

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 9 September 2014

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 7.00p.m.

COUNCIL:

Cr. D. Lyons <i>Mayor</i>	(G21 Geelong Regional Alliance, Finance, Governance, Regional Cities)
Cr. T. Ansett (<i>Windermere</i>)	(Heritage, Rural Communities)
Cr. L. Ellis (<i>Coryule</i>)	(Coastal Communities, Infrastructure, Parks and Gardens)
Cr. J. Farrell (<i>Beangala</i>)	(Community Safety, Youth, Women in Community Life)
Cr. K. Fisher (<i>Corio</i>)	(Community Development, Aboriginal Affairs)
Cr. B. Harwood (<i>Kardinia</i>)	(Enterprise Geelong, Primary Industries)
Cr. M. Heagney (<i>Brownbill</i>)	(Central Geelong, Planning)
Cr. J. Irvine (<i>Austin</i>)	(Sport and Recreation)
Cr. E. Kontelj (<i>Cowie</i>)	(Aboriginal Affairs, Multicultural Affairs, Finance)
Cr. Dr. S. Kontelj (<i>Kildare</i>)	(Finance)
Cr. R. Macdonald (<i>Cheetham</i>)	(Major Projects, Knowledge Economy & Education)
Cr. R. Nelson (<i>Deakin</i>)	(Major Events, Tourism)
Cr. A. Richards (<i>Buckley</i>)	(Environment & Sustainability, Transport, Arts & Culture)

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL, LITTLE MALOP STREET, GEELONG
TUESDAY, 9 SEPTEMBER 2014
COMMENCING AT 7.00P.M.**

PRESENT: Crs D Lyons (Mayor), T Ansett, L Ellis, J Farrell, K Fisher, B Harwood, M Heagney, J Irvine, E Kontelj, R Macdonald, A Richards

Also present: G Miles (Chief Executive Officer), M Kelly (Acting General Manager Corporate Services), P Bettess (General Manager Planning and Tourism), G Van Driel (General Manager City Services), J McMahon (General Manager Community Services), D Frost (General Manager Projects, Recreation and Central Geelong), M Gibbs (Acting Manager Administration and Governance), S Sodomaco (Manager Health and Local Laws), R Bourke (Co ordinator Governance & Legal Services), J Merlo (Senior Media Officer), A Paterson (EO – Mayor)

OPENING: The Mayor declared the meeting open at 7.00pm

ACKNOWLEDGEMENTS:

Council acknowledges Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

APOLOGIES: Crs Nelson, S Kontelj

CONFIRMATION OF MINUTES:

Cr Macdonald moved, Cr Ansett seconded -

That the Minutes of the Ordinary Meeting held on 26 August 2014 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST: Nil.

QUESTION TIME:

Question Time is an opportunity for questions to be addressed to Council and while the minutes record the general content, they do not purport to be a transcript of what was said by individuals. Likewise Councillor or Officer verbal responses are in summary form only. Views expressed may not be the views of Council.

Council's practice is to provide a separate document on its website setting out questions and responses including any more detailed written responses which may be provided subsequent to the meeting.

Victoria Strachan thanked Council for the \$15,000 allocated to the Barwon Heads Arts Council through the 2014/2015 budget to undertake a feasibility study for a much needed Community Arts Hub. They have identified the perfect location. When the kindergarten moves to the new Early Learning Centre at Village Park in January 2015, the older kindergarten building will be left vacant.

What is the Council process going forward to undertake this feasibility study and when can it commence?

Jenny McMahon responded Council looks forward to the outcomes of the feasibility study and it is important that the feasibility study be undertaken before the “perfect location” is identified.

Regarding the feasibility study, Council’s Manager Arts and Culture will be making contact with you to discuss the way forward.

Cr Richards added Council has made no formal decision. The kindergarten is operating as a kindergarten and will continue until the end of December – at that time Council can make a decision about the property going forward.

We have established a petition to gauge community support to keep the Barwon Heads Kindergarten as a community asset. Is a petition counted as all signatures on the list or is it counted as just one. In other words, do we need to get the community to sign separate pieces of paper?

The Mayor responded that all signatures will be counted.

Cr Heagney urged that when gathering signatories to ensure they are local, as this adds weight to the petition.

Anthony Aitken asked what due diligence was undertaken by City Hall in relation to the Portuscale Cruise Fiasco. What due diligence was undertaken by the City Hall funded Geelong Bellarine *Tourism Inc.* If due diligence was undertaken will City Hall and Geelong Bellarine Tourism publicly release those documents as there would be no commercial in confidence as the project has been abandoned. What subsidies were offered by State Government, City Hall and Geelong Bellarine Tourism and can any of those subsidies be recovered if paid to Portuscale. Will City Hall commit to protect the reputation of Geelong and public funds to undertake a due diligence of all future project of this nature?

Dean Frost responded that Portuscale Cruises is a Portuguese based shipping company that was established in 2013, with a fleet of four boutique ships.

Council was approached by Portuscale regarding their desire to establish a base within Geelong. This request was subsequently put in writing.

As Council does not own nor manage berthing facilities the Company was referred to the Port of Geelong, who began working with Portuscale and their berthing agent Wilhelmsen to confirm berthing arrangements. These were ultimately agreed and Portuscale’s agents began promoting the Cruises.

This is the process we typically follow with other shipping lines that have booked to visit Geelong in recent years.

Obviously, we have recently been advised that Portuscale’s 2015 Southern Hemisphere has been cancelled.

CEO of Portuscale Cruises, Rui Alegre, has written advising that the “decision to cancel was for commercial reasons and not based on any issue or concerns with Geelong City or the port authorities”

This has coincided with media reports regarding internal employee/contractor matters within Portuscale. This is a matter is for Portuscale.

I can confirm that Council has not, nor has the State Government or Greater Geelong Bellarine Tourism provided any funding or subsidy towards these proposed visits.

It should be noted that last year there were 6 Cruise ship visits to Geelong and that we have another 6 booked for this coming year.

This highlights the interest that Cruise ships have in exploring new ports, and emphasizes the need for the Yarra Street Pier - we expect to host up to 25 cruise ships per year and create in excess of 400 jobs and boost our local economy by \$61Ml.

Colin Wallace asked:

Members of the public used to be able to browse on the Council website the Minutes of Council Meetings going back at least a decade. That changed in December 2012 and, since then, only the Minutes from the start of 2012 have been made available on the website for browsing. If members of the public wish to have access to any Minutes from before 2012 they must contact a Customer Service Centre.

- 1) Why was this change made?
- 2) Will Council restore the opportunity for members of the public to browse on the Council website the Minutes of Council Meetings that were available prior to the change in December 2012 described above?

The Mayor took the questions on notice for a written response.

PETITIONS:

Cr Harwood presented a petition from residents of Abervale Retirement Village. The petition has been gathered at the request of Residents of Retirement Villages Victoria Inc and will be presented to the Legislative Council of Victoria from the RRVV Inc Melbourne.

The petitioners are therefore requesting the Legislative Council:

- a) Introduce legislation amending section 161 of the LGA that will make it obligatory for Councils to consider and decide upon any request by the owner of retirement village land (as defined in the Retirement Village Act) that a fair Differential Rate be applied in relation to the village or land;
- b) Introduce into the guidelines by the Minister under section 161 (2A) of the LGA, guidelines to be applied specifically in relation to retirement village land with reference to facilities and services such as referred to in this petition, and any other relevant matters;
- c) Introduce into section 161 a right of appeal to VCAT if any request as referred to in paragraph (a) is refused or not decided upon within 60 days of such request, and in relation to any amount of differential rate decided upon.

1. COMBINED AMENDMENT C283 DRYSDALE URBAN DESIGN FRAMEWORK/PERMIT 1060/2013 MCHARRY'S BUSLINES CONSIDERATION OF PANEL REPORT AND ADOPTION

Portfolio:	Planning – Cr Heagney
Source	Strategic Implementation
General Manager:	Peter Bettess
Index Reference	Council Reports 2014 – Application C283

Purpose

The purpose of this report is to enable Council to consider the Panel report to Planning Scheme Amendment C283 Drysdale Urban Design Framework and Planning Permit 1060/2013 for McHarry's Buslines, 97 – 105 Murradoc Road, Drysdale and to adopt the Amendment and recommend approval of the permit.

Summary

- Combined Amendment C283 and Permit 1060/2013 proposes to introduce a number of Ordinance and Zone changes to the Planning Scheme to reflect the recommendations of the adopted Drysdale Urban Design Framework (UDF) and enable McHarry's to establish a bus depot at 95 – 105 Murradoc Road, Drysdale.
- The Drysdale UDF applies to the Drysdale Town Centre and immediately surrounding land. The Amendment updates the Municipal Strategic Statement, introduces Commercial 1 & 2 zones in Murradoc Road and Collins Street and applies new Design and Development Overlays over the town centre commercial areas to reflect the recommendations of the UDF.
- Permit 1060/2013 which accompanies the amendment would enable McHarry's to establish a new bus depot on a 1.2 hectare property (to be rezoned to Commercial 2) at 97 – 105 Murradoc Road, Drysdale. The property is occupied by a detached house and some scattered vegetation.
- Amendment C283 was placed on public exhibition from 23 January 2014 until 24 February 2014. A total of nine submissions were received six of which either supported or offered no objection and three of which object to parts of the amendment and/or draft permit.
- The Council considered the submissions at its meeting on 11 March 2014 and resolved to refer them to an Independent Panel appointed by the Minister for Planning.
- The Panel report recommends the Amendment be adopted with some minor modifications generally in accordance with Council's presentation to the Panel.
- The Panel recommends the accompanying permit be issued subject to the inclusion of some additional conditions to assist in protecting the amenity of the adjoining owners as described in this report.
- The Panel's recommendations are supported. The Amendment can now be adopted and together with the permit forwarded to the Minister for approval.

Cr Heagney moved, Cr Macdonald seconded -

That Council:

- 1) Adopts Amendment C283 in the form as outlined in Appendix 4 of this report;**
- 2) Recommends to the Minister for Planning that Planning Permit 1060/2013 be granted pursuant to Section 96G of the Planning and Environment Act 1987 (the Planning Permit is Appendix 6 of this report); and**
- 3) Submits the adopted amendment together with the prescribed information to the Minister for Planning requesting approval.**

Carried.

Background

This proposal is a combined Amendment and Planning Permit pursuant to Section 96A of the Planning and Environment Act.

Amendment C283 was initiated by Council and proposes to make changes to the following zone, overlay and ordinance provisions of the Greater Geelong Planning Scheme.

1. Update to the Municipal Strategic Statement to:
 - Amend Clause 21.14 The Bellarine Peninsula by changing the Drysdale/Clifton Springs Structure Plan map at sub-clause 21.14-10, including the Drysdale UDF as a reference document, together with related ordinance changes.
2. Amend the Planning Scheme maps to:
 - Rezone land at 8 – 14 and 20 – 22 Collins Street and 19 – 23 Murradoc Road, Drysdale from Residential 1 Zone and Commercial 2 Zones to Commercial 1 Zone.
 - Extend the existing business area along Murradoc Road up to the Drysdale Bypass by rezoning land from Rural Living and Farming Zones to Commercial 2 Zone.
3. Amend the Planning Scheme Overlay maps and associated schedules to:
 - Insert new Design and Development Overlay map and associated Schedule 32 to apply to the Commercial 2 Zone.
 - Insert a new Design and Development Overlay map and associated Schedule 33 to apply to the Commercial 1 Zone.

Draft Permit 1060/2013 resulted from an application by McHarry's Buslines to construct buildings and works and to create new road access in association with a proposed new bus depot at 97 – 105 Murradoc Road, Drysdale.

Amendment C283 will give effect to the objectives and guidelines contained within the Urban Design Framework. In order for the new objectives and guidelines to have statutory weight in the consideration of planning permits and rezoning requests, it is necessary for the Drysdale Urban Design Framework to be included in the Greater Geelong Planning Scheme. The accompanying zone and overlay changes give effect to the recommendations contained within the Urban Design Framework.

The Amendment applies to all the land within the Drysdale Urban Design Framework study area boundary as shown in Appendix 1. Appendix 2 is a copy of the overall framework plan from the UDF.

Appendix 3 shows existing zonings. Appendix 4, which is the Amendment being recommended for adoption, includes maps which show the land subject to the proposed rezoning and overlays as described above.

The site of the proposed McHarry's bus depot at 97 – 105 Murradoc Road is shown by an asterisk in Appendix 1. This land, which is currently zoned Rural Living forms part of the area at the eastern end of Murradoc Road proposed to be included in a Commercial 2 Zone, extending as far east as the Drysdale Bypass.

Appendix 5 is a plan showing an indicative layout of the buildings and works being proposed for the new depot.

Amendment C283 was placed on public exhibition from 23 January 2014 until 24 February 2014. Notices were placed in the Geelong Advertiser, The Independent and the Springdale Messenger. They were also sent to all owners and occupiers of land affected by the proposed zone changes and new overlays together with any affected surrounding owners and occupiers.

As a result of the exhibition of the Amendment/Draft Permit the Council received a total of nine submissions. Six submissions either support or offer no objection and three object to parts of the amendment and/or the draft permit, as follows:

1. There were two submissions (one objecting) made about the provisions of the new Design and Development Overlays, in particular DDO33 as it applies to land at 26 – 32 Murradoc Road on which a new Coles Supermarket is being proposed.
2. There was one supporting submission and two objecting submissions made about the McHarry's bus depot permit. One of these submissions also objected to the proposed C2 zoning in Murradoc Road.

Discussion

The Council considered the submissions at its meeting on 22 April 2014 and resolved to refer them to an Independent Panel appointed by the Minister for Planning.

A Directions Hearing on 19 May 2014 and a 2 day Panel hearing on 11 – 12 June 2014 where both held in Geelong.

The Panel report recommends the Amendment be adopted and the Planning Permit be issued, subject to modifications described in the following sections of this report. A full copy of the Panel Report has previously been circulated to all Councillors.

The following section of this report discusses the main issues raised at the Panel Hearing and addressed in the Panel's recommendations.

1. Submissions to new DDO's 32 and 33

Both Coles (proponent for Amendment C297) and Algo Properties (owners of the proposed Jetty Road neighbourhood shopping centre) made presentations to the Panel.

Coles supports the application of the new supermarket site in the UDF but believes a proposed north south road affecting the site as shown in the UDF should be deleted.

Algo Properties supports either application of a DPO or strengthening of the DDO provisions to guide future development of C1 and C2 land to ensure elements of the UDF are complied with.

Council's presentation to the Panel included:

- No change to the UDF is warranted because it is a conceptual and aspirational planning document which needs to be interpreted according to site-specific circumstances at the time.
- The exhibited DDO provisions received widespread community support.
- It supports minor modifications to the wording of the Clause 21.14-11 map and DDO provisions as suggested by Coles and Algo properties.
- Application of a DPO in lieu of a DDO would be unworkable in view of the multiplicity of landowners affected.

On these issues the Panel recommends:

- No changes to the Drydale UDF.
- Modifications to the legend to the Structure Plan map for clarification and to reflect circumstances following approval of the amendment.
- A further strategy statement referring to the creation of consolidated parking areas in the town centre be included in Clause 21.14 to reflect a key direction of the UDF.
- A DPO is not an appropriate planning tool because of the multiple ownerships which would be involved.
- DDO 32 should be adopted as exhibited and DDO 33 should be adopted substantially as exhibited with minor wording clarifications.

Council officers support the Panel's recommendations which have been included in the amendment documentation for adoption.

2. Proposed C2 rezoning and McHarry's bus depot permit

One submission supporting and two submissions opposing the planning permit for the proposed McHarry's bus depot at 97 – 105 Murradoc Road were received.

Presentations to the Panel were made on behalf of McHarry's Buslines and the two objecting submitters, Mr and Mrs E Hoyer and Mr D White, White Fisheries.

Mr and Mrs E Hoyer reside on the property adjoining the western boundary of the proposed bus depot. They strongly object to the issue of the permit on amenity grounds (noise and visual appearance), increased traffic and property devaluation and submit there are more suitable sites within the town to locate a bus depot. They also object to the extension of the proposed C2 zone along Murradoc Road (which includes their property).

Mr White operates a fish processing and retail business in the existing C2 area and objects to the potential increase in traffic generated by the bus depot.

In considering the submissions Council acknowledged the potential for the residents adjoining to the west to be affected by some adverse amenity impacts. As a result, McHarry's initiated an independent noise assessment report which recommended the construction of a 3 metre high acoustic fence to protect the existing neighbouring dwelling.

At the Panel hearing both the Council and McHarry's advocated the inclusion of additional conditions on the permit to require the construction of an acoustic fence and a bus parking layout which minimises the need for buses to reverse on site (to reduce noise from reversing beepers).

In response to traffic issues, Council advised the Panel that Murradoc Road is a VicRoads' responsibility and it was consulted as part of the preparation of the UDF, the preparation of Amendment C283 and McHarry's permit application. VicRoads has offered no objection to the Amendment and the permit includes access conditions as required by VicRoads. McHarry's traffic consultants have concluded that Murradoc Road will be able to accommodate the additional traffic generated by buses and staff (drivers). Council's presentation to the Panel indicated "that Murradoc Road can easily accommodate the relatively minor increase in traffic generated by the bus depot, including the capacity for vehicles to undertake turning movements into and out of the site".

The Panel has found:

- That sufficient strategic work has been done by Council to justify the proposed C1 & C2 rezonings.
- Expansion of the C2 zone to the east along Murradoc Road can now be justified and will provide certainty for all landowners.
- The amenity of the adjoining property "can be adequately protected" with an appropriate acoustic fence, landscaping and a site layout that encourages forward movement of buses within the site.
- There is no traffic reason to oppose the permit.

The Panel has recommended permit 1060/2013 be issued subject to the addition of conditions 1(d), 1(e), 1(f), 1(g), 1(h), 1(k), 11(g) and 14(g). These additional conditions are supported by Council officers and are included in the permit being recommended to the Minister for approval (Appendix 6).

All of the Panel's recommendations are supported and the Amendment proposed for adoption has been prepared on that basis.

Environmental Implications

The future implementation of the UDF and DDO provisions not expected to result in any adverse environmental impacts. The UDF supports the development of water sensitive design treatments to improve the quality of storm water runoff being generated from new development in the industrial precinct along Murradoc Road. This should help to improve the water quality at Lake Lorne.

Financial Implications

The eventual implementation of the UDF is likely to require Council funding contribution for several projects identified within the UDF including streetscape works, the redevelopment of the town square and public buildings. The UDF projects will need to be fully costed and may result in future budget bids to Council and to external funding agencies. There are also aspects of the plan that could be delivered through developer contributions.

Adoption and approval of Amendment C283 and approval of the accompanying permit will have no financial implications for Council.

Policy/Legal/Statutory Implications

Amendment C283 complements a range of State and Council planning policies. In particular, Council's adopted Drysdale Structure Plan, as referred to in Clause 21.14 specifically recommends that an Urban Design Framework for the town centre be prepared. Clause 21.14 also includes a number of objectives that relate specifically to the recommendations of the UDF and this amendment.

The Independent Panel concluded "that the Amendment is supported by the relevant Sections of the State and Local Planning Policy Framework."

Alignment to City Plan

Amendment C283 supports the Growing of our Economy strategic direction of City Plan, in particular the priority of supporting the growth of new and existing businesses. It also supports the Sustainable Built and Natural Environment strategic direction with its emphasis on sustainable development and urban design.

Officer Direct or Indirect Interest

In accordance with Section 80(c) of the Local Government Act Peter Bettess, General Manager, Planning and Tourism declares an indirect financial interest in that he owns Woolworths and Wesfarmers shares.

Risk Assessment

No risks have been identified in preparing and exhibiting Amendment C283 and accompanying permit, referring the submissions to an Independent Panel and adopting the amendment as recommended by the Panel.

Social Considerations

Amendment C283 implements the UDF which will deliver long term social benefits to the Drysdale community. These include increased retail choice and offer through expansion of the shopping centre and industrial precincts and providing improved streetscapes, traffic and pedestrian access through the town centre. The UDF proposes creation of a new civic precinct including a town square so that it becomes a focus for social interaction within the town.

It is acknowledged that the owners of the property adjoining to the west of the McHarry's bus depot continue to be concerned about adverse amenity impacts (despite the inclusion of detailed permit conditions requiring construction of an acoustic fence and landscaped buffers).

Human Rights Charter

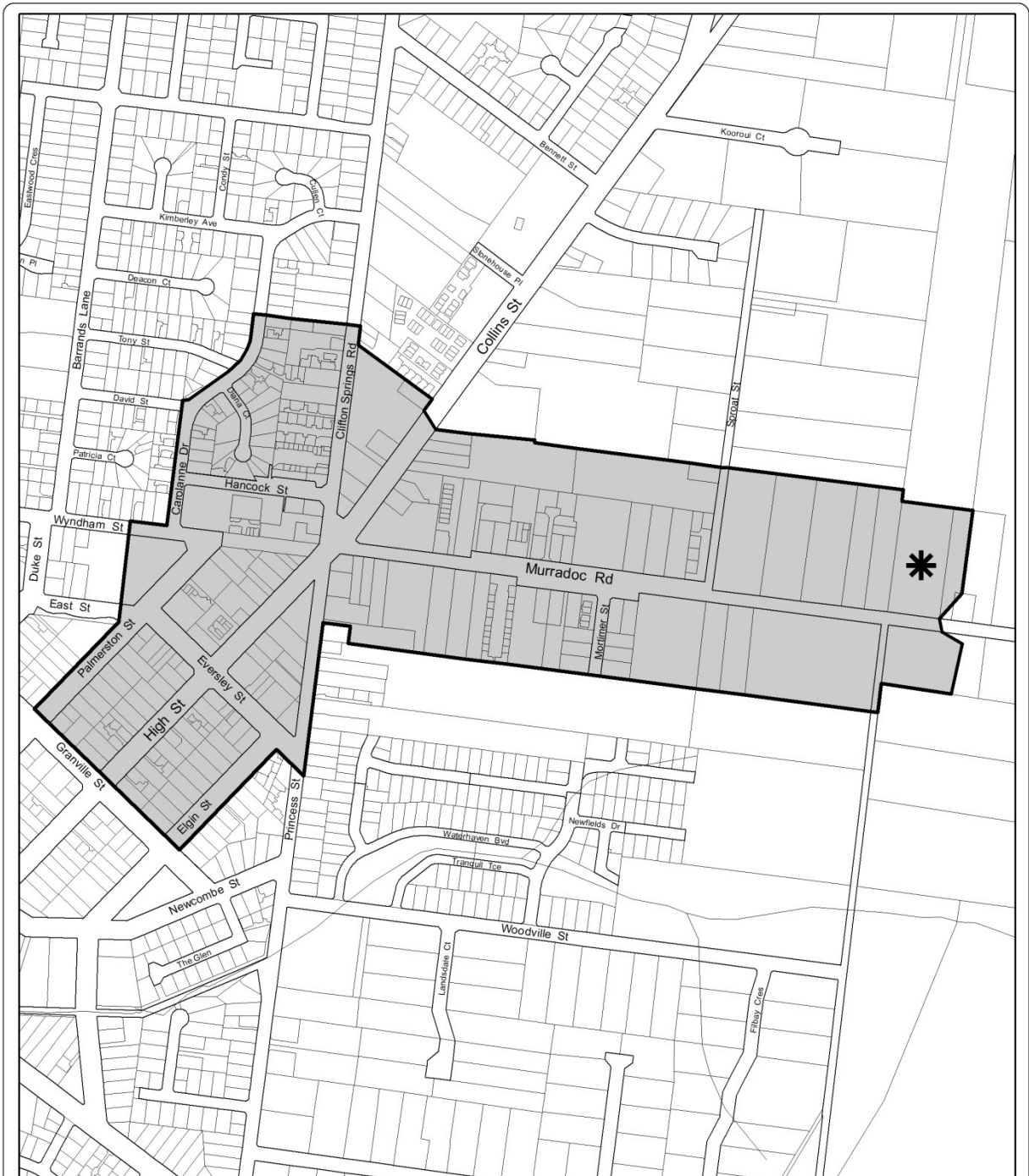
Amendment C283 does not impact on any basic rights, freedoms and responsibilities set out in the charter. Planning legislation ensures an open community consultation process enabling people to freely express their views and obtain a fair hearing before an Independent Panel.

Consultation and Communication




The Drysdale UDF was subject to an extensive consultation process.

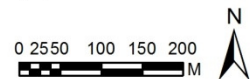
The combined Permit/Amendment C283 was subject to full public notification in accordance with the provisions of the Planning and Environment Act. All owners and occupiers affected by the new DDO's or any change of zoning were provided with direct public notification.

Appendix 1: Drysdale Urban Design Framework Study Area.



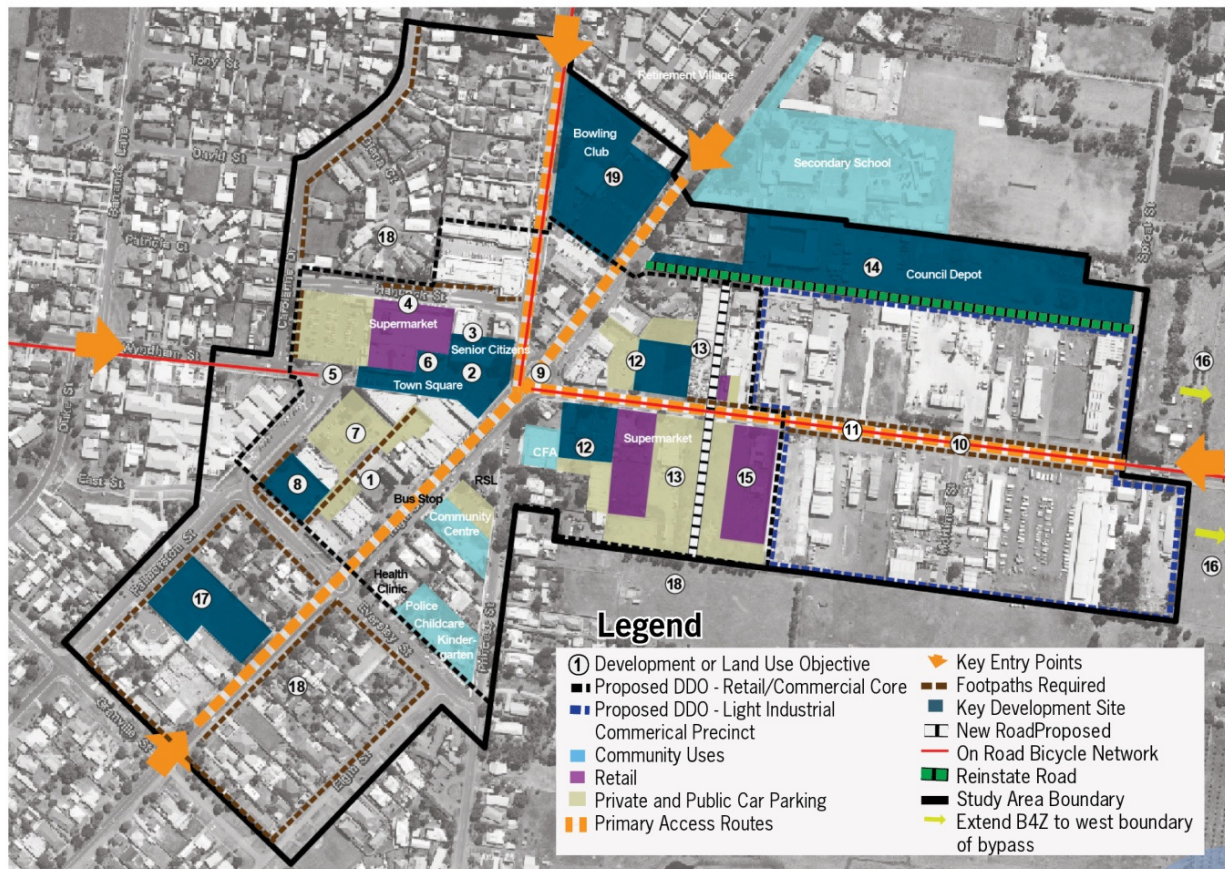
LEGEND

-  STUDY AREA
-  DRYSDALE URBAN DESIGN FRAMEWORK
-  97 - 105 MURRADOC RD



Prepared by City of Greater Geelong - 25 October 2013
 Although all due care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong or Barwon Water in its use.
 This map contains all Amendments to the G.G.P.S gazetted prior to the date shown above, however, for certainty, a Planning Certificate should be obtained.
 This map should be read in conjunction with additional Planning Overlay maps (if applicable).

Appendix 2: Drysdale UDF Overall Framework Map



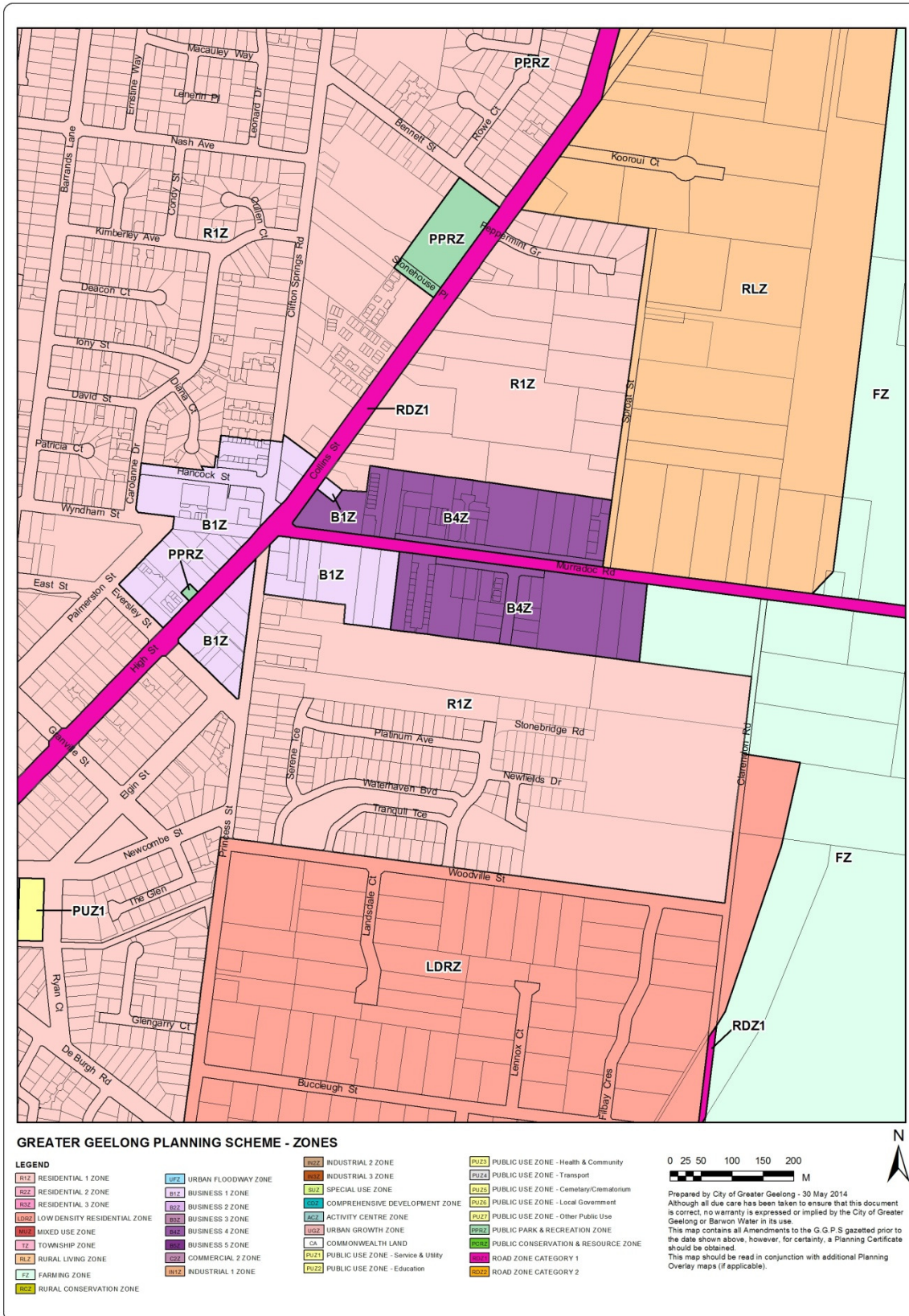
Drysdale

Urban Design Framework

No.	Objective
1	Maintain the heritage and village characteristics of High Street while allowing an increase in height and built form up to 3 storeys. Encourage more active uses at ground level including shops and cafes with office and residential uses at the first and second levels.
2	Redevelop the town square to become a focal point and meeting place for the town incorporating landscaping, seating, public art, play space and a public event space.
3	Redevelop the Senior Citizens building into a community building that integrates with and opens up to the town square.
4	Redevelop the north façade of the existing supermarket to incorporate shops and offices to activate Hancock Street and replace the blank wall of the supermarket.
5	Reconfigure the western end of Wyndham Street to improve car park access, provide additional parking spaces and provide a public event space.
6	Opportunity for retail expansion with improved access, activity and connection to the town square.
7	Develop a more formal pedestrian link through the car park area located off Palmerston Street.
8	Encourage development that activates street frontages with development up to 3 storeys. Encourage shared car parking and vehicle access opportunities.

9	Replace the round-about with a signalised intersection.
10	Improve the functionality and appearance of the light industrial/commercial precinct along Murradoc Road.
11	Improve the Murradoc Road streetscape with the introduction of a service road and centre median strip that allows for street planting. Prepare a Streetscape Master Plan.
12	Expand the retail core to incorporate the western end of Murradoc Road including the Aldi Supermarket site. Encourage new retail development fronting Murradoc Road including shops and cafes.
13	Encourage the development of a north-south road connection.
14	Investigate the relocation of the Council depot and future redevelopment opportunities.
15	Support the development of large format retail on this site (supermarket).
16	Support the rezoning of land at the eastern end of Murradoc Road adjoining the Drysdale Bypass to a Business 4 Zone
17	Maximise opportunities to deliver community facilities and services while respecting residential interfaces.
18	Encourage the development of medium density housing around the town centre.
19	Discourage the use of the site for a supermarket.

Appendix 3: Existing Zoning Map



Appendix 4: Amendment Recommended for Adoption

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C283

INSTRUCTION SHEET

The planning authority for this amendment is the Greater Geelong Planning Scheme.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map Nos 59 & 60 in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C283"

Overlay Maps

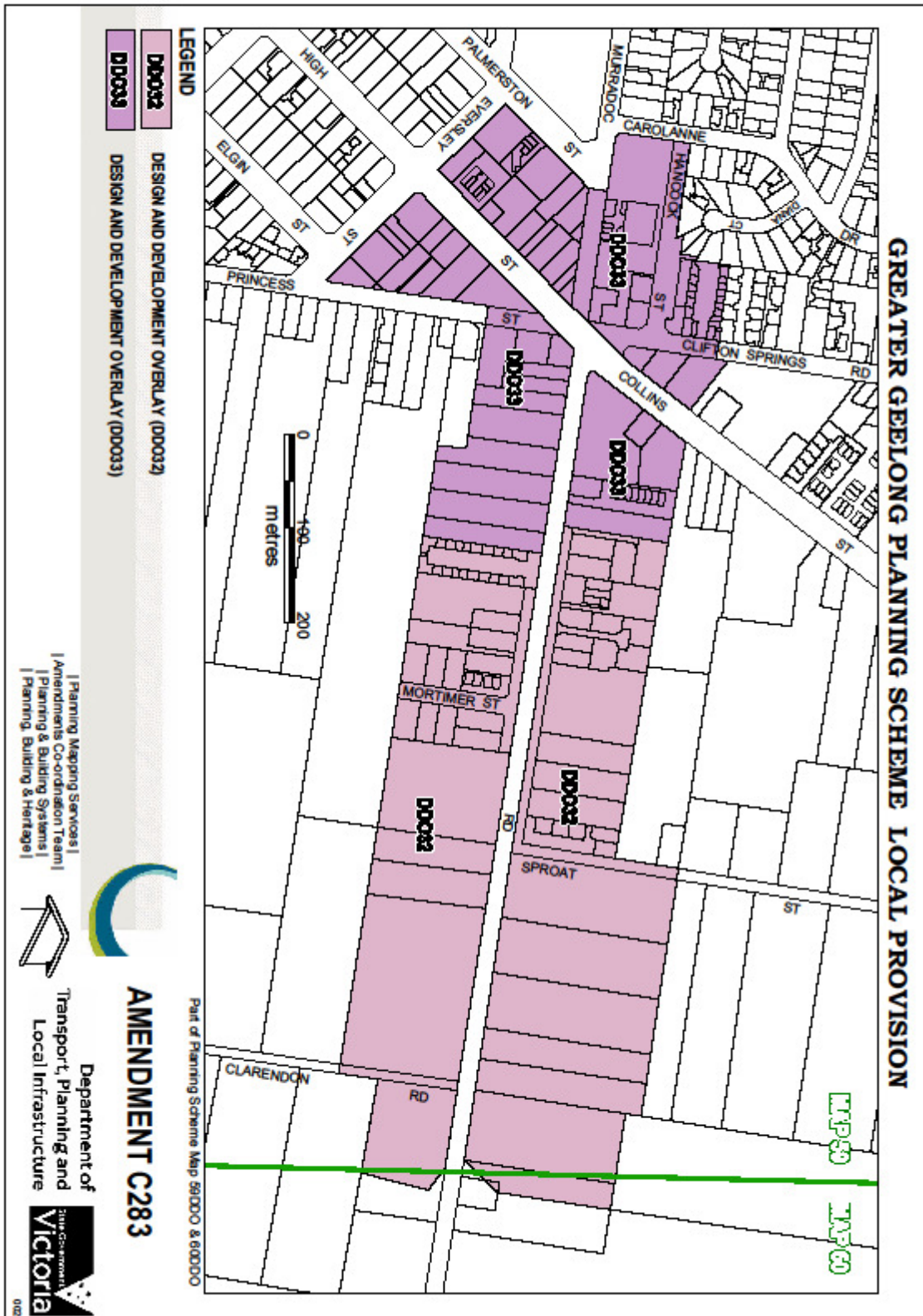
2. Amend Planning Scheme Map Nos 59 DDO and 60 DDO in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C283"

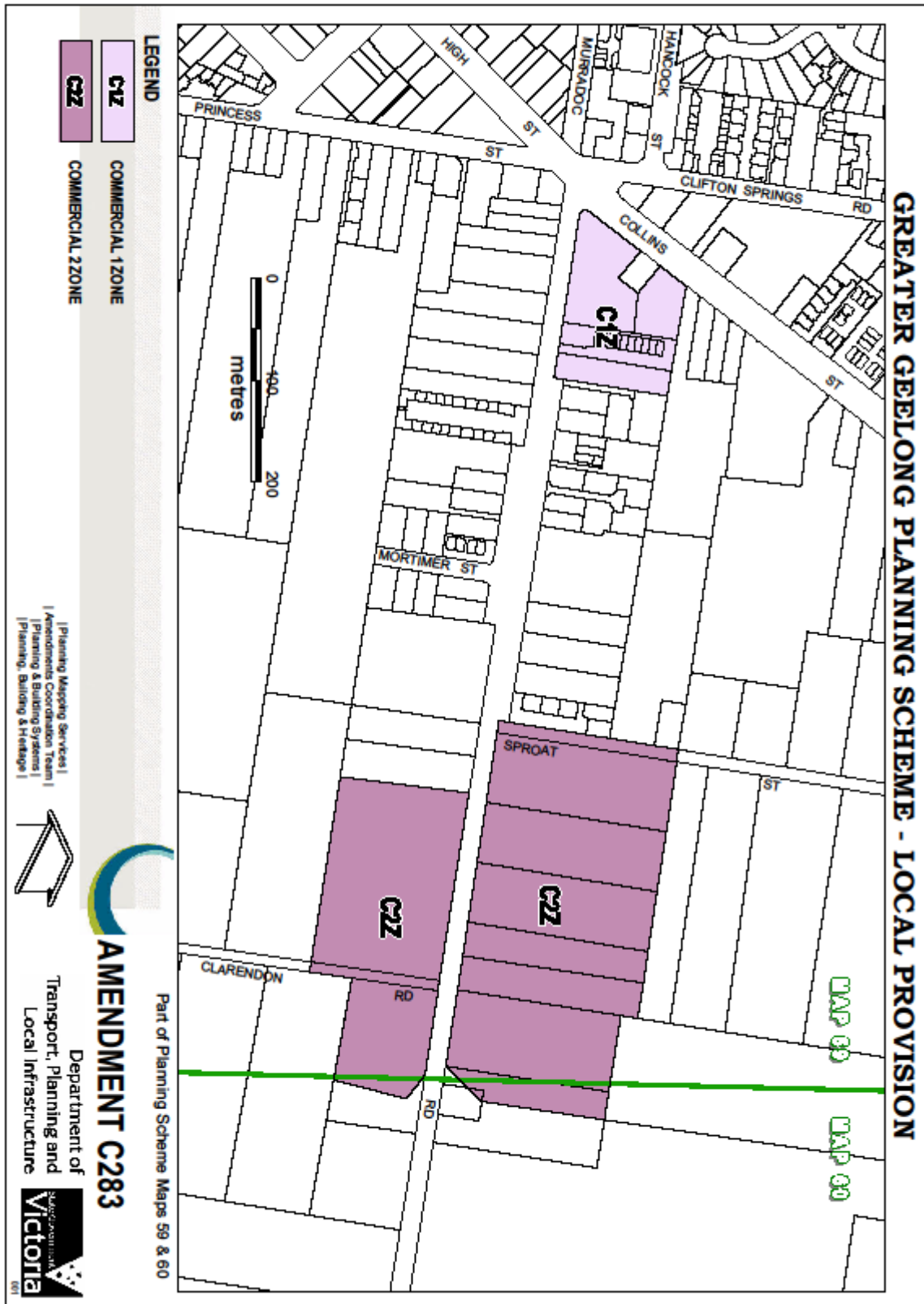
Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.14 with a new Clause 21.14 in the form of the attached document.
4. In Overlays – Clause 43.02, insert a new Schedule 32 in the form of the attached document.
5. In Overlays – insert Clause 43.02, insert a new Schedule 33 in the form of the attached document.

End of document





21.14 THE BELLARINE PENINSULA

16/05/2013

21.14-1 Key issues and Influences

28/01/2010

The Bellarine Peninsula comprises a series of contained townships separated by rural and coastal areas.

The rural and coastal areas on the Bellarine Peninsula form an important non-urban break between settlements. They are highly valued for their scenic attributes, tourism function, environmental function and lifestyle appeal.

The Bellarine Peninsula is one of the fastest growing areas in the City of Greater Geelong. Population growth on the Bellarine Peninsula is being driven by the attractiveness of the peninsula as a relaxed lifestyle destination within close proximity to urban Geelong.

Appropriately managing urban growth on the Bellarine Peninsula will be critical to retaining the peninsula's identity and attributes.

21.14-2 Objectives

16/05/2013

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity.
- To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.
- To preserve the individual character, identity and role of each Bellarine township.

Strategies

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks or longer term growth opportunities.
- Direct the bulk of residential growth and retail development to Ocean Grove, Drysdale/Clifton Springs and Leopold consistent with the relevant Structure Plan maps included in this clause.
- Direct bulky goods retailing and industrial development to existing and future areas as identified in Structure Plan maps included in this clause.

St Leonards:

- Support a mix of retail, commercial, community and entertainment uses within the town centre.
- Encourage development which respects the coastal landscape setting of St Leonards by:
 - Providing reasonable sharing of views of the coast and foreshore.
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.
- Support the development of an appropriately located community centre.
- Support the on-going management, enhancement and sensitive development of the foreshore, Salt Lagoon Wildlife Reserve and Edwards Point State Faunal Reserve.

- Protect the scenic qualities of Murradoc Hill and Swan Bay.
- Support the development of a focal building, comprising retail and tourist related activities, at the south west corner of Murradoc and Bluff Roads.
- Integrate the town centre and pier-foreshore area.

Portarlington:

- Support a mix of retail, commercial, community and entertainment uses within the town centre.
- Encourage development which respects the coastal landscape setting of Portarlington by:
 - Providing reasonable sharing of views of the coast and foreshore.
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.
- Support the establishment of a Community Centre in Portarlington within an existing public building.
- Support the provision of a new fire station at Portarlington.
- Support the integration of the Portarlington town centre and pier-foreshore area.
- Support the development of a focal building at 22-34 Newcombe Street, Portarlington, to contain retail uses, tourist accommodation and tourism related activities.
- Support development in the Portarlington town centre incorporating accommodation uses above ground level retail floor space, where such development meets all parking and access requirements.

Indented Head:

- Encourage development which respects the coastal landscape setting of Indented Head, by:
 - Providing reasonable sharing of views of the coast and foreshore.
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.
- Support the on-going management, enhancement and sensitive development of the foreshore, Point Richards Flora and Fauna Reserve and Salt Lagoon Wildlife Reserve.
- Support expansion of the existing retail premises on The Esplanade, Indented Head.

Ocean Grove:

- Encourage development which respects the coastal landscape setting of Ocean Grove, by:
 - Providing reasonable sharing of views of the coast and foreshore
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
- Direct new greenfield residential development to the designated growth area in the north-east of the township, as shown on the Structure Plan map.
- Encourage a range of accommodation and housing options, including aged care within and adjacent to the town centre and other existing and proposed activity centres.
- Ensure development avoids impacts on environmental assets including the Coast, Buckley Park Foreshore Reserve, Goandra Estate, Ocean Grove Nature Reserve, Barwon River/Lake Conneware and the Lake Victoria Wetlands.
- Ensure the town centre remains the primary retail centre for Ocean Grove by providing for a range of retail, business and accommodation uses.
- Support expansion of the town centre, particularly in a northerly direction up to the Avenue.
- Support development of a new Neighbourhood Activity Centre on Grubb Road, to service the future population of the north-east growth area.
- Support the continued development of industrial, restricted retail and associated businesses on Grubb Road, and support the expansion of this type of development to the east and north, as shown on the Structure Plan map.

- Where appropriate, ensure new developments assist in the establishment of a safe bicycle-pedestrian path network around the town connecting the foreshore, river, nature reserve, Grubb, Banks and Bonnyvale Roads as shown on the Structure Plan map.
- Where appropriate, ensure new development contributes to the improvement of open spaces, key pedestrian links and roads as identified on the Structure Plan map.
- Provide for a range of appropriately scaled and located tourism accommodation and activities.
- Encourage a range of appropriately scaled tourism related activities on the rural periphery of the town which are complementary to the environmental and rural setting.
- Support the duplication of Grubb Road in a manner which preserves significant roadside vegetation, provides an attractive town entry, safe crossing points, pedestrian/cycle paths and undergrounding of powerlines.

Leopold:

- Support Leopold as a Sub Regional Retail Activity Centre for the Bellarine Peninsula, whilst providing local community, recreational and employment facilities to Leopold's residents.
- Ensure the retention of Leopold as an urban island - supporting urban growth contained to the settlement boundary and preserving the surrounding rural hinterland.
- Support the development of the Ash Road Growth Area and other areas identified for residential development on the Structure Plan map.
- Support increased housing densities around the Sub Regional Retail Activity Centre and neighbourhood shopping strips at Ash Road and Dorothy Street.
- Encourage the northerly expansion of the Sub Regional Retail Activity Centre, ensuring any development integrates with the existing centre and surrounding community facilities, and enhances its appearance and functionality.
- Support the local convenience role of the Ash Road and Dorothy Street neighbourhood shopping centres, whilst restricting any future expansion of these centres.
- Support the development of Council's Kensington Road Community Hub to provide a wide range of community, health, education and civic services/facilities.
- Encourage the creation of an additional local mixed use centre on the south east corner of Bellarine Highway and Melaluka Road. Any redevelopment of this site could accommodate restaurants, convenience shops, offices and residential development.
- Provide public open space within existing and proposed residential areas to cater for the passive and active recreation needs of the community.
- Provide an improved transport network which includes better traffic movements, pedestrian and cyclist linkages and public transport options.
- Ensure environmentally sensitive areas including Lake Connewarre and Reedy Lake are protected from localised development pressure.
- Investigate opportunities for public access to Port Phillip Bay.

Barwon Heads:

- Maintain a compact urban form and avoid outward sprawl.
- Protect the unique character of Barwon Heads as a coastal village located within a sensitive environment and significant landscape setting.
- Ensure the Hitchcock Avenue shopping centre remains the focus of retail activity in Barwon Heads.
- Restrict new commercial development to the existing business and mixed use zones in Hitchcock Avenue between Bridge Road and Ozone Road and the south side of Bridge Road.
- Ensure new housing development complements the character of Barwon Heads and provides for a variety of housing sizes and types.
- Support the continued development of 13th Beach Resort as a tourist destination.
- Continue upgrading the Barwon Heads Village Park and foreshore reserves in accordance with established master plans.

- Support development of appropriate tourist accommodation around the Barwon Heads town centre.

Drysdale/Clifton Springs:

- Contain urban development within the defined settlement boundary on the Structure Plan map.
- Support the development of the Jetty Road Urban Growth Area and other areas identified for residential development on the Structure Plan map.
- Ensure new development incorporates sustainability principles including environmentally sustainable design, energy efficiency, connectivity and water sensitive urban design.
- Reinforce the Drysdale town centre as the primary retail centre including the development of an additional supermarket on the south side of Murradoc Road
- Provide for the expansion of the Drysdale town centre to the east along Murradoc Road.
- Locate future development of a service business or industrial nature in the identified precinct along Murradoc Road extending to the proposed Drysdale Bypass.
- Locate and integrate future education, community and recreation facilities to enhance their accessibility and to maximise joint use wherever possible.
- Develop the Council owned Palmerston Street site and the Drysdale Regional Community and Cultural Hub for community and recreation purposes.
- Ensure any development of short term tourist accommodation at the Curlewis Golf Course is located at the eastern end of the course in close proximity to the Jetty Road Urban Growth Area, functions as a minor component to the primary role of the site as a golf course and maintains the rural landscape character of the site.
- Provide additional bicycle and pedestrian opportunities throughout the townships including new footpaths and bicycle lanes.
- Provide for the creation of consolidated parking areas in the town centre.

Point Lonsdale

- Support low scaled and designed tourism opportunities on designated land identified on the Point Lonsdale Structure Plan map at Clause 21.14-12.
- Ensure new development strengthens the township's coastal village character and landscape setting by requiring a high standard of architectural and urban design response including;
 - Low scale forms
 - Articulation (materials, openings or features such as decks, balconies, wide eaves or canopies).
 - Contemporary design quality.
 - Use of materials such as timber, corrugated iron, weatherboard or light coloured render.
 - Limiting site coverage and provide front and side setbacks that reflect existing neighbourhood patterns and provide opportunities for maintenance and planting of native coastal and indigenous vegetation.
- Ensure that new urban development street works and road designs contribute to the implementation of the identified primary and secondary pedestrian/cycle routes and are designed to complement the informal coastal streetscape character.

21.14-3 Implementation

- 16/05/2012
- These strategies will be implemented by:

Using policy and the exercise of discretion

Ensure development respects the natural coastal landscape as described in the Coastal Spaces Landscape Assessment Study and, where relevant, assess applications against schedules 10, 11, 12 13 and 14 to the Significant Landscape Overlay.

Ocean Grove

Support buildings of up to three storeys within the town centre which utilise contemporary building forms and materials, articulation and setback of upper levels so as to complement the coastal setting, and which provide sufficient car parking.

Support higher density development including tourist accommodation of up to three storeys along The Terrace between Hodgson and Eggleston Streets which utilise contemporary building forms and materials, articulation and setback of upper levels to retain a coastal town character and provide for the reasonable sharing of coastal views.

Support further development of existing caravan parks and accommodation uses in residential areas, particularly those close to the beach and river, to provide a broader range of accommodation type and mix.

Applying Zones and overlays

Ocean Grove

Apply the Residential 1 Zone to growth areas identified in the Ocean Grove Structure Plan 2007 as appropriate.

Apply the Development Plan Overlay to those parts of the north-east growth corridor that are rezoned for urban development.

Apply the Development Contributions Plan Overlay to north-east residential corridor.

Apply the Industrial 3 Zone to any expansion of the Grubb Industrial Estate.

Apply the Development Plan Overlay to any expansion of the industrial-restricted retail precinct on Grubb Road.

Apply the Business 1 Zone over land bounded by The Avenue, The Parade, Presidents Avenue and Hodgson Street.

Apply the Mixed Use Zone over the former CFA depot (south-east corner The Avenue and Hodgson Street) and land to the immediate south.

Leopold

Apply the Residential 1 Zone and the Development Plan Overlay to land designated for future residential growth shown on the Leopold Structure Plan map included in this clause.

Apply a combination of business zones, a Design and Development Overlay and a Development Plan Overlay to facilitate the expansion of the Leopold Sub Regional Retail Activity Centre.

Drysdale

Apply the Residential 1 Zone with a Development Plan Overlay (DPO) based on the principles identified in the Structure Plan to Princess Street, Central Road and Oakden Road.

Support the application of the Residential 1 zone to identified residential infill areas to a Residential Zone with appropriate DPO and Developer Contribution Plan (DCP) controls.

Support a joint rezoning and development application at the Curlewis Golf Club to facilitate short term tourist accommodation.

Point Lonsdale

Apply the Residential 1 Zone with a Development Plan Overlay to the portion of the Lonsdale Golf Course shown for residential growth on the Point Lonsdale Structure Plan map at Clause 21.14-12 subject to an amendment and EES process.

Apply appropriate design and environmental overlays to areas of consistent urban and landscape character.

Rezone the Business 4 Zone land on the corner of Fellows Road and Bellarine Highway to facilitate tourism development.

Further work

Review township structure plans as scheduled (in structure plans) to meet emerging needs of communities.

Review the planning framework for land identified in the Coastal Spaces Landscape Assessment Study as regionally significant in the south west of the Bellarine Peninsula to ensure the protection of landscape values is adequately addressed.

Point Lonsdale

Work with the Borough of Queenscliffe to address climate change issues in Point Lonsdale and implement any relevant outcomes.

Prepare detailed streetscape design plans for designated primary and secondary routes as identified in the Point Lonsdale Structure Plan.

Investigate opportunities to establish a railway station-transport interchange precinct to link with the Queenscliff tourist railway service.

Portarlington

Prepare an Urban Design Framework for the Portarlington Town Centre.

Support Parks Victoria Safe Harbour Project, including ensuring appropriate integration with the adjacent foreshore reserve and Town Centre.

