping to act responsibly to reduce the extent of litter and pollution for the benefit of the wider community.

1.2 Definitions used in this policy

Terms defined in the Local Law 2009 have the same meaning as in that Local Law.

'Appointed Agent' means the person authorized in writing by an Owner of a Building or land to make an application, appeal, referral or representation on their behalf.

'Builder' means a person who has been nominated as the builder on the building permit, and if no such application has been made, the Person in Charge of the Building Works or landscaping being carried out.

'Builders' Refuse' includes any Potential Stormwater Pollutant, solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with Building Works or landscaping.

'Facility' means a suitable rubbish receptacle capable of restricting debris and other waste from leaving the Building Site.

'Minor Building Works' has the same meaning as in the Glen Eira Local Law 2009.

'Minor Landscaping Work' means landscaping valued at less than \$5,000.

'Owner' in relation to a building means the owner of land on which the Building is situated.

‘Potential Stormwater Pollutant’ means any material that upon entering the Stormwater System, degrades the quality of stormwater to the detriment of the environment, including litter, sediment, soil, mud, concrete and concrete washings, plaster, brick and tile dust, paint, thinners and acid.

‘Person in Charge’ means the Builder or the Owner or the person in control of the Building Site if that person is not the Builder or the Owner and in the case of a company each director of that company

‘Stormwater System’ means Stormwater System which provide for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

PART 2 - STORMWATER PROTECTION

- (1) Where any Building Works or landscaping is being carried out on any land, the Owner, builder or Appointed Agent must manage the Building Site to ensure:
 - (a) no Potential Stormwater Pollutant will escape from a Building Site; and
 - (b) any Potential Stormwater Pollutant is contained or stored in a manner such as to prevent it escaping from the Building Site.
- (2) Building Works must be contained entirely within the Building Site and/or within an area approved by Council or an Authorized Officer.

PART 3 - CONTROL OF BUILDERS' REFUSE

3.1 Containment of Builders' refuse

- (1) Where any Building Works or landscaping (other than Minor Building Works or Minor Landscaping Work) is being carried out on any land, the Owner, Builder or Appointed Agent must:
 - (a) ensure litter and rubbish from a Building Site or an approved area where Building Works or landscaping are being conducted does not escape the site or approved area;
 - (b) provide a Facility for the purpose of disposal of Builders' Refuse and to the satisfaction of Council, its size, design and construction will be at the discretion of the Builder;
 - (c) place the Facility on the land and keep it in place (except for such periods as are necessary to empty the Facility) for the duration of the Building Works or landscaping;
 - (d) not place the Facility on any Council Land, Road, bridge or ford, footpath, bicycle path or nature strip, or any culvert, kerbing or other land or works forming part of a Road without Council consent;
 - (e) empty the Facility whenever full and if necessary, a replacement Facility should be provided during the emptying process.
- (2) The requirement to provide a Facility may be waived at Council's discretion.

3.2 Disposal of Builders' Refuse

During Building Works or landscaping, the Owner, Builder or Appointed Agent must ensure that:

- (1) all Builders' Refuse which requires containment is placed in the Facility referred to in clause 3.1(1)(b);
- (2) Builders' Refuse is not deposited in, or on any land other than in accordance with clause 3.1; and

- (3) Builders' Refuse is not deposited in or over any part of the Stormwater System.

3.3 Removal of Builders' Refuse

- (1) On any land where Building Works or landscaping is being, or has been carried out, the Owner, Builder or Appointed Agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the Builders' Refuse in the Facility referred to in Clause 3.1, within 7 days of completion of the Building Works or landscaping or issue of an occupancy permit, whichever occurs last.
- (2) The driver of any vehicle involved in placing or removing Builders' Refuse facilities must access the Building Site by way of a temporary vehicle crossing unless otherwise permitted by Council and in accordance with that permission.

PART 4 – OFFENCES

Failure to comply with any provision of this policy, without obtaining a permit to do so, constitutes an offence under clause 330 of the Local Law 2009.

Council may issue a direction to an Owner, Builder or Appointed Agent to comply with this policy under clause 303 of the Local Law 2009 and it is an offence not to comply with such a direction.

In addition to its general powers to issue infringement notices and undertake enforcement proceedings, Council has power under clauses 806 and 807 of the Local Law 2009 to take urgent action to remedy breaches of this policy in some circumstances and to recover the costs incurred from the Owner, Builder or Appointed Agent.

CODE OF CONDUCT

POLICY NUMBER:	Council Policy 12.10
ADOPTED BY:	Glen Eira City Council
DATE ADOPTED:	24 November 2009
REFERENCE IN LOCAL LAW 2009:	Clause 404

1. Objective

To set out a code for appropriate conduct on Council Land, Council Premises and Roads within the Municipal District.

2. Policy

- 2.1 A person must not, on Council Land, Council Premises or a Road behave in an offensive or disorderly manner, which includes but is not limited to: -
- a) behaving in an indecent, offensive, insulting, threatening or riotous manner;
 - b) using indecent, offensive, insulting, threatening or abusive language;
 - c) acting in a manner that endangers any other person;
 - d) interfering with another person's use and enjoyment of any part of the Council Land, Council Premises or Road;
 - e) engaging in rough or boisterous play or conduct;
 - f) acting in a manner contrary to any restriction or prohibition contained in the inscription on a sign erected or authorised by the Council at, on or in the Council Land, Council Premises or Road;
 - g) except for a child under the age of six years in the care of a responsible person of the opposite gender, entering or using any dressing room, shower, convenience or other area which has been appropriated for persons of the opposite gender;
 - h) obstructing, hindering or interfering with any member of staff or representative of the Council in the performance of his or her duties.
- 2.1.1 The following persons may give directions in relation to the conduct of persons in or on relevant Council Land, Council Premises or a Road:-
- (a) an Authorised Officer of Council; or
 - (b) a member of staff or representative of the Council or firm engaged by Council in control of the relevant premises.
- 2.3 A direction under clause 2.2 may include, without limitation and whether or not a fee for admission to the premises has been paid, a direction to leave the premises. A person to whom a lawful direction is given under clause 2.2 must comply with the direction.
- 2.4 A person who behaves in a manner or carries out a matter or activity contrary to this Code of Conduct may be guilty of an offence under clause 404 of the Glen Eira Local Law 2009.