Ocean Grove

Prepare a Development Contributions Plan for the Ocean Grove Township, including the northern urban growth area.

Review the application of Significant Landscape Overlay 7.

Prepare an Urban Design Framework and Parking Precinct Plan for the Ocean Grove Town Centre.

Prepare Streetscape Plans for The Parade – Orton Street, Shell and Grubb Roads, Tuckfield Street, The Terrace, the Hodgson – The Parade Town centre entry and key streets between the beach and Town Centre.

Leopold

Implement the Leopold Activity Centre Urban Design Framework, 2011.

Implement the Memorial Park Masterplan, 2011.

Support the implementation of the Kensington Road Community Hub Concept Design, 2008.

Undertake further assessment of sites nominated as “Urban Consolidation” in the plan attached to this Schedule.

Undertake a Flood Study to introduce controls over areas identified appropriate for Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).

Barwon Heads

Undertake a Landscape Assessment Study for the Ewing Blyth/Golf Links/Bridge Road and the Warrenbeen Court residential areas with the intention to apply an overlay to protect the existing character and vegetation.

Undertake a detailed study of Murtnaghurt Lagoon to establish whether the boundaries of the existing Environment Significant Overlay require review.

Implement the findings of the Barwon Heads Parking & Traffic Study.

Consider the impacts of climate change on the future development of Barwon Heads in accordance with the Climate Change Adaptation Strategy to be developed by Council during 2010-2011.

Drysdale/Clifton Springs

Investigate the relocation of the Council depot site at 22A Collins Street

Prepare a Master Plan for the development of a community hub on the Council owned land at Palmerston Street site in the town centre.

Undertake a Drysdale Town Centre Community Facilities Planning Project to investigate and provide direction for future development and community use of 38 – 40 High Street and 2 – 8 Wyndham Street (senior citizens building) adjacent to the Town Square.

Prepare a Master Plan for the development of the Drysdale Regional Community and Cultural Hub.

Review the extent of the Heritage Overlay in the Drysdale Commercial Heritage Area.

References

Bellarine Peninsula Strategic Plan, City of Greater Geelong, 2006.

Ocean Grove Structure Plan, Hansen Partnership and the City of Greater Geelong, 2007.

Portarlington Structure Plan, City of Greater Geelong, 2007.

Indented Head Structure Plan, City of Greater Geelong, 2007.

St Leonards Structure Plan, City of Greater Geelong, 2006.

Leopold Structure Plan, City of Greater Geelong, 2011 (amended January 2013).

Leopold Urban Design Framework, City of Greater Geelong, 2011.

Barwon Heads Structure Plan, City of Greater Geelong, 2010.

Drysdale Clifton Springs Structure Plan, City of Greater Geelong, 2010.

Jetty Road Urban Growth Plan 2007.

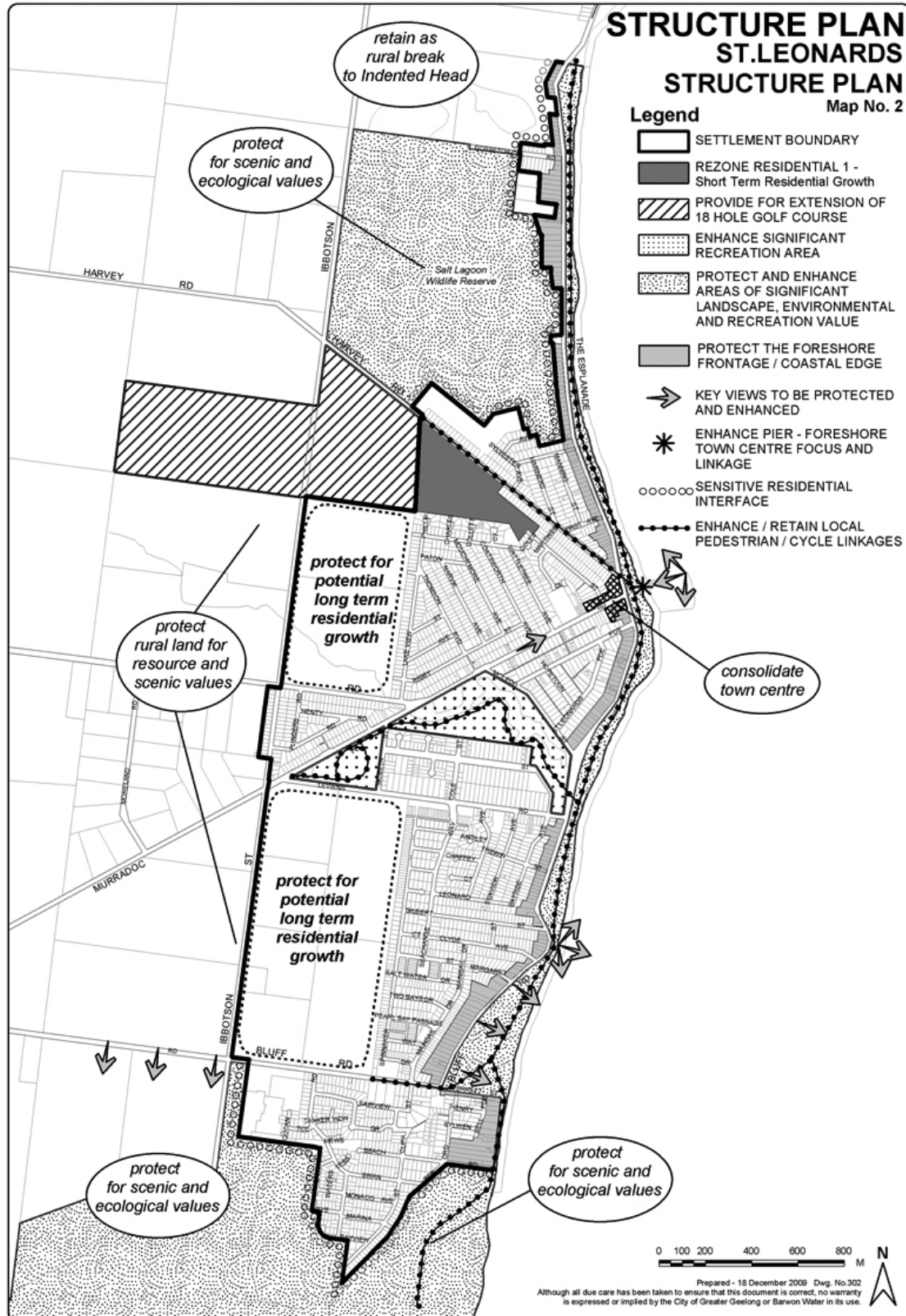
City of Greater Geelong Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).

Point Lonsdale Structure Plan, Planisphere, April 2009 (amended November 2011).

Drysdale Urban Design Framework, City of Greater Geelong 2012.

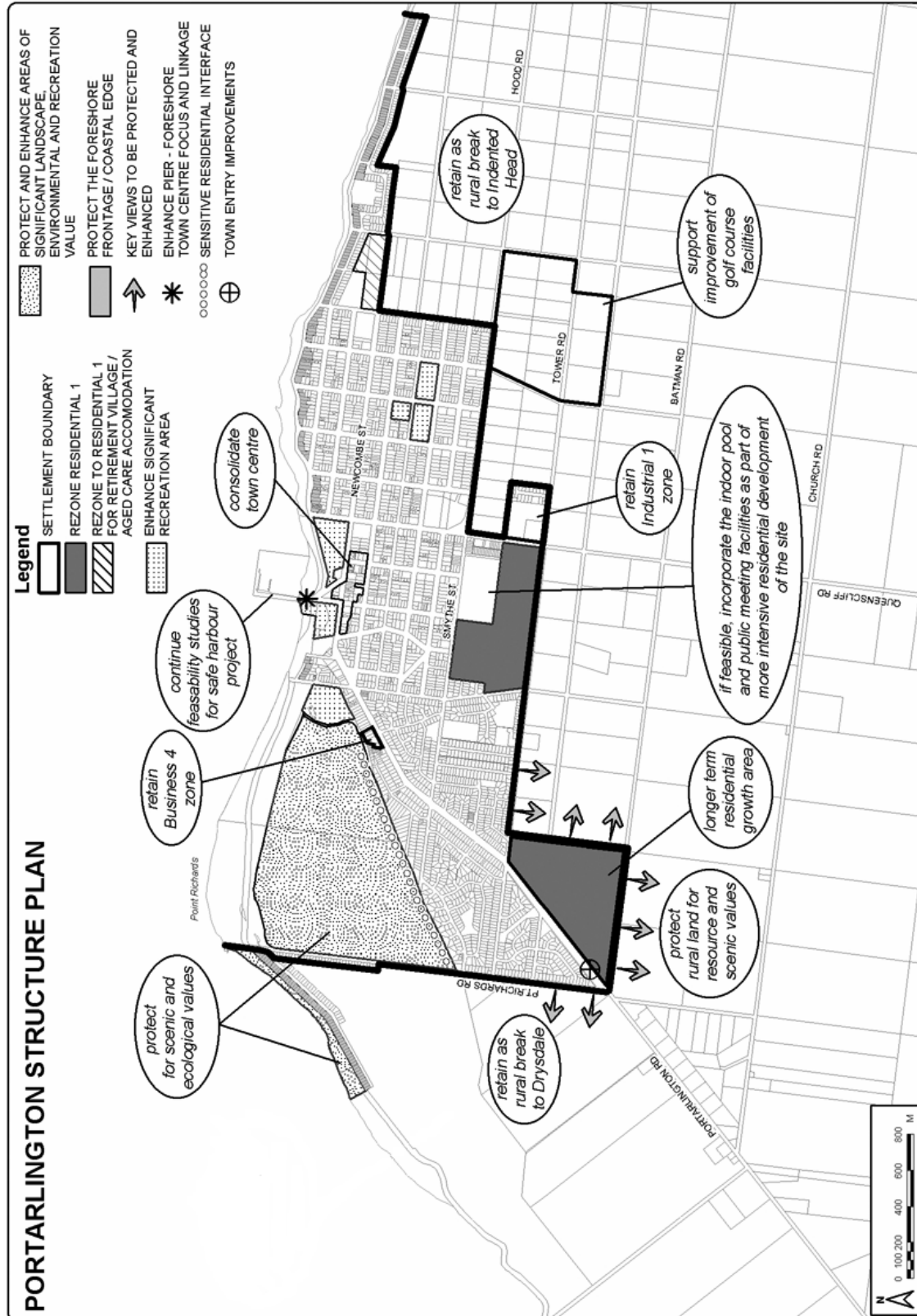
21.14-4 St Leonards Structure Plan map

28/01/2010



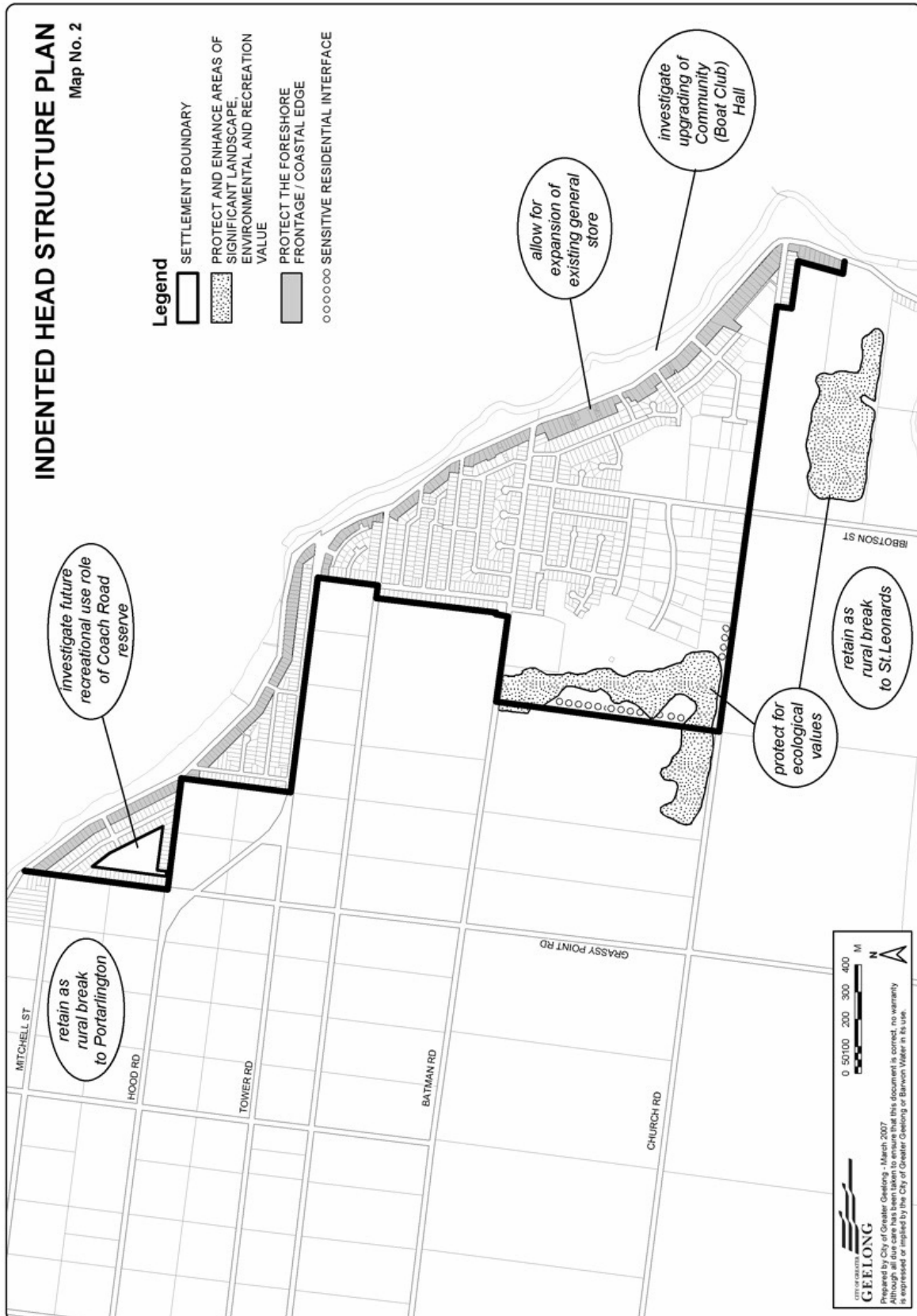
21.14-5 Portarlington Structure Plan map

29/11/2012
 C273



21.14-6 Indented Head Structure Plan map

28/01/2010
 C129(Part 1)



21.14-7 Ocean Grove Structure Plan map

28/01/2010
C129(Part 1)

**ocean grove
 structure plan**



21.14-8 Leopold Structure Plan map

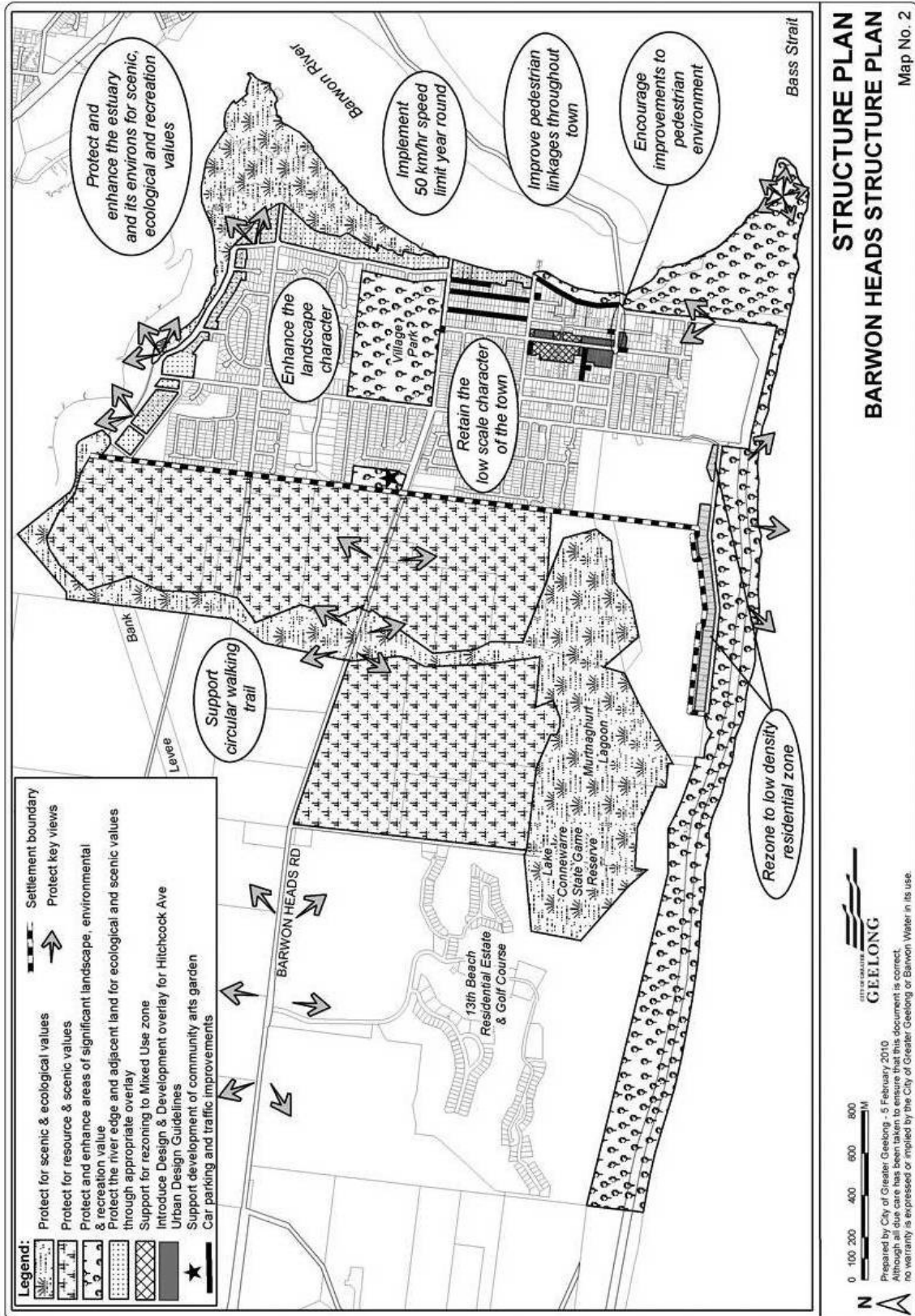
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21.14-9 Barwon Heads Structure Plan map

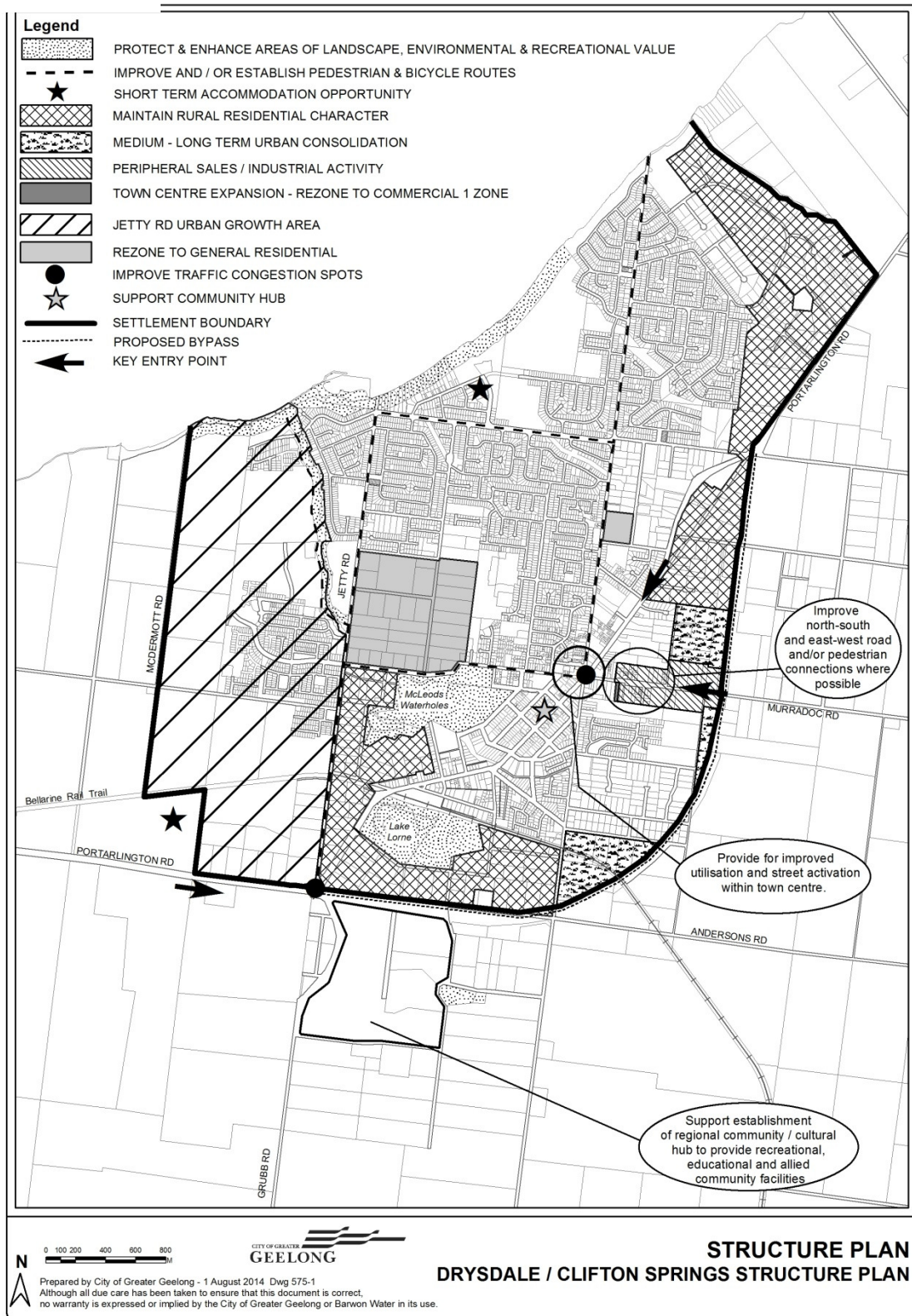
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ic Statement - Clause 21.14



21.14-10 Drysdale Clifton Springs Structure Plan map

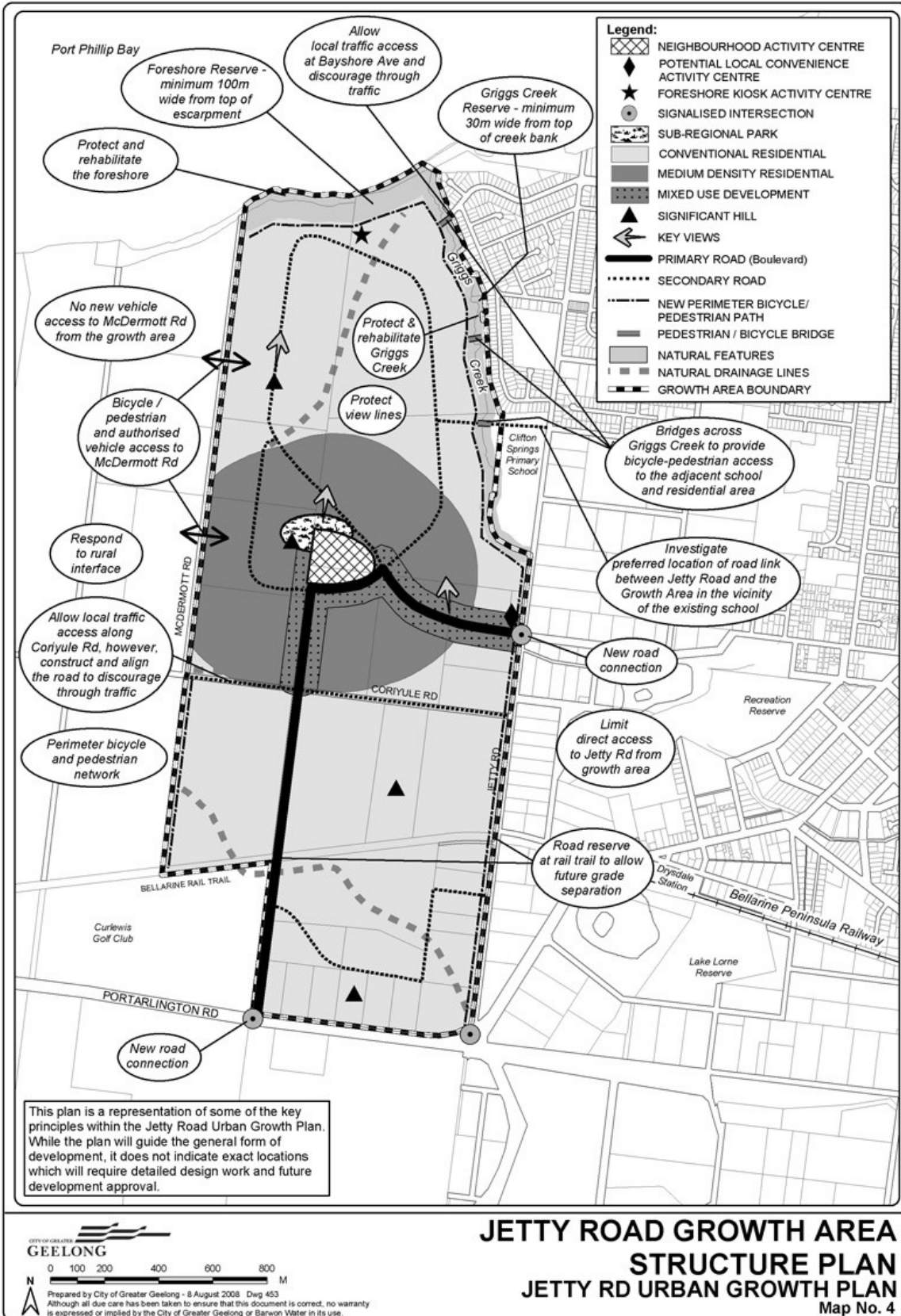
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 C194



21.14-11 Jetty Road Urban Growth Plan map

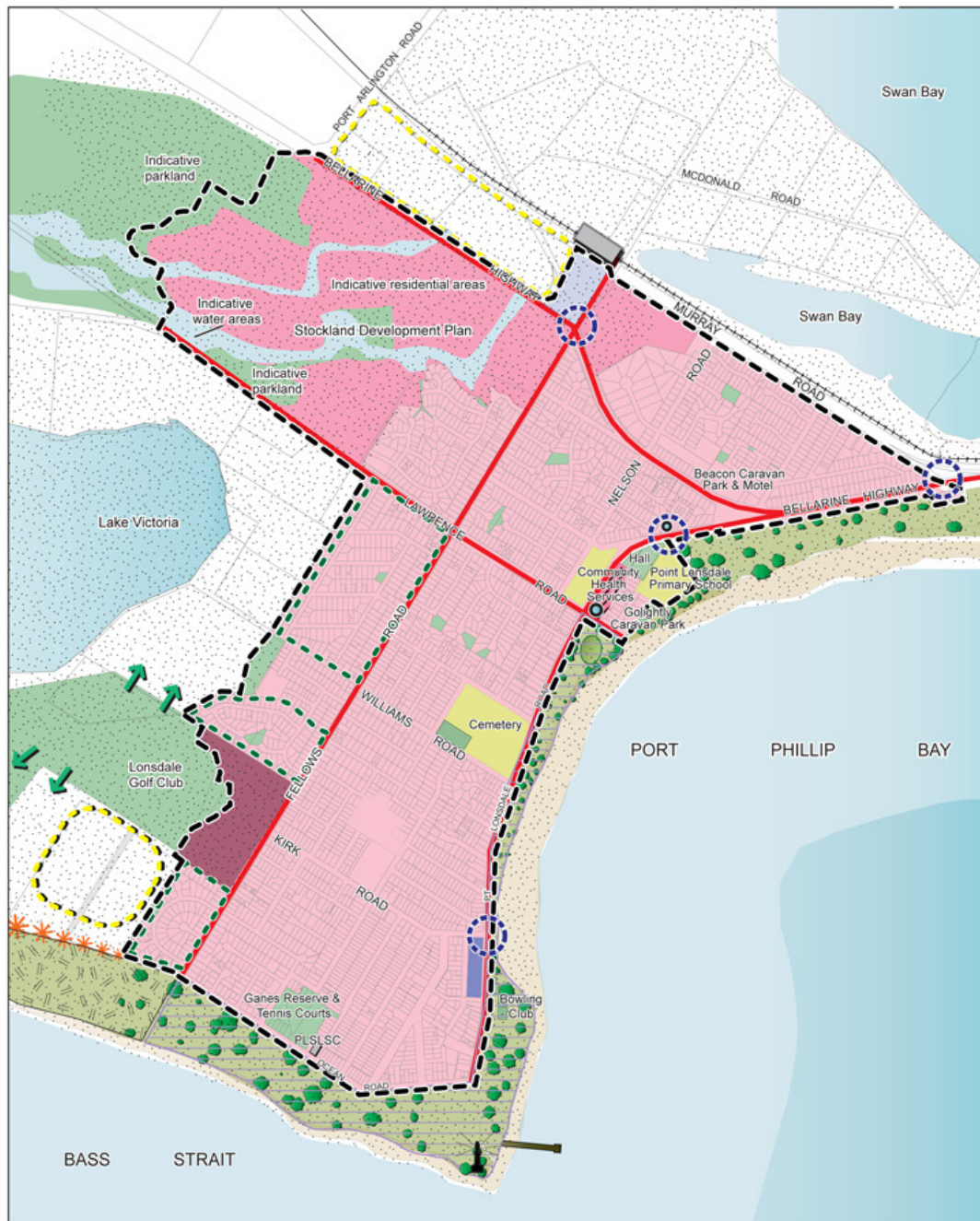
28/01/2010

C129(Part 1)



21.14-12 Point Lonsdale Structure Plan map

26/07/2012
 C165



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C283

SCHEDULE 32 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO32**.

TOWN ENTRY MURRADOC ROAD, DRYSDALE

1.0 Design objectives

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To improve the appearance and presentation of buildings and streetscape.

To manage the interface between residential and business uses.

To ensure the design and layout of new buildings allows for future road widening.

To improve the connections between Murradoc Road and the Drysdale Town Centre.

To provide for the implementation of the Murradoc Road Drainage Masterplan.

To promote best practice storm water quality and reuse measures.

2.0 Buildings and works

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Permit Requirements

No planning permit is required to construct a front fence up to 1.5 metres in height.

All permits for buildings and works should comply with the following requirements as relevant:

Design and Built Form

Except where provision for road widening has already been made, all buildings and works should be setback a minimum of 12 metres from Murradoc Road to allow for future road widening and the construction of a service road.

Developments should be designed to limit the amount of car parking provided on any land designated for future road widening to ensure adequate parking is available in the longer term.

Buildings should be sited to provide opportunities for landscaping in side and front setbacks.

Buildings should address street frontages, and where walls are visible from residential areas include design elements which add visual interest.

The design and layout of new buildings should minimise the potential for noise emissions to adjoining sensitive uses.

Stormwater Drainage, Quality and Re-Use

Provision should be made for the management of stormwater in accordance with the Murradoc Road Drainage Masterplan to be prepared by Council including the need for owners to enter into a Section 173 Agreement with Council to contribute to the implementation of the Masterplan.

Best practice storm water quality and reuse measures should be considered as part of the design for larger developments and on sites where it is practical to implement to mitigate impacts of stormwater to Lake Lorne.

Loading bays should be covered, active work areas should be contained internally with buildings, and waste disposal areas should be appropriately located in order to reduce the potential for contaminated runoff.

Exemption from notice and review

An application to construct a building or to construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

3.0 Decision guidelines

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C283

Before deciding on an application the responsible authority must consider:

- The design and siting of existing development in the area.
- The interface with adjoining zones.

Reference Document

Drysdale Urban Design Framework, City of Greater Geelong, 2012.

SCHEDULE 33 TO THE DESIGN AND DEVELOPMENT OVERLAY

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C283

Shown on the planning scheme map as **DDO33**.

DRYSDALE TOWN CENTRE

1.0 Design objectives

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To encourage building heights up to three storeys.

To maintain the character of the Drysdale Town Centre.

To improve the appearance, usage and accessibility of the town square.

To provide active frontages to retail premises.

To improve the layout and function of car parking areas.

2.0 Buildings and works

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C283

Permit requirement

No permit is required for:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

All permits for buildings and works should comply with the following requirements as relevant.

General requirements

Buildings should be up to three storeys in height where the third storey is recessive and does not visually dominate the streetscape or public realm.

New development should be of a contemporary design which is sympathetic to the height, siting and appearance of existing buildings.

New development should not dominate buildings of significant heritage value.

New development should include verandahs.

New and existing development should create active frontages at ground floor level through the use of glazing and the location of entry and exit points and provide opportunities for passive surveillance of car parking areas and streets.

Provide safe and legible pedestrian routes which link car parking areas to the town centre.

Developments should be sited to provide opportunities for landscaping adjacent to public spaces.

Car Parking

Car parking should be consolidated where possible and located to the side or rear of buildings and have minimal impact on the streetscape.

The following requirements apply to the individual sub precincts:

Town Square Precinct

Redevelopment of the supermarket and specialty shops should provide at grade pedestrian access to the Town Square.

Redevelopment of the supermarket should improve its address to Hancock Street.

1-5 Eversley Street

New development should be built to the street frontages with zero lot lines.

Development should be three stories in height.

Car parking should be located at the side or rear of the site with access from one street only.

Access ways with adjoining sites should be consolidated where possible to maximise development opportunities.

Hotel Precinct (8-14 and 20 – 22 Collins Street and 19 – 23 Murradoc Road)

Development should be setback 12 metres from Murradoc Road to allow for future road widening and the construction of a service road. Elsewhere new development should be built to the street frontages with zero lot lines, being set back no more than 12 metres from the front of the site.

Development should be three storeys in height.

Development should be sympathetic to the heritage listed hotel.

Car parking should be located at the side or rear and accessed from a side street or service road and consolidated with adjoining sites where possible.

The layout of the site should allow for a possible north-south road connecting Murradoc Road to McKenzie Street.

South Murradoc Precinct (6-10 Murradoc Road)

New development should be setback from the street to provide opportunities for alfresco dining and landscaping.

Safe and legible pedestrian access along the street should be provided.

12-32 Murradoc Road (Existing and proposed supermarket sites)

Development should be setback 12 metres from Murradoc Road to allow for future road widening and the construction of a service road.

Any additional car parking areas should be integrated with the car parking layout associated with the existing supermarket.

Exemption from Notice and Review

An application to construct a building or to construct or carry out works is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

3.0 Subdivision

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C283

A permit is not required to subdivide land.

4.0 Decision guidelines

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C283

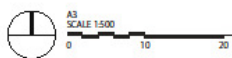
Before deciding on an application the responsible authority must consider:

- The visual integration of new development into the Drysdale Town Centre.
- The impact of new development on existing buildings with heritage significance.
- The provision of pedestrian linkages in the Drysdale Town Centre.
- The location of on site car parking to maximise layout and function.

Reference Document

Drysdale Urban Design Framework, City of Greater Geelong, 2012.

Appendix 5 – Bus Depot Layout.



Concept Plan - Indicative Bus Parking



Appendix 6 – Permit for Approval

PLANNING PERMIT

Permit No.	1060/2013
Planning Scheme	Greater Geelong Planning Scheme
Responsible Authority	Greater Geelong City Council

ADDRESS OF THE LAND 97-105 MURRADOC ROAD, DRYSDALE

THE PERMIT ALLOWS BUILDINGS AND WORKS ASSOCIATED WITH A VEHICLE STORE AND CREATION AND ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1, GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans required

1. Prior to the commencement of the development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted to Council on 2 October 2013 but modified to show:
 - a) A minimum 5 metre wide landscape buffer along the east boundary of the site.
 - b) Designated pedestrian paths into the building from the front of the site and the car park.
 - c) All proposed front fencing (including elevations).
 - d) A site plan showing a 3m high noise wall between 3m and 80m from the frontage and setback 5m from the western boundary within 55m of the site frontage and thereafter setback between 2-3m from the western boundary in a manner which protects existing trees to be retained. The noise wall should be in accordance with the recommendations of the Marshall Day Acoustics report dated 17 April 2014.
 - e) A cross-section plan showing the construction of the noise wall to be in accordance with the recommendations of the Marshall Day Acoustics report dated 17 April 2014.
 - f) A site plan showing car parking and bus parking lines designating parking bays.
 - g) Swept path diagrams showing that the buses can exit the site in a forward motion with restricted reversing movements.
 - h) A site plan showing the relocation of the proposed vehicular crossing onto Murradoc Road in accordance with the Site Access 95-105 Murradoc Road Drysdale Functional Layout Plan dated 30 April 2014 as prepared by TTM Consulting Pty Ltd.

- i) A site plan showing any proposed built form in the Fuel and Wash Bay area including setbacks from boundaries and the internal road.
- j) Elevation plans for any proposed built form in the Fuel and Wash Bay area including dimensions and building materials.
- k) A site plan showing a 1.8m high timber paling fence constructed on the boundary between the noise wall and the rear (northern) boundary.

Endorsed plans

- 2. The development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

Car park

- 3. Car spaces, access lanes, pedestrian paths and driveways must be kept available for these purposes at all times.

Washing bay

- 4. The site must contain a concrete bay for washing vehicles. Waste from the bay must drain into a public sewer or a settlement and oil separation system. The oil separation system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the Responsible Authority. Vehicles must only be washed in the washing bay.

Waste storage

- 5. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.

Stormwater and drainage

- 6. The site must be drained to the satisfaction of the Responsible Authority and no concentrated storm water may drain or discharge from the land to adjoining properties.
- 7. The site stormwater system must be designed and installed such that, to the satisfaction of the Responsible Authority:
 - a) Stormwater discharge from the site is not increased by the proposed development. Point(s) of discharge and permissible discharge rates must accord with interim provisions of the *Murradoc Road Drainage Masterplan*. An appropriate on-site detention system designed in accordance with the Infrastructure Design Manual (IDM) may be required.
 - b) Runoff is treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.
- 8. The refuelling area and wash bay must be isolated from the site drainage system so that no polluted runoff may enter the Council drainage system.

Section 173 agreement

- 9. Prior to the commencement of the development, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's

reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- a) The land owner shall pay to Council a drainage levy for the implementation of the Murradoc Road Drainage Masterplan at a rate & at the time as specified in the Masterplan.
- b) On completion of works contained within the *Murradoc Road Drainage Masterplan* or as otherwise directed by the Responsible Authority, the land owner shall connect the site drainage system to an alternative point as directed by the Responsible Authority.
- c) The interim drainage system shall be maintained to the satisfaction of the Responsible Authority and shall not be removed until such time as directed by the Responsible Authority.
- d) Any major infrastructure constructed as part of an interim drainage system (on-site detention, treatment features, etc) shall be constructed outside of the 12 metre setback (allowing for widening of Murradoc Road).

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

Construction Management Plan

10. Prior to the commencement of the development, a detailed Construction Management Plan must be submitted to and approved by the Responsible Authority. This plan must incorporate, but is not limited to, the following information:
 - a) A staging plan for all construction phases including indicative dates for commencement and completion;
 - b) Intended access for construction vehicles;
 - c) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
 - d) Details of actions to be implemented in the event of damage to abutting assets infrastructure;
 - e) Details of where construction personnel will park;
 - f) Hours/days of construction (NOTE: these works must be consistent with EPA legislation and guidelines);
 - g) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
 - h) Details of site cleanliness and clean up regimes;
 - i) Material storage;
 - j) Dust suppression;
 - k) Plan to accord with the EPA Publication No. 960 "Doing it right on Subdivision – temporary environmental protection measures for subdivision construction sites" and No. 480 "Best Practice Environmental Guidelines for Major Construction Sites";

The plan must detail measures to ensure:

- a) Only clean rainwater is discharged to the stormwater drainage system;

- b) No solid waste, sediment, sand, soil, clay or stones from the site enters the stormwater drainage system or accumulates on abutting roads;
- c) Waterways and Council assets are protected from adverse impact, and details of action to be undertaken should damage occur;
- d) All machinery and equipment is cleaned on site, not on adjacent roads or footpaths; and
- e) All litter is contained on site.

When approved this Construction Management Plan will form part of this permit. All development and works must be carried out in accordance with the Construction Management Plan, to the satisfaction of the Responsible Authority.

Landscape plan

11. Prior to the commencement of the development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The landscape plan should generally accord with the recommendations of the Flora and Fauna Assessment and Net Gain Analysis, 97-105 Murradoc Road, Drysdale, Victoria prepared by Ecology & Heritage Partners dated May 2013 and the Arboricultural Assessment for 105 Murradoc Road, Drysdale prepared by Let's Talk about Trees dated May 2013.

The plan(s) must be drawn to scale and show:

- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed (existing vegetation should be retained, where possible);
- b) Any trees being retained which require Tree Protection Zones (TPZs) during the construction period;
- b) Details of surface finishes of pathways and driveways;
- c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- e) Methods for control and eradication of weeds;
- f) The use of indigenous plants of the Geelong Region, Zone 3;
- g) The location of the 3m high noise wall.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

Tree Protection Zones

12. Prior to the commencement of works, tree protection zones must be established in accordance with the recommendations of the Landscape plans, which are suitably fenced, along the alignment of the drip line of the identified trees to the satisfaction of the Responsible Authority. Within this zone there must be no vehicular or pedestrian access, trenching or soil excavation, storage of waste all to the satisfaction of the Responsible Authority. The tree protection zone must be maintained throughout the development phase, to the satisfaction of the Responsible Authority.

Protection of fauna

13. Prior to felling any tree which maybe removed the tree must be examined by a suitably qualified zoologist for the presence of fauna in hollows or external nests. If

native fauna species are located they must be salvaged and relocated to the closest suitable vegetation in consultation with DEPI.

Prior to the commencement of the use

14. Prior to the commencement of the use, the developer must, to the satisfaction of the Responsible Authority:
 - a) Construct the site stormwater system including connection(s) to the existing Council drainage system in Murradoc Road/Clarendon Road as per interim provisions of the *Murradoc Road Drainage Masterplan (CoGG)*. Connection(s) to existing Council infrastructure must be in accordance with City of Greater Geelong Standard Drawings.
 - b) Undertake works as required by VicRoads (as stipulated in their conditions on this permit).
 - c) Remove any redundant vehicular crossings and reinstate the kerb and channel and the footpath/nature strip area to match existing construction in the street.
 - d) Construct the car and bus parking areas including accessways, surface with an all-weather seal and linemark the car and accessways in accordance with the endorsed plans.
 - e) Install low intensity lighting to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land.
 - f) Complete the landscaping works in accordance with the endorsed landscape plan(s).
 - g) Construct the 3m high noise wall in accordance with the endorsed plans.

VICROADS CONDITIONS

15. Only one access from the subject site to Murradoc Road will be permitted. The access from the site to Murradoc Road must be located at the western end of the site.
16. Before the use approved by this permit commences, the following roadworks on Murradoc Road must be completed at no cost and to the satisfaction of VicRoads and the Responsible Authority:
 - a) The access must be designed and constructed to allow two way movements.
 - b) Installation of left turn land
 - c) Installation of right turn lane
17. Prior to the commencement of any roadwork on Murradoc Road, a scaled functional layout plan must be submitted to VicRoads and the Responsible Authority for approval.

Note: The functional layout must be compatible with the Drysdale urban design framework (adopted in August 2012)
18. Prior to the commencement of any roadwork on Murradoc Road, a road safety audit of detail design must be undertaken. The findings of the audit must be resolved in writing by the applicant, and to the satisfaction of VicRoads.

EXPIRY

19. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:
- a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.
 - b) The development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or
- a) Within six (6) months after the permit expires where the use or development has not yet started; or
 - b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

NOTES

1. **VicRoads:** The proposed development requires road works within the Murradoc Road reserve. Separate approval under the Road Management Act 2004 for this activity will be required from VicRoads. Please contact VicRoads prior to commencing any works.
2. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
3. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
4. A Vehicle Crossing Permit may need to be obtained prior to commencement of works.

2. COUNCILLOR COMMUNITY GRANTS PROGRAM 2013/2014 – SUMMARY OF ALLOCATIONS 1 JANUARY TO 30 JUNE 2014

Portfolio:	Community Development – Cr Fisher
Source	Community Services / Community Development
General Manager:	Jenny McMahon
Index Reference	Subject: Councillor Community Grants Documentation 2014

Purpose

The purpose of this report is to present details of allocations provided to successful applicants through the Councillor Community Grants Program for the period 1 January to 30 June 2014.

This forms part of the ongoing accountability framework for managing the Councillor Community Grants Program in accordance with the City of Greater Geelong Grants, Contributions, Donations and Sponsorship Policy.

Summary

- The Councillor Community Grants Program has an annual budget allocation of \$240,000. This amount is divided into the 12 council wards which equates to an annual allocation of \$20,000 per ward that is available to expend on groups that apply and are eligible under this grant program.
- As part of the accountability framework for managing the Councillor Community Grants Program, details of successful applications and allocations are reported to Council.
- This report provides a statement of allocations under the program during the period of 1 January to 30 June 2014 (Appendix 1).
- The total amount funded under this program for the period 1 January to 30 June 2014 was \$152,733 distributed among 80 community organisations.
- This brings the total amount funded for the 2013-2014 financial year to \$240,000 allocated among 136 community organisations.

Cr Fisher moved, Cr Macdonald seconded -

That Council:

- 1) Notes the statement of allocations (Appendix 1) granted to community groups and organisations for the period 1 January to 30 June 2014.**
- 2) Commends and congratulates the community groups and organisations who have received funding under the Councillor Community Grants Program for their efforts and contribution to the Geelong community.**

Carried.

Background

The Councillor Community Grants Program is for not-for-profit community groups and organisations who can apply for funds to support either ward based or municipal wide activities or events that will benefit the Geelong community.

In order to receive funds, applicants must comply with the established guidelines which govern the grant program.

A report providing information on allocations for the period of 1 July to 31 December 2013 was presented to Council on 25 February 2014. The total amount funded for that period was \$87,267, distributed among 56 community organisations.

Discussion

The total amount funded under this program for the period 1 January to 30 June 2014 was \$152,733 distributed among 80 community organisations.

This brings the total amount funded for the 2013-2014 financial year to \$240,000 allocated among 136 community organisations.

The allocation of grants assists with meeting the objectives of Council by providing an opportunity to enhance the wellbeing of the community by building social capital and enabling community engagement through the provision of funds to assist with local activities.

Appendix 1 provides a list of groups, the nature of the projects funded and the amounts that were allocated during this period, as well as a summary of balances.

Environmental Implications

Some of the projects supported via this grant program include a variety of environmental activities.

Financial Implications

There are no financial implications. All funds to date have been expended in accordance with the Councillor Community Grants Guidelines and within budget.

Policy/Legal/Statutory Implications

The provision of grants to the community supports local, community organisations and endorses the aims of City Plan and the G21 Regional Plan.

This report is presented in accordance with the City of Greater Geelong Grants, Contributions, Donations and Sponsorship Policy.

Alignment to City Plan

The Councillor Community Grants Program aims to fund projects that assist in achieving goals and outcomes consistent with City Plan's Community Wellbeing objectives.

The provision of grants is offered assist community organisations to provide opportunities that benefit the wider Geelong community.

Applications are encouraged that demonstrate or promote social inclusiveness, provide broad benefits to the City of Greater Geelong community and respond to environmental issues/impacts relative to their project.

Officer Direct or Indirect Interest

The provision of grants is carried out in accordance with the Local Government Act 1989 Officer Direct or Indirect Interest.

The Councillor Community Grants Program has provision in the assessment process to record any conflict of interest relating to each grant application that is assessed.

Risk Assessment

The Councillor Community Grants Program is governed in accordance with Council's monitoring, reporting and accountability framework.

Successful applicants are provided with an evaluation form for their completion and return to Council as a record of the outcome of the grant funding they received. Annual audits are also conducted on a sample group of grant recipients.

Social Considerations

The provision of the Councillor Community Grants Program provides an opportunity to support and strengthen communities to provide a broad range of activities for the benefit of the Geelong community.

Human Rights Charter

The Grants, Contributions, Donations, and Sponsorship Policy references the Chart of Human Rights and Responsibilities Act 2006.

The Charter states that human rights are essential in a democratic and inclusive society that respects the rule of law, human dignity, equality and freedom.

The provision of grants provides opportunities to assist in promoting social inclusiveness and projects that deliver broad community benefit.

Consultation and Communication

All groups are notified of the outcome of their grant application.

The list of allocations will be reported on the Geelong Australia Website.

The Community Development Department is responsible for communication of all matters relating to this report.

Appendix 1

**Summary of Allocations by Ward
1 January to 30 June 2014**

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Austin	Irvine	AFRICA DAY AUSTRALIA INC	AFRICA'S GOT TALENT	\$100.00	Austin \$100, Beangala \$100, Buckley \$100, Cowie \$350, Deakin \$100, Kardinia \$100, Windermere \$200. Total amount funded - \$1,050
Austin	Irvine	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$300.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Austin	Irvine	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$200.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.
Austin	Irvine	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$200.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Austin	Irvine	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$1,900.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Austin	Irvine	GREENVILLE KINDERGARTEN	HAND DRYERS INSTALLATION	\$100.00	Austin \$100, Cheetham \$100, Cowie \$50, Deakin \$50, Kardinia \$1,500. Total funded - \$1,800.
Austin	Irvine	NEWCOMB & DIST CRICKET CLUB	JUNIOR EQUIPMENT	\$1,500.00	
Austin	Irvine	NEWCOMB CRICKET CLUB INC.	EQUIPMENT	\$1,500.00	
Austin	Irvine	NEWCOMB WHITTINGTON MOOLAP RIDING CLUB	TOILET UPGRADE	\$600.00	Austin \$600, Coryule \$200, Windermere \$400. Total funded - \$1,200.
Austin	Irvine	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$300.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Austin	Irvine	OSBORNE PARK ASSOC INC	JOURNEYS TO JILLONG	\$250.00	Austin \$250, Brownbill \$696, Buckley \$200, Coryule \$350. Total funded - \$1,496.
Austin	Irvine	ST ALBANS BREAKWATER CRICKET CLUB	JNR SECTION DEVELOPMENT	\$3,000.00	
Austin	Irvine	ST ALBANS NETBALL CLUB	UNIFORMS/EQUIPMENT	\$1,750.00	
Austin	Irvine	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$100.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Austin	Irvine	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Austin	Irvine	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$150.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Austin Total				\$12,050.00	
Beangala	Farrell	AFRICA DAY AUSTRALIA INC	AFRICA'S GOT TALENT	\$100.00	Austin \$100, Beangala \$100, Buckley \$100, Cowie \$350, Deakin \$100, Kardinia \$100, Windermere \$200 . Total amount funded - \$1,050
Beangala	Farrell	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$100.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Beangala	Farrell	AUST CROATIAN FUNDRAISING GRP	COOKBOOK PRODUCTION	\$100.00	Beangala \$100, Brownbill \$200, Buckley \$100, Cowie \$2,250, Deakin \$100, Kardinia \$150, Kardinia \$150, Kildare \$100. Total funded - \$3,000
Beangala	Farrell	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$500.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Beangala	Farrell	CRASH COURSE PRODUCTIONS INC	MUSIC EQUIPMENT	\$4,000.00	
Beangala	Farrell	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Beangala	Farrell	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$200.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Beangala	Farrell	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$100.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.
Beangala	Farrell	GROVEDALE COLLEGE	UNIFORM - VIC BIKE RIDE	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$500, Corio \$200, Deakin \$100, Kardinia \$200, Windermere \$200. Total funded - \$1,500.
Beangala	Farrell	GSODA INC	BEAUTY & THE BEAST SHOW	\$500.00	Beangala \$500, Brownbill \$500, Buckley \$200, Corio \$500, Cowie \$50, Deakin \$100, Kildare \$200. Total funded \$2,050.
Beangala	Farrell	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$100.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Beangala	Farrell	OCEAN GROVE & DIST MEN'S SHED	CONTAINER PURCHASE	\$2,500.00	
Beangala	Farrell	OCEAN GROVE BUSINESS ASSOC	NEW WEBSITE	\$2,000.00	
Beangala	Farrell	OCEAN GROVE NEIGHBOURHOOD CENTRE	SKI TRIP VESTS	\$2,000.00	
Beangala	Farrell	OCEAN GROVE PLAYGROUP ASSOC	JUMPING CASTLE	\$299.00	
Beangala	Farrell	ST PAULS LUTHERAN CHURCH	COMPUTER	\$200.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Beangala	Farrell	THE SCOUT ASSOCIATION OF VICTORIA	TRAINING OF SCOUT LEADERS	\$1,000.00	
Beangala	Farrell	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$85.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Beangala	Farrell	ZENA WOMEN'S SERVICES INC	BLOSSOM PROJECT	\$1,911.00	Beangala \$1,911, Brownbill \$100, Deakin \$100, Kildare \$100. Total funded - \$2,211.
Beangala Total				\$16,096.00	
Brownbill	Heagney	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$170.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Brownbill	Heagney	AUST CROATIAN FUNDRAISING GRP	COOKBOOK PRODUCTION	\$200.00	Beangala \$100, Brownbill \$200, Buckley \$100, Cowie \$2,250, Deakin \$100, Kardinia \$150, Kardinia \$150, Kildare \$100. Total funded - \$3,000
Brownbill	Heagney	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$100.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.
Brownbill	Heagney	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$200.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Brownbill	Heagney	CORIO BAY BASKETBALL ASSOC.	UNIFORMS	\$964.00	Brownbill \$964, Kardinia \$1,000. Total funded \$1,964.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Brownbill	Heagney	CORIO MODEL RAILWAY CLUB	PORTABLE MODEL RAILWAY	\$3,040.00	
Brownbill	Heagney	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$100.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Brownbill	Heagney	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$50.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Brownbill	Heagney	GEELONG CAMERA CLUB	125TH ANNIVERSARY EVENT	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$50, Cowie \$50, Kardinia \$200, Kildare \$100. total funded - \$600.
Brownbill	Heagney	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.
Brownbill	Heagney	GEELONG RSL PIPES AND DRUMS	UNIFORMS	\$1,250.00	
Brownbill	Heagney	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$100.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.
Brownbill	Heagney	GEELONG WEST BRASS BAND INC.	INSTRUMENTS	\$1,500.00	
Brownbill	Heagney	GEELONG WEST N/HOOD HOUSE INC.	COMPUTER EQUIPMENT	\$3,000.00	
Brownbill	Heagney	GEELONG WEST TOY LIBRARY	ADDITIONAL TOYS	\$2,000.00	
Brownbill	Heagney	GEELONG WEST/ST PETERS FOOTBALL/NETBALL CLUB	HERITAGE JUMPERS	\$1,500.00	
Brownbill	Heagney	GROVEDALE COLLEGE	UNIFORM - VIC BIKE RIDE	\$100.00	Beangala \$200, Brownbill \$100, Buckley \$500, Corio \$200, Deakin \$100, Kardinia \$200, Windermere \$200. Total funded - \$1,500.
Brownbill	Heagney	GSODA INC	BEAUTY & THE BEAST SHOW	\$500.00	Beangala \$500, Brownbill \$500, Buckley \$200, Corio \$500, Cowie \$50, Deakin \$100, Kildare \$200. Total funded \$2,050.
Brownbill	Heagney	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$500.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Brownbill	Heagney	OSBORNE PARK ASSOC INC	JOURNEYS TO JILLONG	\$696.00	Austin \$250, Brownbill \$696, Buckley \$200, Coryule \$350. Total funded - \$1,496.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Brownbill	Heagney	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$100.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.
Brownbill	Heagney	ST PATRICKS PRIMARY SCHOOL	COUNT ME IN PROGRAM	\$1,000.00	
Brownbill	Heagney	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Brownbill	Heagney	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$100.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.
Brownbill	Heagney	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$100.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Brownbill	Heagney	ZENA WOMEN'S SERVICES INC	BLOSSOM PROJECT	\$100.00	Beangala \$1,911, Brownbill \$100, Deakin \$100, Kildare \$100. Total funded - \$2,211.
Brownbill Total				\$17,670.00	
Buckley	Richards	AFRICA DAY AUSTRALIA INC	AFRICA'S GOT TALENT	\$100.00	Austin \$100, Beangala \$100, Buckley \$100, Cowie \$350, Deakin \$100, Kardinia \$100, Windermere \$200 . Total amount funded - \$1,050
Buckley	Richards	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$200.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Buckley	Richards	AUST CROATIAN FUNDRAISING GRP	COOKBOOK PRODUCTION	\$100.00	Beangala \$100, Brownbill \$200, Buckley \$100, Cowie \$2,250, Deakin \$100, Kardinia \$150, Kardinia \$150, Kildare \$100. Total funded - \$3,000
Buckley	Richards	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$100.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.
Buckley	Richards	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$200.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Buckley	Richards	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Buckley	Richards	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$100.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Buckley	Richards	GEELONG CAMERA CLUB	125TH ANNIVERSARY EVENT	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$50, Cowie \$50, Kardinia \$200, Kildare \$100. total funded - \$600.
Buckley	Richards	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.
Buckley	Richards	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$200.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.
Buckley	Richards	GROVEDALE COLLEGE	UNIFORM - VIC BIKE RIDE	\$500.00	Beangala \$200, Brownbill \$100, Buckley \$500, Corio \$200, Deakin \$100, Kardinia \$200, Windermere \$200. Total funded - \$1,500.
Buckley	Richards	GROVEDALE FIRE BRIGADE	DEFIBRILLATOR	\$2,700.00	Buckley \$2,700, Kardinia \$500. Total funded - \$3,200.
Buckley	Richards	GROVEDALE TIGERS FOOTBALL/NETBALL	VOLUNTEER HUB	\$2,666.00	
Buckley	Richards	GSODA INC	BEAUTY & THE BEAST SHOW	\$200.00	Beangala \$500, Brownbill \$500, Buckley \$200, Corio \$500, Cowie \$50, Deakin \$100, Kildare \$200. Total funded \$2,050.
Buckley	Richards	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$200.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Buckley	Richards	OLD HANGER MEN'S SHED	EQUIPMENT PURCHASE	\$950.00	
Buckley	Richards	OSBORNE PARK ASSOC INC	JOURNEYS TO JILLONG	\$200.00	Austin \$250, Brownbill \$696, Buckley \$200, Coryule \$350. Total funded - \$1,496.
Buckley	Richards	ROSEWALL NEIGHBOURHOOD CENTRE	PROMOTION FOR POTTERY CLASSES	\$100.00	Buckley \$100, Corio \$1,000, Cowie \$50, Deakin \$200, Kardinia \$200. Total funded - \$1,550.
Buckley	Richards	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$100.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.
Buckley	Richards	ST PAULS LUTHERAN CHURCH	COMPUTER	\$500.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Buckley	Richards	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$100.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Buckley	Richards	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$200.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Buckley Total				\$9,816.00	
Cheetham	Macdonald	BELLARINE CATCHMENT NETWORK	BOOKLET PRODUCTION	\$515.00	Cheetham \$515, Coryule \$1,125. Total funded - \$1,640.
Cheetham	Macdonald	DRYSDALE CRICKET CLUB	UPGRADE FEMALE TOILETS	\$3,112.00	
Cheetham	Macdonald	DRYSDALE SOCCER CLUB INC.	UNIFORMS & EQUIPMENT	\$1,990.00	
Cheetham	Macdonald	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$50.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Cheetham	Macdonald	GEELONG CAMERA CLUB	125TH ANNIVERSARY EVENT	\$50.00	Brownbill \$100, Buckley \$100, Cheetham \$50, Cowie \$50, Kardinia \$200, Kildare \$100. total funded - \$600.
Cheetham	Macdonald	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.
Cheetham	Macdonald	GREENVILLE KINDERGARTEN	HAND DRYERS INSTALLATION	\$100.00	Austin \$100, Cheetham \$100, Cowie \$50, Deakin \$50, Kardinia \$1,500. Total funded - \$1,800.
Cheetham	Macdonald	HOCKEY BELLARINE INC	JNR HOCKEY PROGRAM	\$500.00	Cheetham \$500, Coryule \$500. Total funded - \$1,000.
Cheetham	Macdonald	LEOPOLD TENNIS CLUB	WINDBREAKS FOR TENNIS CLUB	\$2,500.00	
Cheetham	Macdonald	LIONS CLUB OF LEOPOLD	PURCHASE OF BBQ	\$498.00	
Cheetham	Macdonald	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$200.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Cheetham	Macdonald	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Cheetham	Macdonald	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$100.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.
Cheetham	Macdonald	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$100.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Cheetham Total				\$9,915.00	
Corio	Fisher	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$200.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Corio	Fisher	BADMINTON GEELONG INC	EXTRACTOR FAN	\$1,500.00	
Corio	Fisher	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$500.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Corio	Fisher	CORIO NORLANE DEVELOPMENT ADVISORY BOARD AUSPICED BY NORLANE COMMUNITY CENTRE	CNDAB CRITICAL PRIORITIES DOCUMENT	\$1,020.00	
Corio	Fisher	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$500.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Corio	Fisher	DIVERSITAT	FOOD GARDEN EXPANSION	\$1,000.00	Corio \$1,000, Cowie, \$1,010. Total funded \$2,010.
Corio	Fisher	FOOD SKIL INC.	GEELONG NORTH BETTER BLOCK	\$1,000.00	Corio \$1,000, Cowie \$750. Total funded - \$1,750.
Corio	Fisher	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$300.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Corio	Fisher	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$400.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.
Corio	Fisher	GEELONG SOCCER & SPORTS CLUB	EQUIPMENT & UNIFORMS	\$1,000.00	Corio \$1,000, Cowie \$1,150. Total funded - \$2,150.
Corio	Fisher	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$200.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Corio	Fisher	GROVEDALE COLLEGE	UNIFORM - VIC BIKE RIDE	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$500, Corio \$200, Deakin \$100, Kardinia \$200, Windermere \$200. Total funded - \$1,500.
Corio	Fisher	GSODA INC	BEAUTY & THE BEAST SHOW	\$500.00	Beangala \$500, Brownbill \$500, Buckley \$200, Corio \$500, Cowie \$50, Deakin \$100, Kildare \$200. Total funded \$2,050.
Corio	Fisher	LIONS CLUB - NORLANE/CORIO	HARMONY DAY	\$1,500.00	
Corio	Fisher	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$500.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Corio	Fisher	ROSEWALL NEIGHBOURHOOD CENTRE	PROMOTION FOR POTTERY CLASSES	\$1,000.00	Buckley \$100, Corio \$1,000, Cowie \$50, Deakin \$200, Kardinia \$200. Total funded - \$1,550.
Corio	Fisher	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Corio	Fisher	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$500.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.
Corio	Fisher	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$500.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Corio Total				\$12,420.00	
Coryule	Ellis	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$100.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Coryule	Ellis	BELLARINE CATCHMENT NETWORK	BOOKLET PRODUCTION	\$1,125.00	Cheetham \$515, Coryule \$1,125. Total funded - \$1,640.
Coryule	Ellis	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$200.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Coryule	Ellis	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$100.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Coryule	Ellis	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Coryule	Ellis	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$200.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.
Coryule	Ellis	HOCKEY BELLARINE INC	JNR HOCKEY PROGRAM	\$500.00	Cheetham \$500, Coryule \$500. Total funded - \$1,000.
Coryule	Ellis	NEWCOMB WHITTINGTON MOOLAP RIDING CLUB	TOILET UPGRADE	\$200.00	Austin \$600, Coryule \$200, Windermere \$400. Total funded - \$1,200.
Coryule	Ellis	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$500.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Coryule	Ellis	OSBORNE PARK ASSOC INC	JOURNEYS TO JILLONG	\$350.00	Austin \$250, Brownbill \$696, Buckley \$200, Coryule \$350. Total funded - \$1,496.
Coryule	Ellis	PORT. DEMONS FOOTBALL & NETBALL CLUB INC	KITCHEN EQUIP & NOTICE BOARD	\$1,500.00	
Coryule	Ellis	PORTARLINGTON NEIGHBOURHOOD HOUSE	PORTABLE PARTITION/DIVIDER	\$2,515.00	
Coryule	Ellis	PORTARLINGTON PRIMARY SCHOOL	SHADE SAILS	\$2,500.00	
Coryule	Ellis	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$100.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.
Coryule	Ellis	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Coryule	Ellis	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$100.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.
Coryule	Ellis	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$100.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Coryule Total				\$10,290.00	
Cowie	Kontelj (E)	AFRICA DAY AUSTRALIA INC	AFRICA'S GOT TALENT	\$350.00	Austin \$100, Beangala \$100, Buckley \$100, Cowie \$350, Deakin \$100, Kardinia \$100, Windermere \$200 . Total amount funded - \$1,050

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Cowie	Kontelj (E)	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$100.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Cowie	Kontelj (E)	AUST CROATIAN FUNDRAISING GRP	COOKBOOK PRODUCTION	\$2,250.00	Beangala \$100, Brownbill \$200, Buckley \$100, Cowie \$2,250, Deakin \$100, Kardinia \$150, Kardinia \$150, Kildare \$100. Total funded - \$3,000
Cowie	Kontelj (E)	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$50.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.
Cowie	Kontelj (E)	BELL PARK NORTH PRIMARY SCHOOL	FREE FRUIT FRIDAY	\$900.00	
Cowie	Kontelj (E)	BELL PARK SPORTS CLUB	TERRACE NETTING	\$1,550.00	
Cowie	Kontelj (E)	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$50.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Cowie	Kontelj (E)	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$1,000.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Cowie	Kontelj (E)	DIVERSITAT	FOOD GARDEN EXPANSION	\$1,010.00	Corio \$1,000, Cowie, \$1,010. Total funded \$2,010.
Cowie	Kontelj (E)	ENCOMPASS COMM. SERVICES INC.	SPORTING EQUIPMENT	\$530.00	Cowie \$530, Kildare \$1,000. Total funded - \$1,530.
Cowie	Kontelj (E)	FOOD SKIL INC.	GEELONG NORTH BETTER BLOCK	\$750.00	Corio \$1,000, Cowie \$750. Total funded - \$1,750.
Cowie	Kontelj (E)	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$100.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Cowie	Kontelj (E)	GEELONG CAMERA CLUB	125TH ANNIVERSARY EVENT	\$50.00	Brownbill \$100, Buckley \$100, Cheetham \$50, Cowie \$50, Kardinia \$200, Kildare \$100. total funded - \$600.
Cowie	Kontelj (E)	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$410.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.
Cowie	Kontelj (E)	GEELONG SOCCER & SPORTS CLUB	EQUIPMENT & UNIFORMS	\$1,150.00	Corio \$1,000, Cowie \$1,150. Total funded - \$2,150.
Cowie	Kontelj (E)	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$50.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Cowie	Kontelj (E)	GREENVILLE KINDERGARTEN	HAND DRYERS INSTALLATION	\$50.00	Austin \$100, Cheetham \$100, Cowie \$50, Deakin \$50, Kardinia \$1,500. Total funded - \$1,800.
Cowie	Kontelj (E)	GSODA INC	BEAUTY & THE BEAST SHOW	\$50.00	Beangala \$500, Brownbill \$500, Buckley \$200, Corio \$500, Cowie \$50, Deakin \$100, Kildare \$200. Total funded \$2,050.
Cowie	Kontelj (E)	ISLAMIC SOCIETY OF GEELONG	PLAYGROUND EQUIPMENT	\$400.00	Cowie \$400, Kildare \$1,450. Total funded - \$1,850.
Cowie	Kontelj (E)	NORTH GEELONG FOOTBALL & NETBALL CLUB	SNR WOMEN'S TEAM UNIFORMS	\$1,800.00	
Cowie	Kontelj (E)	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$2,200.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Cowie	Kontelj (E)	ROSEWALL NEIGHBOURHOOD CENTRE	PROMOTION FOR POTTERY CLASSES	\$50.00	Buckley \$100, Corio \$1,000, Cowie \$50, Deakin \$200, Kardinia \$200. Total funded - \$1,550.
Cowie	Kontelj (E)	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$100.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.
Cowie	Kontelj (E)	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Cowie	Kontelj (E)	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$500.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.
Cowie	Kontelj (E)	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$100.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Cowie Total				\$15,650.00	
Deakin	Nelson	AFRICA DAY AUSTRALIA INC	AFRICA'S GOT TALENT	\$100.00	Austin \$100, Beangala \$100, Buckley \$100, Cowie \$350, Deakin \$100, Kardinia \$100, Windermere \$200 . Total amount funded - \$1,050
Deakin	Nelson	AUST CROATIAN FUNDRAISING GRP	COOKBOOK PRODUCTION	\$100.00	Beangala \$100, Brownbill \$200, Buckley \$100, Cowie \$2,250, Deakin \$100, Kardinia \$150, Kardinia \$150, Kildare \$100. Total funded - \$3,000
Deakin	Nelson	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$1,575.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Deakin	Nelson	BLIND CITIZENS AUSTRALIA (GEEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$100.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Deakin	Nelson	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$100.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Deakin	Nelson	GATEWAYS SUPPORT SERVICES	SENSORY PLAY SPACE	\$81.00	Deakin \$81, Kildare \$850. Total funded - \$931.
Deakin	Nelson	GEEELONG ARCHERS INC.	COME 'N' TRY PROGRAM	\$2,750.00	
Deakin	Nelson	GEEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$100.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.
Deakin	Nelson	GREENVILLE KINDERGARTEN	HAND DRYERS INSTALLATION	\$50.00	Austin \$100, Cheetham \$100, Cowie \$50, Deakin \$50, Kardinia \$1,500. Total funded - \$1,800.
Deakin	Nelson	GROVEDALE COLLEGE	UNIFORM - VIC BIKE RIDE	\$100.00	Beangala \$200, Brownbill \$100, Buckley \$500, Corio \$200, Deakin \$100, Kardinia \$200, Windermere \$200. Total funded - \$1,500.
Deakin	Nelson	GSODA INC	BEAUTY & THE BEAST SHOW	\$100.00	Beangala \$500, Brownbill \$500, Buckley \$200, Corio \$500, Cowie \$50, Deakin \$100, Kildare \$200. Total funded \$2,050.
Deakin	Nelson	NORTH GEEELONG SOCCER CLUB	SOCCER CUP	\$500.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Deakin	Nelson	PARKRUN INC	ADVERTISING & CAMERAS	\$2,300.00	
Deakin	Nelson	ROSEWALL NEIGHBOURHOOD CENTRE	PROMOTION FOR POTTERY CLASSES	\$200.00	Buckley \$100, Corio \$1,000, Cowie \$50, Deakin \$200, Kardinia \$200. Total funded - \$1,550.
Deakin	Nelson	SIROVILLA ELDERLY PEOPLES HOMES	ART CLASSES	\$1,448.00	
Deakin	Nelson	SOUTH WESTERN DISTRICT LADIES GOLF ASSC	JUNIOR GIRLS GOLF CLINIC	\$1,000.00	
Deakin	Nelson	ST LEONARDS GOLF CLUB	SIGNAGE/HONOUR BOARDS	\$2,000.00	
Deakin	Nelson	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$1,000.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Deakin	Nelson	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Deakin	Nelson	ZENA WOMEN'S SERVICES INC	BLOSSOM PROJECT	\$100.00	Beangala \$1,911, Brownbill \$100, Deakin \$100, Kildare \$100. Total funded - \$2,211.
Deakin Total				\$13,804.00	
Kardinia	Harwood	AFRICA DAY AUSTRALIA INC	AFRICA'S GOT TALENT	\$100.00	Austin \$100, Beangala \$100, Buckley \$100, Cowie \$350, Deakin \$100, Kardinia \$100, Windermere \$200 . Total amount funded - \$1,050
Kardinia	Harwood	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$100.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Kardinia	Harwood	AUST CROATIAN FUNDRAISING GRP	COOKBOOK PRODUCTION	\$150.00	Beangala \$100, Brownbill \$200, Buckley \$100, Cowie \$2,250, Deakin \$100, Kardinia \$150, Kildare \$150, Kildare \$100. Total funded - \$3,000
Kardinia	Harwood	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$100.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.
Kardinia	Harwood	BELMONT SENIOR CITIZENS CLUB	TV PURCHASE	\$2,027.00	
Kardinia	Harwood	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$200.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Kardinia	Harwood	CORIO BAY BASKETBALL ASSOC.	UNIFORMS	\$1,000.00	Brownbill \$964, Kardinia \$1,000. Total funded \$1,964.
Kardinia	Harwood	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Kardinia	Harwood	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$100.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Kardinia	Harwood	GEELONG CAMERA CLUB	125TH ANNIVERSARY EVENT	\$200.00	Brownbill \$100, Buckley \$100, Cheetham \$50, Cowie \$50, Kardinia \$200, Kildare \$100. total funded - \$600.
Kardinia	Harwood	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Kardinia	Harwood	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$200.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.
Kardinia	Harwood	GREENVILLE KINDERGARTEN	HAND DRYERS INSTALLATION	\$1,500.00	Austin \$100, Cheetham \$100, Cowie \$50, Deakin \$50, Kardinia \$1,500. Total funded - \$1,800.
Kardinia	Harwood	GROVEDALE COLLEGE	UNIFORM VIC BIKE RIDE	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$500, Corio \$200, Deakin \$100, Kardinia \$200, Windermere \$200. Total funded - \$1,500.
Kardinia	Harwood	GROVEDALE FIRE BRIGADE	DEFIBRILLATOR	\$500.00	Buckley \$2,700, Kardinia \$500. Total funded - \$3,200.
Kardinia	Harwood	HIGHTON CRICKET CLUB	TURF ROLLER	\$5,000.00	
Kardinia	Harwood	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$500.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Kardinia	Harwood	OBERON HIGH SCHOOL	COMMUNITY GARDEN PROJECT	\$3,000.00	
Kardinia	Harwood	ROSEWALL NEIGHBOURHOOD CENTRE	PROMOTION FOR POTTERY CLASSES	\$200.00	Buckley \$100, Corio \$1,000, Cowie \$50, Deakin \$200, Kardinia \$200. Total funded - \$1,550.
Kardinia	Harwood	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$100.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.
Kardinia	Harwood	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Kardinia	Harwood	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$200.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.
Kardinia	Harwood	TRANSITION SOUTH BARWON INC	GROVEDALE COMMUNITY ORCHARD	\$3,123.00	
Kardinia	Harwood	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$100.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Kardinia	Harwood	WOMEN'S CANCER FOUNDATION	CATERING FOR GOLF DAY	\$800.00	

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Kardinia Total				\$19,800.00	
Kildare	Kontelj (S)	AUST BREASTFEEDING ASSOC	50 YR CELEBRATION	\$100.00	Austin \$300, Beangala \$100, Brownbill \$170, Buckley \$200, Corio \$200, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$1,370
Kildare	Kontelj (S)	AUST CROATIAN FUNDRAISING GRP	COOKBOOK PRODUCTION	\$100.00	Beangala \$100, Brownbill \$200, Buckley \$100, Cowie \$2,250, Deakin \$100, Kardinia \$150, Kardinia \$150, Kildare \$100. Total funded - \$3,000
Kildare	Kontelj (S)	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$100.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.
Kildare	Kontelj (S)	BLIND CITIZENS AUSTRALIA (GEELONG & DISTRICTS BRANCH)	REACHING OUT PROGRAM	\$100.00	Austin \$200, Beangala \$500, Brownbill \$200, Buckley \$200, Corio \$500, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kardinia \$200, Kildare \$100. Total funded \$2,250.
Kildare	Kontelj (S)	CROATIAN CULTURAL ASSOCIATION	10 YR ANNIVERSARY	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$200, Corio \$500, Cowie \$1,000, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded - \$2,500.
Kildare	Kontelj (S)	ENCOMPASS COMM. SERVICES INC.	SPORTING EQUIPMENT	\$1,000.00	Cowie \$530, Kildare \$1,000. Total funded - \$1,530.
Kildare	Kontelj (S)	FRIENDS OF CORIO BAY ACTION GROUP	PROMOTE RECREATIONAL FISHING	\$100.00	Austin \$1,900, Beangala, \$200, Brownbill \$50, Buckley \$100, Cheetham \$50, Corio \$300, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$100. Total funded - \$3,000.
Kildare	Kontelj (S)	GATEWAYS SUPPORT SERVICES	SENSORY PLAY SPACE	\$850.00	Deakin \$81, Kildare \$850. Total funded - \$931.
Kildare	Kontelj (S)	GEELONG CAMERA CLUB	125TH ANNIVERSARY EVENT	\$100.00	Brownbill \$100, Buckley \$100, Cheetham \$50, Cowie \$50, Kardinia \$200, Kildare \$100. total funded - \$600.
Kildare	Kontelj (S)	GEELONG EAST LANGUAGE CENTRE AUSPICED BY BELL PARK NORTH PRIMARY SCHOOL	REFUGEE TEACHER PACKS	\$250.00	Brownbill \$100, Buckley \$100, Cheetham \$100, Corio \$400, Coryule \$100, Cowie \$410, Kardinia \$100, Kildare \$250. Total fund - \$1,560.
Kildare	Kontelj (S)	GEELONG WELSH LADIES CHOIR	WEBSITE DEVELOPMENT	\$200.00	Beangala \$100, Brownbill \$100, Buckley \$200, Corio \$200, Coryule \$200, Cowie \$50, Deakin \$100, Kardinia \$200, Kildare \$200. Total funded \$1,350.
Kildare	Kontelj (S)	GEELONG WEST/ST PETERS FOOTBALL/NETBALL CLUB	HERITAGE JUMPERS	\$1,250.00	
Kildare	Kontelj (S)	GSODA INC	BEAUTY & THE BEAST SHOW	\$200.00	Beangala \$500, Brownbill \$500, Buckley \$200, Corio \$500, Cowie \$50, Deakin \$100, Kildare \$200. Total funded \$2,050.
Kildare	Kontelj (S)	ISLAMIC SOCIETY OF GEELONG	PLAYGROUND EQUIPMENT	\$1,450.00	Cowie \$400, Kildare \$1,450. Total funded - \$1,850.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Kildare	Kontelj (S)	NEWTOWN CHILWELL FOOTBALL CLUB	FOOTBALL JUMPERS	\$1,000.00	
Kildare	Kontelj (S)	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$500.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Kildare	Kontelj (S)	ST JOSEPH'S FOOTBALL & NETBALL CLUB	NETBALL SHELTERS	\$983.00	
Kildare	Kontelj (S)	ST LUKES UNITING CHURCH-HIGHTON	HALL DRAW CURTAINS	\$100.00	Austin \$100, Brownbill \$100, Buckley \$100, Coryule \$100, Cowie \$100, Deakin \$1,000, Kardinia \$100, Kildare \$100. Total funded - \$1,700.
Kildare	Kontelj (S)	ST MARY'S SPORTING CLUB	JUNIOR JUMPERS	\$1,000.00	
Kildare	Kontelj (S)	ST PAULS LUTHERAN CHURCH	COMPUTER	\$100.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Kildare	Kontelj (S)	STH SUDANESE NUER LANG.SCHOOL	LANGUAGE SCHOOL CULTURAL DAY	\$200.00	Brownbill \$100, Buckley \$100, Cheetham, \$100, Corio \$500, Coryule \$100, Cowie \$500, Kardinia \$200, Kildare \$200. Total funded - \$1,800.
Kildare	Kontelj (S)	WATHAURONG ABORIGINAL CO-OP	ABORIGINAL CULTURAL PROJECT	\$250.00	Austin \$150, Beangala \$85, Brownbill \$100, Buckley \$200, Cheetham \$100, Corio \$500, Coryule \$100, Cowie \$100, Kardinia \$100, Kildare \$250. Total funded - \$1,685.
Kildare	Kontelj (S)	ZENA WOMEN'S SERVICES INC	BLOSSOM PROJECT	\$100.00	Beangala \$1,911, Brownbill \$100, Deakin \$100, Kildare \$100. Total funded - \$2,211.
Kildare Total				\$10,233.00	
Windermere	Ansett	AFRICA DAY AUSTRALIA INC	AFRICA'S GOT TALENT	\$200.00	Austin \$100, Beangala \$100, Buckley \$100, Cowie \$350, Deakin \$100, Kardinia \$100, Windermere \$200 . Total amount funded - \$1,050
Windermere	Ansett	BARRABOOL CRICKET CLUB INC	WICKET UPGRADE	\$290.00	Austin \$200, Brownbill \$100, Buckley \$100, Cowie \$50, Deakin \$1,575, Kardinia \$100, Kildare \$100, Windermere \$290. Total funded - \$2,515.
Windermere	Ansett	GIRL GUIDES ASSOC. OF VICTORIA	NEW FRIDGE & VACUUM	\$1,600.00	
Windermere	Ansett	GROVEDALE COLLEGE	UNIFORM - VIC BIKE RIDE	\$200.00	Beangala \$200, Brownbill \$100, Buckley \$500, Corio \$200, Deakin \$100, Kardinia \$200, Windermere \$200. Total funded - \$1,500.

Ward	Councillor	Organisation	Project Title	Amount Allocated	Details showing grant amounts when funds were allocated from more than one Ward
Windermere	Ansett	NEWCOMB WHITTINGTON MOOLAP RIDING CLUB	TOILET UPGRADE	\$400.00	Austin \$600, Coryule \$200, Windermere \$400. Total funded - \$1,200.
Windermere	Ansett	NORTH GEELONG SOCCER CLUB	SOCCER CUP	\$2,000.00	Austin \$300, Beangala \$100, Brownbill \$500, Buckley \$200, Cheetham \$200, Corio \$500, Coryule \$500, Cowie \$2,200, Deakin \$500, Kardinia \$500, Kildare \$500, Windermere \$2,000. Total funded - \$8,000.
Windermere	Ansett	ST PAULS LUTHERAN CHURCH	COMPUTER	\$300.00	Austin \$100, Beangala \$200, Brownbill \$100, Buckley \$500, Cheetham \$100, Corio \$100, Coryule \$100, Cowie \$100, Deakin \$100, Kardinia \$100, Windermere \$300. Total funded - \$1,900.
Windermere Total				\$4,990.00	
Grand Total				\$152,733.00	

**Summary of Ward Allocations and Balances
 1 January–31 July 2014**

Ward Name	Total Allocated 1/07/13 – 31/12/13	Total Allocated 1/01/14 – 30/06/14	Total Allocated 1/07/13 – 31/06/14
Austin	\$ 7,950.00	\$ 12,050.00	\$ 20,000.00
Beangala	\$ 3,905.00	\$ 16,095.00	\$ 20,000.00
Brownbill	\$ 2,330.00	\$ 17,670.00	\$ 20,000.00
Buckley	\$ 10,184.00	\$ 9,816.00	\$ 20,000.00
Cheetham	\$ 10,085.00	\$ 9,915.00	\$ 20,000.00
Corio	\$ 7,580.00	\$ 12,420.00	\$ 20,000.00
Coryule	\$ 9,710.00	\$ 10,290.00	\$ 20,000.00
Cowie	\$ 4,350.00	\$ 15,650.00	\$ 20,000.00
Deakin	\$ 6,196.00	\$ 13,804.00	\$ 20,000.00
Kardinia	\$ 200.00	\$ 19,800.00	\$ 20,000.00
Kildare	\$ 9,767.00	\$ 10,233.00	\$ 20,000.00
Windermere	\$ 15,010.00	\$ 4,990.00	\$ 20,000.00
Total	\$ 87,267.00	\$ 152,733.00	\$ 240,000.00

3. REVIEW OF LOCAL LAW

Portfolio:	Governance - Cr Darryn Lyons
Source	Community Services - Health & Local Laws
General Manager:	Jenny McMahon
Index Reference	Legal/Legislation/Local Laws

Purpose

To present to Council the proposed new Neighbourhood Amenity Local Law 2015 and to seek Council's endorsement for it to be released for formal community consultation.

Summary

- Council's *General Local Law 2005* has been reviewed and subsequently updated so as to respond to contemporary community amenity issues, to reduce the regulatory burden on the community and to implement best practice local law making. The proposed new *Neighbourhood Amenity Local Law 2015* and associated documents is attached.
- Under the *Local Government Act 1989*, all Local Laws expire after 10 years. In reviewing the existing *General Local Law 2005*, Council followed best practice principles as outlined in the 2010 State Government 'Guidelines for Local Laws Manual 2010'.
- Preliminary feedback has been sought from the community and other Council departments. With respect to the community feedback, Council conducted 6 public forums, comments were invited on line and/or in writing and interviews were conducted as requested.
- The most notably views expressed by the community were the support for nature strip gardens, alcohol consumption in parks and on foreshores in daylight, non-smoking in public places and issues about parks and dogs.
- As a result of the Review, 46 existing local laws have been deleted, 10 new local laws have been recommended for inclusion and some restructuring to a number of existing local laws has occurred.
- Local Law Penalties have been revised and a new *Local Law Procedure Manual* with officer discretion guidelines is incorporated by reference and will form part of the legal framework for Council's *Neighbourhood Local Law 2015*.
- The need to consolidate supporting procedures and work instructions as well as systems and databases has been identified through this process. Consolidation will lead to a fair, transparent and consistent approach to compliance, featuring a focus on education, awareness, mediation, resolution and enforcement. Health and Local Laws will play a lead role in this regard and support other departments with compliance matters.

Cr Harwood moved, Cr Macdonald seconded -

That Council:

- 1) **Commence the statutory process for the making of a local law and endorses the draft Neighbourhood Amenity Local Law 2014 (as tabled) as a proposed local law for public exhibition and submissions under Section 223 of the Local Government Act 1989;**

- 2) **Give public notice of the exhibition of the draft Neighbourhood Amenity Local Law 2014 and invite public submissions under Section 223 of the Local Government Act 1989;**
- 3) **In accordance with Section 223 of the Local Government Act 1989, establish a Special Committee of Council consisting of all Councillors with a quorum of three (3) Councillors to sit and hear submissions in relation to the draft Neighbourhood Amenity Local Law 2014.**

Carried.

Background

A Local Law is more than a set of regulations and penalties. It is a document implementing Council policy over ten years. It protects and enhances amenity, manages risk, and limits ratepayer liability. It also provides a legal basis for many of Council's activities.

In accordance with the Local Government Act 1989, a Council Local Law must not be extended beyond 10 years. The City of Greater Geelong's General Local Law 2005 expires in February 2015. The State Government's '*Guidelines for Local Laws Manual 2010*' provide new best practice procedures for making a Local Law including the key best practice values of being:

- Accessible, Accountable, Compliant, Consistent, Current, Efficient, Enforceable, Necessary and Transparent.

The Local Law review consultant has met with key stakeholders both within the organisation and in the community, including government agencies and has considered a number of key issues raised at Council meetings in recent times.

As a result the City of Greater Geelong's Local Laws have been redrafted implementing many best practice requirements in a proposed new *Neighbourhood Amenity Local Law 2015* (attachment 2). A summary of the proposed changes has been prepared to accompany the draft *Neighbourhood Amenity Local Law 2015*.

Discussion

Changes in community and Council expectations, council officer experiences and observations and other legislation has given rise to the proposed changes in the new Local Law.

A preliminary community feedback process has been implemented involving public forums, a web questionnaire and individual interviews with community members, groups and government agencies.

During consultations, the community presented views on many issues, most notably in favour of nature strip gardens, non-smoking in public places, alcohol consumption in parks and on foreshores in daylight and a number of other issues about parks, bicycles, cats and dogs.

The community also consistently raised a number of non-local law issues most notably about availability of dog off-leash areas and issues pointing to the need for greater enforcement resources for administer existing laws.

The new draft *Neighbourhood Amenity Local Law 2015* includes 10 new provisions related to:

- Non-smoking areas;
- Alcohol consumption allowed in parks and foreshores in daylight, and permit for footpath traders;
- Controls for fireworks;
- Controls on shipping containers;
- Controls on unauthorised occupation of Council land;
- Unreasonable interference with quiet enjoyment (replacing nuisance);
- Events permits;
- Individual animal plans for aggressive dogs;
- Parking on Reserves; and
- A law enabling extended prohibition from entry to Council facilities.

Other changes include revisions to the;

- numbers and types of animals allowed;
- building and waste management laws;
- mowing of vacant city allotments;
- strengthening of dilapidated buildings law and the availability; and
- use of Local Law permits for nature strips and use of reserves.

A full table of changes is listed in the 'Proposed Changes to Local Law' (Attachment 1).

Penalties have been revised to better reflect community expectations and the risks to public safety and Council assets.

The draft Local Law is structured in a more user friendly manner and has a number of features to enhance its use, such as explanatory preambles, plain English drafting and clear statements of appeal rights.

Parks Victoria and Victoria Police were both consulted and following careful negotiations with Victoria Police, an agreed approach has been proposed for new Alcohol Consumption provisions and the related penalties.

The *Local Law Community Impact Statement* (Attachment 3) is a compulsory attachment to every new Local Law. This document details the process undertaken in reviewing the law, including community consultation. It also analyses new Local Laws by purpose and intent, alternative approaches, comparative municipalities, cost benefit analysis, national competition policy, human rights charter and a risk analysis.

A new *Local Law Procedure Manual* (Attachment 4) is incorporated by reference (i.e. is part of the Local Law) and includes discretionary guidelines for officers. Unlike the Local Law itself (which requires a full review procedure to amend), this document will be relatively easy for Council to change by simple resolution and gazettal on a needs basis.

Environmental Implications

The Local Law Review may impact aspects of Council's Environment Policy as it affects Council assets and the community. Local Laws are used to control waste collection, protect Council assets (including water ways, roadside vegetation and Council reserves) and other aspects of private and public land use. The review will have minimal impact on Council's internal energy and resource use.

Financial Implications

The cost of the review is included in the 2013/14 and 2014/15 Health and Local Laws Departmental budget. The review is expected to have a total cost of approximately \$40,000, which includes the cost of the Local Law Review consultant, a range of legal review processes and mandatory public advertising.

Current approved budget.

1. The Local Law Review when completed will not impact permit fees and charges income. While Local Law permit fees are authorised by the Local Law, the actual fee amounts are set in Council's budgetary process.
2. The review will impact the very limited penalty income derived from breaches of the Local Law. Penalties have been reviewed and increased, reflecting changes in community expectations and levels of risk to public safety and public assets. However it should be noted that the maximum penalty under any Local Law is fixed by statute at \$2000 (20 penalty units) and unlike penalties in other legislation, this amount is not subject annual indexation.
3. Infringement Notice penalties will be reviewed, these, in accordance with best practice should be no more than 20-25% of the maximum penalty. These changes are not anticipated to be financially significant within the total Departmental budget.
4. The Local Law Review will not impact future expenditure in any significant way. Some minor internal Council documentation changes are anticipated in several departments, these should be 'in the normal course of business' expenses. Training of Local Law officers and other staff in the new Local Law will be a minor, once up expense allowed for in staff training budgets.

Policy/Legal/Statutory Implications

The new Local Law will comply with the *Local Government Act 1989* and a range of State and Commonwealth legislation.

As a result of the review, a number of documents used in several departments may need to change. This is to enhance legal authorisation and to minimise risk and liability.

The need to consolidate supporting procedures and work instructions as well as systems and databases has been identified through this process. Consolidation will lead to a fair, transparent and consistent approach to compliance, featuring a focus on education, awareness, mediation, resolution and enforcement

Changes to alcohol consumption laws are consistent with current Council policy and with the work being done to review that policy. Change may occur for new footpath trader alcohol permits for extended liquor licences on footpaths.

Alignment to City Plan

This review aligns with City Plan 2013-2017 under:

- Community Wellbeing Objective: 'Healthy Together Geelong: to enhance health, well being and quality of life of Greater Geelong communities' including the provision of 'safe, hazard and nuisance free environments';
- Growing Our Economy Objective: 'Securing Geelong's economic future';
- Sustainable Built and Natural Environment Objective: 'Partnering with our community to protect and enhance our natural ecosystems'.

Officer Direct or Indirect Interest

There are no direct or indirect interests by officers engaged in this report.

Risk Assessment

The new mandatory *Local Law Community Impact Statement* includes a risk analysis of each new Local Law.

The review of the Local Law focuses on reducing risks to community safety and amenity, and to Council assets. It also endeavours to reduce ratepayer liability in relation to Council's activities, procedures and legal authority.

Social Considerations

A Local Law has considerable impact on the community. It not only protects amenity, but also regulates certain business, building and individual activities on both Council and private land. The social impact of the draft Local Laws is discussed in the new mandatory *Local Law Community Impact Statement*.

A number of the changes in the draft Local Law are a result of change in community attitude. Allowing the consumption of alcohol in Council reserves and foreshores during daylight is an example. This received strong community support. At the same time Vic Police are empowered to reverse this approval if the situation warrants due to poor and unruly conduct/behaviour.

Unauthorised Occupation of Council Land is designed to assist Council protect ratepayer assets from unfair and unreasonable annexation by community members while potentially permitting community gardens should appropriate policy be developed and adopted in the future.

The smoke free areas Local Law, sets up a fair procedure so that Council may create enforceable non smoking areas to enhance community amenity and health.

Individual Animal Plans for proven aggressive dogs is a measure that may fill a gap in existing laws and better protect the community, especially children from dogs already known to have an aggressive tendency.

All the proposed Local Law changes are designed to improve or protect the safety and amenity values of the Geelong community.

Human Rights Charter

Part of the new mandatory *Local Law Community Impact Statement* is an analysis of the new Local Law under the Human Rights Charter and the National Competition Policy.

Consultation and Communication

A community consultation forms part of this review. It includes two rounds of public forums with advertising in the press and on Council's website. Three public forums have already occurred. There has been an on-line web questionnaire and numerous one on one community stakeholder meetings, as well as consultation with government agencies. A report on community consultation forms part of the new mandatory *Local Law Community Impact Statement*.

There will be further public forums and the draft Local Law will also be subject to mandatory Section 223 Exhibition, Submissions and Submission Hearing with appropriate public notices.

During the community forums that were conducted, 20 people raised a number of concerns including:

- Problems surrounding vacant city allotments and dilapidated buildings, including unsightliness, a rise in drug use, crime and behavioural problems. The CFA and ambulance officers reinforced this perception;
- Problems around use of reserves and other public spaces, glass on foreshores, trip hazards on footpaths from vegetation, bicycle speed on shared paths, dogs at large on shared paths, locked public toilets in reserves, placement of alfresco dining tables and chairs, smoking in public places especially in alfresco dining areas and very strong representation in favour of nature strip gardens;
- A range of other issues around the lack of off leash parks, cat curfew, insufficient disabled and city parking, summer pop up retailers, street plantings, recyclables waste education, shipping containers, road markings, reserve maintenance.

These issues raised in comments from 11 respondents to the web-based questionnaire included:

- Wanting fenced dog parks;
- Wanting regulations around the distance of poultry housing to neighbouring properties;
- Wanting to plant nature strip gardens (4);
- Wanting a ban against nature strip gardens (1);
- Wanting to park on nature strips;
- Wanting a ban on fake grass on nature strips;
- Wanting an annual hard rubbish collection;
- Allowing braziers on open decks;
- Concerns around tip fees being too high;
- Barking dog issues;
- Dogs at large and aggressive dog issues;
- Wanting a ban on all cats;
- Wanting a ban on smoking in public places, especially alfresco dining areas;
- Wanting a ban on private fireworks displays.

Not directly concerning the drafting of the Local Law, there has been strong feedback from many stakeholders recommending Council invest more in enforcement, especially in relation to dogs at large, opening existing toilets in public parks, managing dilapidated buildings and protection of persons and children in parks and on shared pathways from dogs and speeding cyclists and on issues of illegal alcohol consumption, fireworks and non-smoking (if introduced).

City of Greater Geelong – Proposed Changes to the Local Law @ 01 July 2014				
No.	New 2014 Cl.	Proposed Change	Reason	Supported by
		Total No. Clauses Old Laws: 179		
		Total No. Clauses New Laws: 104		
		Deleted Clauses: 46		
		New Clauses: 10		
		Reduced Restrictions: 6		
		Altered / Expanded: 12		
		Restructured Clauses: 29		
		NEW CLAUSES: 10		
1	12	Unauthorised Occupation of Council Land	Unlawful Occupations Potential garden permit	Council Community
2	16	Offensive Emissions Entering Neighbouring Properties	New, community complaint	Community
3	17	Fireworks – Permit Required	New, community complaint	Animal Owners
4	19	Shipping Containers – new controls – not a blanket permit	New, community complaint	Planning Community
5	28	Individual Animal Plan – for dogs with record of aggression	New, community complaint	Council Community
6	49	Sale and Consumption of Liquor on Roads Adjoining Licensed Premises	Legal Advice	Council
7	65	Smoke Free Areas	New, community complaint	Community Council
8	75	Events	Authorisation	
9	77	Parking on Municipal Reserves	Reduced Penalty	Council Community
10	84	Notification of Prohibition of Entry to Municipal Buildings	Authorisation & Fair Procedure	Council

		REDUCED RESTRICTIONS: 5		
1	18	Camping on Land other than Council Land – changed	Clarification	Council Community
2	32	Motor bikes etc. on private land – self-permit in rural areas	Greater freedom	Community
3	41	Procession Permit on Roads – Political and Industrial march exception if police informed	Political Freedoms	Human Rights Charter
4	50	Street soliciting: political activities exempt from permit	Political Freedoms	Human Rights Charter
5	61	Alcohol on Council Land Excluding Roads – OK between sunrise and sunset, with exceptions	Community and Tourism expectations	Community Police
6	42	Livestock on Roads – regular movement Permit exemption if Guidelines followed.	Clarification	Guidelines
		ALTERED / EXPANDED CLAUSES: 14		
1	10	Unightly Land – includes 'hoarding' specifically	Hoarders	Social Welfare Community
2	13	Dilapidated Buildings - Expanded requirements and penalties	Dilapidated building issues	Community Council
3	14	Fire Hazards – Mowing grass on vacant allotments in built-up areas	Fire Hazards	CFA Council
4	22	Trees overhanging footpaths – must clean up dangerous accumulation of dropped berries etc.	Community complaint	Community
5	23	Keeping of animals –revised types and numbers of animals, including land size	Roosters, new townhouse/units Remove Planning zones	Community Council
6	26	Animal Excrement – All animals unless rural livestock – unless road danger created	Clarification	Community Council
7	40	Shopping Trolleys – includes owners must retrieve trolleys	Abandoned Trolleys	Council Community
8	43	Impounding of goods on display on a road	Clarification	Council
9	44	Regulation of trading sites added	Increased occurrence	Council
10	56	Building Sites - Hours of Work added	Community complaints	Community Council

11	63-64	Council power to declare Alcohol Free Areas and no Glass Container permits	Authorisation	Council\ Community
12	70	Obstructions on Council Land – includes boats at jetty, boat ramp	New, community complaint	Council Community
	Schedule	Revision of All Penalties and Infringement Note Penalties	Comparative	
	New Cls	RESTRUCTURED CLAUSES		
1-3	51-54	Asset Protection Permits clarified	Clarification	
3-6	66-68	Municipal Places - Clarified	Clarification	
6-9	71-73	Municipal Reserves - Clarified	Clarification	
9-11	82-83	Municipal Buildings - Clarified	Clarification	
12-29	86-103	Administration Clarified – including powers, fees, permits, appeals	Clarification	
	Old 2005 Cl.	DELETED CLAUSES: x 46		
		Various Definitions	Not required	State Guidelines
1-3	32-34	Building Work Notification	Duplication	Eng. Services
4-6	38-40	Building Work Damage Notices	Duplication	Eng. Services
7-9	46-48	Building Work - Toilets	State: Work Cover & PHWA	Eng. Services Enviro Hlth
10	50	Work on Roads - Safety	State: Work Cover & Road Mangmnt Act	Eng Services
11	59	Camping Officer Power of Exemption	Transparency	Guidelines
12	62	Vegetation on Roads	Replaced	Eng. Services
13	63	Council Power to Number Allotments	Not Required	Guidelines
14	64	House Numbers materials	Changed Format	Guidelines
15	71	Fire Danger Days	Duplication	Guidelines
16	72	Nature of Offensive Materials Burning	To Procedure Manual	Guidelines
17-8	74-75	Extinguishing Fires	State: CFA Only	

19	77	Discharging to Air – Flues chimneys	Replaced	
20	89	Bulk Container Road - Power to Exempt	Transparency	Guidelines
21	94	Service Authority – Notify Council	State Law	Guidelines
22	99A	Anti-Social Behaviour	State: Summary Off.	Guidelines
23	99F-I	Appeal Procedure	Infringements Act	
24-5	104 / 106	Authorising Acts and Regulations	Not Required	Guidelines
26	110	Exempting Planning Permits	Transparency	Guidelines
27	113	Keeping Animals – Power to Exempt	Transparency	Guidelines
28	122	Disposal of Freezers	Not Required	Waste Mangmt
29-30	125-126	Screening of Bins	Planning not Waste	Waste Mangmnt
31	131	Terms of Permit	To Procedure Manual	Guidelines
32-3	132-133	Storage of Trade Waste	Public Health WAct	Waste Mngt Enviro Hlth
34-6	137-9	Impoundment Procedure	To Procedure Manual	Guidelines
37-8	141-2	Form of Notice to Comply	To Procedure Manual	Guidelines
39	145	Discretion to Issue Permit	Not Required	LGA
40	149	Power to make Delegations	Not Required	LGA
41	151	Permit requirement	To Procedure Manual	Guidelines
42	155	Discretion Guideline for Permits	To Procedure Manual	Guidelines
43	161A	Must Obey a Council Sign	Transparency	Guidelines
44	165	Council Infringement Notice	Infringements Act	Guidelines
45-6	176-7	Council Act Fairly and Reasonably	Not Required	LGA

City of Greater Geelong

NEIGHBOURHOOD AMENITY LOCAL LAW 2014

August 2014

City of Greater Geelong's *Local Law Procedure Manual*, as determined by Council from time to time, is incorporated by reference into this *Neighbourhood Amenity Local Law 2014*.

Draft – 18 August 2014

This Local Law is still in draft stage. It is yet to be sent out on Section 223 Exhibition.

Final making of this Local law is not expected prior to December 2014.

This document is a re-structure of previous General Local Law 2005.

The new structure can be seen in the Table below.

NEW SECTION TITLES *

- a) Your Property, Animals and Waste Collection**
- b) Vehicles, Activities on Roads and Stock Movements**
- c) Business and Builders**
- d) Alcohol and Smoking**
- e) Municipal Places, Reserves, Landfill Sites and Buildings**

*** It should be noted that this structure is for convenience of use only. Laws affecting a specific situation may not be limited to any one section.**

Neighbourhood Amenity Local Law 2014

DRAFT – 18 August 2014

PREAMBLE

City of Greater Geelong's Local Law is designed to secure community safety, protect public assets and enhance neighbourhood amenity. The Local Law embraces best practice local law making by embodying the principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency. The Local Law is also consistent with the principles of justice and fairness. Extensive community consultation has been undertaken in the preparation of this Local Law.

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PART 1 – PRELIMINARY, OBJECTIVES AND DEFINITIONS

1. TITLE

This Local Law is called Neighbourhood Amenity Local Law 2014 and is referred to below as 'this Local Law'.

2. OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- (1) secure community safety;
- (2) protect public assets;
- (3) enhance neighbourhood amenity;
- (4) embrace best practice local law making principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency;
- (5) be consistent with the Council's overall objectives and strategies, in particular:
 - (a) to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities;
 - (b) securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events;
 - (c) Partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably
 - (d) cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment
- (6) provide for the administration of the Council's powers and functions; and
- (7) revoke redundant General Local Law of 2005 No.1 of 2005.

3. AUTHORISING PROVISIONS

The Council's authority to make this Local Law is contained in section 111 of the *Local Government Act* 1989 and section 42 of the *Domestic Animals Act* 1994 and Clause 52.27 and 62.01 of the Planning Scheme.

4. COMMENCEMENT

This Local Law operates from the day following its making.

5. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

6. REVOCATION OF OTHER LOCAL LAWS

The following Local Laws of the Council are revoked:
General Local Law of 2005.

7. SCOPE OF THIS LOCAL LAW

- (1) This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a Clause or provision applies to a specific area.
- (2) Where this Local Law applies to a Road, it applies to all parts of the Road.
- (3) The provisions of this Local Law apply to the extent that they are not inconsistent with any Act or Regulation applicable to the Council or its Municipal District.
- (4) Where this Local Law prohibits any act, matter or thing or provides that such act, matter or thing can only be done or exist with a Permit, that prohibition or provision will not apply if the act, matter or thing can be done or can exist by reason of an express permission in the Planning Scheme.
- (5) References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water and any structures over any water affixed to the land or to the land covered with water.

8. HOW TO READ THIS LOCAL LAW, GUIDELINES AND INCORPORATED DOCUMENTS

Parts 1 to 7 of this Local Law set out provisions for meeting the objectives of this Local Law, organised in a community focussed, user-friendly structure. Part 1 and Part 7 focus on matters generally described as preliminary and administrative, including objectives, scope, definitions, powers, permits, appeals, fees and penalties. Part 2 is a collection of laws as they apply to an individual's home and property extending to any animals and waste collection. Part 3 deals with laws about vehicles and activities which occur on streets and roads including stock movements. Part 4 is a collection of laws related particularly to business activities and to building and construction. Part 5 deals with Alcohol consumption and Smoking. Part 6 contains those laws concerned with Municipal Places, Council reserves, landfill sites and buildings. These laws include prohibited behaviours and permitted activities in these places. Schedule 1 sets out a summary of maximum penalties and Infringement Notice penalties.

Incorporated by reference in this Local Law is the Local Law Procedure Manual, as determined by Council from time to time, which sets out the Discretion Guidelines to which the Council and its staff must have regard to in exercising discretions under this Local Law. It also includes certain Council policies and Standard Permit Conditions applicable to all Local Law Permits issued under this Local Law, as well as a number of standard Forms referred to in this Local Law.

Reference is also made throughout this Local Law to the following Acts, Regulations, Rules and other documents, as amended from time to time, but these documents are not incorporated by reference in this Local Law:

- (1) Australian Standard AS 2201.1-1998 Intruder Alarms
- (2) Building Act 1993;
- (3) Country Fire Authority Act 1958;
- (4) Crown Land (Reserves) Act 1978;
- (5) Environment Protection Act 1970;
- (6) Infringements Act 2006;
- (7) Liquor Control Reform Act 1998;
- (8) Local Government Act 1989;
- (9) Monetary Units Act 2004;
- (10) Planning and Environment Act 1987;
- (11) Public Health and Wellbeing Act 2008;
- (12) Road Management Act 2004;
- (13) Road Safety Act 1986;
- (14) Road Safety Road Rules 2009;
- (15) Sentencing Act 1991;
- (16) Victorian Government Gazette.

If a provision of any document incorporated by reference, or referred to, in this Local Law is inconsistent with any provision in this Local Law (excluding State and Commonwealth Legislation and the Regulations made under that Legislation and any relevant Planning Scheme), the provision in this Local Law prevails.

9. DEFINITIONS

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in the *Local Government Act 1989* indicated by the words '*as in the Act*'. Other words and phrases have the respective meanings assigned:

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Act	Means the <i>Local Government Act 1989</i> .

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Advertising Sign	Means any board, notice, structure, banner, flag or other similar device, with or without words, symbols or recognisable graphics, used for the purpose of soliciting sales or promoting a brand or person or notifying people of an adjacent property, organisation, business, or event or directing people to a place, whether real, internet-based or electronic, where goods and/or services may be obtained.
Abandoned Vehicle	Means a Vehicle left on Council Land where the registered owner cannot be ascertained by an Authorised Officer or Delegated Officer and which, in the opinion of that Officer, has been abandoned.
Alcohol	See 'Liquor'.
Alcohol Free Area	Means an area of, or in, any Municipal Place, which has been declared by the Council as an "alcohol free" area and has appropriate signage erected and maintained.
Allotment	Means any land in separate ownership or occupation.
Animal	Excludes a Person but includes, although is not limited to, any of the species or groups listed in the first column of the <i>Table of Animal Numbers and Types</i> in Clause 23 Keeping Animals, and includes Livestock, reptiles, insects and any other living animal tame or wild kept by a person.
Appeals Officer	Means an officer of the Council that is appointed to the role of Appeals Officer or internal ombudsman by the Chief Executive Officer.
Applicant	Means a Person who applies for a Permit under this Local Law.
Appropriate Fee	Means the fee determined by the Council in accordance with Clause 99 of this Local Law.
Asset Protection Permit	Means a Permit referred to in Clauses 51, 52, 53, 56 and 57 of this Local Law.
Authorised Officer	Means an Authorised Officer appointed under section 224 of the <i>Act</i> .