PARKING PERMIT SYSTEM

POLICY NUMBER:	Council Policy 13.6
ADOPTED BY:	Glen Eira City Council
DATE ADOPTED:	14 April 2003
DATE AMENDED:	24 November 2009
REFERENCE IN LOCAL LAW 2009:	Clauses 501 and 502

1. Objective

1.1 To provide a transparent, equitable and merit based system that allows:

- residents and their visitors access to on-street public car parking in the immediate vicinity of their home; and
- tradespersons in nominated streets in the municipality access to on-street public car parking in the immediate vicinity of a location at which they are working.

2. Policy

2.1 Eligibility and conditions of the parking permit system shall be in accordance with attachment A.

2.2 Inclusion of streets in the parking permit system is at the Council's discretion. Prior to exercising its discretion in respect of a street proposed for inclusion, Council must consult the residents of the street. In deciding whether to include a street, Council must consider:

- merit and strategic objectives; and
- the extent to which a proposed nomination would maintain equitable access to parking for all users.

* **Relevant Legislation:**

Local Government Act 1989
Glen Eira City Council Local Law 2009
Road Safety Act 1986
Road Rules Victoria

* **Relevant Community Plan Goal:** Enhance the quality of life in Glen Eira

* **Cross References to other Policies / Documents:** Attachment A (*see following pages*)

* **Responsible Officer(s):** Director City Development

Attachment A to Parking Permit System, Council Policy 13.6

1. RESIDENT AND VISITOR PARKING PERMIT SCHEME ELIGIBILITY AND CONDITIONS

- (a) Any person who applies for a permit under clause 501 of the Glen Eira City Council Local Law must be a resident of the City of Glen Eira.
- (b) A maximum of three permits per property (any combination of Residential Permits and Visitor Permit) will be issued. Additional permits may be issued to the resident at Councils discretion and will include a fee fixed by the Council. Except that no fee will apply to additional visitor permits issued for “carers” of residents.
- (c) Where an applicant is the resident of a premises situated in a recognised commercial area and restrictions are applied in that commercial area, any permit issued will be for the nearest adjacent street only.
- (d) No permits will be issued enabling parking on the major streets or within off-street carparks of commercial areas within the municipality.
- (e) The applicant must produce proof of occupancy of a dwelling.
- (f) Permits are renewable in the month of December each year.
- (g) A Residential Permit issued to a specific vehicle may not be transferred to another vehicle or to any person not named on the application form.
- (h) Only the person whose name appears on the application form and who continues to reside at the dwelling named on the application for the permit is approved.
- (i) If a person holding the permit moves from the dwelling, the Council’s Traffic and Parking Department must be advised.
- (j) Residential Parking Permits shall only be issued to residents who have parking restrictions outside their residence.
- (k) Visitor permits may only be used by bona fide visitors to the residence and misuse of this privilege by permit holders may result in the cancellation of permits.
- (l) Council reserves the right to exclude specific developments from access to the scheme in particular locations.
- (m) This permit scheme is limited to eligible residential properties/occupants only (not commercial properties/occupants).

2. TRADESPERSON PARKING SCHEME ELIGIBILITY AND CONDITIONS

- (a) A maximum of four (4) permits per Building Site in residential areas can be issued for up to a maximum period of 90 days;
- (b) A maximum of two (2) permits per Building Site for emergency repairs or maintenance in commercial areas can be issued for up to a maximum of 3 days;

- (c) The applicant for the permit needs to demonstrate in their application that the permits are required for bona fide building activity and justify the time period required;
- (d) The permits are only to be used for vehicles associated with building activity on the site to which they have been granted;
- (e) The permit may be transferable between vehicles engaged in the building activity.

3. GENERAL ELIGIBILITY AND CONDITIONS

- (a) Every permit and renewal of a permit must be applied for in writing on the application form, which is available from the Councils Traffic and Parking Department.
- (b) The loss of a permit must be reported to the Councils Traffic and Parking Department.
- (c) The permit must be firmly affixed to the front windscreen above or beside the registration label in such manner that it is clearly visible from the outside of the vehicle. Visitor's permits must be placed in a clearly visible location on vehicle's front dashboard.
- (d) The issue of a permit does not guarantee the availability of parking space to the holder.
- (e) The issue of a permit allows the respective vehicle to be left standing for unlimited periods excluding restrictions of one hour or less in the street named. It does not allow any vehicle to be left standing in statutory prohibited areas.
- (f) The use of parking spaces may be suspended by members of the Victoria Police Force and/or by Authorised Officers.
- (g) Council reserves the right to withdraw Permits at any time subject to the giving of reasonable notice.
- (h) Permit holders who act contrary to the stated conditions may have their permits cancelled by Council.
- (i) Council reserved the right to introduce a permit fee for all parking permits.
- (j) If a permit fee is applicable it must accompany the permit application.
- (k) Council reserves the right to vary permit scheme entitlements between different locations.
- (l) The applicant for the permit is responsible for alerting users of the permit to the conditions of use.