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Barbeque	Means a device used for the cooking of food outdoors whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them and includes a device for spit roasting when used outdoors.
Building Site	Means the entire area of any Building Work secured with permanent or temporary fence, but also includes sites of excavation, landscaping and concreting.
Building Work	Means works for or in connection with the construction, alteration, demolition or removal of a building in respect of which a building permit is required under the <i>Building Act 1993</i> .
Built Up Area	Means, in relation to a length of Road, an area in which either or both of the following are present for a distance of at least 500 metres or, if the length of Road is shorter than 500 metres, for the whole of the Road: (a) buildings, not over 100 metres apart, on land next to the Road; or (b) street lights not over 100 metres apart. (<i>As in the Road Safety Road Rules 2009</i>).
Bulk Waste Container	Means a skip, bin, container, mobile storage unit, charity collection bin or other structure designed or used for holding a substantial quantity of rubbish or storage and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with the Council's kerbside Waste, Recyclables and Green Waste collection services.
Busk, Busking	Means to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
Campervan	Means any Campervan, mobile home or similar vehicle, which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle and includes a caravan, camper trailer and other similar towed living/sleeping trailer facility.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Camping, (to Camp)	Means the occupation or use of a tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping all or part of a night or as temporary accommodation. Does not include brief 'power napping' in a vehicle beside a highway for one hour or less.
Camping Area	Means any land within the Municipal District that has been declared by the Council or other public authority to be a 'Camping Area' for the purposes of this Local Law.
Chief Executive Officer	Means the person appointed by the Council to be its Chief Executive Officer or any person acting in that position (<i>as in the Act</i>).
Clause	Means a Clause of this Local Law and Sub-clause has a corresponding meaning.
Contaminated Material	Means any material designated by Council as unacceptable for deposit in a Council-provided mobile bin or other Council-provided bin or class of such mobile or other bins and publicised by printed matter or on Council's website.
Council	Means the City of Greater Geelong Council.
Council Land	Means any land owned, or vested in, or under the control or management of the Council including, but not limited to, a Road, Municipal Reserve or other reservation, watercourse, Foreshore Reserve, jetty or boat ramp.
Delegated Officer	Means a staff member of the Council delegated by the Council to perform a duty or function or to exercise a power conferred by this Local Law, whether by direct delegation from the Council or by delegation from the Chief Executive Officer.
Domestic Bird	Means a small bird such as a canary, finch, budgerigar or the like that is kept in a cage or aviary but excludes a Large and/or Noisy Bird capable of causing disturbance and discomfort to neighbours and for the purposes of the <i>Table of Numbers and Types of Animals</i> , excludes pigeons.
Droving of Livestock	Means a single driving of Livestock in or through the Municipal District, or from one location to another for the purpose of changing the grazing area, or for the purposes of sale or relocation after sale, but does not include the Movement of Livestock or the Grazing of Livestock.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Dwelling	Means a building used as a self-contained residence which normally includes a kitchen sink, food preparation facilities, a bath or shower and a closet pan and wash basin, and includes out-buildings and works normal to a Dwelling.
Event	Means an extraordinary and temporary organised activity where people gather with a common purpose that aims to enhance community life.
Fence (Fencing)	Means any enclosure by design or intent that is used for the confinement of an Animal, for security, privacy, amenity or boundary marking and may include (but is not limited to) a gate, grid or similar structure.
Fire Danger Period	Means as in the <i>Country Fire Authority Act 1958</i> : in respect of the country area of Victoria or any part thereof means the period declared pursuant to this (CFA) Act to be the Fire Danger Period in respect of the said country area or any part thereof (as the case may be);
Footpath	Means a pathway or other area constructed or developed by a public authority for use by pedestrians.
Footpath Trading Permit	Means a Permit issued under Clauses 43,45,46,47, 50.
Foreshore Reserve	Means any land, whether or not owned, or vested in, or under the control and management of the Council, adjacent to the waters of Port Phillip Bay or Bass Strait or any inland lake, river, stream, creek or other waterway, but does not include a Road.
Graffiti	Means any defacement of property whether written, drawn, sprayed, scratched or otherwise marked on a wall or other surface, which is not readily removable by wiping with a dry cloth, is detrimental to the visual amenity of the neighbourhood and is not part of any approved artistic exhibition.
Grazing of Livestock	Means the use of a Road for the purposes of grazing Livestock, which includes supplementary feeding, but does not include the Droving of Livestock or the Movement of Livestock.

WORDS AND PHRASES

MEANING OR EXTENDED MEANING

Green Waste	Means all types of organic Waste produced or accumulated on any land that Council designates as acceptable Waste for any Green Waste collection as described by Council in any newspaper generally circulating in the Municipal District.
GVM	Means the Gross Vehicle Mass of a Vehicle which means the maximum loaded mass of the Vehicle: <ul style="list-style-type: none">(a) as specified by the Vehicle's manufacturer; or(b) as specified by VicRoads if –<ul style="list-style-type: none">(i) the manufacturer has not specified a maximum loaded mass; or(ii) the manufacturer cannot be identified; or(iii) the Vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate (<i>as in the Road Safety Act 1986</i>).
Heavy Vehicle	Means a motor vehicle or trailer that has a GVM greater than 4.5 tonnes, and includes: <ul style="list-style-type: none">(a) any other Vehicle that is physically connected to the heavy vehicle (even if that other Vehicle is not a heavy vehicle); and(b) a bus that is used, or intended to be used to carry passengers for reward or in the course of a business (<i>as in the Road Safety Act 1986</i>).
Incinerator	Means a structure, device or contraption (not enclosed in a building) which is: <ul style="list-style-type: none">(a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;(b) not licensed or otherwise subject to control under the provisions of any legislation; and(c) not a Barbeque or a manufactured fireplace for the purpose of outdoor heating or cooking.
Infringement Notice	Means an Infringement Notice issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Large and/or Noisy Bird (including a Rooster)	Means, in relation to the keeping of an Animal, any Large and/or Noisy Bird capable of causing a disturbance or discomfort to neighbours particularly by noise, such as a cockatoo, macaw, peacock, large parrot, pheasant, rooster, turkey, goose or other similar sized bird or any other noisy bird regardless of size, but does not include Poultry, a Domestic Bird, a pigeon or other small non-noisy bird.
Licensed Premises	Means premises licensed under the <i>Liquor Control Reform Act 1998</i> to sell or serve alcohol and includes premises which have been granted a BYO permit under the <i>Liquor Control Reform Act 1998</i> .
Liquor	Means a beverage or other prescribed substance, intended for human consumption with an alcoholic content greater than 0.5 per cent by volume at a temperature of 20° Celsius (<i>as in the Liquor Control Reform Act 1998</i>).
Litter	<p>Has the meaning ascribed to it in section 4 of the <i>Environment Protection Act 1970</i> as amended from time to time:</p> <p>any solid or liquid domestic or commercial waste, refuse, debris or rubbish and, without limiting the generality of the above, includes any waste glass, metal, plastic, paper, fabric, wood, food, soil, sand, concrete or rocks, abandoned vehicles, abandoned vehicle parts and garden remnants and clippings, but does not include any gases, dust or smoke or any waste that is produced or emitted during, or as a result of, any of the normal operations of the mining, building or manufacturing industry or of any primary industry.</p>
Litter Device	Means, in relation to the excrement of an Animal, an apparatus designed for the purpose of removing the excrement of the Animal and includes a paper or plastic bag.
Livestock	Means an Animal (including a domestic bird, a large or noisy bird and poultry) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat (<i>as in the Impounding of Livestock Act 1994</i>).
Local Law Procedure Manual	Means a publication by that name, as amended by Council from time to time, incorporated by reference into this Local Law.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Local Water Authority	Means Barwon Region Water Authority or its successor.
Long Vehicle	Means a Vehicle that, together with any load or projection is 7.5 metres long or longer.
Manager	Means a Person appointed by the Council to manage any Municipal Building, Municipal Reserve or other Municipal Place, or any other relevant Authorised Officer or Delegated Officer of the Council.
Motor Bike or other Motorised Recreational Vehicle	<p>Means a motor vehicle, whether registered or unregistered, used for recreational purposes on any land (excluding a Road) and includes, but is not limited to, the following motor vehicles:</p> <ul style="list-style-type: none">(a) a motor vehicle with two (2) wheels, with or without a sidecar attached that is supported by a third wheel;(b) a motor vehicle with three (3) wheels that is ridden in the same way as a motor vehicle with two (2) wheels; and(c) any other motorised, recreational vehicle including, but not limited to, mini-bikes, trail bikes, monkey bike, motorised scooters, motorised go-carts and quad bikes, <p>but excludes:</p> <ul style="list-style-type: none">(a) a motorised wheelchair, or other aid used by a Person with a disability or limited mobility;(b) a motorised farm vehicle that is being used for farming purposes; and(c) a motorised bicycle with a maximum capacity of 22 watt aggregate power.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Movement of Livestock	Means all of: (a) individual or regular movements of Livestock; (b) as part of normal farm management operations of one farming enterprise but not for the purposes of grazing; (c) from one property to another within the Municipal District or from or to one property in the Municipal District to or from another property within an adjacent municipal district; (d) at the rate of not less than one kilometre per hour in the direction of the movement between the two properties; (e) where the properties concerned are occupied by the one farming enterprise; and (f) the movement is completed on the day of commencement.
Municipal Building	Means any building (and its grounds) owned, occupied, controlled or managed by the Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access, including a recreation centre.
Municipal District	Means the district under the local government of the Council (<i>as in the Act</i>).
Municipal Environmental Health Officer	Means any Municipal Environmental Health Officer appointed by the Council from time to time.
Municipal Fire Prevention Officer	Means any Municipal Fire Prevention Officer appointed by the Council from time to time.
Municipal Place	Means any place within the Municipal District that is owned or occupied by the Council and/or controlled or managed by the Council, which the public may or may not have access to (whether an admittance fee is required or not) but also includes a Municipal Reserve, Foreshore Reserve, Municipal Building, recreation centre, Footpath and Road.
Municipal Reserve	Means any land, water, waterway or water course either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, but excludes a Road.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Municipal Stormwater System	Means the drainage system owned, operated or managed by Council which provides for conveyance of stormwater run-off, including kerb and channel, open channels, underground pipe systems, constructed wetlands and natural waterways.
Notice to Comply	Means a Notice to Comply issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law.
Notification of Prohibition from Entry	Means a Notification of Prohibition from Entry issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law after following the procedural guidelines in the <i>Local Law Procedure Manual</i> as amended by Council from time to time and incorporated by reference in this Local Law.
Offensive	Means in relation to the emission of noise, dust, smoke, ash, odour, waste or other thing, which due to its intensity, duration, frequency, or other factor, results in a level of personal discomfort that a reasonable person would not expect to endure, or results in an unreasonable disruption to normal living activity.
Outdoor Eating Facility	Means any tables and/or chairs that are used for commercial purposes and are located outside of doors on Council Land at which food or drinks are served and may be consumed in connection with premises adjoining or situated nearby.
Penalty Unit	Means a Penalty Unit set out in section 110(2) of the <i>Sentencing Act</i> 1991 that is currently fixed at \$100 for each one (1) Penalty Unit and includes any amendments to that amount as determined from time to time.
Permit	Means a Permit issued by the Council under this Local Law.
Permit Holder	Means a Person to whom a Permit has been issued under this Local Law.
Person	Has the meaning ascribed to it in section 3 of the Act, except that it also may include any other legal entity, whether a corporation, incorporated association or otherwise.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Planning Scheme	Means a planning scheme approved under the <i>Planning and Environment Act 1987</i> that operates within the Municipal District.
Poultry	Means any bird such as a fowl, bantam or duck that is kept for the production of eggs, or meat for human consumption, or exhibition, but does not include a rooster, goose, or turkey. [See ' <i>Large and/or Noisy Bird (including a Rooster)</i> ']
Procession	Means an organised group of people progressing along a Road or gathering for a ceremony or function and includes a fun run and/or bicycle event.
Pigeon	Means any pigeon kept by its owner for the purpose of , breeding, showing or racing.
Recyclables	Means any substances or articles which Council designates as Recyclables and are described by Council in any newspaper generally circulating in the Municipal District.
Refuse Facility	Means in relation to Building Works a receptacle capable of retaining builder's refuse within a Building Site and preventing removal of the builder's refuse by unauthorised persons or by wind or rain.
Reptile	Includes but not limited to lizards, snakes and turtles.
Road	Has the meaning ascribed to it in section 3 of the Act, as amended from time to time and includes a public highway (as in the Act): <ul style="list-style-type: none">(a) a street; and(b) a right of way; and(c) any land reserved or proclaimed as a street or road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>; and(ca) a public road under the <i>Road Management Act 2004</i>; and(d) a passage; and(e) a cul de sac; and(f) a by-pass; and(g) a bridge or ford; and(h) a footpath, bicycle path or nature strip; and(i) any culvert or kerbing or other land or works forming part of the road.
Schedule	Means a Schedule to this Local Law.

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Sell (Selling)	Means to offer, negotiate, accept or undertake an exchange of goods or services for consideration. Under this local law includes to barter or exchange, to agree to sell, to offer or display for sale, to have or keep goods in possession for the immediate purpose of sale rather than storage, to use any machine or mechanical device for the purpose, and to direct, cause or attempt any of these things.
Senior Officer	Has the meaning ascribed to it in section 3 of the Act, as amended from time to time and includes the Chief Executive Officer.
Service Authority	Means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth and may include an emergency service.
Smoke Free Area	Means an area of, or in, any Municipal Place, which has been declared by the Council as a “smoke free” or “non-smoking” area and has Smoke Free Area signage erected and maintained.
Sound System	Means a system for producing or amplifying music and other sound and includes a car stereo or radio system.
Spruik	Means attracting custom by public aural appeals to passers-by, with or without sound amplification equipment.
Street Festival	Means an organised recreational, cultural, commercial or social gathering of people that is held in full or in part on a Road.
Street Party	Means an organised social gathering of people from one or several adjacent Roads that is held in full or in part on a Road.
Trade Waste	Means any Waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.
Traffic	Means the movement of people by foot, or in, or on, a Vehicle along, across or within a Road.

**WORDS AND
PHRASES**

MEANING OR EXTENDED MEANING

Traffic Control Device

Means a Traffic Control Device, within the meaning of the *Road Safety Road Rules 2009* as amended from time to time:

a traffic sign, road marking, traffic signals, or other device, to direct or warn traffic on, entering or leaving a road.

Vehicle

Means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn and includes –

- a motor vehicle, trailer or tram;
- a bicycle;
- an air-cushion vehicle, and
- caravan or horse float

but does not include a train.

However, a reference in this Local Law to a Vehicle –

(a) also includes a reference to –

- (i) an Animal that is being ridden or is drawing a Vehicle; and
- (ii) a group of vehicles consisting of a motor vehicle connected to one or more vehicles; and
- (iii) a Motor Bike or other Motorised Recreational Vehicle;

(b) but does not include a reference to –

- (i) a wheelchair other than a motorised wheelchair capable of a speed of 10 kilometres per hour or more;
- (ii) a Wheeled Non-Motorised Recreational Device; or
- (iii) a Wheeled Child's Toy.

Vehicle Crossing

Means the constructed surface between the road pavement to the property boundary for vehicle access, including any Footpath section, crossing culverts, kerb and channel or layback.

WORDS AND PHRASES

MEANING OR EXTENDED MEANING

Waste

Has the meaning ascribed to it in section 4 of the *Environment Protection Act 1970* as amended from time to time:

- (a) any matter whether solid, liquid, gaseous or radio-active which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment;
- (b) any discarded, rejected, unwanted, surplus or abandoned matter;
- (c) any otherwise discarded, rejected, abandoned, unwanted or surplus matter intended for —
 - (i) recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; or
 - (ii) sale; and
- (d) any matter prescribed to be waste.

Wheeled Non-Motorised Recreational Device

Means a wheeled device, built to transport a Person that is propelled by human power or gravity and ordinarily used for recreation or play and –

- (a) includes in-line wheeled skates, roller-skates, skateboards, and similar wheeled devices; but
- (b) excludes a golf buggy, pram, stroller, trolley, bicycle, wheelchair or Wheeled Child's Toy.

Wheeled Child's Toy

Means a child's pedal car, scooter or tricycle or other similar toy, but only when it is being used solely by a child who is under 12 years old.

PART 2 – YOUR PROPERTY, ANIMALS AND WASTE COLLECTION

YOUR PROPERTY

10. UNSIGHTLY LAND

An owner or occupier of any land must not cause or allow the land or any structure on the land to be kept in a manner which

- (1) is unsightly or detrimental to the general amenity of the neighbourhood in which it is located;
- (2) through accumulation or hoarding of rubbish, Waste or other materials gives the appearance of neglect and is out of character with other Allotments in the vicinity;.

Penalty: 15 Penalty Units

11. DANGEROUS LAND

An owner or occupier of any land must not cause or allow the land to be kept in a manner which is dangerous or likely to cause danger to a Person, life or property, including but not limited to land which is:

- (1) a haven for vermin or any noxious weed;
- (2) used without a Permit for the storage of any substance which is dangerous or is likely to cause danger to a Person, life or property;
- (3) occupied by any unsecured dangerous thing likely to be an attraction to children; or
- (4) occupied by an unsecured hole or excavation.

Penalty: 20 Penalty Units

12. UNAUTHORISED OCCUPATION OF COUNCIL LAND

Although this Clause refers to Council Land, most examples of unauthorised occupation occur where privately owned land adjoins public land. Every landowner enjoys the right to control the use of their own land. Encroachment across any property boundary is unlawful without permission and can lead to financial loss. Council has a responsibility to protect public land in the long-term interest of the community and the environment.

- (1) A person must not, without a permit, occupy or allow to be occupied any Council Land or any Road for any use including excavation, landscaping, cultivation, planting, building, erection of structures, installation of recreation facilities, fencing, storage of Vehicles or goods of any kind, or any other interference or change normally associated with the lawful occupation of land.

Penalty 10 Penalty Units

- (2) A person who commits an offence under Sub-clause (1) must remove and rectify any change made to Council's Land or any Road as a result of the unauthorised occupation within one month or other reasonable time determined by Council.

Penalty 20 Penalty Units

- (3) If a person fails to remove and rectify any change to Council's Land or any Road under sub-clause (2) Council may remove and rectify the change and recover the cost of the removal and rectification from the offender.
- (4) A person employed, contracted or authorised by Council for the purpose is exempted from Sub-clauses (1), (2) and (3).
- (5) Mowing a nature strip is excluded from Sub-clause (1).

Guidelines for determining whether to grant a Permit to allow a Person to occupy a specified part of Council Land for a specified purpose are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference into this Local Law.

13. DILAPIDATED BUILDINGS

It may be no fault of any property owner or occupier that a building or other structure falls into disuse. Council also supports well-planned development and this may take time. However, the community also has a right to preserve the visual amenity of its neighbourhood. Run-down, badly maintained or neglected structures can fall into disrepair, reduce neighbouring property values, encourage unauthorised occupation, attract anti-social or criminal behaviour, and reduce community perceptions of amenity and safety. Consequently, Council requires owners and occupiers to maintain their buildings and structures to avoid these problems.

The owner or the occupier of land on which is located any building or other structure which is unoccupied, unfit for occupation or normal use, or not occupied most of the time:

- (1) must not permit any structure to become dilapidated or further dilapidated;
- (2) must take all reasonable steps to secure the building and land from unauthorised access, including if required secure fencing, more adequate locks and any other security options;
- (3) must take reasonable steps to prevent or remedy the site from being a haven for regular anti-social or unlawful behaviour by unauthorised persons;
- (4) must maintain any building in a state of good repair and appearance, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect out of character with other Allotments in the vicinity;
- (5) must not allow any Graffiti to remain on any building, wall, Fence, post or other structure or object erected on that land;

- (6) will commit a new offence under this Local Law for every month any breach of this Clause continues unless effective works have been undertaken to remedy any breach.

Penalty: 20 Penalty Units

14. FIRE HAZARDS

An owner or occupier of land

- (1) must not allow the land to contain any thing which constitutes or is likely to constitute a fire hazard.

Penalty: 20 Penalty Units

- (2) Must between the months of April and October of any year maintain any vacant Allotment in a built-up area by regular mowing to maximum height of 150 mm.

Penalty: 15 Penalty Units

15. BURNING MATERIALS

Clean air is a part of the amenity of our neighbourhoods and all persons need to avoid creating Offensive emissions of smoke and odour that may invade neighbouring properties from burning materials in the open.

- (1) A Person must not burn, or cause, or allow to be burnt, in the open in any part of the Municipal District:
- (a) any Offensive materials; or
 - (b) any materials that may cause Offensive emissions of smoke and odour to enter any neighbouring property.

Penalty: 15 Penalty Units

Guidelines for determining what is an Offensive material or an Offensive emission are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference into this Local Law.

- (2) A Person must not, without a permit, burn outside, or cause, or allow to be burnt outside on any land in the Municipal District, any materials, whether in the open air or in any built or manufactured Incinerator or similar device.

Penalty: 15 Penalty Units

- (3) A person who has lit or allowed a fire to be lit or remain alight, or has burned or caused or permitted to be burned any materials, contrary to this Clause, must extinguish the fire or burning materials immediately on being directed to do so by an Authorised Officer or Delegated Officer.

Penalty: 20 Penalty Units

- (4) The following exemptions apply in respect of this Clause:
- (a) In respect to Sub-clause (2), a permanent or portable Barbeque for the purpose of cooking food or a manufactured fireplace for the purpose of outdoor heating is not included.
 - (b) Council staff members and any Person contracted or authorised by the Council for the purpose may, without a Permit, undertake controlled burning-off as a part of normal reserve maintenance on any Council Land;
 - (c) Fire Agencies carrying out training or fire hazard reduction activities;
 - (d) An Authorised Officer or Delegated Officer may grant exemptions to any part of this Clause in special or unusual circumstances, such as in emergencies, urgent circumstances or natural disasters.

Guidelines for determining whether an offence has been committed or for determining whether to issue a Permit in relation to burning materials are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference in this Local Law.

16. OFFENSIVE EMISSIONS ENTERING NEIGHBOURING PROPERTY

A person must not allow, cause or permit Offensive emissions of noise, smoke, dust, ashes, odour, waste or any other thing to enter or continue to enter a neighbouring property.

Penalty for First Offence: 5 Penalty Units

Penalty for Second and Subsequent Offences: 15 Penalty Units

Explanatory Note: *This provision is intended to fill a gap between those everyday compromises we all must make to share our world with others, and more serious offences under the Public Health and Wellbeing Act 2008 and other legislation. [‘Offensive’ is defined in Part 1, Definitions.]*

Examples: *Normal farm activities such as ploughing, fertilising or moving dairy cattle to a milking shed are reasonably to be expected and would not constitute an offence under this law. The noise of a truck delivering food or beverages in the early morning to businesses in the central city in close proximity to sleeping occupants of city apartments is again reasonably to be expected and would not constitute an offence. However, the same truck leaving its reversing beeper operating while unloading, or the driver throwing (as opposed to placing) metal containers or products from or into the truck might constitute an offence. A wood heater flue reasonably emits smoke when initially lit but very little when burning dry fuel. Small amounts of wafting flue smoke would not constitute an offence. Burning wet solid fuel however emits thick smoke and this falling into neighbouring properties might constitute an offence.*

17. FIREWORKS

Fireworks can be spectacular entertainment. However, the noise of fireworks is particularly terrifying to dogs and cattle, which can be driven to escape onto public roads. Firework remnants may land long distances from their origins and can easily start fires, especially in the summer. To protect the safety of the public and community amenity, Council controls the use of fireworks within the municipal district.

A Person must not, without a Permit, light or cause or allow to be lit any fireworks on any land in the Municipal District.

Penalty: 20 Penalty Units

Guidelines for determining whether to issue a fireworks Permit are in the Local Law Procedure Manual as determined by the Council from time to time, and are incorporated by reference into this Local Law.

18. CAMPING ON ANY LAND OTHER THAN COUNCIL LAND

A Person, must not, without a Permit, camp on any land other than Council Land unless:

- 1) the Person is within a licensed caravan park, Camping Area or other area determined to be available for camping purposes by the Council; or
- 2) the Person is the owner or occupier of the land or has the permission of the owner or occupier, and
 - a) camps for a maximum period of 60 days in any six (6) month period, provided that sanitation and laundry facilities of a Dwelling located on the land are available to all persons camping.; or
 - b) camps for a maximum period of 30 days in a 12 month period, in the case of vacant land outside a Built Up Area.

Penalty: 15 Penalty Units

- (3) In determining whether to grant, re-issue, extend, vary or cancel a Permit, the Council or an Authorised Officer or a Delegated Officer must have regard to the Guidelines in the *Local Law Procedure Manual* as determined by the Council from time to time and incorporated by reference into this Local Law.

Guidelines for camping on land other than Council land are in the Local Law Procedure Manual as determined by the Council from time to time, and are incorporated by reference into this Local Law.

Also note separate Clause 76, Camping on Council Land in Part 6: Municipal Places, Reserves, Landfill Sites and Buildings of this Local Law.

19. SHIPPING CONTAINERS

A Person must not, without a permit:

- (1) keep, store, repair or in any other manner use any shipping container upon any Council Land; and
- (2) allow any shipping container upon any land other than Council Land to adversely impact the visual amenity of a neighbourhood.

Penalty: 15 Penalty Units

- (3) Sub-Clause (1) does not apply to Council or any person employed, contracted or authorised by Council for the purpose;

Guidelines for determining whether to issue a Permit for a shipping container on land other than Council land are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference into this Local Law.

20. INSTALLED INTRUDER ALARMS

An owner or occupier of land must not install, allow to be installed, or cause to be retained and active on the land or on any motor vehicle on the land any form of intruder alarm which emits a noise audible beyond the boundary of the land unless:

- 1) the alarm is constructed or regulated in accordance with Australian Standard AS 2201.1-1998 as amended from time to time; or
- 2) there are legibly and prominently displayed close to the front door of the premises on the land the name and telephone number of a person who can be contacted in the event of that intruder alarm being activated; and
- 3) whenever a detection device is activated,
 - a) the alarm is automatically rendered inaudible beyond the boundary of the land within 10 minutes of being activated;
 - b) the alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset; and
 - c) the alarm is automatically rendered inaudible beyond the boundary of the land within a further period of 5 minutes if a different detection device is activated following the first cessation of the alarm.

Penalty: 15 Penalty Units

21. ADDRESS NUMBERS

- (1) The Council or an Authorised Officer or Delegated Officer may allocate an address number to any Allotment in the Municipal District and, from time to time, may make changes to any address number.
- (2) The owner or occupier of an Allotment that has been allocated an address number under Sub-clause (1), must mark or re-mark the Allotment with the current number allocated and that number must be:
 - (a) of such form and durable material,
 - (b) of sufficient size,
 - (c) in such a position,
 - (d) kept in such state of repair, and
 - (e) kept clear of vegetation and other obstructions

as to be clearly visible and readable under all normal lighting conditions from the road on which the Allotment has its frontage.

Penalty: 10 Penalty Units

22. TREES, PLANTS, SIGNS AND STRUCTURES NOT TO OBSTRUCT OR OBSCURE

The owner or occupier of any land must not allow any vegetation growing on the land or any sign, structure or other thing located on the land:

- (1) to obstruct or interfere with:
 - (a) the passage of Traffic on a Road;
 - (b) the clear view of any driver or pedestrian lawfully using a Road of any other Vehicle, pedestrian or Traffic Control Device upon a Road;
 - (c) the view between motor vehicles and trains at a railway level crossing; or
 - (d) street lighting or any traffic control signal or sign;
- (2) to otherwise constitute a danger to Vehicles or pedestrians or compromise the safe or convenient use of an abutting Road;
- (3) to overhang any Footpath or Road at a height lower than 2.4 metres from the surface of the Footpath or Road; or
- (4) to accumulate dropped berries, leaves or other materials on a Footpath so as to cause obstruction or danger to any pedestrian.

Penalty: 15 Penalty Units

Guidelines for the offence and removal of overhanging tree or other obstructions, are in the Local Law Procedure Manual, as amended by the Council from time to time, and are incorporated by reference into this Local Law.

YOUR ANIMALS

23. KEEPING ANIMALS

- (1) An owner or occupier of any land must not, without a Permit,
- a) keep or allow to be kept more than 6 different types of any Animal on any one parcel of land of 2 hectares or less at any time, and
 - b) must not keep or allow to be kept any more in number, for each type of Animal, than is set out in the *Table of Animal Types and Numbers* in this Clause.

Penalty: 10 Penalty Units

Table of Animal Types and Numbers			
Type Of Animal	<i>In Flats, Units Or Townhouses</i>	On Land Less Than 0.4 Ha.in a Built Up Area #	<i>On Land between 0.4 ha and 2 Ha.</i> # * ++
Dogs (Small = adult dog up to 10 kg)	2 small or 1 large	2	4
Cats	2	2	4
Poultry (excluding Roosters)	0	12	24
Large and/or Noisy Birds (including Roosters)	Not allowed	Not allowed	5
Pigeons	0	12 Pairs	20 Pairs
Domestic Birds (caged, excluding Large and/or Noisy Birds)	6	30	No Limit
Domestic Rabbits, Guinea Pigs and Mice	2	4	No Limit
Horses and donkeys ***	Not allowed	Not allowed	2 ***
Cattle ***	Not allowed	Not allowed	2 ***
Sheep, goats and alpacas ***	0	0	6 ***
Pigs ***	Not allowed	Not allowed	2 ***
Any other Livestock ***	0	0	2 ***
*** Maximum total number of all livestock	0	0	8 ***

0.4 hectares = 0.99 acres 2 hectares = 4.94 acres

* Animal numbers on any private property or land exceeding 2 ha are subject to restrictions applicable under the Planning Scheme.

++ Land between 0.4 and 2 ha in rural areas may be permitted to pursue animal husbandry activities under the Planning Scheme. It is recommended enquiries be made at Council's Planning Department.

- (2) Unless contrary to other State or Commonwealth legislation, a Permit is also required to keep or allow to be kept any exotic, wild, dangerous, or large Animal not listed in Sub-clause (1).
- (3) For the purpose of calculating the numbers of any Animal kept under Sub-clause (1), the progeny of any Animal lawfully kept will be counted from 12 weeks after its birth.
- (4) Where at the date immediately prior to the day of the commencement of this Local Law any owner or occupier of land lawfully keeps a number of Animals in excess of the new maximum number or type of Animals given in the *Table of Animal Types and Numbers* in Sub-clause (1), and those Animals, where required, are registered with Council:
 - a) that maximum number shall be increased for that owner or occupier to include those previously lawful Animals, but only until that time when those individual Animals in excess of the new maximum die or are otherwise disposed of;
 - b) for roosters the time period referred to in Sub-clause (4) a) cannot exceed two years from the commencement date of this Local Law; and
 - c) those excess Animals may not be replaced, unless by permit.

Guidelines for determining what numbers and types of Animal may be kept, whether an offence has occurred and whether to issue a Permit to keep excess Animals, are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference into this Local Law.

24. ANIMAL ACCOMMODATION

- (1) An owner or occupier of land must ensure that excluding only dogs or cats any Animals and birds kept on that land are:
 - a) kept in a secure shelter, structure or enclosure; and
 - b) confined to the land unless they are under the effective control of a person.

Penalty: 10 Penalty Units

- (2) An owner or occupier of land which is less than 0.4 hectares in a Built Up Area, or on other land between 0.4 and 2 hectares, must ensure that any animal shelters, structures or enclosures on that land are maintained to the satisfaction of an Authorised Officer or Delegated Officer.

Penalty: 10 Penalty Units

Guidelines for determining reasonable accommodation for kept Animals are in the Local Law Procedure Manual, as amended by the Council from time to time, and are incorporated by reference into this Local Law.

25. NOISE AND SMELL FROM ANIMALS, BIRDS, PIGEONS, REPTILES AND BEES

An occupier of any land on which any Animal, Domestic Bird, Poultry, Large Or Noisy Bird, Pigeon, Reptile or bee is kept must not allow any noise, smell or discharge to emanate from the Animal or Animal accommodation which is Offensive or interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

Penalty: 10 Penalty Units

26. ANIMAL EXCREMENT

(1) A Person in charge of any Animal must not allow any part of the excrement of the Animal to remain on any Road or other Council Land.

Penalty: 10 Penalty Units

(2) A Person in charge of any Animal on any Road or other Council Land must carry a Litter Device suitable to clean up any excrement left by his or her Animal and must produce such Litter Device upon request of any Authorised Officer or Delegated Officer.

Penalty: 10 Penalty Units

(3) Exemption: Livestock outside a Built Up Area is exempt from Sub-clauses (1) and (2), except that, in the case of Livestock road crossings, Sub-clause (1) will apply if the animal excrement left on a road is sufficient to cause a genuine risk to public road safety, including but not limited to, being a contributory factor in any road accident.

27. ADEQUATE FENCING

Keeping Animals including Livestock is one of the pleasures of a rural lifestyle. However, the escape of any Animal can easily result in a serious accident or life-threatening tragedy. Consequently, owners and occupiers of land have an important responsibility to ensure the safety of the community, of road users and of all the Animals they keep by containing all of their animals including Livestock on their property with adequate Fencing.

(1) Where any Animal, including any Livestock, is kept on any land, the owner or the occupier of the land must ensure that the land is Fenced in a way that will prevent the type of Animal being kept from escaping from the land.

Penalty for first offence: 10 Penalty Units

Penalty for second and subsequent offence: 15 Penalty Units

(2) Where the Animals kept on any land are sheep, cattle, horses or other large Animals, the owner or occupier of the land must ensure by adequate Fencing that no Animal escapes onto, or remains unattended, on a public Road.

Penalty: 20 Penalty Units

- (3) No offence is committed under Sub-clause (2) where it can be shown that extreme or unusual circumstances beyond the control of the owner or the occupier, such as wildfire, flood or dog attack directly resulted in the escape of the Animal through otherwise adequate fencing.

See also Part 3 – Vehicles, Roads, and Stock Movements Vehicles – *Clause 42 Livestock on Roads and related guidelines in the Local Law Procedure Manual as amended by Council from time to time, incorporated by reference in this Local Law.*

28. INDIVIDUAL ANIMAL PLAN

A person must not, without a permit, keep or allow to be kept within the municipality any dog not a dangerous dog or restricted breed dog that:

- (1) has offended twice under the *Domestic Animal Act 1994*, as amended from time to time, for dog rush or an attack causing injuries not of a serious nature, or
- (2) has offended once under the *Domestic Animal Act 1994*, as amended from time to time, for an attack or bite causing death or serious injury to a person or animal.

Penalty for First Offence: 10 Penalty Units

Penalty for Second and Subsequent Offences: 20 Penalty Units

Guidelines for determining whether to grant an individual animal plan Permit, are in the Local Law Procedure Manual, as amended by the Council from time to time, and are incorporated by reference into this Local Law.

YOUR WASTE COLLECTION

29. WASTE, RECYCLABLES AND GREEN WASTE COLLECTIONS

- (1) The occupier of every Dwelling or other land to which the Council provides a Waste collection service (including Recyclables and Green Waste collections):
 - (a) must use only Council-provided mobile bins or other Council-approved bins, which bins remain the property of Council;
 - (b) must deposit garbage only in the mobile garbage bin, Recyclables only in the mobile recycling bin and Green Waste only in the mobile Green Waste bin;
 - (c) must not place any Contaminated Material in a mobile bin;
 - (d) must not cause contamination of mobile bins by depositing items or material in the bins other than garbage in the designated mobile garbage bin, Recyclables in the designated mobile recycling bin and Green Waste in the designated mobile Green Waste bin;
 - (e) must, if directed by Council to remove Contaminated Material from any mobile bin, comply with that direction;
 - (f) must, if directed by Council to dispose of all contents of a mobile bin containing Contaminated Material, comply with that direction;
 - (g) must leave the mobile bins out for collection on days designated by Council from time to time as collection days, or such other days as may be directed by an Authorised Officer or Delegated Officer;
 - (h) must place the mobile bins out for collection prior to 6.00am on the day of collection or such other time as designated by Council from time to time;
 - (i) must not leave any mobile bin out for collection more than one day before or one day after a designated collection day;
 - (j) must place all mobile bins:
 - (ii) adjacent to the kerb outside the front of the premises, at least half a metre clear of any fixed object or adjacent bin and, as far as practicable, free of any other obstruction to collection; or
 - (iii) at an alternative collection point as approved or designated by an Authorised Officer or Delegated Officer;
 - (k) must place all mobile bins out for collection in a manner specified in any written advice made available to the occupier by the Council;
 - (l) must ensure that any mobile bin (including contents) placed out for collection does not exceed 70 kilograms;
 - (m) must maintain all mobile bins in a clean and sanitary condition;
 - (n) must ensure that the area where the mobile bins are kept on the premises is kept clean and in a sanitary condition;
 - (o) must ensure the lid of any mobile bin is closed, except when being accessed;

- (p) must not cause damage to any mobile bins;
- (q) must ensure that the each mobile bin is not overfilled thereby preventing the lid from being completely closed down;
- (r) must not place out for collection any material immediately adjacent to the mobile bin; and
- (s) must ensure that no mobile bin is removed from the premises except for collection of material in accordance with this Local Law.

Penalty: 10 Penalty Units

- (2) Any non-compliance with any part of Sub-clause (1) of this provision is an offence under this Local Law.

Penalty: 10 Penalty Units

- (3) Council-provided mobile bins or other Council-approved bins remain the property of Council and may be:
 - (a) removed in whole or part; or
 - (b) replaced or exchanged in whole or part with bins of a different designated Waste type;

by Council from any Dwelling or other land to which the Council provides a Waste collection service (including Recyclables and Green Waste collections) if the occupier fails to comply with conditions of use outlined in Sub-clause (1) of this provision.

- (4) An occupier or owner of any Dwelling or other land to which the Council provides a Waste collection service (including Recyclables and Green Waste collections) must not after receiving one initial written warning place any Contaminated Material in a Council-provided mobile bin or other Council-approved bin.

Penalty for First Offence: 5 Penalty Units

Penalty for Second Offence: 10 Penalty Units

Penalty for Third and Subsequent Offences: 20 Penalty Units

30. HARD WASTE

The occupier of every premises to which a hard Waste collection service is provided by Council may place out for collection any hard Waste, and must do so in a manner set out in a notice published by Council in a newspaper generally circulating in the Municipal District or as specified in any written advice provided to the occupier by Council.

Penalty: 10 Penalty Units

31. INTERFERENCE WITH WASTE, RECYCLABLES, GREEN WASTE OR HARD WASTE

A person must not remove, add to or interfere with any Waste, Recyclables, Green Waste or hard Waste or mobile bin left out by any other person on a Road or other Council land for collection by Council, unless employed, authorised or contracted by Council for the purpose.

Penalty: 10 Penalty Units

Clauses related to Council's landfill sites, recycling and Waste transfer facilities and resource recovery centres can be found in Part 6: Municipal Places, Reserves, Landfill Sites and Buildings of this Local law.

PART 3 – VEHICLES, ACTIVITIES ON ROADS, AND STOCK MOVEMENTS

32. MOTOR BIKES AND MOTORISED RECREATIONAL VEHICLES

(1) A person must not on any part of any Council Land other than a Road, without a Permit:

- (a) drive, ride on or otherwise use; or
- (b) permit a person under his or her care or control to drive ride on or otherwise use

a Motor Bike or other Motorised Recreational Vehicle, unless the part of the Council Land has been designated for that purpose.

Penalty: 15 Penalty Units

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

- (a) in a Built Up Area on any land other than Council Land, drive, ride on or otherwise use any Motor Bike or other Motorised Recreational Vehicle except for the purpose of directly accessing or leaving that land.

Penalty: 15 Penalty Units

- (b) outside a Built Up Area on any land other than Council Land, drive, ride on or otherwise use any Motor Bike or other Motorised Recreational Vehicle within 500 metres of a Dwelling located on any other land;

Penalty: 15 Penalty Units

- (c) as the owner or occupier of any land other than Council Land outside a Built Up Area, allow a person to drive, ride on or otherwise use any Motor Bike or other Motorised Recreational Vehicle on that land within 500 metres of a Dwelling located on any other land.

Penalty: 15 Penalty Units

(3) A person is exempt from Sub-clause 2(b) and 2(c) provided that person has obtained a written consent:

- (a) from all adjoining property occupiers; and
- (b) from all other occupiers of Dwellings within 500 metres of the subject land;

and that written consent:

- (a) includes the time of day, number of hours, days of the week and maximum number of Vehicles at any one time to be included in the consent;
- (b) clearly states that the consent expires if the occupier changes during the period of the consent or if the occupier notifies the person in writing of their withdrawal of consent;

- (c) is copied to the consenting occupier after signing;
- (d) is the limit and extent of any exemption from Sub-clauses 2(b) and 2(c);
- (e) if varying in any detail between consenting occupiers, the most restrictive consent becomes the limit and extent of any exemption from Sub-clauses 2(b) and 2(c).

Note: Clause 9 Definitions: 'Motor Bikes and Motorised Recreational Vehicles' - a motorised farm vehicle that is being used for farming purposes is exempt.

Guidelines for determining whether to issue a Permit for the use of Motor Bikes And Other Motorised Recreational Vehicles on any land other than Roads are found in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference into this Local Law.

33. VEHICLE SOUND SYSTEMS

Having easy access to our favourite music is one of the benefits of modern life. However, we do not all enjoy the same thing at the same time and a balance of rights must be struck. The noise from Sound Systems of motor vehicles, and noise emitted from Roads and other Municipal Places can unfairly interfere with the reasonable comfort of people occupying abutting premises.

- (1) A person must not cause the Sound System of a motor vehicle to be used so as to emit Offensive noise.

Penalty: 10 Penalty Units

- (2) A driver of a motor vehicle must not drive or use the motor vehicle on a Road if the Sound System of that motor vehicle emits Offensive noise.

Penalty: 10 Penalty Units

- (3) A person on a Road or other Municipal Place must not emit, or cause to be emitted, such a level of Offensive noise as to materially interfere with the reasonable comfort of any person occupying premises abutting the Road or other Municipal Place.

Penalty: 10 Penalty Units

- (4) If a motor vehicle or the Sound System of a motor vehicle is used contrary to Sub-clause (1) or (2), both the driver and owner of the motor vehicle are each taken to have committed the offence, except that if a penalty has been imposed or recovered from one person for the offence, no further penalty may be imposed on or recovered from any other person.

34. REPAIR AND DISPLAY FOR SALE OF VEHICLES ON ROADS

- (1) A Person must not dismantle, paint, service, carry out maintenance on, repair or dismantle a Vehicle on a Road, or allow or authorise another Person to do so, except in an emergency breakdown for the purpose of removing it.

Penalty: 15 Penalty Units

- (2) A person must not display a Vehicle for sale on a Road or on other Council Land.

Penalty: 15 Penalty Units

35. ABANDONED VEHICLES

- (1) A Person must not leave any derelict, abandoned or unregistered Vehicle on any Road, other Council Land or Municipal Place, whether temporarily or permanently.

Penalty: 15 Penalty Units

- (2) Any person employed, contracted or authorised by Council for the specific purpose is exempt from Sub-clause (1) on Council Land.
- (3) Any Vehicle found on any Road, or other Council Land or Municipal Place and considered by an Authorised Officer or Delegated Officer to be an Abandoned Vehicle may be dealt with under the provisions of Schedule 11 to the Act.

Note Clause 3 of Schedule 11 to the Local Government Act 1989 as amended from time to time gives Council the power to remove unregistered or abandoned vehicles.

36. HEAVY AND LONG VEHICLES – STORING

A Person must not, without a Permit, keep or store or repair or allow to be kept, stored or repaired any Heavy Vehicle or Long Vehicle

- (1) upon any Road or part of a Road for which the Council is the Responsible Road Authority for the purposes of the Road Management Act 2004;
- (2) on any other land less than 0.5 hectares in a Built Up Area; or
- (3) on any other land less than 5 hectares for three or more Heavy Vehicles or Long Vehicles.

Penalty: 10 Penalty Units

Guidelines for determining whether to issue a Permit for storing heavy or long vehicles are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference into this Local Law.

37. TRANSPORTING OFFENSIVE WASTE ON ROADS

- (1) Any Person that is transporting Waste on any Road in a Vehicle in the form of manure, a dead Animal or the remains of an Animal, offal, bones, hides, skins refuse, rubbish or other Offensive matter must cover the Vehicle so that the possibility of escape of Offensive odours or any other materials is reduced.

Penalty: 10 Penalty Units

- (2) Any material or Waste dropped on a Road from the transporting of Animal waste or other Offensive Waste in Sub-clause (1) and is likely to be a danger to road users or Offensive to pedestrians or adjacent residents must be removed from the Road as soon as practical by the person transporting the Waste material.

Penalty: 15 Penalty Units

38. WASTE RECEPTACLES PLACED ON ROADS AND OTHER COUNCIL LAND

A person must not, unless in accordance with this Local Law or with a Permit, place or cause to be placed on any Road or other Council Land:

- (1) any mobile waste bin or Council approved waste bin, any Trade Waste hopper, builder's Refuse Facility, skip bin, Bulk Waste Container, other Waste container; or
(2) any Waste materials of any nature.

Penalty: 15 Penalty Units

Guidelines for determining whether to issue a Permit for the placing of any Waste container on any Road or other Council Land are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference into this Local Law.

39. PUBLIC WASTE BINS

Both community and visitors prefer clean, attractive and vibrant public spaces. Proper use of public waste bins prevents litter, increases recycling and enhances the pleasure we all enjoy from our environment. Business operators have an obligation to make private arrangements for disposal of all Trade Waste.

- (1) The owner or occupier of premises must not deposit any garbage or Recyclables or Green Waste or any other Waste material of any kind which has been generated in or from that premises in a public waste bin.

Penalty: 10 Penalty Units

- (2) A person must not deposit into a public waste bin any uncooked meat, uncooked fish heads or entrails or material prohibited by resolution of Council other than in a public waste bin designated for such Waste.

Penalty: 10 Penalty Units

- (3) A person may only place animal excreta in a public waste bin if it is wrapped in impermeable material.

Penalty: 10 Penalty Units

40. SHOPPING TROLLEYS

- (1) A person must not leave a shopping trolley on:
- (a) a Road;
 - (b) Council Land except in an area designated by Council for the leaving of shopping trolleys; or
 - (c) any vacant land.

Penalty: 10 Penalty Units

- (2) The owner of any shopping trolley made available to members of the public must ensure that the shopping trolley legibly identifies his or her name and trading address.

Penalty: 10 Penalty Units

- (3) The owner of any shopping trolley made available to members of the public must ensure that any shopping trolley left in any place other than the owners shopping trolley storage area is collected and returned to that area.

Penalty: 10 Penalty Units

41. FESTIVALS, PROCESSIONS AND PUBLIC ADDRESS SYSTEMS ON ROADS

A Person must not, without a Permit:

- (1) hold a Street Party, Street Festival or Procession, Event or activity on a Road;

Penalty: 15 Penalty Units

- (2) use an audible public address system on a Road or other Council Land;

Penalty: 15 Penalty Units

- (3) Political or industrial marches are exempt under this Clause, provided Victoria Police are informed prior to the march.

Guidelines for determining whether to issue a Permit for a Street Party, Street Festival, Procession, Event or activity on a Road or public address system on a Road, are in the Local Law Procedure Manual, as amended by the Council from time to time, and are incorporated by reference in this Local Law.

42. LIVESTOCK ON ROADS

Victorian Road Rules control stock crossings. However, some farmers have the need to make short regular movements of livestock along public roads. While this is essential for the efficient operation of many farms, it also creates a considerable risk for the public, for the animals and for Council's assets. To help minimise these risks, Council imposes requirements on persons undertaking the movement of livestock on a Road.

- (1) A Person must not undertake the regular Movement of Livestock on a public Road contrary to Council's Guidelines in the Local Law Procedure Manual incorporated by reference into this Local Law.

Penalty: 10 Penalty Units

- (2) A Person must not, without a Permit, undertake the Grazing of Livestock or the Droving of Livestock on a public Road or other Council Land.

Penalty: 20 Penalty Units

Guidelines for (1) the Regular Movement Of Livestock on a public road and for determining whether an offence has occurred and (2) for determining whether to grant a Permit for the Grazing or Droving of Livestock, are in the Local Law Procedure Manual as amended by the Council from time to time, and are all incorporated by reference in this Local Law.

PART 4- BUSINESS AND BUILDERS

BUSINESS

43. DISPLAYING GOODS FOR SALE ON A ROAD OR COUNCIL LAND

- (1) A Person must not, without a Permit, place or display any goods for sale or samples of goods for sale or cause or allow another Person under his or her control to do so on any part of a Road or Council Land.

Penalty: 20 Penalty Units

- (2) A person who has placed, permitted to be placed, displayed or permitted to be displayed goods or an Advertising Sign on a road or Council land, with or without a Permit, must move or remove them if directed to do so by an Authorised Officer or Delegated Officer.

Penalty: 20 Penalty Units

- (3) Any goods left or displayed on any part of a Road or Council Land contrary to this Clause or displayed in contravention of any conditions of a Permit may be removed by an Authorised Officer or a Delegated Officer and impounded.
- (4) Where any goods have been impounded, there must be compliance with the provisions of Clause 92.

Guidelines for the displaying of goods for sale on a Road or Council Land can be found in the Local Law Procedure Manual, Section 2: Council Policies and Other Documents, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by the Council from time to time, and are incorporated by reference in their entirety into this Local Law.

44. ROADSIDE TRADING

- (1) A Person must not, without a Permit, erect or place on any Road or Council Land any Vehicle, caravan, trailer, table, stall, tent, or other structure for the purposes of Selling or offering for sale any goods or services including any Vehicle.

Penalty: 15 Penalty Units

- (2) If the Council has entered into an agreement (by way of permit, lease, licence or otherwise) in relation to trading from a particular site, a second Person other than the Person with whom the Council has the agreement must not trade from that site, whether or not that second Person has a Permit for another site or no particular site.

Penalty: 20 Penalty Units

- (3) In addition to any other power which it has, the Council may, by resolution, determine a fee, charge, fare or rent in relation to the Selling or offering for sale any goods or services from any land adjacent to a Road or to any Person who is on that Road or adjacent land.
- (4) Where a person continues to use a trading site contrary to Sub-clause (1) and (2) after direction to desist or move by an Authorised officer or Delegated Officer including a reasonable time to comply with that direction, any goods and associated equipment used by that Person may be removed from the site by an Authorised Officer or a Delegated Officer and impounded.
- (5) Where any goods and equipment have been impounded, there must be compliance with the provisions of Clause 92.

Guidelines for roadside trading can be found in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference into this Local Law.

(Note also Cl.7(4) exempting activities permitted under the municipal Planning Scheme.)

45. SPRUIKING, BUSKING AND PAVEMENT ART

- (1) A person must not, without a Permit, Spruik on any Road or Municipal Place or from any private property use any sound amplification equipment to Spruik onto any Road or Municipal Place.

Penalty: 10 Penalty Units

- (2) A person must not, without a Permit, Busk on any Road or Municipal Place or use any sound amplification equipment for the purpose of public entertainment or performance.

Penalty: 10 Penalty Units

- (3) A person must not, without a Permit, paint or draw on any Road or other Council Land or property for the purpose of public entertainment, performance or the collection of money.

Penalty: 10 Penalty Units

- (4) Sub-clauses (1), (2) and (3) do not include short-term outdoor community Events on Council Land although such Events may be subject to a Permit under other clauses of this Local Law.

Guidelines for Spruiking, Busking and pavement art can be found in the Local Law Procedure Manual, Section 2: Council Policies and Other Documents, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by the Council from time to time, and are incorporated by reference in their entirety into this Local Law.

46. ERECTING OR PLACING OF ADVERTISING SIGNS

- (1) A Person must not, except in accordance with a Permit, erect or place an Advertising Sign on or over any part of a Road or other Council Land, or cause or in any way authorise another Person to do so.

Penalty: 20 Penalty Units

- (2) A Person must not, except in accordance with a Permit, leave standing on any Road or other Council Land any motor vehicle or motor vehicle trailer which contains any Advertising Sign, other than a sign which has been painted, etched, stuck to or magnetically transferred onto the body of the motor vehicle.

Penalty: 20 Penalty Units

- (3) A person who has erected or placed an Advertising Sign on a Road or Council Land or on a motor vehicle or trailer left parked on a Road or Council Land, with or without a Permit, must move or remove the sign if directed to do so by an Authorised Officer or Delegated Officer.

Penalty: 20 Penalty Units

- (4) Where any Advertising Sign is erected or placed in any location contrary to this Clause or in contravention of any Permit condition, and the owner of the sign is unwilling or is not immediately available to remove the sign, the Advertising Sign may be removed by an Authorised Officer or Delegated Officer and impounded and notices served as soon as possible on the owner after the impoundment.
- (5) Where an Advertising Sign has been impounded, there must be compliance with the provisions of Clause 92.
- (6) Any signage subject to a Permit for use within a Municipal Reserve or subject of a Planning Scheme permit is exempt from this Clause.

Guidelines for erecting or placing Advertising Signs can be found in the Local Law Procedure Manual, Section 2: Council Policies and Other Documents, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by the Council from time to time, and are incorporated by reference in their entirety into this Local Law.

47. USE OF COUNCIL LAND FOR OUTDOOR EATING FACILITIES

- (1) A Person must not, without a Permit, use a Footpath or any part of a Road or any other Council Land for the purposes of an Outdoor Eating Facility.

Penalty: 20 Penalty Units

- (2) Any tables, chairs, umbrellas or other equipment in an Outdoor Eating Facility used in contravention of this Clause or of any conditions of a Permit may be removed by an Authorised Officer or a Delegated Officer and impounded.

- (3) Where any tables, chairs, umbrellas or other equipment have been impounded, there must be compliance with the provisions of Clause 92.

Guidelines for use of Council Land for Outdoor Eating Facilities can be found in the Local Law Procedure Manual, Section 2: Council Policies and Other Documents, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by the Council from time to time, and are incorporated by reference in their entirety into this Local Law.

48. REMOVING THE OUTDOOR EATING FACILITY

A Permit Holder must move or remove the Outdoor Eating Facility to which the Permit relates when requested to do so for the purposes of public safety by an Authorised Officer or a Delegated Officer or a member of the Victoria Police or an emergency service.

Penalty: 20 Penalty Units

Guidelines including the removal Outdoor Eating Facilities can be found in the Local Law Procedure Manual, Section 2: Council Policies and Other Documents, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by the Council from time to time, and are incorporated by reference in their entirety into this Local Law.

49. SALE AND CONSUMPTION OF LIQUOR ON ROADS ADJOINING LICENSED PREMISES

- (1) A Person must not, without a Permit, use a Footpath, other part of a Road, or any other Council Land adjoining a Licensed Premises, to sell or consume liquor.

Penalty: 20 Penalty Units

- (2) In determining whether to grant a Permit, the Council or an Authorised Officer must have regard to the Guidelines set out in the Local Law Procedure Manual, as amended by the Council from time to time, and incorporated by reference into this Local Law.

[Note this Clause enables Council to issue a Local Law Permit to Licensed Premises to extend their Licensed use from adjoining premises onto Footpaths and is authorised under section 52.27 and section 62.01 of the Municipal Planning Scheme.]

Guidelines for sale and consumption of Liquor on roads adjoining Licensed Premises are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference in this Local Law.

50. COLLECTIONS

Community hospitality and generosity to charitable organisations are a valued quality of our community, but this must be balanced against the right of every person not to be excessively imposed upon in their homes, streets or vehicles by charitable collectors, commercial traders or other organisations.

- (1) A Person must not, without a Permit, from house to house:
- (a) solicit or collect any gifts of money, subscriptions or waste materials;
 - (b) distribute any handbills, information brochures or books; or
 - (c) Sell or offer goods or services for sale,
- or cause or authorise another Person to do so.

Penalty: 15 Penalty Units

Guidelines for determining whether to issue a Permit for house to house collections and house to house trading are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference in this Local Law.

- (2) A Person must not, without a Permit, from a Road or any Council Land:
- (a) solicit or collect any gifts of money, subscriptions or waste materials; or
 - (b) distribute any handbills, information brochures, books, pamphlets, place cards, notices, advertisements, goods, gifts or samples;
- or cause or authorise another Person to do so.

Penalty: 10 Penalty Units

Guidelines for Collections on a Road or Council Land can be found in the Local Law Procedure Manual, Section 2: Council Policies and Other Documents, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by the Council from time to time, and are incorporated by reference in their entirety into this Local Law.

- (3) The following exemptions apply in respect of the following Sub-clauses:
- (a) Sub-clause (1) does not apply to:
 - (i) the hand delivering to street-side letterboxes of any printed matter, except only where a 'no junk mail' sign is on the letterbox;
 - (ii) the home delivery of newspapers, magazines or goods purchased at another location; and
 - (iii) goods delivered at the request of the occupier of the house.
 - (b) Sub-clauses (1) and (2) do not apply to:
 - (i) any political activity during an election campaign;
 - (ii) the distribution of printed electoral material;

- (iii) the collection of signatures for a petition;
- (iv) the sale of fundraising products by persons duly authorised by an educational, cultural or recreational facility or organisation located within the Municipal District for 2 years or more; and
- (v) any person authorised, employed or contracted by Council for the purpose.

Guidelines for house to house collections and house to house trading, are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference in this Local Law.

Note: Clauses relating to the trading of goods or services on a Road or Council Land are found under Part 4 – Business and Builders: Clauses 43 - 49.

BUILDERS

(While the Clauses in this section (entitled 'Builders') particularly apply to building and development works, owners, builders and contractors are recommended to see other Clauses protecting Council assets, including but not limited to, Part 3 – Vehicles, Activities on Roads, and Stock Movements, and Part 6 - Municipal Places, Reserves, Landfill Sites and Buildings).

51. ASSET PROTECTION – DRAINAGE TAPPING

- (1) A Person must not, without a Permit, for any purpose, enter, destroy, damage tap into or interfere with any drain, including the opening of any Road or other Council Land, where any part of the drain or the Road is under the control of the Council.

Penalty: 20 Penalty Units

- (2) A person must not deposit, or allow to be deposited, into any drain vested in Council any Waste material other than stormwater.

Penalty: 20 Penalty Units

- (3) A person granted an Asset Protection Permit under this Clause, may be required to provide a security bond or guarantee under the same security bond conditions as if the Asset Protection Permit was granted under Clauses 53.

Guidelines to determine whether and under what conditions to issue an Asset Protection Permit for the occupying or opening of a Road or other Council land, or for drainage tapping, and/or request a security bond or guarantee, are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference into this Local Law.

Note Clause 53 security bond conditions apply to an Asset Protection Permit issued under this Clause and to any other Asset Protection Permit issued by Council.

52. ASSET PROTECTION – OCCUPYING OR OPENING A ROAD

- (1) A Person must not, without a Permit, occupy or open any Road or other Council Land anywhere in the Municipal District.

Penalty: 20 Penalty Units

- (2) For the purposes of occupying or opening a Road or other Council Land, a Permit is required for, but is not limited to, the following activities:
- (a) occupying or Fencing off part of a Road or other Council Land;
 - (b) blocking any Road with a Vehicle or any other machinery or temporary structure;
 - (c) removing or planting vegetation or a tree on the road reserve other than grass;
 - (d) erecting a hoarding, scaffolding or overhead protective awning;
 - (e) using a mobile crane or travel tower to carry out Building Works;

- (f) service connections including stormwater, water, sewer, power, telecommunications, gas connections and any other service;
 - (g) making or fill a hole or excavation in any Road or other Council Land;
 - (h) remove, damage or interfere with a temporary traffic control signal, sign, barrier or other structure erected to protect pedestrians or regulate Traffic;
 - (i) ploughing or cultivating for firebreaks or cropping on any part of a Road or other Council Land; and
 - (j) any other activity involving the occupying or opening of a Road or other Council Land or the tapping into of a Council drain on any Council Land.
- (3) A person granted an Asset Protection Permit under this Clause, may be required to provide a security bond or guarantee under the same security bond conditions as if the Asset Protection Permit was granted under Clause 53.
- (4) An exemption from this Clause applies to a Person that is employed by the Council and who is acting in the course of his or her duty or a Person that is contracted to Council for the purpose.
- (5) An Authorised or Delegated Officer may require a traffic management plan and or a Waste management plan be provided to the Council adequately addressing any parking or Traffic or Waste management issues.

Guidelines to determine whether and under what conditions to issue an Asset Protection Permit for the occupying or opening of a Road or other Council land, or for drainage tapping, and/or request a security bond or guarantee, are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference into this Local Law.

Note Clause 53 security bond conditions apply to an Asset Protection Permit issued under this Clause and to any other Asset Protection Permit issued by Council.

53. ASSET PROTECTION PERMIT – BUILDING WORKS

<p><i>In relation to any building works on any land, the Council's objectives are to secure community safety, protect public assets, enhance neighbourhood amenity and simultaneously provide support for appropriate building development and investment.</i></p>
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- (1) The owner of any land; the builder engaged to carry out Building Work on land; the appointed agent; or the demolition contractor in the case of Building Work involving demolition, must:
- (a) obtain an Asset Protection Permit before carrying out any Building Work; or allowing the Building Work to be carried out on that land; or
 - (b) not carry out or allow to be carried out any Building Work on that land unless an Asset Protection Permit has been obtained.
 - (c) comply with the conditions of Council's Asset Protection Permit.

Penalty: 20 Penalty Units

- (2) On the payment of an application fee (or the fee due having been made subject to an approved payment system), Council may issue an Asset Protection Permit in respect of any land where Building Work is to be carried out.
- (3) An Asset Protection Permit may allow a person to enter land from a Road other than by a permanently constructed Vehicle Crossing whether or not public assets or infrastructure are likely to be damaged.
- (4) An Asset Protection Permit may be subject to such conditions as Council determines, including but not limited to conditions:
 - (a) requiring protection works to be done;
 - (b) requiring the payment of a security bond;
 - (c) requiring that any or all public assets or infrastructure damage be cleaned, repaired, replaced or re-instated within a specified time and to the satisfaction of Council; or
 - (d) requiring a temporary Vehicle Crossing to be installed to Council's specification before commencement of any Building Work or delivery of any equipment or materials to the land.
- (5) The amount of any security bond required under any Asset Protection Permit must be proportionate to the likely costs of repairing any potential damage to any existing Council Land, Road (including carriageway), channel, drain, Vehicle Crossing or other public asset arising from the works subject of the Permit.
- (6) When Council receives notice of the completion of the works, the site may be inspected by Council and the amount of the security bond:
 - (a) may be retained by Council to the proportion necessary to offset the costs of carrying out any works to rectify any damage, provided the person who lodged the bond is first notified of the damage and declines or fails within 30 days to make good the damage at their own expense to Council's satisfaction; or
 - (b) must be refunded to the person who lodged it upon Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to Council's satisfaction, or when after 30 days of receiving notice of completion of the works Council has not notified by the person who lodged the bond of any damage requiring repair; or
- (7) The person who lodged the bond must supplement the bond by a further payment equal to the difference between the cost of carrying out any works and the amount of the bond, if Council is satisfied that the amount of the bond is insufficient to meet such cost and it makes a demand for such payment in writing.

Penalty: 20 Penalty Units

- (8) Where Council so determines, it may agree to accept an alternative form of security to a security bond.

- (9) A person who is not one of the persons described in sub-clause (1) must not:
- (a) carry out Building Work on land unless, in respect of the Building Work, an Asset Protection Permit has been obtained; or
 - (b) deliver to a Building Site any equipment or materials unless an Asset Protection Permit has, in respect of the Building Work being carried out on the land, been obtained.

Penalty: 10 Penalty Units

Guidelines for determining whether to issue an Asset Protection Permit and/or request a security bond or guarantee are in the Local Law Procedure Manual, as amended by the Council from time to time, and are incorporated by reference in this Local Law.

54. ASSET PROTECTION - BUILDING WORK – POWER OF ENTRY

An Authorised Officer or Delegated Officer of Council, with necessary Victorian WorkCover Authority qualification and safety attire, may at any reasonable time enter and inspect a Building Site for the purpose of ensuring compliance with any provision of, or a Permit issued under this Local Law.

55. BUILDING WORK – FENCING, RUN-OFF, REFUSE, EMISSIONS

Where any Building Work is being carried out on any land, the owner of the land, the builder engaged to carry out Building Work on the land, the appointed agent or, the demolition contractor in the case of Building Work which involves demolition, must to the satisfaction of Council ensure that:

- (1) prior to the commencement of any Building Work on the land, the land is secured with permanent or temporary Fencing which is no less than 1.5 metres high;

Penalty: 20 Penalty Units

- (2) the Building Site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice, by adopting measures to:

- (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting Roads or washed into the Municipal Stormwater System; and
- (b) prevent building clean-up, wash-down, Green Waste or other Wastes being discharged offsite or allowed to enter the Municipal Stormwater System.

Penalty: 20 Penalty Units

- (3) all builder's refuse is contained on the site in a Refuse Facility ;

Penalty: 15 Penalty Units

- (4) no builder's refuse is deposited in or on any land other than within the fenced area of a Building Site;

Penalty: 15 Penalty Units

- (5) no Building Site or builder's refuse is deposited in or over any part of the Municipal Stormwater System;

Penalty: 15 Penalty Units

- (6) all builder's refuse, whether or not in any Refuse Facility, is disposed of within seven (7) days of completion of the Building Work or the issue of an occupancy permit, whichever occurs last;

Penalty: 15 Penalty Units

- (7) No soil, earth or clay is deposited onto any Road from any Vehicle used on a Building Site or a site of excavation or filling of any land; and

Penalty: 15 Penalty Units

- (8) that all work on a Building Site is carried out so as not to emit excessive or Offensive dust into the air and onto land proximate to the land on which the work is carried out.

Penalty: 15 Penalty Units

56. BUILDING WORK – ACCESS, STORAGE, AND HOURS OF WORK

The owner of any land on which Building Work is being or is to be carried out; the builder engaged to carry out Building Work on land; the appointed agent; the driver of any Vehicle involved in placing or removing a Refuse Facility on land; or the demolition contractor in the case of Building Work involving demolition, in respect of the Building Work, must ensure that:

- (1) entry takes place only across a temporary Vehicle Crossing unless otherwise permitted by Council,

Penalty: 20 Penalty Units

- (2) no materials are deposited on any part of a Road or Council Land without the approval of Council.

Penalty: 15 Penalty Units

- (3) unless otherwise stated in the Asset Protection Permit and consistent with EPA guidelines for such activities, the hours of Building Work activity on the site shall be between 7.00 am and 6.00 pm on Monday to Friday, and 9.00 am and 6.00 pm on Saturdays, Sundays and public holidays and that no Building Works should occur outside these hours, .

Penalty: 15 Penalty Units

57. VEHICLE CROSSINGS - CONSTRUCTING

- (1) A Person must not, without a Permit, construct, install, remove, relocate or alter a Vehicle Crossing, whether temporarily or permanently.

Penalty: 20 Penalty Units

- (2) Each owner and occupier of land must not, without a Permit:
- (a) construct or allow to be constructed; or
 - (b) use or allow to be used
- a second or subsequent Vehicle Crossing to service the land.

Penalty: 20 Penalty Units

Guidelines for determining whether and on what conditions to issue a Permit for a Vehicle Crossing are the same as those for Clause 52 Asset Protection – Occupying or Opening a Road.

58. VEHICLE CROSSINGS - MAINTAINING

The owner of the land must, at his or her own cost, ensure that any Vehicle Crossing between the Road and the boundary of such land is maintained and kept in good condition.

Penalty: 15 Penalty Units

59. VEHICLE CROSSINGS – POWER TO DIRECT WORKS

- (1) Council or an Authorised Officer or Delegated Officer may direct:
- (a) the construction of a temporary or permanent Vehicle Crossing;
 - (b) the repair or reconstruction of a Vehicle Crossing; or
 - (c) the removal of a Vehicle Crossing, and the reinstatement of any kerb, channel, Footpath or other areas to the satisfaction of the Authorised Officer;
- by the owner or occupier of any adjacent land at his or her cost.
- (2) Each owner or occupier of land to whom a direction has been given under this clause must comply with that direction by applying for a Permit to do the thing which is directed.

Penalty: 20 Penalty Units

PART 5 - ALCOHOL AND SMOKING

60. POSSESSION AND CONSUMPTION OF LIQUOR ON ROADS

A Person must not, without a Permit, at any time on a Road:

- (1) consume any Liquor; or
- (2) have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal.

Penalty: 15 Penalty Units

Note also Part 4 Business and Builders, Clause 49 'Sale and Consumption of Liquor on Roads adjoining Licensed Premises' authorising the Local Law to issue a Permit to Licensed Premises to extend their liquor licence onto a Footpath.

61. POSSESSION AND CONSUMPTION OF LIQUOR AFTER SUNSET IN MUNICIPAL PLACES OTHER THAN ROADS

- (1) A Person must not, without a Permit, between sunset and sunrise, in any Municipal Place other than a Road, or in any motor vehicle within any Municipal Place other than a Road:
 - a) consume any Liquor; or
 - b) have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal.

Penalty: 15 Penalty Units

- (2) If requested by a member of Victoria Police or an Authorised Officer or Delegated Officer, a Person must not, without a Permit, between sunrise and sunset in any Municipal Place other than a Road, or in any motor vehicle within any Municipal Place other than a Road:
 - a) consume or continue to consume any Liquor; or
 - b) have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal

Penalty: 15 Penalty Units

Guidelines for determining whether a Permit for the possession and consumption of Liquor in Municipal Place including a Road will be issued and the applicable conditions of that Permit are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference into this Local Law.

62. EXEMPTIONS TO LIQUOR CONTROLS

- (1) Any person acting in accordance with a licence issued for the sale and supply of Liquor under the *Liquor Control Reform Act 1998*, as amended from time to time, is exempt from Clauses 49, 60, 61 and 63.
- (2) Any Authorised Officer or Delegated Officer may in the course of his or her duties make written comments or recommendations to another State or Commonwealth Agency contrary to Clauses 60, 61, 63 and 64.

Note also Part 4 Business and Builders, Clause 49 'Sale and Consumption of Liquor on Roads adjoining Licensed Premises' authorising the Local Law to issue a Permit to Licensed Premises to extend their liquor licence onto a Footpath.

63. ALCOHOL FREE AREAS

- (1) The Council may, by resolution, declare in part or whole, any Municipal Place, Road, Foreshore Reserve or other Council Land within the Municipal District to be an Alcohol Free Area, whether that declaration is unconditional or limited to certain times of the day, certain days of the year, defined public holiday periods, special events or particular places.
- (2) Council must erect and maintain, or cause to be erected and maintained, in those parts of the Municipal District that are declared an Alcohol Free Area, appropriate signage, which indicate the boundaries, days and times of the Alcohol Free Area.
- (3) A Person must not, without a Permit, consume Liquor or have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal in any area of the Municipal District that is declared an Alcohol Free Area by the Council.

Penalty: 15 Penalty Units

64. GLASS CONTAINERS

Where a Permit to consume or have in one's possession Liquor has been granted by the Council and includes a condition that no glass containers shall be used, provided or brought into the area subject of the permit, no Person may provide, use or bring into the Permit area any glass container.

Penalty: 10 Penalty Units

65. SMOKE FREE AREAS IN MUNICIPAL PLACES

The terrible impact of smoking on the health and lives of many smokers and their loved ones is well documented. Passive smoking is not only unpleasant for non-smokers but has also been shown to be injurious to health. Under the State Government's Tobacco Act 1987, smoking has been prohibited in many areas of everyday life, such as workplaces, fully enclosed entertainment venues, and more recently children's playgrounds. The Australian Government has led the world with plain packaging legislation for cigarettes.

There are still many public spaces where smoking is permitted. Many young people, albeit unwisely, use public spaces for smoking while sharing time together. While smoking is not of itself unlawful, many community members believe smoking should not occur in public places where passive smoking is an inevitable consequence for other people.

This clause of the Local Law does not ban smoking anywhere. It simply gives Council opportunity in the future to declare enforceable smoke free areas within the municipality.

- (1) The Council may declare a Municipal Place or part of a Municipal Place to be a Smoke Free Area in accordance with the Guidelines in the Local Laws Procedure Manual as amended by Council from time to time and incorporated by reference in this Local Law.
- (2) The Council must erect and maintain, or cause to be erected and maintained, appropriate signage in any Municipal Place or part of a Municipal Place, which has been declared a Smoke Free Area.
- (3) A Person must not smoke in, or on, any Municipal Place, or part of a Municipal Place, that has been declared to be a Smoke Free Area and has appropriate Smoke Free Area signage erected and maintained.

Penalty: 10 Penalty Units

Guidelines in relation to the declaration of smoke free areas are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference into this Local Law.

PART 6 MUNICIPAL PLACES, RESERVES, LANDFILL SITES AND BUILDINGS

MUNICIPAL PLACES

Council's Municipal Places refer to all of those areas controlled and managed by the Council, and include Reserves, all Foreshore Reserves, Buildings, recreation centres, Roads and other places. These places are public assets and exist for the provision of services to the public, to enhance the environment, as places of work for employees of the Council and for the enjoyment, comfort and amenity of the community generally.

66. COUNCIL'S POWER IN MUNICIPAL PLACES

- (1) Under this Local Law Council may do any of the following in relation to any Municipal Place:
- (a) restrict access to all or part of a Municipal Place to any person;
 - (b) close a Municipal Place or any part of it to the public;
 - (c) determine the hours a Municipal Place or any part of it is open to the public;
 - (d) establish conditions of entry to a Municipal Place or any part of it;
 - (e) restrict any temporary alterations, decorations or other changes to a Municipal Place or any part of it;
 - (f) establish conditions for the use or hire of a Municipal Place or any part of it;
 - (g) set and collect fees or charges for admission to or the hire of or the use of a Municipal Place or any part of it including variation in fees or charges depending upon multiple use, period of time or any other basis;
 - (h) set and collect fees or charges for the hire or use of any Council property in connection with a Municipal Place or any part of it; and
 - (i) authorise a person to do any of these things.
- (2) A person must not act contrary to any restriction, closure, condition, fee, charge, hire agreement or authorised instruction in relation to a Municipal Place unless authorised by Council to do so.

Penalty 10 Penalty Units

- (3) A person must not hire or use a Municipal Place or any part of it or any Council property in connection with it, without first paying any fee or charge applicable.

Penalty 10 Penalty Units

67. BEHAVIOUR IN MUNICIPAL PLACES – PROHIBITIONS

A Person must not, while in a Municipal Place, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Place by any other Person.

Penalty: 10 Penalty Units

68. DAMAGING OR DEFACING A MUNICIPAL PLACE INCLUDING A ROAD

- (1) A Person must not, unless employed, authorised or contracted by the Council for the purpose, do the following in, or on, a Municipal Place:
- (a) destroy, damage or interfere with a Municipal Place;
 - (b) construct an opening or gate in a fence on the boundary of Council land which is more than one (1) metre wide;
 - (c) destroy, damage or interfere with, or allow to be destroyed, damaged or interfered with, any Municipal Place, Council Land or any Road or thing on any Municipal Place, Council Land or any Road;
 - (d) destroy, damage, remove, plant or interfere with any tree, garden-bed or plant in, or on, a Municipal Place, other than for the purposes of maintaining grass or other permitted plantings on a nature strip;
 - (e) do or omit to do anything which causes any natural or other material to escape or otherwise be conveyed onto a road and thereby become a hazard;
 - (f) destroy, damage or interfere with any other property or assets in, or on, a Municipal Place that are owned or managed by the Council;
 - (g) remove, or allow to be removed, any thing from any Municipal Place, Council Land or any Road which belongs to the Council or is affixed or attached to the Municipal Place, Council Land or any Road (as the case may be), unless authorised by the Council to do so, whether under this Local Law or otherwise;
 - (h) cause any damage to any Council assets in, or on, a Municipal Place as a result of a failure as an owner or occupier of any land to adequately maintain, or to rectify any faults within a reasonable time, in drainage systems, utility supply systems or any other matter for which the owner or occupier of the land is responsible for maintaining.

Penalty: 20 Penalty Units

- (2) An Authorised or Delegated officer may remove and impound any thing that is in or on a Municipal Place in contravention of this Clause. Where any thing is impounded, there must be compliance with the provisions of Clause 92.
- (3) A person who holds an Asset Protection Permit and is acting in accordance with its purpose, scope and conditions is exempt from this provision.

Note also Clause 12 'Unauthorised Occupation of Council Land' in Part 2: Your Property, Animals and Waste Collection of this Local Law.

69. INTERFERENCE WITH A WATER COURSE ETC

A Person must not, without a Permit, unless employed or contracted by the Council for the purpose, destroy, damage, tap into, divert or interfere with any water course, wetland, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or directly adjoining Fence which is vested in or under the management or control of Council or is on any Council Land or Foreshore Reserve.

Penalty: 20 Penalty Units

Guidelines for issuing a Permit under this Clause are the same guidelines for determining whether to issue an Asset Protection Permit as under Part 4 of this Local Law – Business and Builders, Clauses 51-54 and are in the Local Law Procedure Manual and are incorporated by reference into this Local Law.

70. OBSTRUCTIONS ON COUNCIL LAND

- (1) A person must not, without a Permit:
 - (a) leave or allow to be left any:
 - (i) Bulk Waste Container on a Road or Council land; or
 - (ii) other thing on a Road or Council Land which encroaches on, or obstructs the free use of, the Road or Council Land or which reduces the breadth, or confines the limits, of the Road or Council Land; or
 - (b) leave or allow to be left on a Road or Council Land any charity bin.
 - (c) leave or allow to be left any boat or watercraft moored to a jetty, boat ramp or pier which is part of a Municipal Reserve or Foreshore Reserve.

Penalty: 20 Penalty Units

- (2) A Person who has:
 - a) left or allowed to be left a Bulk Waste Container, charity bin, or other thing on a Road or Council Land, or
 - b) left or allowed to be left any boat or watercraft moored to to a jetty, boat ramp or pier in a Municipal Reserve or Foreshore Reserve;

with or without a Permit, must move or remove them if directed to do so by an Authorised Officer or Delegated Officer.

Penalty: 20 Penalty Units

- (3) If a Person reasonably suspected of having committed an offence under Sub-clause (1) is the driver of a Vehicle which transports a Bulk Waste Container or other thing and that person cannot be found or it is impracticable to charge that person with an offence under Sub-clause (1), any Person who is concerned in or takes part in the management of the business which supplies the Bulk Waste Container or other thing which is left on and obstructs the free use of a Road or Council Land may be charged with and is capable of committing an offence under Sub-clause (1).

- (4) Any thing left or allowed to be left contrary to Sub-clause (1), or in contravention of any conditions of a Permit, may be removed by an Authorised Officer or Delegated Officer and impounded.
- (5) Where any thing left or allowed to be left contrary to Sub-clause (1), has been impounded, there must be compliance with the provisions of Clause 92.

See Also Clause 12 Unauthorised Occupation of Council Land, Section 2 Your Property, Animals and Waste Collection.

To apply for a Permit to place or leave any obstruction or other thing on Council Land, applicants are advised to contact Council directly, as any of a number of Permits may be applicable (Unauthorised Occupation, Placing Bulk Rubbish Containers, Roadside Trading, Outdoor Eating Facilities, Asset Protection or Use of Reserves, etc.) The appropriate Permit may vary depending upon the nature of the obstruction to be left as well as the duration and the location proposed. Under no circumstances should a person allow any obstruction to be left on Council Land without first obtaining a Permit to do so.

See Clause 92 Council's power to seize and impound.

RESERVES

(Clauses 66 – 70 in Part 9 – Municipal Places, also apply to Reserves. See Also Clause 12 Unauthorised Occupation of Council Land, Part 2 - Your Property.)

71. BEHAVIOUR IN MUNICIPAL RESERVES – PROHIBITIONS

Council reserves, including open space, flora, fauna and the built and natural environment are for the enjoyment of the community, the enhancement of public assets and the protection of the environment.

- (1) A Person must not, while in a Municipal Reserve or a Foreshore Reserve, behave in a manner that unreasonably impacts the well-being of or endangers others, adversely impacts on the natural eco-systems or endangers wildlife or unreasonably interferes with the quiet enjoyment of the Municipal Reserve or the Foreshore Reserve by any other Person.

Penalty: 15 Penalty Units

- (2) A Person must not, while in a Municipal Reserve or a Foreshore Reserve:
- (a) unless that Person is a player, official or competitor in or at a sporting match or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering;
 - (b) act in any manner likely to cause damage to property or the environment;
 - (c) use any children's playground equipment except for the purpose it is provided;
 - (d) fish in or swim, paddle, dive or jump into or enter any water, wetland, lake, pond or fountain contrary to any sign erected in the reserve restricting such behaviour;
 - (e) feed any bird or native fauna where such feeding would be in conflict with this Local Law;
 - (f) abandon any animal or bird;
 - (g) destroy, damage or interfere with any flora or any fauna;
 - (h) carry or use any firearm unless authorised or licensed to do so;
 - (i) light a fire or permit any fire to remain alight except in:
 - (i) a barbecue provided by *Council*; or
 - (ii) a portable liquid petroleum gas barbecue;
 - (j) walk on any plot, bed, border or any other area set aside for vegetation;
 - (k) throw, place or allow to be thrown or placed any liquid, stone, paper, or other substance or thing into any fountain, wetland, lake, pond or other watercourse;
 - (l) play, engage in or practise any game or sport, whether or not with a Permit, in a manner that is in breach of Sub-clause (1) of this Clause;
 - (m) play or practise golf except in a reserve designated by Council as a golf course.

Penalty: 15 Penalty Units

- (3) A person employed, contracted or authorised by Council for a specific purpose in a Municipal Reserve or a Foreshore Reserve is exempt from this Clause so far as it applies to that purpose.

72. USE OF MUNICIPAL RESERVES – PERMIT APPLICATION

Municipal Reserves and Foreshore Reserves, including open space, flora, fauna and the built and natural environment are for the enjoyment of the community, the enhancement of public assets and the protection of the environment.

Any activity that goes beyond the quiet enjoyment of a Municipal Reserve or a Foreshore Reserve requires a Permit to ensure the fair sharing of limited public open space and the maximum enjoyment of the community.

Any Person who intends to use a Municipal Reserve or a Foreshore Reserve in any manner that is reasonably likely to:

- (1) increase the risk to public safety;
- (2) endanger Council assets; or
- (3) diminish the comfort and the opportunity for quiet enjoyment by other users;
- (4) adversely impact wildlife, flora or ecosystems;

must apply for a Permit.

Penalty for First Offence: 10 Penalty Units

Penalty for Second and Subsequent Offences: 15 Penalty Units

73. USE OF MUNICIPAL RESERVES – PERMITTED USES

A Person must not undertake any of the following activities on a Municipal Reserve or a Foreshore Reserve without first obtaining a Permit:

- (1) fly or allow to be flown any aircraft (including any powered modelled aeroplane but excluding a kite);
- (2) organise any competitive sport, game, or activity other than a sport, game, or activity played for family or social purposes;
- (3) organise any Event, unless in possession of an Event Permit from Council; (see *Clause 75 Events*)
- (4) conduct or celebrate a wedding;
- (5) consume or possess any liquor in open containers other than between sunrise and sunset; (see also *Clause 61 Possession and Consumption of Liquor after Sunset in Municipal Places Other than Roads*)
- (6) organise or hold any rally, procession, demonstration or any other public gathering, in which case such a permit must not be unreasonably withheld;
- (7) make a collection of money;

- (8) use an amplifier or public address system; *(see also Clause 41 (2) public address systems on Roads and Council Land and Clause 33 Vehicle Sound Systems)*
- (9) operate or otherwise use any watercraft, unless in an area clearly designated for the purpose;
- (10) construct or install a film set, or record for television or other media purposes any event or activity, if the construction, installation or recording (as the case may be) is for fee or reward or commercial purposes (but excluding wedding and general photography or recording and any media photography or recording for news production purposes);
- (11) pitch any tent, or erect any temporary structure or shelter, whether for Camping or other purposes, but excluding temporary shade structures used on a daily basis for casual purposes; *(see also Clause 76 Camping on Council Land)*
- (12) drive any Livestock; *(see also Clause 42 Livestock on Roads)*
- (13) use, possess, ignite or engage any person for the use, possession or ignition of fireworks; *(see also Clause 17 Fireworks)*
- (14) ride or drive a Vehicle or Animal in a manner or in a place likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the reserve; *(see also Clause 32(1) Motor Bikes and Motorised Recreational Vehicles - on Council Land)*
- (15) ride any horse other than in an area and at a time designated by Council; or
- (16) drive, ride in or on, park upon or otherwise use any motor vehicle other than in an area designated by Council; *(note also Clause 77 Parking on Municipal Reserves)*
- (17) launch into any wetland, lake, pond or other watercourse on Council land any watercraft other than from a launching facility designated for such purpose;
- (18) Sell or offer for sale any other goods or services including any intoxicating Liquor to any Person; *(see also Clause 43 Displaying Goods for Sale on Council Land and Clause 44 Roadside Trading)*
- (19) operate, or cause to be operated, any amusement for which a charge is made or to make a collection of money for any purpose; *(see also Clause 50 (2) Collections)*
- (20) operate tour guiding, personal training or any other organised recreational activity for commercial gain;
- (21) live on or Camp in a boat which is moored to a Council jetty, boat ramp or pier;
- (22) conduct repairs to any boat or watercraft moored to a Council jetty, boat ramp or pier except in an emergency breakdown for the purpose of removing it.
- (23) erect, fix or place any advertisement for educational, cultural, political, religious, social, or recreational purposes by any Person. Any sign erected:
 - (a) must not be animated or internally illuminated;
 - (b) must not exceed 5 square metres;
 - (c) must not remain in place any longer than 14 days after the event, or remain in place any longer than 3 months (whichever time is shorter); and

(d) must be placed in close proximity to the Event or other location nominated by an Authorised Officer or a Delegated Officer.

(Any Advertising Sign which does not conform to these signage guidelines may be subject to a Planning Permit.)

Penalty: 15 Penalty Units

(24) An Authorised Officer or Delegated Officer when assessing whether a Permit is required, may decide that a specific activity, although included in this Clause, is of such small duration, size or other relevant factor that no Permit is required.

(25) A Person employed, contracted or authorised by Council for a specific purpose in a Municipal Reserve or a Foreshore Reserve is exempt from this Clause so far as it applies to that purpose.

(See Also Clause 12. Unauthorised Occupation of Council Land, Part 2 - Your Property.)

74. ACCESS TO MUNICIPAL RESERVES

(1) Except as otherwise determined by the Council or an Authorised Officer or a Delegated Officer, any Municipal Reserve or Foreshore Reserve is open to the public from sunrise to sunset free of charge on any day.

(2) The Council or an Authorised Officer or a Delegated Officer may, in the case of any Municipal Reserve or Foreshore Reserve, set aside days and times upon which charges or entrance fees may be made for the use of the Municipal Reserve or the Foreshore Reserve.

(3) The Council or an Authorised Officer or a Delegated Officer may restrict access to any part of a Municipal Reserve or a Foreshore Reserve, whether for temporary works, for short-term or long-term lease use or for any other purpose and public access to such restricted areas may be non-existent, limited by condition or subject to a fee or donation.

(4) A Person must not enter any Municipal Reserve or Foreshore Reserve, whether open to the public or subject to restricted access, other than via designated access points (where applicable) during the hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of Council staff or an authorised contractor in the course of his or her employment.

Penalty: 10 Penalty Units

(Note Clauses 83-84 regarding powers and restrictions of Entry to Municipal Buildings.)

75. EVENTS

Council is a strong supporter of events of all sizes, from major international events through to the many unique community. Events provide a range of economic, tourism, social and cultural benefits to our community. However, there is a responsibility on all event organisers to ensure event activities are sustainable, successful and safe for both event attendees and the broader community. Council's Event Permit together with the City of Greater Geelong Events Planning Guide assists event organisers through the application processes relevant to this municipality.

- (1) A Person must not, without a Permit, hold or organise any Event on any Council Land or Foreshore Reserve within the Municipal District.

Penalty: 20 Penalty Units

- (2) A Person must not, without a Permit, hold or organise any Event on any land other than Council Land if that Event may reasonably be expected to have a material impact on the neighbouring community or a materially increased risk to public safety or to Council assets.

Penalty: 20 Penalty Units

- (3) The following exemptions apply in respect of this Clause:
- (a) an Authorised Officer or a Delegated Officer may assess an application and may decide that, based on the circumstances of the matter, a Permit under sub-clause (1) or (2) is not required (although certain activities may still require a Permit under Clauses 72-73 – Use of Municipal Reserves); and
 - (b) an Event that is subject to a planning permit is exempt from the requirement of a Permit under Sub-clause (1) or (2).

Guidelines for determining whether an Event Permit is required and what conditions may apply to any Permit issued are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference in this Local Law.

Council's 'City of Greater Geelong Events Planning Guide' as amended by Council from time to time, is incorporated by reference in this Local Law.

76. CAMPING ON COUNCIL LAND

A Person must not, without a Permit, Camp on any Council Land including a Road or Foreshore Reserve unless such Person is within a licensed caravan park or an area determined to be available for Camping purposes by the Council.

Penalty: 15 Penalty Units.

Guidelines for determining whether to issue, amend or cancel a Permit for Camping on Council Land, or whether a Permit has been breached, are in the Local Law Procedure Manual as determined by the Council from time to time, and are incorporated by reference into this Local Law.

(Camping on land other than Council Land may be permitted but may be subject to a separate Permit. See Clause 18: Camping on Land other than Council Land in Part 2 – Your Property, Animals and Waste Collection: Your Property.)

77. PARKING ON MUNICIPAL RESERVES

- (1) The registered owner of a Vehicle must not, or must not allow, without a Permit, that Vehicle to park on any part of any Municipal Reserve or Foreshore Reserve other than in a parking area that is set aside for that purpose by the Council or agreed to by the Council or an Authorised Officer or a Delegated Officer.

Penalty: 5 Penalty Units

- (2) Sub-clause (1) does not apply to any Council employee, contractor or authorised person acting in the course of his or her duties.

Guidelines for determining whether to issue a Permit for parking a motor vehicle on a Reserve or Foreshore Reserve are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference into this Local Law.

78. USE OF WHEELED NON-MOTORISED RECREATIONAL DEVICES AND WHEELED CHILD'S TOYS

Despite its clumsy title, this Clause is all about skate boards, roller skates and bicycles (among other things – see Clause 9 Definitions). It is therefore directed especially to children and youth, parents and other persons who use or supervising the use of these items. While such activities can be great fun, in public places like Footpaths, in parks and on bike paths they can also create serious risk to health and safety, especially for vulnerable people such as the disabled, aged persons, small children and pets. Council therefore tries to balance the right to have fun, with the rights of other people to a safe public environment.

- (1) The Council may designate any area to be an area in which a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child's Toy must not be used.
- (2) If the Council designates an area in which a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child's Toy must not be used, it must ensure that signage is erected and maintained in, or on, that designated area, clearly identifying the location and extent of the area in which the Wheeled Non-Motorised Recreational Device and/or the Wheeled Child's Toy must not be used.
- (3) A Person must not use a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child's Toy in an area that has been designated by the Council to be an area in which the use of such device or toy is prohibited.

Penalty: 10 Penalty Units

- (4) Where the Council fails to ensure appropriate signage is erected and maintained as required under Sub-clause (2), no Person may be issued with an Infringement Notice or prosecuted for an offence under Sub-clause (3).

- (5) Any Person who uses a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child's Toy, or allows or permits another Person in their care or control to use a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child's Toy on a Footpath or other part of a Road, or on a bike path or in a reserve, must ensure that:
- (a) the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the Road, bike path or reserve whether in, or on, another Vehicle or not; or
 - (b) where the Wheeled Non-Motorised Recreational Device is a bicycle ridden on a bike path, the use is not contrary to any signage restricting speed or requiring dismounting and does not by speed or other means endanger or risk endangering children, Animals or other users.

Penalty: 10 Penalty Units

79. IMPOUNDING OF WHEELED NON-MOTORISED RECREATIONAL DEVICES AND WHEELED CHILD'S TOYS

- (1) Where any Person continues to use a Wheeled Non-Motorised Recreational Device and/or a Wheeled Child's Toy in contravention of Clause 78 and after an Authorised Officer or Delegated Officer has issued a warning to the user of the device or the toy, the Wheeled Non-Motorised Recreational Device or the Wheeled Child's Toy may be removed and impounded.
- (2) Where a Wheeled Non-Motorised Recreational Device or a Wheeled Child's Toy has been impounded, there must be compliance with the provisions of Clause 92.

LANDFILL SITES

80. DEPOSITING OF WASTE AT MUNICIPAL LANDFILL SITES, RECYCLING AND WASTE TRANSFER FACILITIES AND RESOURCE RECOVERY CENTRES

- (1) The municipal landfill and any recycling and waste transfer facilities or resource recovery centre will be available for the disposal of Waste subject to the fees, charges, terms and conditions as determined by Council from time to time.
- (2) A Person using a municipal landfill, recycling and waste transfer facility or resource recovery centre:
 - (a) must pay the fees and charges and comply with the terms and conditions determined by the Council for use of the landfill, facility or centre;
 - (b) must deposit Waste in accordance with the directions of the facility attendant or Authorised Officer or Delegated Officer and in accordance with any signs erected at the landfill, facility or centre;
 - (c) may only deposit material designated by Council from time to time;
 - (d) may only deposit material permitted by any Environment Protection Authority Site Licences applying to the landfill, facility or centre from time to time; and
 - (e) must not deposit any hazardous, dangerous or infectious materials.

Penalty: 15 Penalty Units

- (3) A Person must not deposit any Waste at any municipal landfill, recycling and waste transfer facilities or resource recovery centre which is not at the time of deposit open to accept such Waste or any such category of Waste.

Penalty: 20 Penalty Units

- (4) A Person employed, authorised or contracted by Council for a specific purpose is exempt from sub-clauses (1) (2) and (3) of this provision to the extent of that purpose.

81. SCAVENGING AT MUNICIPAL LANDFILL SITES, RECYCLING AND WASTE TRANSFER FACILITIES AND RESOURCE RECOVERY CENTRE

A Person must not, without a Permit, or consent from an Authorised Officer or Delegated Officer, remove material of any kind that has been deposited at any municipal landfill site, recycling and waste transfer facility or resource recovery centre.

Penalty: 10 Penalty Units

Guidelines for determining whether an to grant a Permit for removal of Waste from a municipal landfill site, recycling and waste transfer facility or resource recovery centre, are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference in this Local Law.

COUNCIL BUILDINGS

(Note: Clauses 66 – 70 in Part 9 – Municipal Places, Reserves, Landfill Sites and Buildings – Municipal Places, also apply to all Municipal Buildings:).

82. BEHAVIOUR IN MUNICIPAL BUILDINGS

Council's municipal buildings exist for the provision of services to the public, as places of work for employees and contractors of the Council, as meeting places for elected Councillors and the community and for the enjoyment, comfort and amenity of the community generally.

- (1) A Person must not, while in a Municipal Building, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Building by any other Person.

Penalty: 15 Penalty Units

- (2) A Person must not, while in a Municipal Building:
- (a) use indecent, insulting, offensive or abusive language;
 - (b) behave in an indecent, offensive, insulting or riotous manner;

Penalty: 15 Penalty Units

- (3) Unless authorised by Council or an Authorised Officer or Delegated Officer, a Person must not in a Municipal Building:
- (a) destroy, damage, interfere with or deface a Municipal Building;
 - (b) destroy, damage, interfere with or deface anything located at, on or in a Municipal Building; or
 - (c) remove any object which is owned by Council from a Municipal Building;
 - (d) act in a manner contrary to any restriction or prohibition contained in the inscription on a sign at, on or in a Municipal Building;
 - (e) deposit any litter, except in receptacle provided for that purpose;
 - (f) except for a child under the age of six (6) years in the care of a responsible person, and for a carer providing assistance to a person with a disability, enter or use any dressing room, shower, convenience or other area in a Municipal Building which has been appropriated for persons of the opposite gender;
 - (g) Sell any goods or services;
 - (h) erect, affix, place or leave any advertisement;
 - (i) erect, operate or cause to be erected or operated any amusement;
 - (j) obstruct, hinder or interfere with any member of staff of Council in the performance of his or her duties;
 - (k) act contrary to any lawful direction of an Authorised Officer or Delegated Officer or member of Council staff, including, without limitation, a direction to leave the Municipal Building, whether or not a fee for admission has been paid;

- (l) use or interfere with any life-saving or emergency device, unless using the device in an emergency, or participating in an instruction approved by Council or an Authorised Officer or Delegated Officer;
- (m) organise any function or Event;
- (n) bring any Animal into, or allow any Animal under his or her control to remain in, a Municipal Building, except for a guide dog being used by a visually impaired person, a hearing dog being used by a hearing impaired person or a dog being used to assist a person with limited mobility;
- (o) bring any Vehicle or toy vehicle into a Municipal Building, except for:
 - (i) a pram or pusher being used by a child; or
 - (ii) a wheelchair or motor scooter being used by a physically disabled person; or
- (p) bring into a Municipal Building any substance, liquid or powder which may:
 - (i) be dangerous or injurious to health;
 - (ii) have the potential to foul, pollute or soil any part of the Municipal Building; or
 - (iii) cause discomfort to any person

Penalty: 15 Penalty Units

83. ENTRY TO MUNICIPAL BUILDINGS

A Person must not, unless directed to do so by Council or an Authorised Officer or Delegated Officer:

- (1) enter a Municipal Building other than through an entrance provided for that purpose;

Penalty: 10 Penalty Units

- (2) enter or remain in a Municipal Building during hours when the Municipal Building is not open to the public;

Penalty: 10 Penalty Units

- (3) enter or remain in a Municipal Building without having paid any admission fee or charge imposed by Council;

Penalty: 10 Penalty Units

- (4) remain in a Municipal Building after being directed to leave by an Authorised Officer or Delegated Officer;

Penalty: 10 Penalty Units

- (5) re-enter a Municipal Building after having been directed to leave that Municipal Building by an Authorised Officer or Delegated Officer, any sooner than the beginning of the next working day when the Municipal Building is open to the public, unless a written permission to re-enter is granted by Council or an Authorised Officer or Delegated Officer.

Penalty: 15 Penalty Units

- (6) re-enter a Municipal Building after having been directed to leave that Municipal Building by an Authorised Officer or Delegated Officer and being served with a temporary suspension letter stating that Council is taking action to issue a Notification Of Prohibition From Entry under this Local Law, until:
 - (a) a Notification of Prohibition from Entry is issued,
 - (b) the temporary suspension is withdrawn, or
 - (c) the temporary suspension period of up to 21 days, or in the case where the subject Building is the person's workplace, the temporary suspension of up to 7 days, passes.

Penalty: 20 Penalty Units

- (7) whether or not a temporary suspension letter is issued or expires under Sub-clause (6) does not alter Council's power to issue a Notification of Prohibition from Entry under this Local Law.

84. NOTIFICATION OF PROHIBITION FROM ENTRY TO MUNICIPAL BUILDINGS

- (1) A Person reasonably believed by an Authorised or Delegated Officer to represent an ongoing serious threat to the safety or well-being of other lawful users, visitors or Council staff in any Municipal Building or service location may be issued with a Notification Of Prohibition Of Entry for period of time not exceeding one year with a further extension of up to six months.
- (2) A person must not enter any specified Municipal Building or service location for the period of time as specified in a Notification Of Prohibition From Entry.

Penalty First Offence: 15 Penalty Units

Penalty Second and Subsequent Offences: 20 Penalty Units

- (3) Where a Person, after the expiry of a previous Notification of Prohibition from Entry, repeats behaviour upon which he or she was prohibited in the first instance or is responsible for further behaviour that constitutes serious misconduct, that Person may be temporarily or permanently prohibited from entering that or other Municipal Buildings, as authorised by the Chief Executive Officer or other delegated Senior Officer.
- (4) An Authorised Officer or Delegated Officer must follow the Guidelines for the procedure for issuing a Notification Of Prohibition From Entry in the Local Law Procedure Manual, as amended by Council from time to time, and incorporated by reference in this Local Law.

Guidelines for determining whether to issue a Notification Of Prohibition From Entry and the procedure to be undertaken for issuing and/or extending of such a notice are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference in this Local Law.

85. AVAILABILITY AND HIRE

- (1) A Person must not organise or undertake any Event, public meeting, performance or commercial purpose within a Municipal Building without the consent of the Council.

Penalty: 15 Penalty Units

- (2) During any period for which a Municipal Building or any part of it has been hired out, the Manager may refuse admission to the Municipal Building or any part of it to any Person who is not connected with the hiring purpose.

PART 7 – ADMINISTRATION, PERMITS, APPEALS, FEES AND PENALTIES

ADMINISTRATION

86. EXERCISE OF DISCRETIONS

- (1) In exercising any discretion contained in this Local Law, the Council or an Authorised Officer or a Delegated Officer must have regard to:
 - (a) the objectives of this Local Law;
 - (b) the Guidelines in Council's Local Law Procedure Manual, as determined from time to time and incorporated by reference in this Local Law;
 - (c) any Council Policies in the Local Law Procedure Manual, as determined from time to time and incorporated by reference in this Local Law;
 - (d) any relevant Permit Conditions in Council's Local Law Procedure Manual, as determined from time to time and incorporated by reference in this Local Law;
 - (e) any other policies adopted by the Council from time to time, provided that such policies are not inconsistent with this Local Law.
- (2) The Council may, from time to time, prepare policies for use by the Council, Council staff and other persons for the purposes of this Local Law.
- (3) Any policies that are adopted by the Council must not be inconsistent with the objectives of this Local Law, the Local Law Procedure Manual or any other documents as determined from time to time and incorporated by reference in this Local Law.
- (4) The Council may, from time to time, by resolution, amend any item in the Local Law Procedure Manual incorporated by reference in this Local Law but any such change shall have no force or effect until formal notification has been given through *the Victoria Government Gazette*. Prior to notification, such amendments do not form part of this Local Law.
- (5) In preparing any Guidelines for the Local Law Procedure Manual, Council must have regard to the objectives of this Local Law.

87. REGISTER OF DETERMINATIONS

- (1) Any determinations resolved by the Council for the purposes of this Local Law and amendments to any document incorporated by reference in this Local Law resolved by Council must be maintained by the Council in a register kept for that purpose.
- (2) The register kept for the purposes of this Clause must be made available for inspection at the office of the Council during normal office hours.

88. POWER TO OBTAIN NECESSARY AND ADDITIONAL INFORMATION

- (1) The Council or an Authorised Officer or Delegated Officer may require any Applicant for a Permit to provide additional information before dealing with an application for a Permit or an exemption and for the purposes of administering and enforcing the provisions of this Local Law.
- (2) A Person who makes any false representation or declaration (whether oral or in writing) in, or who omits any relevant information from, an application for a Permit or exemption is guilty of an offence.

Penalty: 20 Penalty Units

89. POWER TO DIRECT - NOTICE TO COMPLY

- (1) An Authorised Officer or Delegated Officer may, by serving a Notice to Comply, direct any owner, occupier or other relevant Person to remedy any situation that constitutes a breach of this Local Law.
- (2) A Person who fails to remedy a situation within the time specified in accordance with a Notice to Comply served on that Person is guilty of an offence.

Penalty: 20 Penalty Units

Guidelines for determining the issuing of a Notice to Comply, are in the Local Law Procedure Manual, as determined by the Council from time to time, are incorporated by reference into this Local Law.

The form of a Notice to Comply is included in Part 4 of the Local Law Procedure Manual.

90. POWER TO DIRECT – IN PERSON

- (1) An Authorised Officer or Delegated Officer who finds any Person contravening or failing to comply with any provision of this Local Law may give that Person any reasonable direction to cease the contravention or failure to comply.
- (2) A Person to whom a direction is given under Sub-clause (1) must comply with that direction.

Penalty: 10 Penalty Units

91. POWER TO ACT – URGENT CIRCUMSTANCES

In urgent circumstances arising as a result of any failure to comply with this Local Law, an Authorised Officer or a Delegated Officer may:

- (1) take action to remove, remedy or rectify the failure without the necessity to serve a written warning or Notice to Comply; or
- (2) take any other action necessary to abate an immediate danger or threat;

provided the Authorised Officer or the Delegated Officer has regard to the Guidelines for Urgent Circumstances in the Local Law Procedure Manual as determined by the Council from time to time, and incorporated by reference in this Local Law.

Guidelines for the exercise of the power to act in urgent circumstances are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference in this Local Law.

92. POWER TO IMPOUND - IMPOUNDING THINGS

- (1) If an Authorised Officer or Delegated Officer detects an Animal, item or other thing in breach of, or being used contrary to, the provisions of this Local Law and, in the opinion of that Authorised Officer or Delegated Officer, the continuation of that breach or use is contrary to Clauses in this Local Law or presents a potential hazard or risk to any Person or property, the Authorised Officer or Delegated Officer may impound that Animal, item or other thing.
- (2) If an Authorised Officer or Delegated Officer has impounded an Animal, item or other thing in accordance with this Local Law:
 - (a) Council or an Authorised Officer or Delegated Officer must, if it is practicable to do so, serve notice of the impounding personally or by mail on the person who appears to be the owner of the impounded thing; and
 - (b) Council may refuse to release it until the Appropriate Fee or charge for its release has been paid to the Council.
 - (c) An Authorised Officer or Delegated Officer must follow the impounding guidelines in the Local Law Procedure Manual, as amended by Council from time to time and incorporated by reference in this Local Law.

Guidelines for the exercise of the power to impound are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference in this Local Law.

The form of a Notice to Impound is included in the Local Law Procedure Manual.

93. DELEGATION

In accordance with section 114 of the Act, the Council:

- (1) delegates to the Chief Executive Officer, each Senior Officer and to any Person for the time being acting for such persons all of the powers, discretions, authorities and considerations of the Council under this Local Law including, but not limited to, the powers, discretions and authorities subject to any Guidelines and Council Policies in the *Local Law Procedure Manual* as amended from time to time, incorporated by reference in this Local Law, to issue or refuse any permit, fix conditions and durations relevant to such Permit, cancel any Permit, require additional information, apply Guidelines and Policies of the Council, consider any appeals and waive the need for any Permit, or waive, or fix, or reduce, any fee or charge, or to do any act, matter or thing necessary, or incidental to, the performance or exercise of any function or power by the Council;

- (2) delegates to the Municipal Environmental Health Officer and any Authorised Officer or Delegated Officer and to any Person for the time being acting for such persons the power, subject to any Guidelines and Council Policies in the *Local Law Procedure Manual* as amended from time to time, incorporated by reference in this Local Law, to issue or refuse any Permit and to apply conditions to any Permit, to exercise discretions, require additional information and apply Guidelines and Policies of the Council in respect of any Permit applications, exemptions and waivers; and
- (3) delegates to each Authorised Officer the powers, discretions and authorities to act on behalf of the Council in exercising any discretion of the Council in accordance with the Guidelines in the *Local Law Procedure Manual* as amended from time to time, incorporated by reference in this Local Law, the issue of an Infringement Notice and the undertaking of prosecutions.

PERMITS

94. PERMITS

- (1) Council may define the form of any Permit application, the manner in which a Permit application will be processed and the terms and conditions under which a Permit may be issued.
- (2) In addition to any other conditions applied to any Permit under this Local Law, Standard Permit Conditions applicable to all Permits under this Local Law are in the *Local Law Procedure Manual*, as determined by the Council from time to time, and are incorporated by reference in this Local Law.
- (3) When receiving and processing applications for a Permit and when imposing conditions, making corrections or considering cancellation of a Permit, the Council or an Authorised Officer or Delegated Officer must have regard to the Guidelines relating to Permits and the Standard Permit Conditions in the *Local Law Procedure Manual*, as determined by the Council from time to time and incorporated by reference in this Local Law.
- (4) A Permit expires on the date specified in the permit or if no such date is specified the Permit will expire one (1) year after the date of issue.
- (5) Council or an Authorised Officer or Delegated Officer may correct a Permit after issuing it, if the Permit contains a clerical error, an error from accident, slip or omission, an evident material miscalculation, or material mistake in the description of any person, thing, date or property referred to in the Permit.
- (6) Where Council or an Authorised Officer or Delegated Officer is of the opinion that there is or has been a breach of any conditions of a Permit, a Notice to Comply may be issued to the Permit Holder, or the Permit may be cancelled or new conditions may be applied.

- (7) Council or an Authorised Officer or Delegated Officer may amend or cancel any permit if it is found:
 - (a) to contain a material misstatement or concealment of facts in relation to the application for the Permit;
 - (b) any material change of circumstances occurs after the issue of the Permit;
 - (c) a failure to comply with the conditions under which the Permit was issued; or
 - (d) a failure to comply with a Notice to Comply within the time specified in relation to a breach of a condition of the Permit.
- (8) Council or an Authorised Officer or Delegated Officer must notify the Permit Holder of the intention to amend or cancel a Permit and give the Permit Holder opportunity to make a written submission before the Permit is amended or cancelled.
- (9) If Council or an Authorised Officer or Delegated Officer, after considering any written submission made by the Permit Holder, determines to cancel or amend the Permit, the amendment or cancellation must be placed in the register of Permits.
- (10) Where a Permit is cancelled because of a breach of any condition Council may refuse any refund of any portion of the fees and charges associated with the application or the issuing of the Permit.
- (11) Council and any Authorised Officer or Delegated Officer are not liable under this Local Law for any loss or damage suffered by any Permit Holder or any associated person as a result of or following upon the cancellation or refusal to re-issue any Permit whether following the breach of any condition, or any other lawful reason for cancellation or a refusal to re-issue.
- (12) A Permit issued by Council does not confer any permanent property rights stated or inferred upon any Permit Holder in relation to any Council asset.
- (13) A Permit which expires on the expiry date confers no right of re-issue upon any applicant who may have been issued with a similar Permit previously.

Guidelines for the issuing Permits are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference in this Local Law.

Standard Permit conditions apply to all Local Law Permits issued by Council and are in addition to any specific Permit conditions applicable to each type of Permit. Standard permit conditions are in Part 3 of the Local Law Procedure Manual as amended by Council from time to time and are incorporated by reference into this Local Law.

The form of a Permit is included in the Local Law Procedure Manual.

95. RECORD OF PERMITS

- (1) A record of any Permits issued by the Council for the purposes of this Local Law must be maintained by the Council.
- (2) Any cancellations or corrections of Permits which have been issued under this Local Law are also to be recorded.

96. EXEMPTION FROM PERMIT OR PERMIT FEE

- (1) The Council may, by written notice exempt any Person or class of Person from the need to obtain a Permit and such exemption may be conditional, may be altered and may be cancelled.
- (2) The Council may, by written notice exempt any Person or class of Person from the need to pay any Permit fee.
- (3) An exemption from the requirement to pay a Permit fee may be cancelled or corrected in the same way as a Permit.
- (4) A Service Authority or a Person employed by, or acting on behalf of, a Service Authority is exempt from this Local Law and is not required to obtain a Permit in respect of activity to be undertaken for the purposes of the Service Authority but must notify the Council of the activity prior to its commencement.

Guidelines for determining whether to recommend or grant a permit exemption or permit fee waiver or other fee waiver are in the Local Law Procedure Manual as determined by the Council from time to time, and are incorporated by reference in this Local Law.

(The Council's fees and charges are determined annually by the Council in its budgeting process and are available from the Council's website or by enquiry direct to the Council.)

APPEALS

97. APPEALS – MATTERS OTHER THAN INFRINGEMENT NOTICES

- (1) Any Person who is aggrieved by any matter under this Local Law may make a written representation or appeal for consideration by the Council within twenty-eight (28) days of the date of the matter concerned, but the making of any written representation or appeal will not in any way remove that Person's obligation to act in accordance with any obligations, directions or notices which are applicable under this Local Law.
- (2) Sub-clause (1) does not confer a right for a Person to make a submission under section 223 of the Act.
- (3) Details regarding written representations and appeal processes in relation to any Infringement Notice issued under this Local Law are found in Clause 98 of this Local Law.
- (4) Any written representation or appeal under this Local Law will be determined by an Appeals Officer separate and independent from, and not the supervising officer of any Authorised Officer or Delegated Officer who made any decision, exercised any power, issued any notice or otherwise acted or refused to act under this Local Law in the matter subject of the written representation or appeal.
- (5) On any written representation or appeal on any matter under this Local Law (except only an appeal from an Infringement Notice) the decision of Council is final, excepting only a review on legal grounds to the Supreme Court of Victoria.

98. APPEALS - LOCAL LAW INFRINGEMENT NOTICES

- (1) An Authorised Officer or a Delegated Officer may serve an Infringement Notice on a Person who has committed an offence under this Local Law, requiring the Person to pay the penalty for that offence within no less than 28 days of the issue of an Infringement Notice.
- (2) The penalty fixed for the Infringement Notice is the applicable penalty stated in the Schedule to this Local Law, or if no applicable penalty is stated in the Schedule to this Local Law, the penalty shall be 20 per cent of the maximum penalty applicable under this Local Law.
- (3) If the Infringement Notice is not withdrawn and the Person either pays to the Council the amount referred to in the Infringement Notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, no conviction will be recorded against that Person for the alleged offence.
- (4) If a Person issued with an Infringement Notice makes a written representation within 28 days of the issue of an Infringement Notice to the Council, the Chief Executive Officer or to any other member of Council's staff, the representation must be brought to the attention of an Authorised Officer or a Delegated Officer that is an Appeals Officer, is the Council's internal ombudsman, or to the Chief Executive Officer (hereafter jointly referred to as the Appeals Officer).
- (5) An Authorised Officer or a Delegated Officer that is an Appeals Officer and who is separate and independent from and not the supervising officer of the officer who has issued the Infringement Notice, must consider any written representations and any other relevant information and must consider and decide upon any such material within 28 days of the representations concerning the issue of the Infringement Notice being received by the Council.
- (6) The decision of Appeals Officer is final, except that either Council or the person may choose to have the matter heard before the Magistrate's Court.
- (7) The Council or an Authorised Officer or a Delegated Officer may at any time withdraw an Infringement Notice or other notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.
- (8) Where an Infringement Notice is withdrawn, the Person upon whom it was served is entitled to a refund of any payment that has already been made by that Person on the Infringement Notice.
- (9) If the penalty referred to in an Infringement Notice has been paid within 28 days of its issue and no representation has been received by the Council or its officers or staff, no decision may be made to withdraw the Infringement Notice and prosecute the offence after the expiry of 28 days from the issue of the Infringement Notice.
- (10) Any withdrawal of an Infringement Notice or any other notice under this Local Law may be served in accordance with section 234 of the Act.
- (11) In the event of the failure of a Person served with an Infringement Notice to pay the amount specified within 28 days of the issue of the Infringement Notice, or such further time as the Council or an Authorised Officer or a Delegated Officer may permit, the Council or the Authorised Officer or the Delegated Officer may pursue the matter by prosecuting the offence in a Magistrates Court.

- (12) Any Person served with an Infringement Notice is entitled to disregard the Infringement Notice and defend the prosecution in the Magistrates Court.
- (13) All Infringement Notices, whether issued under the *Local Government Act 1989* or some other empowering legislation are subject to the processes and procedures of the *Infringements Act 2006*, except that an Infringement Notice issued under any Local Law made pursuant to powers derived under the *Local Government Act 1989*, may not be lodged with the Infringements Court. This means the penalties imposed by such Infringement Notices are enforced directly by prosecution in the Magistrates' Court.
- (14) Any Person served with an Infringement Notice should be notified on that Infringement Notice whether the power exercised to issue the Infringement Notice is derived from the Council's Local Laws (and thereby the *Local Government Act 1989*) or from some other empowering legislation, in which latter case, Council has the additional avenue to enforce penalties by lodgement of the Infringement Notice with the Infringements Court.
- (15) The provisions of this Clause are to be read subject to *the Infringements Act 2006* as amended from time to time.

FEES AND PENALTIES

The Council's fees and charges are determined annually by the Council in its budgeting process and are available from the Council's website or by enquiry direct to the Council.

99. SETTING FEES AND CHARGES

- (1) The Council may, from time to time, by resolution determine the fees and charges to apply under this Local Law and may include an administration or processing fee or charge. The Council must give public notice of its resolution to set or alter fees and charges.
- (3) Where a Permit is issued part way through the financial year and is to operate for the balance of that financial year, the Council may vary the normal annual fee or charge by applying a fee or charge which is proportionate to the period for which the Permit will apply corrected to the next higher quarter of that year.

100. DIFFERENTIAL OR STRUCTURED FEES AND CHARGES

In determining any fees and charges, the Council may establish a system or structure of fees and charges, including minimum or maximum or pro-rata fees or charges, if it considers it is appropriate to do so.

101. WAIVER OR ALTERATION TO FEES AND CHARGES

The Council may waive, reduce or alter any fee or charge with or without conditions upon receipt of a written submission from the applicant stating reasons why any such fee or charge should be reconsidered.

Guidelines for determining whether to recommend or grant a permit exemption or permit fee waiver or other fee waiver are in the Local Law Procedure Manual as determined by the Council from time to time, and are incorporated by reference in this Local Law.

102. OFFENCES

- (1) Where any provision in this Local Law prohibits any act or thing, any Person who contravenes such provision is guilty of an offence.
- (2) Where any provision in this Local Law prohibits any act or thing between specified hours of the day or night, or during specified months of the year, or on certain days, or in, or at, specified locations or specified parts of those locations, any Person who contravenes such provision is guilty of an offence.
- (3) Where any provision in this Local Law requires any act or thing to be done, any Person who is required to do the act or thing but does not do it contravenes such provision and is guilty of an offence.
- (4) Any Person who is guilty of an offence against this Local Law is liable to the penalty indicated in respect of that offence, or if no such penalty is indicated, a penalty of:
 - (a) **10 Penalty Units for a first offence; and**
 - (b) **15 Penalty Units for any second or subsequent offence.**
- (5) Where any provision in this Local Law requires that a Person obtain a Permit before engaging in a particular activity, that Person is guilty of an offence if that Person engages in that activity without a Permit authorising that activity (unless the Council in its discretion has granted an exemption the requirement for a Permit).

Penalty: 20 Penalty Units

- (6) Where any Permit, or exemption from a Permit, issued under this Local Law contains any conditions, any Person who contravenes or fails to comply with such a condition is guilty of an offence.

Penalty: 20 Penalty Units

103. PENALTIES

Schedule 1 to this Local Law sets out penalties for Infringement Notice purposes, which may be issued as an alternative to prosecution in respect of non-compliance with this Local Law, where the Council or an Authorised Officer or a Delegated Officer determines to proceed by way of Infringement Notice.

SCHEDULE 1 – INFRINGEMENT NOTICE PENALTIES

LOCAL LAW NO. 1 Neighbourhood Amenity 2012

SCHEDULE 5 – PENALTIES

TABLE OF MAXIMUM PENALTIES AND INFRINGEMENT NOTICE PENALTIES IN RESPECT TO OFFENCES AGAINST THE LOCAL LAW

Why are Infringement Penalties different from Maximum Penalties?

Infringement Notice penalties are used to simplify the process of enforcing less serious breaches of the law. Infringement Notices avoid the complex process of Court prosecution. When Infringement Notices are paid on time, no conviction is recorded by a Court. The amount of an Infringement penalty is normally significantly less than the potential maximum penalty which a Court might impose for the same offence.

* 'An infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence': Annexure A , Attorney-General's Guidelines to the Infringements Act 2006 (Vic).

Maximum penalties may be imposed by a Court when:

- Council chooses to prosecute an offence, rather than issue an Infringement Notice, or
- A person receiving an Infringement Notice chooses to have the matter heard in Court.

A 'Penalty Unit' means a Penalty Unit under the Sentencing Act 1991, s. 110(2) and/or Monetary Units Act 2004, s. 13(2). For Local Laws, a Penalty Unit is currently fixed by the State Government at the value of \$100 per Penalty Unit (but this may vary from time to time).

If any offence under the Local Law is not set out in the table below, the infringement penalty for that offence will be 20% of the maximum penalty.

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
10 (1)	Land kept in unsightly manner	15	3
10 (2)	Land kept in unsightly manner by accumulating materials	15	3
11 (1)	Land kept in dangerous manner – haven for vermin/weeds	20	5
11 (2)	Land kept in dangerous manner – storage dangerous substance	20	5
11 (3)	Land kept in dangerous manner – attraction to children	20	5
11 (4)	Land kept in dangerous manner – unsecured excavation	20	5
12 (1)	Unauthorised Occupation of Council Land	10	2
12 (2)	Failure to Remove Unauthorised Occupation	20	5
13 (1)	Dilapidated Building – permitting	20	5

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
13 (2)	Dilapidated Building – failure to secure	20	5
13 (3)	Dilapidated Building – failure to take reasonable steps to remedy unauthorised access and anti-social behaviour	20	5
13 (4)	Dilapidated Building – failure to maintain appearance	20	5
13 (5)	Dilapidated Building – failure to remove Graffiti	20	5
13 (6)	Dilapidated Building – failure to undertake works within a 30 day period	20	5
14 (1)	Land containing a fire hazard	20	5
14 (2)	Failure to mow vacant Allotment April-October to 150 mm	15	3
15 (1a)	Burning Offensive materials	15	3
15 (1b)	Burning materials that may cause Offensive emissions entering neighbouring land	15	3
15 (2)	Burning in open or in an incinerator without Permit	15	3
15 (3)	Failure to extinguish a fire when directed	20	5
16	Causing Offensive Emissions to enter neighbouring property – 1st Offence	5	1
16	Causing Offensive Emissions to enter neighbouring property – 2nd and subsequent Offences	15	3
17	Fireworks lit without a Permit	20	5
18	Camping on Private Land contrary to requirements without Permit	15	3
19 (1)	Keeping a Shipping Containers on Council Land	15	3
19 (2)	Allowing a Shipping Container to adversely impact visual amenity on Land Other than Council Land	15	3
20	Installing or operating a non-compliant intruder alarm	15	3
21	Failing to number an address adequately	10	2
22	Allowing vegetation or other things to obstruct, interfere, endanger or overhang, or obscure	15	3
23	Keeping Animals contrary to Local Law	10	2
24	Failure to provide adequate Animal Accommodation	10	2

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
25	Allowing noise smell or discharge from animals to interfere with adjacent or nearby occupiers of land	10	2
26 (1)	Animal excrement remaining on Council land	10	2
26 (2)	Failure to carry a suitable animal litter device	10	2
27(1)	Inadequate Fencing for Animal kept - 1 st Offence	10	2
27(1)	Inadequate Fencing for Animal kept - 2 ^{nd+} Offence	15	3
27(2)	Inadequate Fencing Livestock on Public Road	20	5
28	Keeping an offending aggressive dog without a Permit - 1 st Offence	10	2
28	Keeping an offending aggressive dog without a Permit – 2 nd and Subsequent Offence	20	5
29 (1) & (2)	Failing to comply with Council Waste Collection requirements	10	2
29 (4)	Placing Contaminated Material in recyclable collection bin after written warning. - 1 st Offence	5	1
29 (4)	Placing Contaminated Material in recyclable collection bin after written warning. - 2 nd Offence	10	2
29 (4)	Placing Contaminated Material in recyclable collection bin after written warning. – 3 rd and Subsequent Offences	20	5
30	Failure to comply with Hard Waste Collection as specified	10	2
31	Interference with Waste materials left for collection	10	2
32 (1)	Use of Motor Bike Or Motorised Recreational Vehicle on Council Land other than Road without a Permit	15	3
32 (2a)	Use of Motor Bike Or Motorised Recreational Vehicle on Land Other than Council Land in Built Up Area without a Permit	15	3
32 (2b) & (2c)	Use or allowing use of Motor Bike Or Motorised Recreational Vehicle on Land Other than Council Land outside Built Up Area within 500 metres of a Dwelling without a Permit	15	3
33 (1) & (2)	Vehicle used or driven with Sound System emitting Offensive noise	10	2
33 (3)	Emitting interfering Offensive noise from Road or Municipal Place to interfere properties abutting	10	2

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
34	Repairing or Displaying for sale a Vehicle on a Road	15	3
35	Abandoning a Vehicle on a Road or Council Land	15	3
36	Storing Heavy Vehicle contrary to Local Law	10	2
37 (1)	Failure to cover transported Offensive waste	10	2
37 (2)	Allowing Offensive waste on roads and failure remove Offensive waste from Roads	15	3
38 (1) & (2)	Placing waste bins or Waste on a Road or Council Land contrary to Law	15	3
39	Public waste bins used contrary to requirements	10	2
40 (1)	Leaving Shopping Trolley in non-designated area	10	2
40 (2) & (3)	Owner failing to place identification on Shopping trolley or pick-up Shopping trolley and return it to designated area	10	2
41 (1)	Holding a Street Procession or festival without Permit	15	3
41 (2)	Using public address system on Road without a Permit	15	3
42 (1)	Livestock movements on Road contrary to Guidelines	10	2
42 (2)	Grazing or Droving Livestock without or contrary to Permit	20	5
43 (1)	Displaying goods for sale on a Road without Permit	20	5
43 (2)	Failing to remove goods for sale or Advertising Sign from a Road or Council Land when directed	20	5
44 (1)	Roadside trading without Permit	15	3
44 (2)	Roadside trading on another's pre-allocated site	20	5
45 (1)	Spruiking without a Permit	10	2
45 (2)	Busking without a Permit	10	2
45 (3)	Drawing or Painting on a Road or Council Land without a Permit	10	2
46 (1)	Advertising Sign on Council Land without Permit	20	5
46 (2)	Advertising Sign on a Vehicle on Council Land without Permit	20	5

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
46 (3)	Failure to remove Advertising Sign when directed	20	5
47 (1)	Using Council Land for Commercial Outdoor Eating Facility without Permit	20	5
48	Failing to Remove the Outdoor Eating Facility	20	5
49	Sale or consumption of Liquor on Footpath adjoining licensed premises without Permit	20	5
50(1)	Collecting money or subscriptions house to house without Permit	15	3
50 (2)	Collecting money or subscriptions on a Road or Council Land without Permit	10	2
51 (1)	Asset Protection – Drainage Tapping without Permit	20	5
51 (2)	Depositing Waste other than stormwater in Council drain	20	5
52 (1)	Asset Protection – Occupying or Opening a Road or Council Land without a Permit	20	5
53 (1)	Asset Protection – Building Works commencing without a Permit, or undertaking contrary to requirements or Permit.	20	5
53 (7)	Asset Protection – Building Works - Failure to make supplementary bond payment to rectify damage	20	5
53 (9)	Failure of other person to refrain from commencing work or deliveries before an Asset Protection Permit is issued.	10	2
55 (1)	Failure to securely Fence a Building Work	20	5
55 (2)	Failure to minimise risk or run-off into Municipal Stormwater System	20	5
55 (3) to (6)	Failure to comply with refuse requirements for Building Work and Building Sites	15	3
55 (7) & (8)	Failure to prevent deposits on Roads or excessive or emissions of Offensive dust from Building Sites	15	3
56 (1)	Failure to comply with vehicular crossing access requirements for a Building Work	20	5
56 (2)	Failure to comply with no storage of materials on a Road or Council Land for a Building Work	15	3
56 (3)	Failure to comply or hours of work requirements for a Building Work	15	3

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
57 (1)	Constructing or altering or removing a Vehicle Crossing without a Permit	20	5
57 (2)	Constructing or using a second Vehicle Crossing without a Permit	20	5
58	Failure to maintain a Vehicle Crossing in good condition	15	3
59 (2)	Failure to apply for Vehicle Crossing permit when directed	20	5
60	Consumption and possession of Liquor on Roads	15	3
61 (1)	Consumption and possession of Liquor in Municipal Place other than a Road between sunset and sunrise	15	3
61 (2)	Consumption and possession of Liquor in Municipal Place other than a Road between sunrise and sunset contrary to authorised request	15	3
63 (3)	Consumption and possession of Liquor in Alcohol Free Area	15	3
64	Providing, using, or bringing glass container contrary to a Permit for alcohol in Alcohol Free Area	10	2
65	Smoking in Municipal Places contrary to signs	10	2
66 (2) & (3)	Contrary Behaviour in a Municipal Place	10	2
67	Endangering or interfering with others in a Municipal Place	10	2
68	Damaging/defacing a Municipal Place	20	5
69	Interference with watercourse	20	5
70 (1)	Obstructions on Council Land	20	5
70 (2)	Failure to remove an obstruction on Council Land when directed	20	5
71	Contrary behaviour in a Municipal Reserve or Foreshore Reserve	10	2
72 (1)	Use of a Municipal Reserve or Foreshore Reserve endangering public safety Council assets or enjoyment of others without seeking a Permit – 1 st Offence	10	2
72 (1)	Use of a Municipal Reserve or Foreshore Reserve endangering public safety Council assets or enjoyment of others without seeking a Permit – 2 nd and Subsequent Offences	15	3

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
73	Use of a Municipal Reserve or Foreshore Reserve for permitted use without a Permit	15	3
74	Accessing a Municipal Reserve or Foreshore Reserve contrary to requirements	10	2
75 (1)	Holding an Event on Council Land or Foreshore Reserve without a Permit	20	5
75 (2)	Holding an Event on Land Other than Council Land where there is a material impact of community or public safety without a Permit	20	5
76	Camping on Council Land without a Permit and not in a designated camping area.	15	3
77	Parking on a Municipal Reserve without a Permit	5	1
78 (1)	Use of Wheeled Non-Motorised Recreational Device or Wheeled Child's Toy where prohibited	10	2
78 (2)	Use of Wheeled Non-Motorised Recreational Device or Wheeled Child's Toy on a Road to obstruct or endanger	10	2
80 (2)	Use of Landfill Site, Waste Transfer Facility or Resource Recovery Centre contrary to requirements	15	3
80 (3)	Depositing at Landfill Site, Waste Transfer Facility or Resource Recovery Centre outside open hours	20	5
81	Removing material from a Landfill Site, Waste Transfer Facility or Resource Recovery Centre without a Permit	10	2
82 (1) & (2)	Behaving to endanger, interfere with or offend others in a Municipal Building	15	3
82 (3)	Behaving damaging or otherwise contrary to requirements in a Municipal Building	15	3
83 (1) to (4)	Entering or remaining in a Municipal Building contrary to requirements or direction	10	2
83 (5)	Re-entering a Municipal Building after a direction to leave	15	3
83 (6)	Re-entering a Municipal Building after a direction to leave and receiving a temporary suspension letter	20	4
84 (2)	Entering a Municipal Building or service location while under a Notification of Prohibition from Entry – 1st Offence	15	3
84 (2)	Entering a Municipal Building or service location while under a Notification of Prohibition from Entry – 2 nd and Subsequent Offences	20	5

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
85	Use of a Municipal Building without consent	15	3
88	False or misleading information on a Permit application	20	5
89	Failure to comply with Notice to Comply in specified time	20	5
90	Failure to comply with lawful direction when contravening Local Law	10	2
102 (4)	Offence where no penalty is given – 1 st Offence	10	2
102 (4)	Offence where no penalty is given – 2 nd and Subsequent Offences	15	3
102 (5)	Failure to obtain Permit	20	5
102 (6)	Failure to comply with a condition of a Permit or exemption	20	5

Resolution for the making of this Local Law was agreed to by the Council on the 0th day of 2014.

The Common Seal of CITY OF GREATER GEELONG was affixed this

..... day of 2014 in the presence of:

..... Mayor/Councillor

..... Chief Executive Officer

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the 2014 and 2014 respectively.

Public Notices of the proposal to make and confirmation of the making of this Local Law were inserted in *the Geelong Advertiser* Newspaper on 2012 and on 2012 and in theNewspaper on 2014 and 2014.

A copy of this Local Law was sent to the Minister for Local Government on the 0th day of 2014.

City of Greater Geelong

LOCAL LAW COMMUNITY IMPACT STATEMENT

For

(Draft) Neighbourhood Amenity Local Law

18 August 2014

Preamble:

A Local Law is more than a set of regulations and penalties. It is a document implementing Council policy over ten years. It protects and enhances amenity, manages risk, and limits ratepayer liability. It also provides a legal basis for many of Council's activities.

The goal of the Local Law is not simply compliance, although this is the goal of enforcement. The goal is a sustainable natural, built and social environment harmoniously shared with mutual respect and enjoyment by residents and visitors alike, in two words, Neighbourhood Amenity.

City of Greater Geelong

Neighbourhood Amenity Local Law 2014

LOCAL LAW COMMUNITY IMPACT STATEMENT

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PART A - BACKGROUND

Introduction

Under the *Local Government Act 1989*, all local laws expire after 10 years. The City of Greater Geelong has reviewed its existing *General Local Law 2005*. The purpose of the review has been to update the existing laws, to reduce the regulatory burden on the community, to respond to community amenity issues, to ensure compliance with recent legislation, and to implement best practice local law making.

The Review has created a new (draft) *Neighbourhood Amenity Local Law 2014* and a *Local Law Procedure Manual (incorporated by reference)*. The previous *General Local Law 2005* will be revoked at the time of forming the new law.

In 2010, the State Government, through Local Government Victoria, released '*Guidelines for Local Laws Manual*', which set out new best practice guidelines for the creation of new Local Laws. The key elements of these best practice guidelines may be summarised very briefly as follows:

- to improve accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity, and transparency in local laws;
- to ensure regulation is viewed as a last resort, not a first resort, because it imposes a burden of compliance on the community and a burden of enforcement on the council;
- to ensure the community is involved from the commencement of the law-making process, not just at the end through Section 223 submissions under of the *Local Government Act 1989*;
- to ensure the local law is in plain English, is easily accessible, is reader and community friendly, is fair and reasonable, is complete, and reflects community needs;
- to ensure local laws incorporate guidelines for the exercise of all discretions, key permit conditions and where relevant procedural council policies;
- to mandate that councils produce a *Local Law Community Impact Statement* for new local laws, including, among other things, clear objectives consistent with Council policy, measures of success, and assessments of relevant powers, risk analysis, cost-benefit analysis, competition analysis and human rights analysis.

Consultation

A Local Law Review is a complex, high impact and community-wide project, requiring extensive internal and community consultation. The review is consistent with Council's *Community Consultation Policy 2008* and with the following objectives and strategies within the City of Greater Geelong *City Plan 2013-2017*:

- (a) *to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (Community Wellbeing Objective: 'Healthy Together Geelong');*
- (b) *securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (Growing Our Economy Objective);*
- (c) *partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (Sustainable Built And Natural Environment Objective); and*
- (d) *cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (How We Do Business Objective).*

The State Guidelines for Local Laws also require consultation from the commencement of the review process, not simply at the Section 223 Exhibition period. City of Greater Geelong's Local Law Review included a consultation and engagement plan as an integrated part of the Project Plan.

1. Internal Consultation

There has been extensive internal consultation with relevant managers and staff members throughout the organisation. This has included group meeting and numerous individual interviews. Draft Clauses have been circulated for comment to the relevant managers and staff.

Councillors were briefed on 6 April 2014 and again on 19 August and 2 September 2014. Councillors were given opportunity to raise relevant issues with the consultant.

2. Community Consultation

The community consultation plan, consistent with Council policy, includes two stages of public forums. The first stage has now occurred and was listen to and discuss community issues. The second stage will outline and explain the proposed changes in the Local Law during the Exhibition period. Both stages of consultation include advertising in the local press and on Council's website.

Three public forums occurred in May 2014. There was also an on-line web questionnaire on Council's website between 8 May 2014 and 6 June 2014. There have also been numerous one-on-one community stakeholder meetings, as well as consultation with government agencies.

There will be further public forums and the draft local law will also be subject to mandatory Section 223 Exhibition, Submissions, and Submission Hearing with appropriate public notices.

During the community May forums 20 people raised a number of concerns. These concerns are divided into three categories, the first two being at least partly a matter for the Local Law.

1. Problems surrounding vacant city allotments and dilapidated buildings, - not just unsightliness, but also a rise in drug use, crime, arson and behavioural problems. The CFA and an experienced ambulance officer reinforced this perception.

2. Problems around use of reserves and other public spaces: glass on foreshores, trip hazards on footpaths from vegetation, bicycle speed on shared paths, dogs at large on shared paths, locked public toilets in reserves, placement of alfresco dining tables and chairs, smoking in public places especially in alfresco dining, and very strong representation in favour of nature strip community gardens.
3. A range of other issues that are not a matter for the local law review. These issues were discussed with relevant officers and included: the lack of off-leash parks, cat curfew, insufficient disabled and city parking, summer pop-up retailers, street plantings, recyclables waste education, shipping containers, road markings, reserve maintenance.

There were 11 respondents to the web-based questionnaire. The issues raised in those comments (a mixture of local law matters and other things) included: wanting fenced off-leash parks, poultry housing too close to neighbours, wanting to plant on nature strips (x4), against nature strip gardens (x1), wanting to park on nature strip, 'please ban fake nature strip grass', wants annual hard rubbish collection, wants braziers on open decks; tip fees are too high; dogs barking, dogs at large and aggressive dogs, ban all cats, stop smoking in public places, esp. alfresco dining areas, ban private fireworks.

Not directly concerning the drafting of the Local Law, there has been strong feedback from many stakeholders recommending Council invest more heavily in enforcement, especially in relation to dogs at large, opening existing toilets in public parks, managing dilapidated buildings, and protection of persons and children in parks and on shared pathways from dogs and speeding cyclists. There was also support for enforcement on illegal alcohol consumption, fireworks and non-smoking (if introduced).

In addition to public meetings, a series of one-on-one direct individual meetings have been held with representatives of key community and business interest groups to discuss their concerns. (These included representative conservation groups, ratepayers association, real estate agent, trader group, local farmer, local landscape architect, organic gardeners, tourism association, and government agencies such as Parks Victoria and Victoria Police).

A master list of community contacts is maintained and this list will also be used to notify community contacts of meetings and the Exhibition of the draft Local Law.

Second stage public information meetings are planned for September-October 2014 to explain and discuss proposed changes to the Local Law during the Exhibition period. Stage two public information meetings will again be advertised in the local press and on Council's website. They will also be notified by email to any person who has contacted Council (or been contacted by Council) during the review process. To encourage community participation, the media advertisements highlight issues covered by the new draft local laws such as numbers of pets, fireworks, shipping containers, smoke-free areas and dilapidated buildings.

The future second stage public forums will be in addition to the formal s.223 Submission process which will follow Council's endorsement of the new *Neighbourhood Amenity Local Law 2014*, currently planned for 9 September 2014. There will probably need to be a Special Committee of Council Hearing for those who wish to speak to Council on their Submissions. This will occur during November, prior to presentation for adoption of the final Local Law in December 2014.

The Changes

The new draft Neighbourhood Amenity Local Law 2014 includes numerous changes from its predecessor the *General Local Law 2005*. There are 46 deleted Clauses and 10 new laws. There are also a number of modified laws. Some of these have a more limited application, while others have been strengthened. However, the content of the regulation is not the only change. In implementing the 2010 State Government's Guidelines on Best Practice Local Law Making, substantial changes have been made to the structure and drafting of the local law. The new Local Law is more focused on the community, written more clearly and in a customer-friendly style. The new structure is based on the customer's perspective. The laws are outcome focused rather than prescriptive. There are pre-amble explanations for many laws and cross-references for potential users. Council's legal authority has been clarified in some areas while many penalties have been revised in line with community expectations. Individual and community rights are given a priority, with clear explanations of appeal rights and fair and reasonable procedures. (Note: the new laws are dealt with individually in Part C.)

Some of the deletions include simplification and consolidation such as in the laws applying to building sites, asset protection, waste management and the use of Council land.

In implementing the key principles of best practice, in particular transparency and accountability, a *Local Law Procedure Manual* has been created which includes mandatory officer guidelines for all discretions created by the local law. This manual forms part of the new local law (incorporated by reference), but unlike the local law itself, Council may amend the Manual at any time by resolution and gazettal. Key Council procedural policies and some documents are also included in the Manual.

The nine key principles of best practice local law making implemented in the new draft local law are shown below in the *Table: Implementation of State Guidelines for Best Practice Local Laws Making*. Note: examples given in the table are representative and are not a full listing of relevant changes.

Table: Implementation of State Guidelines for Best Practice Local Laws Making.

Guideline Value	Change implemented	Examples of change (not exhaustive)
accessibility	<ul style="list-style-type: none"> a new community/customer focus structure; outcome focused drafting, including selected explanatory preambles; consistent use of plain language and appropriate terminology; a stand-alone document with full definitions; removal of redundant and confusing terminology; and the Procedure Manual uses section tabs and common numbering between laws and guidelines. 	<ul style="list-style-type: none"> see new structure; new drafting of clauses on dilapidated buildings, camping, adequate fencing, livestock on roads, use of reserves and so on; new clearer discretion guidelines for virtually all discretions created, e.g. urgent circumstances, fee and permit waivers, asset protection permits etc.
accountability & transparency	<ul style="list-style-type: none"> incorporation of comprehensive discretion guidelines, key permit conditions and relevant Council policies; clear statements of appeal rights under the local law and under the Infringements Act; and clear and unambiguous statements of incorporation of documents. 	<ul style="list-style-type: none"> New provision for a fair procedure to prohibit entry to Council buildings; Procedure Manual Section 1 includes revised discretion guidelines for approximately 40 local laws; Law on sign obedience deleted; Procedure Manual includes standard conditions applicable to all council permits.

compliance	<ul style="list-style-type: none"> the removal of many laws (a total of 46 clauses from the old local law), many duplicated by State legislation (<i>Building Regulations 2006, Domestic Animals Act 1994, Environment Protection Act 1970, Impounding of Livestock Act 1994, Public Health and Wellbeing Act 2008, Road Safety Rules 2009, Tobacco Act 1987, etc.</i>). Deletion of several clauses potentially in breach of the <i>Local Government Act 1989</i> and the <i>Charter of Human Rights and Responsibilities Act 2006</i>; Removal of all use of Planning Scheme Zones, including outdated references clear and unambiguous statements of incorporation of documents; ensuring council practices are appropriately supported by local laws. 	<ul style="list-style-type: none"> Toilets on building sites covered by <i>OH&S Regulations 2007</i>; dumping ice chests is covered in <i>Environment Protection Act 1970</i>; Nuisance is covered by <i>Public Health and Wellbeing Act 2008</i>; Inclusion of Discretion Guidelines for Urgent Circumstances, for Waiving & Exempting Permit Fees; Appeals and Appeal Conditions all conform to the <i>Charter of Human Rights and Responsibilities Act 2006 (the Charter)</i>; Revision of Keeping of Animals <i>Table of Numbers and Types of Animals</i> to exclude outdated Planning Scheme zones; Freedom of expression in public is protected by <i>the Charter</i>; Principles of fairness in the <i>Local Government Act 1989</i> apply to procedures for excluding persons from Council public buildings; Availability Events laws introduced to enforce existing practice. Deleted Council fire extinguishing powers, contrary to <i>CFA Act 1958</i>.
consistency	<ul style="list-style-type: none"> ensuring enforceability and fairness in the laws, which ensures more consistent enforcement; consistent use of plain language and appropriate terminology; removal of redundant and confusing terminology; and 	<ul style="list-style-type: none"> Building laws substantially revised and simplified; a new higher penalty regime for offences involving high risk to public safety and Council assets; language: clearer definitions, use of 'Authorised Officer or Delegated Officer';
currency & necessity	<ul style="list-style-type: none"> by removing laws no longer required; ensuring laws reflect current practice by revision of definitions and removal of some permits; inclusion of new community concerns including fireworks, shipping containers; and unauthorised occupation of Council Land. 	<ul style="list-style-type: none"> removed: building site regulations, nuisance, dumping ice chests and many others; inclusion of specific Event permit law; and dilapidated building law strengthened.
efficiency	<ul style="list-style-type: none"> by ensuring the laws meet legal requirements to minimise permit processes for applicants (i.e. avoiding unnecessary referrals for planning permits); increasing or decreasing penalties to ensure enforceability and appropriate deterrent values. 	<ul style="list-style-type: none"> remove confusion in building notification laws; use of Council land for outdoor eating facilities and sale and consumption of liquor on roads adjoining licensed premises; and at Police request increase of possession and consumption of alcohol on roads penalty. extension of alcohol use on reserves and foreshores in daylight hours.

enforceability	<ul style="list-style-type: none"> • by redrafting laws to ensure they are enforceable; • by removing laws no longer required; • by avoiding introducing new unenforceable laws. 	<ul style="list-style-type: none"> • Clarified security bond clauses in Asset Protection permits; • new procedure for declaring areas smoke free; • New law for parking on reserves with low enforceable penalty; and • Clear guidelines for Camping on Council and public land and the inclusion of campervans in definition of camping;
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A few explanatory notes on the Changes:

The new Structure: The previous local law adopted a usable but Council-oriented structure. The body of the law began with laws relating to Council property and assets and was largely organised for internal department use – e.g. all waste clauses were together. Council’s new Local Law has been structured for community accessibility. Starting with the laws directly impacting owners/occupiers of private property, it moves to vehicles and roads, then to commerce (business, builders), public space issues (alcohol, smoking) and only then to laws about Council’s public places, parks, foreshore and buildings. The new structure within the local law and the Procedure Manual is:

- Your Property, Animals And Waste Collection;
- Vehicles, Activities on Roads and Stock Movements;
- Business and Builders;
- Alcohol and Smoking;
- Municipal Places, Reserves, Landfill Sites and Council Buildings.

The Local Law itself is a stand-alone document (does not refer to, or require access to any other document - apart from the *Local Law Procedure Manual* which is effectively part of the law and both documents will be exhibited together). The new law also has a topical, user-friendly customer focus, with cross-references and explanations for the lay reader.

While some discretion guidelines existed in the past, these were contained within a mixture of Council and CEO approved procedural policies, Council publications and internal documents. They did not form part of the Local Law, were not easily found or were not publically available. Several key procedural policies, such as *Footpath Trading and other Activities Policy and Guidelines*, are now included in the *Local Law Procedure Manual*.

Other changes: While there have been numerous deletions of laws no longer needed and minor changes in the wording of some laws for clarity, the greatest changes include:

- New laws have been introduced to deal with existing and growing issues for the City of Greater Geelong. There is a new law against unauthorised occupation of Council Land; a new law for fireworks, shipping containers and parking on reserves. There is a new amenity law for offensive emissions entering neighbouring properties and dilapidated buildings controls have been strengthened.
- Long and complex existing local laws have been redrafted to be simpler, more easily understood and outcome focused. Good examples of this are the laws relating to building regulation, asset protection and use of municipal reserves.

- A number of laws have had technical changes to render them fairer, more practical and enforceable. For example, a fair procedure prior to a notification of prohibition of entry to Council facilities; a self-administered permit for use of motor bikes in rural areas; clear articulation of appeal rights; inclusion of a reasonable right to be heard in urgent circumstances and transparent guidelines on roadside trading and on the sale of impounded items or animals.
- A number of new permits have been created to better control damage to public assets and amenity, and to clarify the legal framework and manage risk. For example, events, fireworks, use of a municipal reserves, and shipping containers.
- The enforcement penalties have been reviewed for consistency and to better match with current practice in other municipalities and within the community generally. Maximum penalties have been introduced for offences involving high risk to public safety and Council assets, and also to discourage inappropriate commercial activities occurring on public land without a permit. It should be noted that based on State Government guidance Infringement Notice Penalties are set at 20-25% of the maximum penalty. The maximum penalty can only be imposed by a Court.
- Discretion Guidelines and Standard Permit Conditions are included in the *Local Law Procedure Manual* and incorporated by reference in the new local law - all officer discretions created under the Local Law now have clear publically available Guidelines. Relevant Council Policies with procedural detail are also incorporated and are binding on officers and Council itself, unless amended by Council resolution and gazettal.

The process of consultation, legislative analysis, and legal advice led to the abandonment of a number of the proposed changes. Other changes requiring significant policy or strategic work by Council may be reconsidered at a later date.

*** Acknowledgement**

City of Greater Geelong's new draft *Neighbourhood Amenity Local Law 2014* and its accompanying *Local Law Procedure Manual* have been developed from model Local Laws adopted by and provided for use with kind permission of Bayside City Council and Bass Coast Shire Council. The commitment of these municipalities to best practice local law making now provides an invaluable roadmap to those who make this journey after them.

While the structure, some clauses and some guidelines are therefore based on these earlier best practice model Local Laws, it is important to note that the City of Greater Geelong's Local Law has a distinctively 'Geelong' flavour. The importance, demography and community issues of Victoria's second major city are unique. The new Local Law has been carefully crafted to reflect this fact. It builds upon pre-existing regulation (as in the old *General Local Law 2005*, unless change is noted) and the current issues and needs confronting the Greater Geelong community. It was a drafting goal to imbue a distinctive 'Geelong' flavour throughout the new local law.

PART B – COMMENTS ON PROPOSED LOCAL LAW OVERALL

Measures of success of proposed Local Law

The goal of Local Laws is not simply compliance, although this is the goal of enforcement. The goal is a sustainable natural, built and social environment harmoniously shared, with mutual respect and enjoyment by residents and visitors alike, in two words 'Neighbourhood Amenity'.

Of course, measuring compliance is not easy and measuring harmoniously shared amenity is even more difficult.

There are, however, measurements applicable to local laws. While no single set of numbers should be viewed in isolation, Council needs to regularly collate and compare the following quantitative and qualitative measures:

- The number and subject of infringement notices and notices to comply issued.
- The number, subject and outcome of appeals submitted.
- The number, subject and outcome of prosecutions undertaken.
- The number of staff and its allocation to specific enforcement activities.
- The number, subject and outcome of public complaints (or customer requests) related to local laws, and especially to matters subject to new local laws.
- The community satisfaction survey rating for local laws and related issues.
- The qualitative assessment of enforcement officers and other relevant staff regarding community compliance and enforcement problems.
- The interpretation of these indicators by Council management, to explain anomalies, comment on trends and discuss declining or emerging problems.

State Legislation and the Local Laws

The current local law includes a number of clauses duplicating State legislation that have been eliminated in the new draft, as is required both by the *Local Government Act 1989*, and the best practice *Guidelines for Local Laws 2010* issued by the State Government. These include clauses related to toilets on building sites, impounding livestock, Fire Danger Days, fire extinguishing, Service Authorities and many others.

Council's new law is fully compliant with the *Local Government Act 1989*, the *Charter of Human Rights and Responsibilities Act 2006 (the Charter)*. Legal oversight of the draft will be used to confirm the drafting and legal validity, its compliance and its enforceability. Of course the underlying model laws have already undergone such checks on several prior occasions.

The Use of a Municipal Reserve Permit will replace the practice of issuing letters of consent. Apart from activities listed in Clause 73, specific variations of this permit will be issued for Events (Cl.75) and camping on Council land (Cl.76). Guidelines for camp sites on Council Land now mirror Parks Victoria camping guidelines to assist enforcement for officers from both agencies. Building site regulation is simplified, and duplication of State regulation has been removed. Commercial activity providers and tour guides will need a permit to operate on Council land, which mirrors State regulation. And while alcohol consumption in daylight in reserves and on the foreshore will be permitted, Victoria Police have agreed to retain the power to rescind that general permission should circumstances warrant (Cl.61).

Overlap of planning scheme

A strong statement in the Clause 7 Scope of the Law indicates that no prohibition or permit requirement will apply if any activity is allowed (or prevented) under the Municipal Planning Scheme. This obviates the need to provide Planning Scheme comment or exemptions throughout the Local Law. This statement is based on a model drafted under legal advice.

Consultation has occurred with the Director of City Development and the Manager of Statutory Planning. Several areas of concern and overlap were noted and changes made to the draft local law.

Several local laws have been introduced to assist with deficiencies in Planning controls. These include a new law for Shipping Containers in built up areas and a new local law permit to be issued in place of a Planning Permit under Section 52.27 for the extension of the sale and consumption of alcohol onto the footpaths of adjoining licensed premises.

All other references to Planning zones are removed from the local law. For example, both burning materials and keeping animals now refer to land size, rather than to outdated planning zones. Of course, these changes may need adjustment in the future. Numerous discretion guidelines now refer to considering the land-use of the relevant allotment and neighbouring allotments.

Risk assessment

A risk assessment is included for each new local law and can be found in Part C.

Regulatory approach adopted

The 'regulatory approach' means how Council tackles a problem in the local law. Does Council require notification and inspection (high impact), enforcement by random inspection (medium impact) or response to complaint (low impact)? Council's approach normally varies according to:

- 1) the extent of risk;
- 2) the perceived level of non-compliance;
- 3) how recently the law was introduced; and
- 4) the enforcement resources available.

Council adopts a notification and inspection regime (high impact) in relation to the asset protection for private building works and for individual animal plans (aggressive dog permits). Once introduced the new sale and consumption of alcohol on roads adjoining licensed premises would also involve a notification and inspection regime.

Council uses a permit and random inspection enforcement approach for footpath trading (medium impact), overhanging trees, unauthorised occupation of Council Land, the use of municipal reserves, fireworks and speeding bicycles on bike paths. A lower impact complaint-based approach is more likely for domestic waste contamination, shipping containers, and offensive emissions. (This list is representative only.)

Like-municipalities, such as City of Ballarat, Greater Bendigo, Surf Coast and Colac Otway, have adopted similar approaches, although their enforcement resources are allocated according to local issues and conditions.

The new Local Law also includes simplified accessible language and, in many places, outcome-focused *italicised* preambles. Individual rights are respected and reinforced throughout the new local law. There are expanded appeals provisions, the right to be heard in several places, freedom of expression protected and the right to enjoy one's home without unfair and unreasonable interference from neighbours. Discretion guidelines in the *Local Law Procedure Manual* add transparency and accountability to the issuing of permits and other decisions of Council Officers. There is also flexibility because Council can amend these guidelines by resolution and gazettal.

Restriction of competition – NCP

The application of *National Competition Policy (NCP)* to local government in Victoria flows from the national Competition Principles Agreement 1995. Under the *Local Government Act 1989*, the NCP principles are applied to local laws under *Schedule 8.2*:

A local law must not — ...

(j) restrict competition unless it can be demonstrated that—

- (i) the benefits of the restriction to the community as a whole outweigh the costs; and*
- (ii) the objectives of the local law can only be achieved by restricting competition.*

An analysis of changes in City of Greater Geelong draft *Neighbourhood Amenity Local Law 2014* indicates that there are no issues adversely impacting National Competition Policy. Each new law includes an NCP assessment in Part C.

Four main areas of the draft local law impact business.

1. Building site clauses have been restructured and simplified, removing duplication within the local law and duplication of a variety of State Government legislation. Builders need no longer be concerned with Council controls on toilets, waste facilities, and other work-place matters.
Council regulation is now limited to fencing building sites, emissions of all types escaping from building sites and matters such as hours of operation. Of course Council notification is still strictly required for an Asset Protection Permit for any works requiring a Building Permit under the *Building Act 1993*.
2. Footpath and Designated Road Trading and Activity regulations are not greatly altered and closely mirror other municipalities and are applied equally to all applicants. Council's policy and guidelines in this area are incorporated in the Local Law Procedure Manual. There are also new, clear officer discretion guidelines to help deal with the increasing phenomenon of casual roadside trading and the application for permits. The inclusion of a new permit for the use of Council Land for the sale and consumption of alcohol on roads adjoining licensed premises, has been subject to careful and extensive legal advice. This permit will make obtaining footpath alcohol permits faster for traders. The applicant, normally known to Council from their outdoor eating facility permit, will now obtain Council's approval directly, prior to applying to the Victorian Commission for Gaming and Liquor Regulation (VCGLR) for an extended License onto a footpath. This will circumvent a convoluted referral back to Council from the VCGLR. For Council this gives direct control and involvement in this decision. (The extended Alcohol License of course must still be applied for, and is at the discretion of, and is exclusively regulated and enforced by the state VCGLR and Vic Police.)
3. Inclusion of a new Clause for Events and is no more than a clarification: regulatory authorisation for Council's current practice.
4. The State Government permit for commercial recreation activity providers on public land is mirrored by a parallel permit for the Use of Municipal Reserve to simplify regulation.
5. The expanded security bond clauses under asset protection permits for building works on private land simply clarifies and protects each parties rights and is similar to the process operating in a number of municipalities (e.g. Bayside, Kingston and Whitehorse), and is an important step in protecting Council assets and saving considerable public costs.
6. There is also an extended requirement that owners of shopping trolleys must retrieve them.

Penalties

City of Greater Geelong Local Law uses 'penalty units' (rather than dollar amounts). The dollar amount for each penalty unit is controlled by State Legislation (the *Local Government Act 1989*, the *Sentencing Act 1991*, and the *Monetary Units Act 2004*) and is currently set at \$100 per penalty unit for laws made pursuant to the *Local Government Act 1989*. The existing *General Local Law 2005* provides for very low penalties relative to other municipalities, with little internal consistency.

According to *Annexure A, Attorney-General's Guidelines to the Infringements Act 2006 (Vic)*, 'An infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence'. As a result all new Infringement Notice amounts are now within the recommended 20-25% limit.

It should also be noted that Council cannot impose a maximum local law penalty by infringement notice. This may only be imposed when Council chooses to prosecute an offence, or when either party take a disputed infringement notice before a Court.

The policy implemented in the penalty review is that the maximum penalty (20 Units) should be reserved for those offences involving high risk to either public safety (e.g. keeping an aggressive dog without a permit or allowing escaping livestock to remain on a public road), or high risk to Council assets (e.g. undertaking building works without an Asset Protection Permit). It is also applied where inappropriate commercial activities are undertaken on public land without a permit (such as displaying goods for sale beside a road). One new law (parking on reserves) is introduced with a lower penalty.

In summary, there have been increases to penalties in line with community expectations. There is also a range of penalties, providing greater fairness in conformity with State Guidelines.

Permits

Satisfying the transparency and accountability principles of best practice local law making, discretion guidelines are located in the *Local Law Procedure Manual* and have been incorporated by reference into the draft Local Law for virtually all discretions to issue Permits (as well as other discretions). Where Council Policy is very procedural taking the place of guidelines, Council Policies have been placed in Section 2 of the *Local Law Procedure Manual* and have also been incorporated by reference in the Local Law. Standard Permit Conditions applicable to all Permits, are also in Section 3 of the *Local Law Procedure Manual* and are incorporated by reference. Nevertheless, fairness and the inevitable variations of everyday life are catered for by retaining a general discretion for officers who reasonably believe specific circumstances are relevant. The guidelines, policies and permit conditions remain Council documents and may be amended as required through Council resolution and Gazettal.

Council's permit system raises many issues. Officers issuing Permits under the Local Law must have Delegation for that purpose. Some permits are in fact potentially many permits, such as Event permits. Co-ordination, compliance and enforcement of such multiple permit systems are a complex matter in all municipalities. It should be noted that Council's event management systems and land asset management procedures are excellent and will simply undergo some minor documentation changes. The incorporation of Standard Permit Conditions – to be appended to all issued permits – in the new Local Law is an important step in Council's risk management and the protection of permit holders rights.

Fees

While Local Laws regulate for the creating of fees and charges, most Permit Fees and related charges are decided independently by Council as part of its annual Budget process. Consequently, while a local law review consultation process may inevitably give rise to comment on fees, it is largely not within its ambit to determine the level of fees and charges.

Community consultation did not raise any concerns over Council's existing fee structure and the revised Asset Protection Permit bond is largely agreed as a desirable and is replicated in most municipalities.

Performance standards or prescriptive

The new Local Law focuses on desirable outcomes, rather than exhaustively detailing forbidden behaviors. A greater detail is left to Permit Conditions and/or Procedural Policies. Many laws have explanatory preambles clearly stating the outcomes Council is seeking to achieve. The new offensive emissions clause has both Explanatory Note and Examples.

Best practice in local law making also requires a barrier to over-regulation. The deletion of many unnecessary clauses has assisted in reducing over-regulation. A number of laws have been modified (ensuring free expression and political activity), while others have been deleted to limit over-exuberant regulation, such as the existing law on obeying Council signs. Laws duplicating other legislation such as toilets on building sites and nuisance laws have also been removed.

Comparison with neighbouring and like Councils

Each new local law has been examined in relation to other municipalities, see Part C. It is also worth noting that the underlying model Local Law is shared by a number of municipalities and has been endorsed by a variety of expert legal advice a number of times.

Charter of Human Rights

The Charter of Human Rights and Responsibilities Act 2006 (Vic) (the Charter) applies to all subordinate legislation (including local laws). Schedule 8 of *the Local Government Act 1989* also applies a number of the principles of *the Charter* to the making of local laws, especially the requirement for local laws to be consistent with principles of justice and fairness. The local law has been carefully drafted to conform to these principles, for example avoidance of strict liability for property owners wherever possible and the inclusion of a right to be heard. Other examples of procedural fairness include: the clear explanation of the rights of appeal; the exemption from a permit for political and industrial marches; protection of unamplified free speech in municipal places; the provision of mandatory fair procedures prior to issuing a notification of prohibition from entry to Council buildings; the definition of 'offensive' to avoid trivial or vexatious complaints; the incorporation of discretion guidelines wherever applicable; and simplification of language and structure of the local law. There is now a self-issuing permit to use motor bikes and other motorised recreational vehicles in rural areas.

Consultation meetings

Council's consultation program for the Review of the Local Law was extensive. See Part A.

Environmental impacts

The Local Law reflects City of Greater Geelong strong concern for the natural environment.

With strong community support for protecting the environment and public assets, there are clarified and expanded laws for camp sites on public land, unsightly land, fire hazards and dilapidated buildings. The penalties for damaging Council assets including vegetation have been increased. Controls on fireworks and aggressive dogs are also intended to assist the Greater Geelong environment. There is also a new clause specifically prohibiting unauthorised occupation of Council Land without a permit, and tough penalties for failure to rectify a breach.

The outcome-focused re-drafting of laws such as the burning of materials and the use of municipal reserves permit should increase public appreciation and respect for the protection of environmental amenity and will also improve enforcement efficiency.

Social impacts

Local laws have both broad and specific social impacts. A perception of a fair and safe community is an essential part of our sense of health and well-being. The new local law includes a number of procedural changes to better reflect Council's respect for community rights under the law, such as the right to be heard, the right to a fair hearing, the right of political expression, and the right to quietly enjoy the amenity of both private and public places without unreasonable or offensive interference by others. Some specific examples include:

- a person with a proven aggressive dog must now obtain a permit with strict conditions in order to continue to keep it within the municipality;
- a person, often younger persons, may now participate in a civic process and obtain neighbour consents to allow the use of motor bikes on a rural property;
- the unauthorised occupation of Council Land makes provision for the possible future policy and permit for community gardens on Council Land;
- the strengthened dilapidated building local law gives owners incentives to clean up and secure unoccupied properties, which is a considerable issue in the community; and
- members of the community are less likely to be endangered by a variety of currently unregulated behaviour within municipal reserves (e.g. commercial activity providers, parking, events, unattended boats and so on).

For the City of Greater Geelong businesses, increased clarity, compliance and flexibility of laws surrounding asset protection, footpath trading and roadside trading will also assist. The more transparent permit system, with published conditions, standard clauses and discretion guidelines should also make dealing with Council more consistent, predictable and efficient.

Submissions

Draft *Neighbourhood Amenity Local Law 2014* is planned to go to Council for endorsement for Exhibition and Section 223 Submissions on 9 September 2014. The *Intention to Make* a local law will then be publicly advertised and the draft (including the *Local Law Community Impact Statement* and the *Local Law Procedure Manual*) will be placed on Exhibition between approximately for 5 weeks. During that time several educational public meetings will be scheduled. In November a Special Committee of Council will probably need to be convened to hear submitters wishing to speak to their submissions.

Adopting by Council

The draft *Neighbourhood Amenity Local Law 2014*, a *Summary of Submissions and Recommendations*, a *Report on the Submission Hearing*, a full copy of all submissions and the final *Local Law Community Impact Statement* is planned to be presented to Council for adoption in December 2014.

Post-Adoption Communication and Education Plan

Following adoption of the Local Law, public notice of the *Making of the Local Law* (per s.119 of the *Local Government Act 1989*) must be given. Letters of response and reasons must be forwarded to all Submitters. The Minister of Local Government must receive a signed and sealed copy of the new law.

Following this, the new law must be publically available Council's offices and website. Best practice also requires an internal and community education plan be implemented. Training and documentation revision for Council Staff will be required.

Part C – Analysis of new provisions in the draft *Neighbourhood Amenity Local Law 2014*

In this part, the 10 new Local Laws are analysed. Each analysis includes: the actual Clause, a description of the problem being addressed, existing controls including relevant State regulation, Council's objectives, and comment on some comparative municipalities. There is also a cost-benefit assessment, comments on conformity with the National Competition Policy and the Charter of Human Rights and Responsibilities and finally, a risk assessment for each of the new laws.

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<p><i>What is the new Clause?</i></p>	<p>12. Unauthorised Occupation of Council Land</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Although this Clause refers to Council Land, most examples of unauthorised occupation occur where privately owned land adjoins public land. Every landowner enjoys the right to control the use of their own land. Encroachment across any property boundary is unlawful without permission and can lead to financial loss. Council has a responsibility to protect public land in the long-term interest of the community and the environment.</i></p> </div> <p>A person must not, without a permit, occupy or allow to be occupied any Council Land or any Road for any use including excavation, landscaping, cultivation, planting, building, erection of structures, installation of recreation facilities, fencing, storage of vehicles or goods of any kind, or any other interference or change normally associated with the lawful occupation of land.</p> <p>Penalty 10 Penalty Units</p> <p>(1) A person who commits an offence under sub-clause (1) must remove and rectify any change made to Council's Land or any Road as a result of the unauthorised occupation within one month or other reasonable time determined by Council.</p> <p>Penalty 20 Penalty Units</p> <p>(2) If a person fails to remove and rectify any change to Council's Land or any Road under sub-clause (2) Council may remove and rectify the change and recover the cost of the removal and rectification from the offender.</p> <p>(3) A person employed, contracted or authorised by Council for the purpose is exempted from sub-clauses (1), (2) and (3).</p> <p>(4) Mowing a nature strip is excluded from sub-clause (1).</p> <p><i>Guidelines for determining whether to grant a permit to allow a Person to occupy a specified part of Council Land for a specified purpose are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference into this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>As the preamble to the Clause suggests, Council has an obligation to protect public assets including land from authorised use or damage. Since 2004, under section 7B of the <i>Limitations of Actions Act 1958</i> Council Land cannot be adversely possessed. However, some people are unaware of this law.</p> <p>This new clause is largely an expansion of Clause 51 in the previous <i>General Local Law 2005</i>.</p> <p>Where private property adjoins Council Land (and indeed other public land) some owners or occupiers encroach beyond their private boundary. This encroachment may involve anything from a misplaced fence or unapproved access to unauthorised cultivation or the building of structures including private recreation facilities such as a pool or tennis court. While notification and requests to rectify any works are always Council's first approach, some persons ignore these requests believing</p>

	<p>Council is unwilling or unable to take further action. To avoid the lengthy and costly (for both parties) pursuit of common law property rights, Council can use the simple procedures of a local law to encourage compliance and penalise non-compliance.</p>
<i>Community Comment</i>	<p>Most community members view the attempt to acquire public land for personal use as entirely unacceptable. However, there is one notable exception. There is a very strong community sentiment for the use of nature strips for community vegetable gardens. Community groups including Organic Gardeners, Sustainability Geelong, a local Landscape Artist and other individuals all expressed strong support for community nature strip gardens. Community groups (with Council support) hosted the ABC's <i>Gardening Australia</i> host Costa Georgiadic in support of this issue.</p>
<i>Existing Controls and State Regulation</i>	<p>Under <i>General Local Law 2005</i> controls in the use of Council Land are spread between a number of clauses the most relevant being Clause 51 Damaging Council Land or Roads. Here unauthorised occupation is part of a clause focused on damage caused to Council Land rather than occupying the land for any purpose. The penalty is also influenced by the range of activities sought to be prohibited.</p> <p>The only other controls for Council exist under Council's property rights under the common law. These of course are expensive and time consuming to enforce through a Court process.</p>
<i>Council objectives</i>	<p>The City of Greater Geelong <i>City Plan 2013-2017</i> gives the following objectives and strategies in support of this provision:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong'</i>); • partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>).
<i>Comparative Municipalities</i>	<p>Most municipalities have reference in a local law to occupying in their Damaging Council Land clauses, such as near neighbour municipality Colac-Otway Shire.</p> <p>The problem of encroachment is particularly encountered in coastal municipalities on foreshore reserves, such as Bass Coast Shire and with State Agencies such as Parks Victoria. Both these organisations have tried and expressed frustration at failed programs of consultation with offenders.</p>
<i>Cost Benefit Analysis</i>	<p>There is a potential cost saving to ratepayers by the creation of a simple and enforceable local law to encourage compliance and penalise non-compliance in a simple matter of protection of public lands.</p> <p>The provision of a possible permit is open to Council and the community to develop policy and guidelines for community gardens in the future.</p>

<i>Risk Analysis</i>	See below
<i>National Competition Policy</i>	There is no conflict with the National Competition Policy.
<i>Charter of Human Rights and Responsibilities</i>	Council has an obligation to protect public assets and reduce public risk from the unlawful activities of private individuals in occupying Council land for their own purpose and benefit. The community is in full support that unscrupulous owners and occupiers should not unfairly benefit at public expense.

12. Unauthorised Occupation of Council Land – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	<ul style="list-style-type: none"> ▪ Liability, temporary loss of use of asset and damage repairs 	Local Law cl. 51, inconsistent with community expectations. Council department policies differ – No permit option, ineffective enforcement. Non-compliance.	Moderate Major	12	Administrative	New Local Law	Moderate Low	6	Road, Local Law and Land Asset Managers
2. People	<ul style="list-style-type: none"> ▪ Public safety incl. road safety, disabled 	Local Law cl. 51. No permit controls. Non-compliance.	Moderate Major	12	Administrative	New Local Law	Moderate Low	6	Road, Local Law and Land Asset Managers
3. Environment & Sustainability	<ul style="list-style-type: none"> ▪ Environmental harm & uncontrolled street plantings 	Local Law cl. 51. No permit controls. Non-compliance.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Road, Local Law and Land Asset Managers
4. Probity/political	<ul style="list-style-type: none"> ▪ Reputation of assets as fair game 	Local Law cl. 51. No permit controls. Non-compliance.	Moderate Moderate	9	Administrative	New Local Law	Negligible Low	6	Road, Local Law and Land Asset Managers
5. Info Systems/ Bus. Interruption	<ul style="list-style-type: none"> ▪ Alternative lawful use interference 	Local Law cl. 51. No permit controls. Non-compliance.	Low Low	4	Administrative	New Local Law	Negligible Low	2	Road, Local Law and Land Asset Managers
6. Local economy and Growth	<ul style="list-style-type: none"> ▪ Less desirable residency 	Local Law cl. 51. No permit controls. Non-compliance.	Negligible Negligible	1	Administrative	New Local Law	Negligible Negligible	1	Road, Local Law and Land Asset Managers
7. Community and Lifestyle	<ul style="list-style-type: none"> ▪ Community gardeners unhappy 	Local Law cl. 51. No permit controls. Non-compliance.	Low Low	4	Administrative	New Local Law	Negligible Low	2	Road, Local Law and Land Asset Managers
8. Service Quality	<ul style="list-style-type: none"> ▪ Failure in consistency of approach 	Local Law cl. 51. No permit controls. Non-compliance.	Moderate Low	6	Administrative	New Local Law	Low Low	4	Road, Local Law and Land Asset Managers
9. Community Confidence	<ul style="list-style-type: none"> ▪ Community perception of unfairness 	Local Law cl. 51. No permit controls. Non-compliance.	Moderate Low	6	Administrative	New Local Law	Low Low	4	Road, Local Law and Land Asset Managers

<p><i>What is the new Clause?</i></p>	<p>16. Offensive Emissions Entering Neighbouring Property</p> <p>A person must not allow, cause or permit Offensive emissions of noise, smoke, dust, ashes, odour, waste or any other thing to enter or continue to enter a neighbouring property.</p> <p>Penalty: 5 Penalty Units First Offence</p> <p>Penalty for Second and Subsequent Offences: 15 Penalty Units</p>
<p><i>Description of the Problem being Addressed</i></p>	<p>Explanatory Note: This provision is intended to fill a gap between those everyday compromises we all must make to share our world with others, and more serious ‘nuisance’ offences under the Public Health and Wellbeing Act 2008 and other legislation. [‘Offensive’ is defined in Part 1, Definitions.]</p> <p>Examples: Normal farm activities such as ploughing, fertilising or moving dairy cattle to a milking shed are reasonably to be expected and would not constitute an offence under this law. The noise of a truck delivering food or beverages in the early morning to businesses in the central city in close proximity to sleeping occupants of city apartments is again reasonably to be expected and would not constitute an offence. However, the same truck leaving its reversing beeper operating while unloading, or the driver throwing (as opposed to placing) metal containers or products from or into the truck might constitute an offence. A wood heater flue reasonably emits smoke when initially lit but very little when burning dry fuel. Small amounts of wafting flue smoke would not constitute an offence. Burning wet solid fuel however emits thick smoke and this falling into neighbouring properties might constitute an offence.</p>
<p><i>Community Comment</i></p>	<p>This clause arises from Council’s Customer Request system, through which complaints are often made, but not able to be acted upon. Some of the examples given above arise from such complaints.</p> <p>During consultations many people raised these issues in passing, often commenting on their unresolved nature.</p>
<p><i>Existing Controls and State Regulation</i></p>	<p>General Local Law 2005 has throughout a number of similar offences addressing specific circumstances and issues. Car sound system and building works dust and noise are two examples. There are also inappropriate ‘nuisance’ provisions, which is now the province of the <i>Public Health and Wellbeing Act 2008</i>. However, these offences have higher proof thresholds, are specifically targeting health related issues and have significantly greater fines. The Environment Protection Authority also has powers to prosecute for noise and other forms of pollution, but the same issues apply.</p>
<p><i>Council objectives</i></p>	<p>The City of Greater Geelong City Plan 2013-2017 gives the following objectives and strategies in support of this provision:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: ‘Healthy Together Geelong’</i>);

	<ul style="list-style-type: none"> partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>). <p>This law is an outcome focused rather than prescriptive law. It is designed to achieve a fair and unimpeded enjoyment of amenity by all the community.</p>
<i>Comparative Municipalities</i>	The Ballarat City Council has a similar law as Clause 3.8.2 of its Community Local Law No.17 2008. Colac-Otway Shire retains a 'nuisance' clause 68 of its recently reviewed <i>General Local Law 2013</i> . This law may be overridden by the <i>Public Health and Wellbeing Act 2008</i> . It is interesting to note that Bayside City Council uses a similar drafting approach to prevent smoke and odour from suburban barbeques invading neighbouring properties.
<i>Cost Benefit Analysis</i>	Care has been taken in drafting this law (including the definition of 'offensive') so that casual or vexatious persons cannot use it to impede normal commercial, building or other activities. Consequently, it should have no material cost (other than occasional enforcement) on Council or the community. By increasing social considerateness it may improve amenity and raise the desirability and thereby value of municipal residency.
<i>Risk Analysis</i>	See below
<i>National Competition Policy</i>	There is no conflict with the National Competition Policy. The law is specifically designed not to impede normal commercial activities.
<i>Charter of Human Rights and Responsibilities</i>	The limitation on the freedom of private property owners must be offset against the community impact of some activities on private property which create public risk, animal risk, expense and issues of community amenity.

16. Offensive Emissions Entering Neighbouring Property – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability and enforcement costs	<i>Public Health and Wellbeing Act 2008, Environment Protection Act 1970</i> – too onerous for small offences. Nuisance local law – may not be lawful.	Negligible Negligible	1	Administrative	New Local Law	Negligible Negligible	1	Local Laws, and Enviro Health Managers
2. People	▪ Health of public and staff – breach of OH&S duties	OH&S laws. Use of management oversight, police, trespass laws.	Negligible Negligible	1	Administrative	New Local Law	Negligible Negligible	1	Local Laws, and Enviro Health Managers
3. Environment & Sustainability	▪ Damage to flora and fauna in reserves	PHWA, EPA, uncertain Local Law	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws, and Enviro Health Managers
4. Probity/political	▪ Council Reputation	PHWA, EPA, uncertain Local Law	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws, and Enviro Health Managers
5. Info Systems/ Bus. Interruption	▪ Impact on Council land and services	PHWA, EPA, uncertain Local Law	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws, and Enviro Health Managers
6. Local economy and Growth	▪ Impacts on local sport	PHWA, EPA, uncertain Local Law	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws, and Enviro Health Managers
7. Community and Lifestyle	▪ Unfair Loss of Amenity	PHWA, EPA, uncertain Local Law	Moderate Low	6	Administrative	New Local Law	Negligible Low	2	Local Laws, and Enviro Health Managers
8. Service Quality	▪ Failure to enforce	PHWA, EPA, uncertain Local Law	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws, and Enviro Health Managers
9. Community Confidence	▪ Individual / community perception of safety	PHWA, EPA, uncertain Local Law	Moderate Moderate	9	Administrative	New Local Law	Low Negligible	2	Local Laws, and Enviro Health Managers

<p><i>What is the new Clause?</i></p>	<p>17. FIREWORKS</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Fireworks can be spectacular entertainment. However, the noise of fireworks is particularly terrifying to dogs and cattle, which can be driven to escape onto public roads. Firework remnants may land long distances from their origins and can easily start fires, especially in the summer. To protect the safety of the public and community amenity, Council controls the use of fireworks within the municipal district.</i></p> </div> <p>A Person must not, without a Permit, light or cause or allow to be lit any fireworks on any land in the Municipal District.</p> <p>Penalty: 20 Penalty Units</p> <p><i>Guidelines for determining whether to issue a fireworks permit are in the Local Law Procedure Manual as determined by the Council from time to time, and are incorporated by reference into this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>Many people enjoy fireworks and wish to celebrate with them privately. However, even when lawfully using a licensed pyrotechnician as required by State Regulation, fireworks cause additional problems in the community.</p> <ul style="list-style-type: none"> • Fireworks terrify domestic dogs. Dogs invariably escape and become a risk to themselves and others, including road users. Tragedies involving family pets are often associated with community fireworks. • Equally seriously, livestock are also terrified by fireworks, which can lead to panicked animals escaping through otherwise adequate fencing, leading to serious risks to public safety on roads, animal safety and financial costs to farmers (injured stock and damaged fences). • Fireworks, especially illegal private fireworks remain a serious public health issue, with personal injuries commonplace with unqualified users. • Fire is also a risk when burning remnants fall into flammable areas, such as pasture bordering holiday settlements. This risk is highest in summer months – the time of greatest visitor numbers and celebration in foreshore areas of the City of Greater Geelong. <p>At the same time, fireworks as part of large well organised public events may be permitted by Council separately under an Event Permit. This Clause is primarily aimed at smaller private and/or unlawful fireworks displays.</p> <p>Note: WorkSafe and CFA address fire risk under State Regulation.</p>
<p><i>Community Comment</i></p>	<p>Most community members are aware of, and comment on, the ‘problem of illegal fireworks’. (Although illegal fireworks remain outside regulation, they will be more easily identified with this local law in place – All fireworks will need a permit, hence illegal fireworks will be where no permit has been issued.) Many view illegal fireworks as an enforcement issue, although Council Officers currently have no powers in relation to firework displays on private land.</p> <p>Tourism associations and event organisers offered no objection to these controls.</p>
	<p>The use of fireworks is regulated by the <i>Dangerous Goods (Explosives) Regulations 2011</i>. The majority of fireworks that cause problems for the City of Greater Geelong</p>

<p><i>Existing Controls and State Regulation</i></p>	<p>community, as for the broader Victorian community, are illegal fireworks. At the same time, while all fireworks displays are required to obtain a State Government permit which regulates public safety issues, there are currently no controls on the public amenity impact of fireworks displays. The new local law therefore does not duplicate the State law, but aims to regulate firework displays on private property.</p> <p>This law makes the lighting of fireworks without a permit an offence anywhere in the municipality.</p> <p><i>Dangerous Goods (Explosives) Regs 2011</i></p> <p>143 Licence to be produced</p> <p>A pyrotechnician must—</p> <ol style="list-style-type: none"> (a) carry his or her licence document at all times when transporting, using, or preparing to use the fireworks authorised to be used by the licence; and (b) produce the licence document when requested to do so by an inspector, member of the police force, an officer or member of a Fire Authority or an officer of the municipal council for the municipal district in which the fireworks are to be discharged. <p>146. Pyrotechnicians to notify authorities of intended fireworks.</p> <ol style="list-style-type: none"> 3) A pyrotechnician must not discharge display fireworks, Chinese firecrackers or theatrical fireworks unless he or she gives the municipal council for the municipal district in which the fireworks are to be discharged written notice (in a form approved by the Authority) at least 7 days before the date of the proposed display. (4) Subregulation (3) does not apply if a local law applying in the municipal district requires a person to give the relevant municipal council greater notice of an intention to discharge fireworks. <p><i>[An offence under these regulations is prosecuted under s.45 of the Dangerous Goods Act 1985, with a maximum penalty of \$10,000 for the first offence. Subsequent offences could include a custodial sentence of up to 5 years.]</i></p> <p><i>[Note: Only the Police and Authorised DPI and WorkSafe Officers are able to issue infringements/prosecutions under these regulations.]</i></p>
<p><i>Council objectives</i></p>	<p>The City of Greater Geelong <i>City Plan 2013-2017</i> states the following objectives and strategies:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong'</i>); • securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (<i>Growing Our Economy Objective</i>); • partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and

	<ul style="list-style-type: none"> • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>). <p>This local law, but still permitting major event fireworks but offering controls on other private fireworks displays satisfies a number of these objectives, especially issues of community wellbeing by protecting the public and animals from unnecessary risk.</p>
<i>Comparative Municipalities</i>	Some other municipalities with Fireworks controls in Local Laws include Latrobe, Cardinia, Casey, Bass Coast and the City of Ballarat.
<i>Cost Benefit Analysis</i>	<p>Major Events are largely not impacted by this law. Consequently, there will be minimal impact on festive occasions for community, tourists and visitors.</p> <p>However, there are potentially significant savings to be had by minimizing very real safety and public risks, animal risks, and fire and financial risks for farmers of uncontrolled private firework displays.</p>
<i>Risk Analysis</i>	See below
<i>National Competition Policy</i>	There is no conflict with the National Competition Policy, especially as many other municipalities are introducing the same requirement, which will impact commercial pyrotechnicians.
<i>Charter of Human Rights and Responsibilities</i>	The limitation on the freedom of private property owners must be offset against the community impact of some activities on private property which create public risk, animal risk, expense and issues of community amenity.

17. Fireworks – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	<ul style="list-style-type: none"> ▪ Risk of liability. Cost of loss to community (injury, animals etc.) 	State OH&S Cert. and CFA in Fire Danger Period. Police enforce possession and sale by <i>Dangerous Goods Act</i> . No controls on illegal or lawful private fireworks displays.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws, Events and Land Asset Managers
2. People	<ul style="list-style-type: none"> ▪ Road Safety and Personal Injury, Fires 	As Above	Moderate Major	12	Administrative	New Local Law	Low Moderate	6	Local Laws, Events and Land Asset Managers
3. Environment & Sustainability	<ul style="list-style-type: none"> ▪ Fires, damage to and by animals, incl. native fauna. 	As Above	Low Negligible	2	Administrative	New Local Law	Negligible Negligible	1	Local Laws, Events and Land Asset Managers
4. Probity/political	<ul style="list-style-type: none"> ▪ Council Reputation – other councils control 	As Above	Low Moderate	6	Administrative	New Local Law	Low Low	4	Local Laws, Events and Land Asset Managers
5. Info Systems/ Bus. Interruption	<ul style="list-style-type: none"> ▪ Clean up disruptions ▪ Fire consequences 	As Above	Low Major	8	Administrative	New Local Law	Negligible Low	2	Local Laws, Events and Land Asset Managers
6. Local economy and Growth	<ul style="list-style-type: none"> ▪ Fire v. tourism 	As Above	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws, Events and Land Asset Managers
7. Community and Lifestyle	<ul style="list-style-type: none"> ▪ Loss of pets, injury to persons, fire 	As Above	Moderate Major	12	Administrative	New Local Law	Low Moderate	6	Local Laws, Events and Land Asset Managers
8. Service Quality	<ul style="list-style-type: none"> ▪ Failure to provide safe service 	As Above	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws, Events and Land Asset Managers
9. Community Confidence	<ul style="list-style-type: none"> ▪ Individual / community perception of safety 	As Above	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws, Events and Land Asset Managers

<p><i>What is the new Clause?</i></p>	<p>19. SHIPPING CONTAINERS</p> <p>A Person must not:</p> <ol style="list-style-type: none"> (1) keep, store, repair or in any other manner use any shipping container upon any Council Land; and (2) allow any shipping container upon any land other than Council Land to adversely impact the visual amenity of a neighbourhood, except in accordance with a Permit. <p>Penalty: 15 Penalty Units</p> <ol style="list-style-type: none"> (3) Sub-Clause (1) does not apply to Council or any person employed, contracted or authorised by Council for the purpose; <p><i>Guidelines for determining whether to issue a permit for a shipping container on land other than Council land are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference into this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>Shipping Containers are a relatively cheap, secure and convenient form of temporary storage. They are also increasingly available for purposes beyond their original function of high-speed cargo handling.</p> <p>However, Shipping Containers can also be an unsightly intrusion on neighbourhood amenity. The use of Shipping Containers as permanent storage sheds creates a problem under the Municipal Planning Scheme, because Shipping Containers do not fall within Planning definitions of permanent sheds, which otherwise require a Planning Permit. There is a visual amenity issue in urban areas and this is addressed by a temporary use permit requirement. Permanent use of a Shipping Container also requires a Building Permit.</p>
<p><i>Community Comment</i></p>	<p>Some community members expressed concern about Shipping Containers impacting the visual amenity of their neighbourhood. Some trades persons use Containers for cheap secure permanent storage of equipment. Shipping Containers not visible from a road are regarded as inoffensive.</p> <p>A Local Law Permit and a requirement that a Shipping Container must only be temporary is undesirable for some trade-persons and farmers.</p>
<p><i>Existing Controls and State Regulation</i></p>	<p>Conversion of Shipping Containers into Dwellings or permanent sheds is controlled by the Building Regulations.</p> <p>The use of Shipping Containers as temporary storage sheds creates a problem under the Municipal Planning Scheme, because Shipping Containers do not fall within Planning Scheme definitions of sheds.</p> <p>This law provides Council with control of an enduring structure that but would normally be expected to require a Planning Permit if it is considered to be having an adverse impact on visual amenity of a neighbourhood.</p>
<p><i>Council objectives</i></p>	<p>This law addresses all of the following objectives and strategies from the City of</p>

	<p>Greater Geelong <i>City Plan 2013-2017</i>:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong'</i>); • securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (<i>Growing Our Economy Objective</i>); • partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>).
<i>Comparative Municipalities</i>	Most Municipalities either prohibit or require permits for Shipping Containers on Council Land. Municipalities with Shipping Container controls on Private Land include: Bayside, Bass Coast, Mitchell, Glen Eira, and Pyrenees.
<i>Cost Benefit Analysis</i>	There will no ongoing annual cost for persons who have already purchased Shipping Containers for storage unless complaint arises over the visual impact. Only if this cannot be fixed will a temporary permit be required. (All permanent users should be obtaining a separate Building Permit for a permanent Shed.) The provision of a Local Law Permit provides Council with control in cases of detrimental impact, but provides legitimate users of Shipping Containers with secure storage.
<i>Risk Analysis</i>	See below
<i>National Competition Policy</i>	There is no conflict with the National Competition Policy. Commercial users of Shipping Containers (transport companies etc.) will not be affected because their businesses are permitted under the Municipal Planning Scheme or by Planning Permit.
<i>Charter of Human Rights and Responsibilities</i>	The limitation on the freedom of private property owners must be offset against the community impact of some activities on private property which create issues of community amenity and which would normally be controlled by existing regulation.

19. Shipping Containers – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability	No controls on private land. Planning Scheme inadequate. Building Permit not about amenity.	Low Moderate	6	Administrative	New Local Law	Low Low	4	Local Laws, Planning and Land Asset Managers
2. People	▪ Safety of some containers	As above.	Negligible Moderate	3	Administrative	New Local Law	Negligible Low	2	Local Laws, Planning and Land Asset Managers
3. Environment & Sustainability	▪ Damage to Council Land; Planning controls of Amenity	As above.	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws, Planning and Land Asset Managers
4. Probity/political	▪ Council Reputation. Other councils control	As above.	Moderate Moderate	9	Administrative	New Local Law	Low Negligible	2	Local Laws, Planning and Land Asset Managers
5. Info Systems/ Bus. Interruption	▪ Interference with Council Land	As above.	Negligible Low	2	Administrative	New Local Law	Negligible Negligible	1	Local Laws, Planning and Land Asset Managers
6. Local economy and Growth	▪ Restricts Tradesmen and farmers v. loss of land values	As above.	Low Low	4	Administrative	New Local Law	Low Low	4	Local Laws, Planning and Land Asset Managers
7. Community and Lifestyle	▪ Visual impairment of neighbourhood; loss of land values	As above.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws, Planning and Land Asset Managers
8. Service Quality	▪ Failure to ensure local amenity	As above.	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws, Planning and Land Asset Managers
9. Community Confidence	▪ Local amenity. Community well-being	As above.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws, Planning and Land Asset Managers

<p><i>What is the new Clause?</i></p>	<p>28. INDIVIDUAL ANIMAL PLAN</p> <p>A person must not, without a permit, keep or allow to be kept within the municipality any dog not a dangerous dog or restricted breed dog that:</p> <ol style="list-style-type: none"> (1) has offended twice under the <i>Domestic Animal Act 1994</i>, as amended from time to time, for dog rush or an attack causing injuries not of a serious nature, or (2) has offended once under the <i>Domestic Animal Act 1994</i>, as amended from time to time, for an attack or bite causing death or serious injury to a person or animal. <p>Penalty for First Offence: 10 Penalty Units</p> <p>Penalty for Second and Subsequent Offences: 20 Penalty Units</p> <p><i>Guidelines for determining whether to grant an individual animal plan permit, are in the Local Law Procedure Manual, as amended by the Council from time to time, and are incorporated by reference into this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>This Clause is to fill a gap in the current law. The <i>Domestic Animal Act 1994</i> not only prescribes certain offences, but also allows Council to declare a dog 'Dangerous' with certain extreme and expensive consequences. However, not all dogs warrant this level of control. Furthermore, the inherent expense encourages owners to challenge a Declaration in VCAT, and some have been successful.</p> <p>Council's Animal Management nevertheless believes some dogs with a record of aggression do require greater than everyday controls (but less than declaration as a 'Dangerous' dog). This is achieved through this permit system for dogs which already have a proven record of aggressive attacks. The Discretion Guidelines for this Permit are informative.</p>
<p><i>Community Comment</i></p>	<p>No dog owner likes to see people attacked or dogs destroyed. Many members of the community complain of dog rush and dog attack in public places. Council as the responsible authority in the area needs to act to protect public safety, especially children, the aged and disabled.</p>
<p><i>Existing Controls and State Regulation</i></p>	<p><i>Domestic Animal Act 1994</i>, which establishes the offences of major and minor dog attack and dog rush, which form the basis of this offence. Council does not seek to destroy these dogs or impose unfair cost burdens on the community, but rather to reduce public risk from dogs already proven to be aggressive by nature.</p>
<p><i>Council objectives</i></p>	<p>This law addresses all of the following objectives and strategies from the City of Greater Geelong <i>City Plan 2013-2017</i>:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong'</i>);

	<ul style="list-style-type: none"> • securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (<i>Growing Our Economy Objective</i>); • partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>). <ul style="list-style-type: none"> ▪ This clause also supports the following objectives within Council's <i>Domestic Animal Management Plan 2013-2017</i>: <ul style="list-style-type: none"> • to value responsible pet ownership • to be proactive animal management and education • to ensuring the environment is protected from the negative impacts of dogs and cats • to work in partnership with others • to play a leadership role in animal management
<i>Comparative Municipalities</i>	Council is taking a leading role within the local government community to seek to address a problem and a gap in state legislation of which most municipalities are fully aware.
<i>Cost Benefit Analysis</i>	The costs to the owners of dogs which have proven to be aggressive are minor in comparison to the community gain in actual and perceived safety. The prevention of further dog attacks is also a significant individual and community saving.
<i>Risk Analysis</i>	See below
<i>National Competition Policy</i>	There is no conflict with the National Competition Policy. The same rule applies to all persons within the Municipality..
<i>Charter of Human Rights and Responsibilities</i>	The limitation on the freedom of private property owners must be offset against the community impact of some activities on private property which create public risk, animal risk, expense and issues of community amenity.

28. Individual Animal Plan – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability.	<i>Domestic Animal Act 1994</i> – which has a gap.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Animal Management, Land Asset Managers
2. People	▪ Public Safety, Dog attack	<i>Domestic Animal Act 1994</i> – which has a gap.	Moderate Major	12	Administrative	New Local Law	Low Moderate	6	Animal Management, Land Asset Managers
3. Environment & Sustainability	▪ Damage done by dogs at large	<i>Domestic Animal Act 1994</i> – which has a gap.	Low Negligible	2	Administrative	New Local Law	Negligible Negligible	1	Animal Management, Land Asset Managers
4. Probity/political	▪ Council Reputation	<i>Domestic Animal Act 1994</i> – which has a gap.	Moderate Low	6	Administrative	New Local Law	Low Low	4	Animal Management, Land Asset Managers
5. Info Systems/ Bus. Interruption	▪ Dog attack disruption	<i>Domestic Animal Act 1994</i> – which has a gap.	Negligible Negligible	1	Administrative	New Local Law	Negligible Negligible	1	Animal Management, Land Asset Managers
6. Local economy and Growth	▪ Attendance in rec reserves / bike paths	<i>Domestic Animal Act 1994</i> – which has a gap.	Negligible Negligible	1	Administrative	New Local Law	Negligible Negligible	1	Animal Management, Land Asset Managers
7. Community and Lifestyle	▪ Personal injury, risk to vulnerable.	<i>Domestic Animal Act 1994</i> – which has a gap.	Significant Moderate	4	Administrative	New Local Law	Moderate Low	6	Animal Management, Land Asset Managers
8. Service Quality	▪ Failure to provide safe public spaces	<i>Domestic Animal Act 1994</i> – which has a gap.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Animal Management, Land Asset Managers
9. Community Confidence	▪ Individual / community perception of safety	<i>Domestic Animal Act 1994</i> – which has a gap.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Animal Management, Land Asset Managers

<p><i>What is the new Clause?</i></p>	<p>49. SALE AND CONSUMPTION OF LIQUOR ON ROADS ADJOINING LICENSED PREMISES</p> <p>(1) A Person must not, without a Permit, use a Footpath or other part of a Road or any other Council Land adjoining a Licensed Premises, to sell or consume liquor.</p> <p style="text-align: center;">Penalty: 20 Penalty Units</p> <p>(2) In determining whether to grant a Permit, the Council or an Authorised Officer must have regard to the Guidelines set out in the Local Law Procedure Manual, as amended by the Council from time to time, and incorporated by reference into this Local Law.</p> <p><i>[Note this Clause of the Local Law enables Council to issue a Local Law Permit to Licensed Premises to extend their Licensed use from adjoining premises onto Footpaths and is authorised under Clause 52.27 and Clause 62.01 of the Planning Scheme.]</i></p> <p><i>Guidelines for sale and consumption of Liquor on roads adjoining Licensed Premises are in the Local Law Procedure Manual as amended by the Council from time to time, and are incorporated by reference in this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>This clause of the Local Law is not concerned with behaviour or enforcement of liquor licenses. It is concerned with Council taking control of whether or not any person may use Council Land adjoining licensed premises for the sale and consumption of liquor. The main audience is commercial providers.</p> <p>Local Laws (at present through Environmental Health) issue Outdoor Eating Facility Permits for footpaths adjoining food premises. However, at present Council does not directly issue permits for the sale and consumption of alcohol on footpaths adjoining licensed premises. As this is an activity with inherent risks occurring on Council Land, it is reasonable that Council should be party to this permission.</p> <p>Currently, an applicant applies for the extension of an existing license to the Victorian Commission for Gaming and Liquor Regulation (VCGLR), who in turn seek 'amenity comments' from Council. Council's department of Community Development oversee further referrals to Planning and Health and Local Laws. Council then returns its comments to VCGLR, who may or may not comply with Council's recommendations. There is also some ambiguity in Council's legal position surrounding its comments, given existing local laws explicitly prohibit the consumption of alcohol on roads (including footpaths) unless a contrary VCGLR license exists. (Revision of the exemptions to alcohol consumption in Clauses 62 address this issue.)</p> <p>Legal advice sought by Council supports the view that Section 52.27 of the City of Greater Geelong Planning Scheme is quite explicit. A licensed premise must obtain a Planning Permit (or an amendment to a Planning Permit) to extend its liquor license onto adjoining roads (footpaths). Section 62.01 of the Planning Scheme authorises Council to substitute this Planning Permit with a Local Law Permit. <i>Tan v. Kingston</i> (VCAT) endorses this principle, but makes it clear that the local law must explicitly address the use of the land for the sale and consumption of liquor.</p>

	<p>New clause 49 has been specifically drafted to ensure that permits for sale and consumption of liquor on footpaths may be issued by a Local Law Permit where the adjoining business is licensed. This means Council deals directly with an applicant trader who must obtain this Permit prior to receiving an extension to a VCAT license. Note however, that approval of the Liquor Licensing Authority is nevertheless still required. Once the VCGLR License is granted Council has no role in regulating the actual sale and consumption. This is the exclusive preserve of the VCGLR and license conditions are exclusively enforced by the VCGLR and Victoria Police.</p> <p>A number of other municipalities have introduced a similar local law.</p> <p>Effectively, this new Local Law is administrative. Council continues to consider the extension of alcohol sale and consumption on footpaths. However, it does give Council the options of refusal and cancellation of their permission, which at present is not possible. It also clearly separates the issuing of outdoor eating facility permits from the use of footpaths adjacent to licensed premises for the sale and consumption of liquor. The Guidelines in the <i>Local Laws Procedure Manual</i> for the alcohol permit are new, but largely amount to a best practice public statement of existing informal considerations.</p>
<i>Community Comment</i>	<p>Alcohol consumption on footpaths attracts significant community and tourism support especially when associated with outdoor eating facilities. It tends to receive a more mixed response where the patrons of general licensees (hotels and clubs) misuse the situation to crowd outside premises, drinking rowdily or offering offensive comments to passing patrons and pedestrians.</p> <p>The Victoria Police were consulted in the preparation of this Local Law and are satisfied that Council's consumption of liquor local laws are adequate.</p>
<i>Existing Controls and State Regulation</i>	<p>The <i>Summary Offences Act 1966</i> and the <i>Liquor Control Reform Act 1998</i> apply respectively to intoxicated behaviour in public and to a licensee's responsibilities for the sale and consumption of alcohol at licensed premises. Police are empowered under both pieces of legislation as well as Council's local law. An application to the VCGLR is normally also referred to Vic Police for comment.</p> <p>This clause of the Local Law is not concerned with behaviour or enforcement of liquor licenses. It is concerned with Council taking control of whether or not any person may use Council Land adjoining licensed premises for the sale and consumption of liquor.</p>
<i>Council Objectives</i>	<p>This law addresses all of the following objectives and strategies from the City of Greater Geelong <i>City Plan 2013-2017</i>:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong'</i>); • securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (<i>Growing Our Economy Objective</i>); • partnering with our community to protect and enhance our natural

	<p>ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and</p> <ul style="list-style-type: none"> • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>).
<i>Comparative Municipalities</i>	<p>Many municipalities issue permits for sale and consumption of alcohol in outdoor eating facilities on footpaths adjoining licensed premises. However, recent legal decisions require a change to the Local Law to ensure a permit may still be issued under the Local Law, otherwise a Planning Permit will be required. Examples of other councils introducing this law include Bayside City Council, Bass Coast Shire Council and Gannawarra Council.</p>
<i>Cost Benefit Analysis</i>	<p>Tourism is undoubtedly enhanced by the opportunity to buy and consume alcohol in outdoor footpath dining facilities.</p> <p>Council has an obligation under the Planning Scheme to issue permits for the extension of liquor licenses from licensed premises onto adjoining roads.</p> <p>This local law is a cheaper and efficient alternative, where local laws officers know the licensed premise from existing outdoor eating facility permits.</p> <p>While the trader must approach Council directly and not only the VCGLR, both processes become more transparent and faster under the new local law. Council permission is always sought under the existing process, but the trader has no involvement with Council, which is inherently unfair.</p>
<i>Risk Analysis</i>	See below
<i>National Competition Policy</i>	There is no conflict with the National Competition Policy.
<i>Charter of Human Rights and Responsibilities</i>	Council permission is always sought under the current process, but the trader has no involvement with Council, which is inherently unfair.

49. Sale And Consumption of Liquor on Roads Adjoining Licensed Premises – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability	VCGLR issue license extension and seek Council comment. Police enforce VCGLR license. Council procedure gives Council no control over this use of its land. Council has power to issue permit	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws & Enviro Health Manager
2. People	▪ Public health safety and amenity	As Above.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws & Enviro Health Manager
3. Environment & Sustainability	▪ Use of Council Land	As Above.	Low Low	2	Administrative	New Local Law	Negligible Negligible	1	Local Laws & Enviro Health Manager
4. Probity/political	▪ Council Reputation	As Above.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws & Enviro Health Manager
5. Info Systems/ Bus. Interruption	▪ Change to procedures	As Above.	Negligible Negligible	1	Administrative	New Local Law	Negligible Negligible	1	Local Laws & Enviro Health Manager
6. Local economy and Growth	▪ Tourism and alcohol on footpaths	As Above.	Low Low	4	Administrative	New Local Law	Low Low	4	Local Laws & Enviro Health Manager
7. Community and Lifestyle	▪ Public health safety and amenity	As Above.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws & Enviro Health Manager
8. Service Quality	▪ Private use of Council land with risks	As Above.	Moderate Low	6	Administrative	New Local Law	Low Negligible	2	Local Laws & Enviro Health Manager
9. Community Confidence	▪ Individual / community perception of safety and amenity	As Above.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws & Enviro Health Manager

<p><i>What is the new Clause?</i></p>	<p>65. SMOKE FREE AREAS</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><i>The terrible impact of smoking on the health and lives of many smokers and their loved ones is well documented. Passive smoking can also be unpleasant for non-smokers and has been shown to be injurious to health. Under the State Government's Tobacco Act 1987, smoking has been prohibited in many areas of everyday life, including workplaces, fully enclosed entertainment venues, and more recently children's playgrounds. The Australian Government has led the world with plain packaging legislation for cigarettes.</i></p> <p><i>There are still many public spaces where smoking is permitted. Many young people, albeit unwisely, use public spaces for smoking while sharing time together. While smoking is not of itself unlawful, many community members believe smoking should not occur in public places where passive smoking is an inevitable consequence for other people.</i></p> <p><i>This clause of the Local Law does not ban smoking anywhere. It simply gives Council opportunity in the future to declare enforceable smoke free areas within the municipality.</i></p> </div> <ol style="list-style-type: none"> (1) The Council may declare a Municipal Place or part of a Municipal Place to be a Smoke Free Area in accordance with the Guidelines in the Local Laws Procedure Manual as amended by council from time to time and incorporated by reference in this Local Law. (2) The Council must erect and maintain, or cause to be erected and maintained, appropriate signage in any Municipal Place or part of a Municipal Place, which has been declared a Smoke Free Area. (3) A Person must not smoke in, or on, any Municipal Place, or part of a Municipal Place, that has been declared to be a Smoke Free Area and has appropriate Smoke Free Area signage erected and maintained. <p>Penalty: 10 Penalty Units</p> <p><i>Guidelines in relation to the declaration of smoke free areas are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference into this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>The health risks and public cost of smoking and passive smoking are well established. It causes lung cancer and substantially increased risk of a large number of other life-threatening and debilitating diseases.</p> <p>While the State Government, under the <i>Tobacco Act 1987</i>, has prohibited smoking in work places, closed entertainment areas and some other public places, there are still many public spaces where smoking is permitted.</p> <p>Council may wish to prohibit smoking in certain public areas, for example alfresco dining areas. This Local Law establishes a procedure for Council to declare an area smoke-free, and provided appropriate signage is erected, making it an offence to smoke in a smoke-free area.</p> <p>The most difficult aspect of non-smoking Local Laws is enforceability. While other municipalities have introduced non-smoking areas, some have little or insufficient authorisation for their prohibitions. This Local Law is enforceable.</p>

<p><i>Community Comment</i></p>	<p>The community is generally in favour of further limitations on smoking in public places for both health and amenity reasons. Alfresco dining areas and popular beaches are often suggested and are subject to prohibition in some other municipalities, for example Surf Coast and Port Phillip.</p>
<p><i>Existing Controls and State Regulation</i></p>	<p>The State Government, under the <i>Tobacco Act 1987</i> has taken strong action to limit smoking in public places, prohibiting smoking in all places of work and in fully enclosed public eating and drinking venues. However, there are still places which many people feel should be smoke-free, including alfresco dining areas. Consultation with the State Government indicates support for Council action in these areas. The State Government readily provides documentary support to Councils considering the health benefits of discouraging smoking.</p>
<p><i>Council objectives</i></p>	<p>This law addresses all of the following objectives and strategies from the City of Greater Geelong <i>City Plan 2013-2017</i>:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong'</i>); • securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (<i>Growing Our Economy Objective</i>); • partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>).
<p><i>Comparative Municipalities</i></p>	<p>Other municipalities which have local laws either prohibiting smoking in specific places (e.g. Monash, Surf Coast) or laws allowing Council to declare smoke-free places (Port Phillip, Wellington, Bass Coast).</p>
<p><i>Cost Benefit Analysis</i></p>	<p>The health and amenity burden of smoking in the community is reduced by the application of this Local Law. There may be some minor cost to business, depending on what locations Council should later chose to declare smoke-free. However, there is good argument that loss of smoking customers through declaration of public smoke-free areas may be equally offset by increase in non-smoking customers. While the ultimate sanction of infringement notice or prosecution is important, immediate offender compliance is the goal and no doubt low key enforcement approaches will prove the best method to achieve this.</p>
<p><i>Risk Analysis</i></p>	<p>See Below.</p>

<i>National Competition Policy</i>	There is no conflict with the National Competition Policy. The law may impact food and beverage providers in the future, but any declaration of smoke-free areas will require justification to Council at that time Other municipalities are taking this path.
<i>Charter of Human Rights and Responsibilities</i>	The limitation on the freedom of some individuals in some places must be offset against the community impact of some activities which create health risk and issues of community amenity and which are not controlled by existing regulation.

65. Smoke Free Areas – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability	State <i>Tobacco Act 1987</i> . Many public places not included	Low Major	8	Administrative	New Local Law	Low Low	4	Local Laws and Service Managers
2. People	▪ Public health of and amenity	As Above	Significant Major	16	Administrative	New Local Law	Low Moderate	6	Local Laws and Service Managers
3. Environment & Sustainability	▪ Buildings, contents and surrounds	As Above	Low Negligible	2	Administrative	New Local Law	Negligible Negligible	1	Local Laws and Service Managers
4. Probity/political	▪ Council Reputation	As Above	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws and Service Managers
5. Info Systems/ Bus. Interruption	▪ Equipment integrity	Council's workplaces are smoke-free by State regulation.	Negligible Negligible	1	Administrative	New Local Law	Negligible Negligible	1	Local Laws and Service Managers
6. Local economy and Growth	▪ Impact on Traders; customer health	State <i>Tobacco Act 1987</i> . Many public places not included	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws and Service Managers
7. Community and Lifestyle	▪ Health from use of public spaces	As Above	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws and Service Managers
8. Service Quality	▪ Failure to provide safe service	As Above	Low Low	4	Administrative	New Local Law	Negligible Negligible	1	Local Laws and Service Managers
9. Community Confidence	▪ Individual / community perception of safety	As Above	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Local Laws and Service Managers

<p><i>What is the new Clause?</i></p>	<p style="text-align: center;">75. EVENTS</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p><i>Council is a strong supporter of events of all sizes, from major international events through to the many unique community. Events provide a range of economic, tourism, social and cultural benefits to our community. However, there is a responsibility on all event organisers to ensure event activities are sustainable, successful and safe for both event attendees and the broader community. Council's Event Permit together with the City of Greater Geelong Events Planning Guide assists event organisers through the application processes relevant to this municipality.</i></p> </div> <p>(1) A Person must not, without a Permit, hold or organise any Event on any Council Land or Foreshore Reserve within the Municipal District.</p> <p style="text-align: center;">Penalty: 20 Penalty Units</p> <p>(2) A Person must not, without a Permit, hold or organise any Event on any land other than Council Land if that Event may reasonably be expected to have a material impact on the neighbouring community or a materially increased risk to public safety or to Council assets.</p> <p style="text-align: center;">Penalty: 20 Penalty Units</p> <p>(3) The following exemptions apply in respect of this Clause:</p> <p style="padding-left: 20px;">(a) an Authorised Officer or a Delegated Officer may assess an application and may decide that, based on the circumstances of the matter, a Permit under sub-clause (1) or (2) is not required (although certain activities may still require a Permit under Clauses 72-73 – Use of Municipal Reserves); and</p> <p style="padding-left: 20px;">(b) an Event that is subject to a planning permit is exempt from the requirement of a Permit under sub-clause (1) or (2).</p> <p><i>Guidelines for determining whether an Event permit is required and what conditions may apply to any permit issued are in the Local Law Procedure Manual, as determined by the Council from time to time, and are incorporated by reference in this Local Law.</i></p> <p><i>Council's 'City of Greater Geelong Events Planning Guide' as amended by Council from time to time, is incorporated by reference in this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>Council currently issues an Event letter of approval. This local law is designed to strengthen the legal framework underpinning Council's event procedures by issuing an Event Permit. This will help to limit Council risk and ensure greater enforceable compliance with event permit conditions.</p>
<p><i>Community Comment</i></p>	<p>The City of Greater Geelong has a significant Events program every year. Council's events team, events policy and events documentation and procedures are of high quality. This local law is gives a sound legal framework to the work of the Events Department.</p>

<p><i>Existing Controls and State Regulation</i></p>	<p>Some events require a <i>Building Act 1993</i> Place of Public Entertainment Permit (POPE) – over 500 square metres, fencing, built structures, or ticketed entry. Many events do not.</p> <p>For other events, especially events on Council Land where no POPE is triggered, Council currently issues an Event letter of approval. Council co-ordinates Food Handling and other regulatory requirements (e.g. Toilets and first aid under OH&S and Public Health and Wellbeing legislation). The current local law is not clear on event permits, especially on roads.</p> <p>This local law is designed to strengthen the legal framework underpinning Council’s event process by issuing an Event Permit.</p>
<p><i>Council objectives</i></p>	<p>This law addresses all of the following objectives and strategies from the City of Greater Geelong <i>City Plan 2013-2017</i>:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: ‘Healthy Together Geelong’</i>); • securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (<i>Growing Our Economy Objective</i>); • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>).
<p><i>Comparative Municipalities</i></p>	<p>Most municipalities require permits to hold organised events on Council Land, although these permits may be issued as a version of a more general Use of Reserves or Council Land Permit e.g. Surf Coast, Bayside.</p> <p>Some municipalities have specialist event clauses either as an alternative or as well as general Use permits, including: Bass Coast, Mornington Peninsula, Port Phillip, Moonee Valley and Campaspe.</p>
<p><i>Cost Benefit Analysis</i></p>	<p>The current Local Law is designed to specifically empower and authorise Council’s event processes and procedures. It is not anticipated that any additional cost or burdens will be placed on either Council or the community. Rather it will ensure that Council’s conditions are enforceable and thereby ensure greater compliance, which will achieve better outcomes for organisers, Council, event attendees and the general community.</p>
<p><i>Risk Analysis</i></p>	<p>As Below.</p>
<p><i>National Competition Policy</i></p>	<p>There is no conflict with the National Competition Policy.</p> <p>Event organisers should find no difference in Council’s charges, policies or procedures, although permit documentation may be improved.</p>
<p><i>Charter of Human Rights and Responsibilities</i></p>	<p>The requirement for a specific Event permit is intended to make Council’s event permit system clearer and legally enforceable. No additional limitation on the freedom of any party are envisaged.</p>

75. Events – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability	Current Local Law is unclear on events especially on roads. A permit is clearer than the current letter of event approval i.	Moderate Major	12	Administrative	New Local Law	Low Low	4	Events staff and Geelong Central and Waterfront Manager
2. People	▪ Health of public and staff – breach of OH&S duties	As Above	Moderate Major	12	Administrative	New Local Law	Low Low	4	As Above
3. Environment & Sustainability	▪ Reserve Damage	As Above	Low Moderate	6	Administrative	New Local Law	Negligible Low	2	As Above
4. Probity/political	▪ Council Reputation	As Above	Moderate Major	12	Administrative	New Local Law	Low Low	4	As Above
5. Info Systems/ Bus. Interruption	▪ Equipment integrity	As Above	Low Low	4	Administrative	New Local Law	Negligible Low	2	As Above
6. Local economy and Growth	▪ Major incident	As Above	Moderate Moderate	6	Administrative	New Local Law	Low Low	4	As Above
7. Community and Lifestyle	▪ access to or use of services reduced following incident	As Above	Low Low	4	Administrative	New Local Law	Negligible Low	2	As Above
8. Service Quality	▪ Failure to provide safe service	As Above	Moderate Major	12	Administrative	New Local Law	Low Low	4	As Above
9. Community Confidence	▪ Individual / community perception of safety	As Above	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	As Above

What is the new Clause?	<p>77. PARKING ON A RESERVE</p> <p>(1) A Person must not, without a Permit, park any motor car, motor cycle or other motor vehicle on any part of any Municipal Reserve or Foreshore Reserve other than in a parking area that is set aside for that purpose by the Council or agreed to by the Council or an Authorised Officer or a Delegated Officer.</p> <p>Penalty: 5 Penalty Units</p> <p>(2) Sub-clause (1) does not apply to any Council employee, contractor or authorised person acting in the course of his or her duties.</p> <p><i>Guidelines for determining whether to issue a permit for parking a motor vehicle on a Reserve or Foreshore Reserve are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference into this Local Law.</i></p>
Description of the Problem being Addressed	Parking on a reserve is dangerous and may occur casually or habitually. It is a permitted use (i.e. requires a permit). Parking enforcement is often reluctant to impose a \$300 fine for this offence. This creates a lesser offence for \$100, which enhances enforcement and thereby improves compliance.
Community Comment	The community support safety and amenity protection within reserves. Some persons wish to park on nature strips, but this is already prohibited under the <i>Road Safety Road Rules 2009</i> .
Existing Controls and State Regulation	Currently the practice requires a permit under the General Local Law 2005. Infringement penalty for this offence is \$300. This is too high for a casual parking offence, so tends not to be issued. Parking on nature strips is prohibited under the <i>Road Safety Road Rules 2009</i> .
Council objectives	<p>This law addresses all of the following objectives and strategies from the City of Greater Geelong <i>City Plan 2013-2017</i>:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong'</i>); • partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>).
Comparative	Other municipalities have this specific offence, especially where reserves,

Municipalities	foreshores are major recreation attractions, such as Ballarat, Port Phillip, Bayside and Bass Coast,
Cost Benefit Analysis	This local law will not impose additional financial burden on any person complying with the local law. It is designed with a low penalty to encourage enforcement and compliance.
Risk Analysis	As below.
National Competition Policy	There is no conflict with the National Competition Policy.
Charter of Human Rights and Responsibilities	The limitation on the some personal freedoms in public places must be offset against the community impact of some activities public safety and community amenity.

77. Parking on a Reserve – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability	Prohibited on reserves by current Local Law with high fine; on nature strips by State law.	Moderate Major	12	Administrative	New Local Law with lower fine	Low Low	4	Local Laws Parking and Land Asset Managers
2. People	▪ Public health and amenity	As Above	Moderate Major	12	Administrative	New Local Law with lower fine	Low Moderate	6	Local Laws Parking and Land Asset Managers
3. Environment & Sustainability	▪ Reserve surfaces	As Above	Low Negligible	2	Administrative	New Local Law with lower fine	Negligible Negligible	1	Local Laws Parking and Land Asset Managers
4. Probity/political	▪ Council Reputation	As Above	Moderate Moderate	9	Administrative	New Local Law with lower fine	Low Low	4	Local Laws Parking and Land Asset Managers
5. Info Systems/ Bus. Interruption	▪ Service integrity	As Above	Low Low	4	Administrative	New Local Law with lower fine	Negligible Low	2	Local Laws Parking and Land Asset Managers
6. Local economy and Growth	▪ Sporting event patronage	As Above	Negligible Negligible	1	Administrative	New Local Law with lower fine	Negligible Negligible	1	Local Laws Parking and Land Asset Managers
7. Community and Lifestyle	▪ access to or use of facilities reduced following incident	As Above	Moderate Low	6	Administrative	New Local Law with lower fine	Negligible Low	2	Local Laws Parking and Land Asset Managers
8. Service Quality	▪ Failure to provide safe service	As Above	Moderate Major	12	Administrative	New Local Law with lower fine	Low Moderate	6	Local Laws Parking and Land Asset Managers
9. Community Confidence	▪ Individual / community perception of safety	As Above	Moderate Moderate	9	Administrative	New Local Law with lower fine	Low Low	4	Local Laws Parking and Land Asset Managers

<p><i>What is the new Clause?</i></p>	<p>84. NOTIFICATION OF PROHIBITION FROM ENTRY</p> <p>(1) A Person reasonably believed by an Authorised or Delegated Officer to represent an ongoing serious threat to the safety or well-being of other lawful users, visitors or Council staff in any Municipal Building or service location may be issued with a Notification Of Prohibition Of Entry for period of time not exceeding one year with a further extension of up to six months.</p> <p>(2) A person must not enter any specified Municipal Building or service location for the period of time as specified in a Notification Of Prohibition From Entry.</p> <p>Penalty First Offence: 15 Penalty Units</p> <p>Penalty Second and Subsequent Offences: 20 Penalty Units</p> <p>(3) Where a Person, after the expiry of a previous Notification of Prohibition from Entry, repeats behaviour upon which he or she was prohibited in the first instance or is responsible for further behaviour that constitutes serious misconduct, that Person may be temporarily or permanently prohibited from entering that or other Municipal Buildings, as authorised by the Chief Executive Officer or other delegated Senior Officer.</p> <p>(4) An Authorised Officer or Delegated Officer must follow the Guidelines for the procedure for issuing a Notification Of Prohibition From Entry in the Local Law Procedure Manual, as amended by Council from time to time, and incorporated by reference in this Local Law.</p> <p><i>Guidelines for determining whether to issue a Notification Of Prohibition From Entry and the procedure to be undertaken for issuing and/or extending of such a notice are in the Local Law Procedure Manual, as amended by Council from time to time, and are incorporated by reference in this Local Law.</i></p>
<p><i>Description of the Problem being Addressed</i></p>	<p>At present Council's laws and procedures make it difficult to prevent a person entering Council's facilities for a long period, even when that person is assessed as a threat to other patrons or staff.</p> <p>This Local Law is to address the failure of Council's procedures to ban a person from a Council facility for several years following unwanted offensive behaviour. The Supreme Court found Council's Local Law and accompanying procedures were inadequate and their application unfair.</p>
<p><i>Community Comment</i></p>	<p>The community support s any measure which makes Council facilities safer for the public and particularly children. The local media is also clearly supportive of better regulation in this area.</p>
<p><i>Existing Controls and</i></p>	<p>Council's existing controls are under current Local Law Clauses 13, 14, and 17. Common law property rights could be invoked, but this is a lengthy costly and slow process.</p>

<i>State Regulation</i>	Note Council's OH&S obligations under State law oblige Council to take action in unsafe circumstances.
<i>Council objectives</i>	<p>This law addresses all of the following objectives and strategies from the City of Greater Geelong <i>City Plan 2013-2017</i>:</p> <ul style="list-style-type: none"> • to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities (<i>Community Wellbeing Objective: 'Healthy Together Geelong</i>); • securing Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events (<i>Growing Our Economy Objective</i>); • partnering with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably (<i>Sustainable Built And Natural Environment Objective</i>); and • cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment (<i>How We Do Business Objective</i>).
<i>Comparative Municipalities</i>	This problem arose in Geelong and was challenged in the Supreme Court of Victoria. Other municipalities are currently addressing the issue in their local laws.
<i>Cost Benefit Analysis</i>	<p>The new local law may only prove costly to a person who is successfully banned who used the facility as a place of employment. Procedures within Council's <i>Local Law Procedure Manual</i> are intended to ensure a fair and balanced approach, including careful consideration of place of employment. Public safety however must have priority.</p> <p>The benefit to the community and to Council staff of ensuring facilities remain safe is an obligation under OH&S laws.</p>
<i>Risk Analysis</i>	As below.
<i>National Competition Policy</i>	There is no conflict with the National Competition Policy.
<i>Charter of Human Rights and Responsibilities</i>	As this local law does not alter Council or community lawful conduct in the use of Council Facilities, no new limitation on freedoms or community amenity are envisaged. The loss of individual freedoms is to be offset by the protection of the public from a known risk and a procedure which is fair and reasonable.

84. Notification of Prohibition from Entry – Risk Assessment									
Hazard	Risks	Existing Risk Controls	Risk Rating Likely Impact	Risk Rating	Assessment of Controls	Additional Risk Treatment or action Plan	Risk Rating Likely Impact	Revised Risk Rating	Responsible to Monitor / Supervise
1. Revenue, Cost or Liability	▪ Risk of liability and fines	Current Council controls lack legal standing. Use of management oversight, police, trespass laws.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Service Managers Building Asset Managers
2. People	▪ Health of public and staff – breach of OH&S duties	OH&S laws. Use of management oversight, police, trespass laws.	Moderate Major	12	Administrative	New Local Law	Low Moderate	6	Service Managers Building Asset Managers
3. Environment & Sustainability	▪ Buildings, contents and surrounds	Use of management oversight, police, trespass laws.	Low Negligible	2	Administrative	New Local Law	Negligible Negligible	1	Service Managers Building Asset Managers
4. Probity/political	▪ Council Reputation	Use of management oversight	Moderate Major	12	Administrative	New Local Law	Low Moderate	6	Service Managers Building Asset Managers
5. Info Systems/ Bus. Interruption	▪ Equipment integrity	Management oversight, police, trespass.	Low Low	4	Administrative	New Local Law	Negligible Low	2	Service Managers Building Asset Managers
6. Local economy and Growth	▪ Viability of Rec Centres	Use of management oversight	Moderate Low	6	Administrative	New Local Law	Low Low	4	Service Managers Building Asset Managers
7. Community and Lifestyle	▪ access to or use of facilities reduced following incident	Management oversight, police, trespass.	Low Low	4	Administrative	New Local Law	Negligible Low	2	Service Managers Building Asset Managers
8. Service Quality	▪ Failure to provide safe service	Management oversight, police, trespass.	Moderate Major	12	Administrative	New Local Law	Low Moderate	6	Service Managers Building Asset Managers
9. Community Confidence	▪ Individual / community perception of safety	Management oversight, police, trespass.	Moderate Moderate	9	Administrative	New Local Law	Low Low	4	Service Managers Building Asset Managers

Appendix: City of Greater Geelong - Risk Assessment Matrix

The following City of Greater Geelong risk assessment matrix forms the basis for the risk assessments in Part C of this Local Law Community Impact Statement.

Consequence Table – Corporate Context

..... Continued Next Page

Risk Rating	Revenue, Cost or Liability	People	Environment & Sustainability	Probity/political	Info Systems/ Business Interruption	Local economy and Growth	Community and Lifestyle	Service Quality	Community Confidence
5: Catastrophic	<ul style="list-style-type: none"> • Cost to Council of \$5M upwards • Curbing of programs required due to significant shortfall in revenue or blowout in expenditure. • Liquidation/receivership due to insolvency 	<ul style="list-style-type: none"> • Multiple or single Death(s) – public or staff • Loss of a significant number of employees 	<ul style="list-style-type: none"> • Major release of toxic waste resulting in long term damage to the environment • Major widespread loss of environmental amenity and progressive irrecoverable environmental damage 	<ul style="list-style-type: none"> • Public/media outrage • Public pressure to curtail operations of Council 	<ul style="list-style-type: none"> • Collapse of major system leading to unrecoverable loss of core data. • Service removed 	<ul style="list-style-type: none"> • Regional decline leading to widespread business failure, loss of employment and hardship 	<ul style="list-style-type: none"> • The region would be seen as very unattractive, moribund and unable to support its community 	<ul style="list-style-type: none"> • Services would fall well below acceptable standards and this would be clear to all 	<ul style="list-style-type: none"> • There would be widespread concern about our capacity to serve the community
4: Major	<ul style="list-style-type: none"> • Cost to Council of \$2.5M to \$5M • Council officer or Councillor gaoled 	<ul style="list-style-type: none"> • Loss of key member of management team. • Serious health impact on multiple members of public or staff. 	<ul style="list-style-type: none"> • Major release of toxins/water resulting in high compensation or reconstruction costs • EPA/NPWs likely to make legal prosecution • Severe loss of Environmental amenity and a danger of continuing environmental damage 	<ul style="list-style-type: none"> • Public/media concern • Damage to Council's reputation • Council subject to formal inquiry/sanctioned 	<ul style="list-style-type: none"> • Serious disruption to system leads to more than 3 days downtime (loss of key data and customer support) • Service or provider needs to be replaced 	<ul style="list-style-type: none"> • Regional stagnation such that businesses are unable to thrive and employment does not keep pace with population growth 	<ul style="list-style-type: none"> • Severe and widespread decline in services and quality of life within the community 	<ul style="list-style-type: none"> • The general public would regard the organisation's services as unsatisfactory 	<ul style="list-style-type: none"> • There would be serious expressions of concern about our capacity to serve the community

City of Greater Geelong Risk Assessment Matrix - Continued

Consequence Table – Corporate Context - Continued

Risk Rating	Revenue, Cost or Liability	People	Environment & Sustainability	Probity/political	Info Systems/ Business Interruption	Local economy and Growth	Community and Lifestyle	Service Quality	Community Confidence
3: Moderate	<ul style="list-style-type: none"> • Cost to Council of \$200K to \$2.5M • Fines to council personnel 	<ul style="list-style-type: none"> • Serious health impact on a member of the public. • More than 10 days rehabilitation required for injured staff member. 	<ul style="list-style-type: none"> • Significant release of pollutants • Residual pollution requiring clean up work • Isolated but significant instances of environmental damage that might be reversed with intensive efforts 	<ul style="list-style-type: none"> • Public/media negative attention • Local community concern • Customer/supplier concern 	<ul style="list-style-type: none"> • Temporary loss of key data. • Impact on generation of management information. • Temporary, recoverable service failure. 	<ul style="list-style-type: none"> • Significant general reduction in economic performance relative to current forecasts 	<ul style="list-style-type: none"> • General appreciable decline in services 	<ul style="list-style-type: none"> • Services would be regarded as barely satisfactory by the general public and the organisation's personnel 	<ul style="list-style-type: none"> • There would be isolated expressions of concern about our capacity to serve the community
2: Low	<ul style="list-style-type: none"> • Cost to Council of \$50K to \$200K 	<ul style="list-style-type: none"> • Injury to staff member results in lost time. 	<ul style="list-style-type: none"> • Required to inform EPA • Contained temporary pollution • Minor instances of environmental damage that could be reversed 	<ul style="list-style-type: none"> • Inadequate probity being exercised • No evidence of Corporate Governance • Minor/isolated concerns raised by members of public, customers, suppliers. 	<ul style="list-style-type: none"> • Disruption to system with some downtime. • Insignificant impact on generation of information. • Brief service interruption. 	<ul style="list-style-type: none"> • Individually significant but isolated areas of reduction in economic performance relative to current forecasts 	<ul style="list-style-type: none"> • Isolated but noticeable • examples of decline in services 	<ul style="list-style-type: none"> • Services would be regarded as satisfactory by the general public but personnel would be aware of deficiencies 	<ul style="list-style-type: none"> • There would be some concern about our capacity to serve the community but it would not be considered serious
1: Negligible	<ul style="list-style-type: none"> • Cost to Council below \$50K 	<ul style="list-style-type: none"> • Minor First Aid required. • Temporary, minor health impact on staff or public. 	<ul style="list-style-type: none"> • Minor release of pollutants which does not require notification to third parties • Brief, non-hazardous temporary pollution • No environmental damage 	<ul style="list-style-type: none"> • Marginal impact on Council operations • Minimal to no effect on reputation • Resolved in day to day management 	<ul style="list-style-type: none"> • Minor disruption to system with no downtime. • Negligible impact on service provision. 	<ul style="list-style-type: none"> • Minor shortfall relative to current forecasts 	<ul style="list-style-type: none"> • There would be minor areas in which the region was unable to maintain its current services 	<ul style="list-style-type: none"> • Minor deficiencies in principle that would pass without comment 	<ul style="list-style-type: none"> • There would be minor concerns but they would attract no attention

City of Greater Geelong Risk Assessment Matrix - Continued

Likelihood Table – Corporate Context

Risk Rating	Likelihood Description
5: High	<ul style="list-style-type: none"> Highly likely to occur several times High level of recorded incidents and/or very strong anecdotal evidence Is expected to occur in most circumstances Frequent incidents Strong likelihood of recurrence
4: Significant	<ul style="list-style-type: none"> Likely to occur in the next five years in the Council Incidents recorded on a regular basis Anecdotal evidence indicates medium frequency Considerable opportunity to occur
3: Moderate	<ul style="list-style-type: none"> Could occur in the next five years in the Council Incidents have occurred infrequently Some opportunity to occur
2: Low	<ul style="list-style-type: none"> Could occur but do not expect it to occur Has not yet occurred but could occur at sometime Very few recorded or known incidents
1: Insignificant	<ul style="list-style-type: none"> Remote chance, may occur only in exceptional circumstances No recorded or known incidents

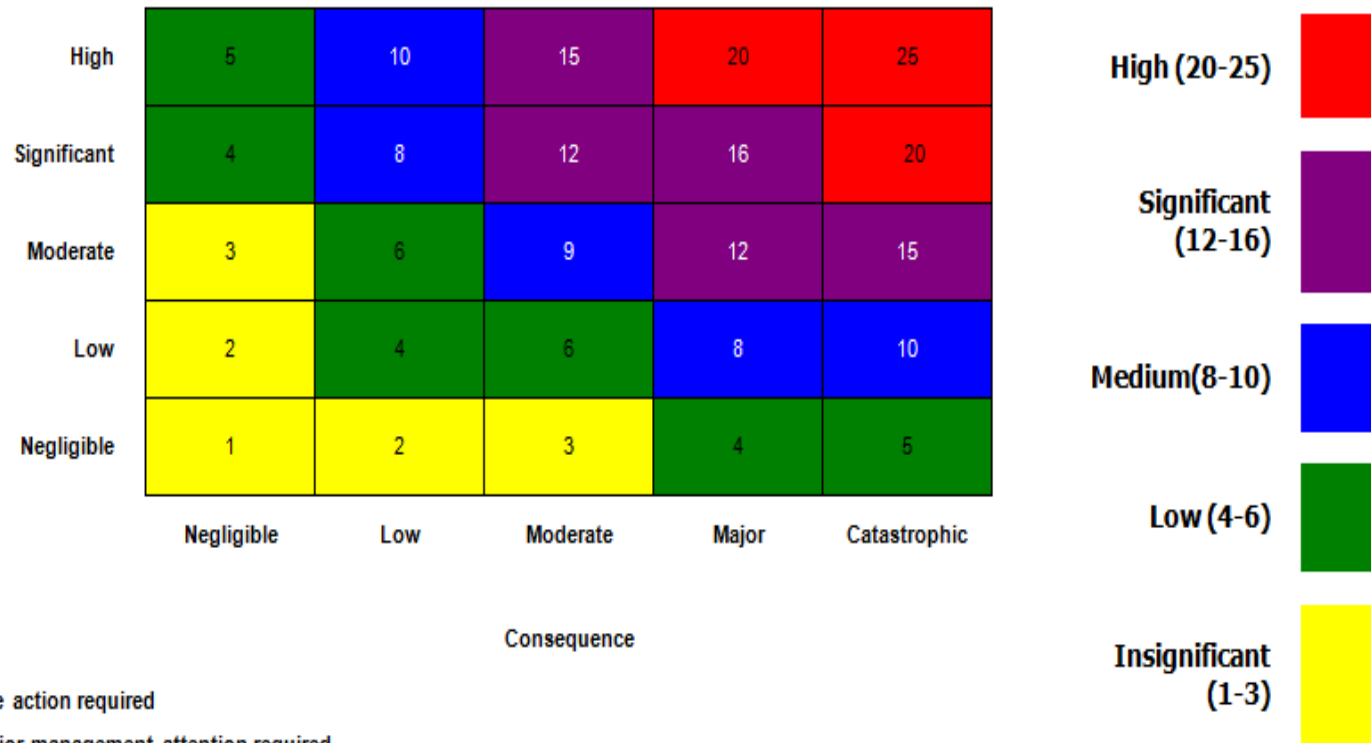
Control Hierarchy

The control hierarchy is a list of control measures, in priority order, that can be used to eliminate or minimize exposure to hazards. Below is the control hierarchy with general examples of each control measure:

- **Elimination**
Avoid the risk by removing the hazard completely.
- **Substitution**
Use less hazardous procedure/substances equipment/process.
- **Isolation**
Separate the process from people by the use of barriers/enclosures or distance.
- **Engineering Controls**
Mechanical/physical changes to equipment/materials/process.
- **Administrative Controls**
Change procedures to reduce exposure to a hazard
- **Personal Protective Equipment**
Gloves, goggles, etc.

City of Greater Geelong Risk Assessment Matrix - Continued

Risk Analysis



Consequence

- High Risk – immediate action required
- Significant Risk – senior management attention required
- Medium Risk – management responsibility must be specified
- Low Risk – manage by routine procedures
- Insignificant – no action required, monitor

City of Greater Geelong

LOCAL LAW PROCEDURE MANUAL

August 2014

This *Local Law Procedure Manual*, as determined by Council from time to time, is incorporated by reference into the *Local Law Neighbourhood Amenity 2014*.

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DEFINITIONS

The words used in this Local Law Procedure Manual should be read to have the same meaning as in the relevant clauses of the *Neighbourhood Amenity Local Law 2014* including its *Clause 9 Definitions* (excluding only the documents in *Part 2: Council Policies and Other Documents* which may have their own definitions included.).

SECTION 1 – DISCRETION GUIDELINES

Note that the Discretion Guidelines in this Local Law Procedure Manual have the same numbers (and titles) as their equivalent clauses in the Neighbourhood Amenity Local Law 2014. As a result, the Discretion Guidelines are numbered in ascending order, but have gaps in their sequential title numbering because some local law clauses have no associated guidelines.

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YOUR PROPERTY, ANIMALS AND WASTE COLLECTION

YOUR PROPERTY

12. UNAUTHORISED OCCUPATION OF COUNCIL LAND

These guidelines to determine whether to grant a permit to allow a person to occupy any specified part of Council land for any specified purpose as determined by the Council from time to time are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit to allow a person to occupy any specified part of Council land for any specified purpose, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) Consider whether this is the correct permit applicable or whether an alternative permit issued by Council is required, such as an event permit, use of reserve permit, roadside trading permit, outdoor dining facilities permit, asset protection permit, etc.
- (2) Give priority to the safety of pedestrians, road users, and or lawful reserve users.
- (3) Give priority to the safe progress, access and egress of vulnerable persons such as the disabled, children and the aged.
- (4) Consider the community value of the proposed occupation activity.
- (5) Follow any relevant Council policies or authorised guidelines for a specific permitted use.
- (6) Consider referrals to other relevant Council Departments, such as Engineering Services, Events, Recreation and Open Space, Environment, Community Development and Planning.
- (7) Impose essential conditions to mitigate or remove assessed risks.
- (8) Ensure any permit issued is strictly limited to a specified place and a specified use.
- (9) Ensure any permit includes the terms that:
 - a) Council retains right of access to and inspection of the specified land at any time by an authorised officer or delegated officer.
 - b) Council may cancel or suspend the permit for safety or any other reason by 24 hours written notice, whether or not a condition of the permit has been breached.
- (10) Ensure a current public liability insurance certificate is provided by the applicant prior to the issue of any permit, unless special exemption is given by Council's Risk Manager, a Council approved Policy, or another authorised Senior Officer.
- (11) Inform the applicant of a right of appeal if a Permit is refused.
- (12) Any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

15. BURNING MATERIALS

These guidelines to determine whether an offence has been committed or whether to issue a permit in relation to burning materials in the open, as determined by the Council from time to time, are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

- (1) When determining whether an offence has occurred in relation to burning offensive materials in the open, Council or an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:
 - (a) offensive materials that may not be burnt at any time include, but are not limited to, any substance containing any:
 - (i) manufactured chemical;
 - (ii) rubber or plastic;
 - (iii) electronic equipment and recyclable materials (excluding timber);
 - (iv) petroleum, oil or petroleum-based product;
 - (v) paint or receptacle which contains or which contained paint;
 - (vi) manufactured chemicals or pressurised cans;
 - (vii) food waste, fish or other offensive or noxious matter; or
 - (viii) any other material an authorised officer or a delegated officer reasonably believes is an offensive material.
 - (b) offensive emissions of smoke and odour from outdoor burning do not include normal odours of food cooking on a permanent or portable barbeque.
- (2) When determining whether to grant a permit for burning materials in the open, the Council or an authorised officer or a delegated officer must, where relevant, have regard to the guidelines below:
 - (a) that the land on which the burning is proposed is in a built up area;
 - (b) the location of the proposed outdoor burning in proximity to adjoining land;
 - (c) the land-use and size of the applicant's land and that of adjoining allotments where the burning is to take place;
 - (d) any alternative means of recycling, reprocessing or disposal;
 - (e) any adequate means of supervising the burning;
 - (f) any adequate means of controlling and extinguishing the spread of fire;
 - (g) the degree to which the material to be burnt is clean and dry or may produce offensive, toxic or unpleasant smells or smoke;
 - (h) the purpose stated for the burning;
 - (i) any relevant policies of the CFA and Environment Protection Authority; and
 - (j) any other matter that an authorised officer or a delegated officer reasonably believes to be relevant to the circumstances of the application.

17. FIREWORKS

These guidelines to determine whether to grant a permit for fireworks, as determined by the Council from time to time, are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for fireworks, Council or an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) the applicant must show evidence that the person who will supervise and light the fireworks has the relevant Work Cover Authority qualification and permit;
- (2) whether the applicant should obtain or has already obtained Council's Event permit including a fireworks permission;
- (3) whether Council Land is involved and whether referral needs to be made to other departments including Animal Management, Events, Community Development, Recreation and Open Space, Environment or any other land asset managers.
- (4) whether it is a declared Fire Danger Period or any other CFA declared fire restrictions;
- (5) the land-use and the size of the applicant's land and that of adjoining allotments;
- (6) the proximity of neighbouring animals including any livestock;
- (7) the proximity of flammable materials on any land;
- (8) the proximity to adjoining properties;
- (9) the likely effects on adjoining owners;
- (10) the amenity of the area and the impact upon it;
- (11) any adequate means of controlling and extinguishing the spread of fire;
- (12) whether the fireworks would constitute a danger to vehicles or pedestrians or compromise the safe and convenient use of a road;
- (13) the promotion of high quality tourism attractions;
- (14) whether the surrounding community has been or should be notified or consulted and any comments or submissions received in response;
- (15) the outcome of any consultations with relevant Government agencies and/or Victoria Police;
- (16) any related Council policy;
- (17) if the authorised officer or the delegated officer reasonably believes the fireworks may create a traffic hazard, obstruction or other risk to the public, the applicant may be required to take out public liability policy of insurance (minimum \$10 million) and prior to the issue of the permit, the Council must be provided with a Certificate of Currency of the public liability policy of insurance;
- (18) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

18. CAMPING ON LAND OTHER THAN COUNCIL LAND

These guidelines to determine whether to grant or cancel a permit for camping on any land other than Council Land, as determined by the Council from time to time, are incorporated into the Neighbourhood Amenity Local Law 2014.

- (1) In determining whether to grant a permit to allow camping in an area which is on any land other than Council land, is not a licensed caravan park and has not been declared by the Council to be a 'camping area', the Council or an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:
- (a) the location of the land;
 - (b) the land-use of the applicant's land and that of adjoining allotments;
 - (c) the suitability of the land for camping including extent of screening from neighbours;
 - (d) the number of tents or other structures to be located on the land;
 - (e) the length of time the tents and other structures will be erected on the land;
 - (f) on properties of less than 0.5 hectares, only one caravan or campervan may be placed on the land for camping purposes;
 - (g) the availability of sanitation and laundry facilities to the land or in a Dwelling on or adjoining the land;
 - (h) any likely damage to be caused; and
 - (i) any other matter the authorised officer or delegated officer reasonably believes is relevant to the application.
- (2) In determining whether to re-issue, extend, vary or cancel a permit to camp or occupy a campsite on any land other than Council land the Council or an authorised officer or a delegated officer must, where relevant, have regard to where camping is on vacant land unsupervised by the occupier whether the applicant campers are compliant with the following campsite guidelines:
- (a) at all times maintaining the campsite in a clean and tidy condition including but not limited to no unconstrained rubbish which is likely to become litter;
 - (b) prior to vacating the campsite, removing all litter (including remnant human excreta and toilet paper) and other refuse from the campsite to a Council authorised disposal point;
 - (c) providing approved toilet facilities;
 - (d) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

19. SHIPPING CONTAINERS

These guidelines for determining whether to issue a permit for the storage, repair and/or use of a shipping container on any land other than Council Land, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for a shipping container on any land other than Council Land, an authorised officer or delegated officer must, where relevant, have regard to the following guidelines:

- (1) The applicant must pay the entire fee for the permit (or the fee due must have been made subject to an approved payment system) prior to the processing of the application and prior to the placement of the container.
- (2) The permit for a shipping container will be number of days or up to the date on the permit.
- (3) If the authorised officer or the delegated officer reasonably believes the shipping container on the land other than Council Land will create a traffic hazard, obstruction or other danger to the public, the applicant may be required to take out a public liability policy of insurance (minimum \$10 million) in which case, prior to the issue of the permit or the placement of the container, the Council must be provided with a Certificate of Currency of the public liability policy of insurance for the application.
- (4) The shipping container must not be placed on any Council land (including on a road, kerb, footpath or nature strip) unless specifically permitted at a nominated location.
- (5) The application or the permit should inform the applicant of the safety requirements for the shipping container – that it is the permit holder's responsibility to ensure the container does not represent an unacceptable risk to the health and safety of the public or any other person, which includes but is not limited to securing the container either open or shut when unattended to prevent accidental imprisonment and/or suffocation. Any concerns that the authorised officer or the delegated officer may have about safety must be satisfactorily resolved prior to the issuing of a permit.
- (6) The applicant must not intend to use or actually use the container as a permanent structure. If the applicant indicates an intention to use the container as a permanent shed, the applicant should be informed that an application for a Building Permit is required.
- (7) Any damage to any Council property caused by the placement or removal of the shipping container, including the pavement, nature strip and services is to be reinstated by the permit holder. If reinstatement is not completed, works will be undertaken by the Council at the permit holder's expense.
- (8) Whilst the shipping container must not be placed on a road and must be placed on land other than Council Land it must nevertheless not obstruct motorists' vision or line of sight at intersections while pits, valve covers and hydrants must remain accessible.
- (9) If the shipping container on land other than Council Land nevertheless constitutes a traffic hazard or obstruction, the container must be mounted with yellow reflective tape on the corners of the containers or lights which must be illuminated between sunset and sunrise and visible from a distance of 200 metres to prevent the hazard to the public.
- (10) Any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

22. TREES, PLANTS, SIGNS AND STRUCTURES NOT TO OBSTRUCT OR OBSCURE

These guidelines for trees, plants, signs, structures and other things that are not to obstruct or obscure, as determined by the Council from time to time, are incorporated into the Neighbourhood Amenity Local Law 2014.

In determining whether there has been an offence relating to an overhanging tree or obstructing sign structure or other thing under clause 22 of the Local Law, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines as to whether the overhanging tree:

- (1) has been pruned to comply with the following requirements -

Canopies shall be lifted to provide the following clearances:

- footpath 2.4 m to lowest foliage or limb.
- (2) obstructs the view of the drivers of vehicles at an intersection;
- (3) obstructs the view of the drivers of vehicles and pedestrians where they come close to each other;
- (4) obscures a traffic control device from the driver of an approaching vehicle or a pedestrian;
- (5) obscures street lighting;
- (6) obstructs vehicular traffic;
- (7) has dropped accumulated material onto a footpath likely to obstruct or cause injury to pedestrians, including disabled persons, children or the aged.
- (8) otherwise constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of a road.
- (9) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

YOUR ANIMALS

23. KEEPING ANIMALS

These guidelines for determining what numbers and types of animal may be kept, whether an offence has occurred and whether to issue a permit to keep excess animals, as amended by the Council from time to time, are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for the keeping of animals where the number of animals exceed that determined by the Council in the Table of Animal Types and Numbers, the Council or an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) whether the application or situation ought to be referred to Council's Planning Department regarding issues of land use relating to a business or the boarding or breeding of animals;
- (2) whether the application or situation ought to be referred to the Municipal Health Officer regarding potential issues of human health, offensive nuisance or animal effluent disposal;
- (3) whether the excess animals fall within sub-clause (4) where individual animals previously kept lawfully under the General Local Law 2005 may be retained until either they are disposed of or die, provided if the animal is a dog or cat it has been registered with Council.
- (4) the land-use and size of the applicant's land and that of adjoining allotments;
- (5) the proximity to adjoining properties;
- (6) the amenity of the area;
- (7) the type and additional numbers of animals to be kept;
- (8) whether the applicant has or will obtain and keep the animals in accordance with a relevant *Code of Practice* available from the Department of Primary Industries' Bureau of Animal Welfare;
- (9) the likely effects on adjoining owners;
- (10) the adequacy of animal accommodation; and
- (11) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

24. ANIMAL ACCOMMODATION

These guidelines for determining reasonable accommodation for kept animals, as determined by the Council from time to time, are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

In determining what is reasonable accommodation for kept animals and whether such accommodation is adequately maintained, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

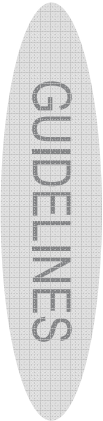
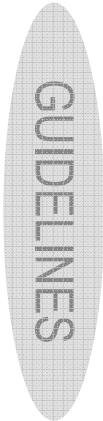
- (1) whether the application or situation ought to be referred to Council's Planning Department regarding issues of land use relating to a business or the boarding or breeding of animals;
- (2) whether the application or situation ought to be referred to the Municipal Health Officer regarding potential issues of human health, offensive nuisance or animal effluent disposal;
- (3) whether the applicant has obtained and keeps the animals in accordance with a relevant Code of Practice available from the Department of Primary Industries' Bureau of Animal Welfare;
- (4) the type of animals to be kept and whether those animals are adequately secured within the property boundary;
- (5) whether a special structure should form all or part of the animal accommodation;
- (6) the height of any structure if any that is part of the accommodation;
- (7) the location of the accommodation having regard to the amenity of the area;
- (8) the size of the accommodation in terms of its adequacy to house the proposed number and type of animals;
- (9) the security of the accommodation in terms of the animals to be housed in it;
- (10) whether all excreta and other waste are removed and/or treated as often as necessary so that they do not cause a nuisance or offensive condition;
- (11) whether all excreta and other waste are stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of;
- (12) whether the ground surrounding the accommodation is adequately drained;
- (13) whether the area of land within 3 metres of the area or any structure in which the animal is kept is free from dry grass, weeds, refuse, waste or other material capable of harbouring vermin;
- (14) whether all food, grain or chaff is kept in vermin proof receptacles;
- (15) whether the area where the animals are kept is thoroughly cleaned and maintained at all times in a clean and sanitary manner; and
- (16) any other matter or issue pertaining to the accommodation that the authorised officer or the delegated officer reasonably believes is relevant.

28. INDIVIDUAL ANIMAL PLAN

These guidelines for determining whether to issue a permit for an individual animal plan, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for an individual animal plan, an Authorised or Delegated Officer must, where relevant, have regard to these guidelines:

- (1) The applicant must pay the entire fee for the permit (or the fee due must have been made subject to an approved payment system) prior to the processing of the application;
- (2) The Authorised Officer or Delegated Officer must reasonably assess that the risk to community safety is manageable and with an Individual Animal Plan and that Council's powers under the *Domestic Animal Act 1994* are not more appropriate in the circumstances.
- (3) The Authorised Officer or Delegated Officer must reasonably believe that the owner has or is willing and able to fulfil the conditions of the permit issued which may, at the Authorised Officer's or Delegated Officer's discretion include any, most or all of the following:
 - (a) Ensure that the dog is securely contained within the boundaries of its property, with no access to the front road frontage of the property or to the path to the front door.
 - (b) Ensure that the dog has a permanent secure shelter, incapable of escape by climbing, digging or other means, which may include not abutting a boundary fence of the property.
 - (c) Ensure that the dog is secured in the permanent secure shelter when the owner is absent from the property, or locked securely within the Dwelling with no reasonable means of escape.
 - (d) Ensure the dog is muzzled when not contained within the owner's premises.
 - (e) Ensure that the dog is not walked in public space without a non-extending lead held at all times by a responsible adult, whether or not that space is classified off-lead or on-lead for other dogs.
 - (f) Ensure that the dog wears an additional clearly legible identification tag at all times, which includes the words in red lettering '*Warning Aggressive Dog*' and includes the contact phone number of the owner.
 - (g) Ensure that the dog is not taken into any crowded public space at any time by any person, such as on the beach in summer or at a public event, although this may be allowed if muzzled and may require the dog to be on a non-extending lead held by a responsible adult at all times.
 - (h) Ensure the dog is not tied up in any public place without a responsible adult beside it.
 - (i) Ensure the dog is not left alone inside a vehicle parked on a road or in a public space with access to an open window or tied in the rear of a truck, utility or other vehicle.

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- (j) Ensure if the dog is taken to a workplace, building site or other place not its normal home that provision is made for adequate dog-proof secure fencing or a means of securely tying the dog in one place.
 - (k) Ensure the dog is not allowed to roam freely at or from a workplace, building site or other place not its normal home.
 - (l) Ensure no child will be left in charge of the dog, or the dog allowed to play with children without close and constant adult supervision.
- (4) The Authorised Officer or Delegated Officer Council's must explain to the applicant at the time of issuing a permit that Council has power to inspect and approve the security of the dog accommodation and fencing, the power to issue infringement notices for a breach of permit conditions, the power to also issue a Notice to Comply, the power to amend or cancel a permit, and the power to seize and destroy aggressive dogs under the *Domestic Animal Act 1994*.
- (5) Any other matter the Authorised Officer or Delegated Officer reasonably believes is relevant to the application.

VEHICLES, ACTIVITIES ON ROADS AND STOCK MOVEMENTS

VEHICLES, ACTIVITIES ON ROADS AND STOCK MOVEMENTS

32. MOTOR BIKES AND MOTORISED RECREATIONAL VEHICLES

These guidelines for the use of Motor Bikes And Other Motorised Recreational Vehicles on land other than Roads, as determined by the Council from time to time, are incorporated in the Neighbourhood Amenity Local Law 2014.

In determining whether to issue a permit for the use of a motor bike or other motorised recreational vehicle, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) whether the applicant is the owner or occupier of the land and if not whether his or her permission (excluding Council as land manager) has been received in writing;
- (2) whether the applicant is aware of or has attempted to obtain the written consent from neighbouring occupiers as in Sub-clause 32 (3), and whether any consent was refused;
- (3) whether Council should request the initial use of Sub-clause 32 (3) prior to issuing a permit;
- (4) if the applicant does not wish to avail himself or herself of Sub-clause 32 (3), whether neighbouring occupiers should be notified in writing of the application by the applicant and given opportunity to consent or object to Council;
- (5) the location of the land where the vehicle is to be used;
- (6) the land-use of the applicant's land and of the adjoining allotments within 500 metres;
- (7) the suitability of the land for use by motor bikes or motorised recreational vehicles (as the case may be);
- (8) the number of vehicles for which the permit is required, including the maximum number of vehicles to be operated at any one time;
- (9) the specific days of the week, times and hours of the day that such vehicles are to be permitted to be used;
- (10) the likely effect on the amenity of the area including noise impacts;
- (11) the likely damage which may be caused to any Council land, or to waterways, flora or fauna;
- (12) the nature and extent of any public risk to be created by the activity;
- (13) whether any public liability insurance exists or ought to be required; and
- (14) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

36. HEAVY AND LONG VEHICLES – STORING

These guidelines for determining whether to issue a permit for storing heavy or long vehicles, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for the storing of heavy or long vehicles, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) the land-use of the applicant's land and that of adjoining allotments;
- (2) whether a referral to the Planning Department is required for a business or other use;
- (3) the maximum number of vehicles at any one time to be kept or stored;
- (4) the proximity to adjoining properties and the distance from the nearest dwellings;
- (5) the likely effect on adjoining owners, including visual amenity, fumes and noise;
- (6) any mitigation measures for visual, fumes and/or noise impact which the applicant is willing to undertake as a condition of the permit;
- (7) whether adjoining owners and occupiers should be given opportunity to comment; and
- (8) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

38. WASTE RECEPTACLES PLACED ON ROADS AND OTHER COUNCIL LAND

These guidelines for the issuing of a permit for bulk rubbish containers as determined by the Council from time to time are incorporated in the Local Law.

In determining whether to grant a permit for the placement of a bulk rubbish container on a road, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
- (2) whether the placement will contravene any traffic control signs;
- (3) protection of any Council assets;
- (4) any requirements under the provisions of the *Road Management Act 2004* and any requirements or provisions in the *Code of Practice for Placement of Waste Bins on Roadsides (VicRoads Publication No. 00623) 2001* as amended from time to time;
- (5) the current (and historical) status of the applicant's trading account with Council;
- (6) whether a copy of a valid policy of insurance Certificate of Currency has been provided to the Council;
- (7) whether an indemnity or guarantee has been provided to the Council; and
- (8) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

See also Part 6: Municipal Places, Reserves, Buildings and Landfill Sites: Clause 70: Obstructions on Council Land.

41. FESTIVALS, PROCESSIONS AND PUBLIC ADDRESS SYSTEMS ON ROADS

These guidelines for determining whether to issue a permit for a street party, street festival, procession, event or activity on a road or public address system on a road, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for a street party, street festival, procession or other event activity or public address system on a road, the Council or an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) in the case of an application for a **street party, street festival, procession** or other event on any road whether adequate notice has been given before the event is to take place;
- (2) whether the application information includes:
 - (a) the name, address and phone number of a nominated person through whom arrangements can be made;
 - (b) the group of people or the organisation on whose behalf the application is made;
 - (c) the name of the street or streets sought to be closed and, if required, a diagram showing the section of that street or sections of those streets proposed to be closed,
 - (d) the date and times for the road closure; and
 - (e) a statement describing the group or class of persons being invited to the event;
- (3) whether the street party, street festival, procession or other event or activity on a road will create a traffic hazard, obstruction or other danger to the public or the participants, in which case the applicant may be required to take out a public liability policy of insurance (minimum \$10 million) and prior to the issue of the permit, provide a Certificate of Currency of the public liability policy of insurance.
- (4) whether the street party, street festival, procession or other event is planned for a declared arterial road or any other main thoroughfare under the management and control of VicRoads, requiring prior permission of Victorian Police and VicRoads and whether their requirements have been met including an appropriate traffic detour signing scheme;
- (5) whether the road for the street party, street festival, procession or other event can be closed to vehicular traffic, or partly closed with safe and effective separation between event patrons and equipment and vehicular traffic for the duration of the event, and/or whether the footpath on at least one side of the road can be kept clear of obstructions;
- (6) whether all owners or occupiers of all properties with any immediate vehicular access via the section of road to be closed for the street party, street festival, procession or other event have been advised by letter with adequate time to comment or object, or whether other arrangements have been put in place to alert relevant owners and occupiers of properties;

- (7) whether a person on behalf of the applicant for the street party, street festival, procession or other event has been nominated to erect and remove the barriers which close the road at locations and times specified by the Council or the authorised officer or the delegated officer;
- (8) in the case of an application to operate **an audible public address system** on a road or other Council Land:
 - (a) whether the audible public address system is likely to create a traffic hazard or so distract persons using the road as to be a public safety risk;
 - (b) whether the location of the streets in which the public address system is to be used has been given;
 - (c) whether the public address system will be on a moving or stationery vehicle or permanently fixed in one or more locations;
 - (d) whether due to the time of day and/or duration or frequency of operation, the public address system is likely to cause offensive noise to enter neighbouring properties or unfairly disrupt the operation of neighbouring businesses;
 - (e) whether a person with their mobile phone number has been nominated, who will be present and able to reduce the volume of the public address system if requested;
 - (f) whether public and/or trader comment ought to be sought if the audible public address system on a road is to operate in a commercial area for any length of time or frequency, such as throughout a festive season;
 - (g) whether a spruiking permit is a better alternative;
 - (h) whether the use of the public address system is for a political or industrial march or procession (in which case no permit is required if the Police have been informed);
 - (i) whether the public address system will unfairly interfere with other persons;
- (9) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

See also Part 3: Vehicles, Activities on Roads and Stock Movements: Clause 33: Vehicle Sound Systems.

42. LIVESTOCK ON ROADS

42 (Sub-clause 1) The regular movement of Livestock on a public Road

These guidelines for the regular movement of livestock on a public road and for determining whether an offence has occurred, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

The guidelines for the regular movement of livestock on roads, referred to in *the Neighbourhood Amenity Local Law 2014* Clause 42(1), are as follows: (An authorised officer or a delegated officer determining whether an offence has occurred must, where relevant, have regard to the following guidelines.)

(1) *Movement of livestock – prior compliance*

Movement of livestock across or along a road from one property, being part of a single farming enterprise, to another, being part of the same farming enterprise, or from one part of a property to another part of the same property should only occur where:

- (a) the movement occurs on approved stock crossings, where these are present;
- (b) any other stock crossing requirements of VicRoads or the Council are met;
- (c) there is compliance with any appropriate Code of Practice; and
- (e) the person moving the livestock, if requested in writing by Council, obtains a current public liability policy of insurance for the purposes of the movement of livestock on roads and provides proof of the policy to the Council.

(2) *Requirements of persons undertaking the movement of livestock on roads*

A person in charge of livestock being moved across or along a road must ensure that:

- (a) the livestock are supervised and under effective control by a person who is competent in the management of livestock;
- (b) signs conforming to the *Road Safety Rules 2009* or other specified VicRoads' requirements are in place and are removed or deactivated following completion of the movement;
- (c) the livestock are not moved other than in daylight hours, except that where any movement or part of any movement takes place before daylight hours commence or after daylight hours end, suitable warning lights conforming to the guidelines prepared by VicRoads and referred to in the Regulations are in place;
- (d) the livestock are moved promptly;
- (e) the length of travel is minimised as far as is practicable;
- (f) the location of any road crossing is chosen having regard to the safety of all road users;
- (g) if, due to the nature of the terrain, volume of traffic or visibility, drivers' vision may be restricted, additional warning is given to such other road users;
- (h) where livestock are to be moved across or along any road in fog or other than in daylight hours, there is compliance with whichever of the livestock crossing guidelines prepared by VicRoads and referred to in the Regulations as is appropriate to the circumstances of the crossing;

- (i) any livestock deposits on any road pavement likely to cause danger to other road users must be removed as soon as practicable;
 - (j) areas of high or medium conservation status are avoided or protected; and
 - (k) the livestock are healthy and free of disease.
- (3) any other matter the authorised officer or the delegated officer reasonably believes is relevant.
- (4) *When is a permit for grazing is required*

In the event of livestock being moved at the rate of less than 1 kilometre per hour, a grazing permit must be obtained.

42 (Sub-clause 2) Grazing and Droving of Livestock

These guidelines for determining whether to issue a permit for the grazing or droving of livestock on public roads, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

When determining whether to issue a permit for the grazing or droving of livestock on a road and the conditions that should apply to any permit issued, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

(1) Requirements for a permit for *the grazing of livestock on roads*

- (a) a permit must not be issued unless any part of the road can be grazed without threat to areas of high conservation status;
- (b) the applicant for the permit must provide evidence to the satisfaction of the Council:
 - (i) that the livestock will be adequately supervised and effectively controlled; and
 - (ii) that there will be compliance with all of the conditions of a permit; and
 - (iii) of an ability to adequately feed and water the livestock on the roads proposed.
- (c) at the time proposed, the road or any part of the road is suitable for grazing and can be undertaken without damage to surface, plants or adjacent structures;
- (d) in respect of any declared VicRoads' road, the permission of VicRoads has been obtained;
- (e) a person who is in charge of livestock which are being grazed on a road must ensure all of the following:
 - (i) the livestock are supervised and under effective control at all times by a person who is competent in the management of livestock;
 - (ii) the livestock are grazed only during daylight hours;
 - (iii) signs conforming to the *Road Safety Road Rules 2009* are in place;
 - (iv) appropriate precautions are taken to ensure that no damage occurs to road surfaces, furniture, drains, culverts, bridges and private entrance ways or to trees and shrubs growing within the road reserve and that erosion is not caused by excessive grazing;
 - (v) in the event that livestock are causing damage, including where overgrazing occurs, they are removed from the road reserve;

- (vi) the livestock are removed from the road before daylight hours finish unless an authorised officer agrees to some other level of supervision or overnight arrangement;
 - (vii) the person has a current public liability policy of insurance covering the grazing of livestock on roads and that proof of such policy is produced to the Council prior to the commencement of the grazing;
 - (viii) he or she complies with the provisions of the *Livestock Disease Control Act 1994* and the *Prevention of Cruelty to Animals Act 1986*.
- (f) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the circumstances of the application.

(2) **Requirements for a permit for *the droving of livestock on roads***

- (a) *Distance to be travelled: An authorised officer or a delegated officer must be satisfied that the livestock subject of the droving permit application are able to travel:*
- (i) seven kilometres each day (for livestock that are not cattle); or
 - (ii) nine kilometres each day (for cattle),
- in one direction toward their destination.
- (b) *Roads to be travelled: The roads proposed to be travelled must not:*
- (i) be in use at the time proposed for the purpose of droving of other livestock;
 - (ii) be carrying such a volume of traffic or in such condition or being used for other purposes at the time proposed for droving that it would be impracticable; or
 - (iii) contain areas that have been designated by the Council as high conservation status.
- (c) *Application documentation: An authorised officer or a delegated officer must be satisfied that the owner, drover or the person in charge of the livestock has:*
- (i) paid all fees determined by the Council and provide any bond, guarantee or indemnity requested by the Council;
 - (ii) provided satisfactory evidence of an ability to adequately water and feed the livestock and to safely contain them overnight;
 - (iii) provided a declaration of his/her knowledge of the health and fitness of the livestock in a form acceptable to the Council;
 - (iv) supplied written confirmation of permission to travel into the next municipality if relevant;
 - (v) in respect of any declared VicRoads' road, the permission of VicRoads has been obtained; and
 - (vi) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

- (d) *The permitted route:* The route to be travelled must be determined by an authorised officer or a delegated officer and clearly stated on the permit having regard to the following:
- (i) the route requested by the applicant;
 - (ii) alternative routes;
 - (iii) the number of livestock involved;
 - (iv) the respective volume of traffic in the vicinity;
 - (v) the distance to be covered each day;
 - (vi) the proposed commencing and finishing locations;
 - (vii) the duration and/or frequency of livestock droving proposed;
 - (viii) the sensitivity or status of vegetation on that route;
 - (ix) the health and condition of the livestock and the condition of the roads;
 - (x) the potential for livestock to spread noxious or environmental weeds;
 - (xi) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.
- (e) *Permitted droving conditions:* A person who is in charge of livestock which are being driven on a road must ensure that:
- (i) the livestock are supervised and under effective control at all times by a person who is competent in the management of such livestock;
 - (ii) livestock camped overnight are enclosed by a substantial and secure barrier so as to prevent escape or danger to other road users;
 - (iii) proper disposal takes place of any carcass of any livestock that die on the road and are under that person's charge;
 - (iv) the livestock are only driven on any road during daylight hours;
 - (v) the livestock are not driven on roads which the Council or an authorised officer has notified the person must not be used for the droving of livestock;
 - (vi) he or she complies with the provisions of *the Livestock Disease Control Act 1994* and *the Prevention of Cruelty to Animals Act 1986*; and
 - (vii) any other matter reasonably the authorised officer or the delegated officer believes is relevant in the circumstances.

BUSINESS AND BUILDERS

BUSINESS

43. DISPLAYING GOODS FOR SALE ON A ROAD OR COUNCIL LAND

Guidelines for this clause are located in Section 2: Council Policies and Other Documents of this Local Law Procedure Manual, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by Council from time to time, and these documents are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

44. ROADSIDE TRADING

These guidelines as determined by the Council from time to time are incorporated by reference in the Neighbourhood Amenity Local Law 2014 to determine whether to grant a permit for roadside trading on a road or other Council land.

In determining whether to grant a permit to allow trading from a road or to a person on a road or to allow trading on other Council land, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) whether the safety of road users or the passage of any vehicle will be affected by the placement or performance;
- (2) the following business competition issues should be considered, especially where local retail businesses object to the roadside trading:
 - (a) is there an overriding value to the broader Geelong community and to tourism in the provision of an essentially different and convenient service;
 - (b) will the offering of a broader service mix in the locality improve local amenity by encouraging new customers and placing competitive pressure to improve retail service standards in the area;
 - (c) has there been an open and competitive process to obtain roadside trading location permits (if spaces are limited) and were the local retailers informed of it (or should such a process be undertaken);
 - (d) has or should Council have a policy about where, what kind and how many roadside trading sites should exist in the municipality – and should any permit application be delayed to await such a policy, or should it be processed granting only a temporary trial permit;
 - (e) is there evidence that the community or visitors want a roadside trading service (should a short-term trial occur in a new location, or even a Council sponsored survey);
 - (f) is the location likely to place the roadside trader in direct competition with any other exclusively contracted Council business, such a Recreation Centre café operator;

- (g) consideration must be given to fair competition with retail businesses in the vicinity of any roadside trading. Fixed-premise retailers do have higher overheads (including rates) and they provide local employment. However, few existing businesses understand the value of competition, which encourages new customers to a locality and allows a fixed-premise business to focus on different, better and potentially higher quality services than a roadside trader.

Examples: bargain clothes sold off a roadside discount table are different to clothes sold by an trained attendant with a fitting room with the additional benefits manufacturer's brands, easy exchange, lay-by, heating or air-conditioning, etc.; coffee purchased in a paper cup near a sporting field is different to coffee served in a china cup at a table in a pleasantly designed weather-protected space etc.

- (h) in light of g) above, should the roadside trader's range of goods and services be specified and limited by Council (in addition to Food Handling permits);

Example: a full food handling license (under the *Food Act 1984*) allows a roadside trader to sell any kind of hot take-away food including hamburgers; roast chickens etc. This may be unfair in a roadside trading location close to a local chicken shop.

- (i) in light of g) above, should the hours of proposed trading be limited for competition purposes – Note competition principles lean in favour of 'no restriction', especially if that restriction renders the roadside trading unviable, See 3 g) for non-competition time issues, such as public safety.

- (3) The following non-competition matters:

- (a) should any of the following the Council Departments make comment:

- (i) roads management or relevant land asset (reserve) manger,
(ii) if the proposed trading is to occur from private land, Planning Department
(iii) if the proposed trading is to occur within the area of the Geelong Central and Waterfront Department including *Enterprise Geelong*

- (b) is the proposed trading location on a road or in a carpark, rather than on the surface of any reserve or Council Land not normally used for vehicular traffic;

- (c) have required permits been obtained under the *Food Act 1984*, the *Public Health and Wellbeing Act 2008* or any other legislation;

- (d) will the activity disturb, annoy or unfairly impact adjacent property occupiers or lawful users of the adjoining public space (e.g. sporting clubs);

- (e) can any alternative trading location be identified to reduce any annoyance or disruption to property occupiers or other persons lawfully using the area;

- (f) will the activity be detrimental to the amenity of the area;

- (g) the nature and duration of the proposed trading and whether any time limitations should be imposed, (for non-business competition reasons) e.g. public safety; asset protection, adequate lighting, traffic management etc.;

- (h) will persons attracted by the trading cause traffic or pedestrian obstruction;

- (i) can appropriate arrangements can be made for waste water disposal; recycling, waste and litter; lighting; and any advertising sign.

- (4) whether the consent of VicRoads has been obtained where the road is an arterial road or a VicRoads controlled road;
- (5) whether any indemnity/guarantee has been provided to the Council;
- (6) whether the authorised officer or the delegated officer reasonably believes the roadside trading or performing on a road or Council Land will create a traffic hazard, obstruction or other danger to the public, in which case the applicant may be required to take out a public liability policy of insurance (minimum \$10 million) and prior to the issue of the permit, provide to the Council a Certificate of Currency of the public liability policy of insurance.
- (7) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the application.

45. SPRUIKING, BUSKING AND PAVEMENT ART

Guidelines for this clause are located in Section 2: Council Policies and Other Documents of this Local Law Procedure Manual, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by Council from time to time, and these documents are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

46. ERECTING OR PLACING OF ADVERTISING SIGNS

Guidelines for this clause are located in Section 2: Council Policies and Other Documents of this Local Law Procedure Manual, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by Council from time to time, and these documents are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

47. USE OF COUNCIL LAND FOR OUTDOOR EATING FACILITIES

Guidelines for this clause are located in Section 2: Council Policies and Other Documents of this Local Law Procedure Manual, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by Council from time to time, and these documents are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

48. REMOVING THE OUTDOOR EATING FACILITY

Guidelines for this clause are located in Section 2: Council Policies and Other Documents of this Local Law Procedure Manual, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by Council from time to time, and these documents are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

49. SALE AND CONSUMPTION OF LIQUOR ON ROADS ADJOINING LICENSED PREMISES

[Note this clause of the Local Law enables Council to issue a Local Law Permit to Licensed Premises to extend their Licensed use from adjoining premises onto Footpaths and is authorised under Clause 52.27 and Clause 62.01 of the Planning Scheme.]

These guidelines to determine whether, and under what conditions, to grant a permit for the sale and consumption of liquor on roads adjoining licensed premises, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In determining whether, and under what conditions, to grant a permit for the sale and consumption of liquor on roads adjoining licensed premises, the authorised officer or the delegated officer must, where relevant, have regard to the following guidelines:

- (1) the location of the licensed premises, the land use of adjoining allotments and the general amenity of the street and neighbourhood;
- (2) the promotion of business and employment opportunities in the municipality;
- (3) the promotion of high quality tourism attractions and the extent of tourism visitation to the area;
- (4) the nature of the existing licensed business, whether primarily a café, restaurant or retail business or, less desirably, primarily a service of alcohol and/or night-time entertainment venue;
- (5) whether the surrounding community has been consulted or might be notified of the application, which in a shopping precinct may not be required;
- (6) whether the applicant's business, or the location has a verifiable history of alcohol-related offences or alcohol-behavioural problems;
- (7) any advice sought or received from any other Departments of Council, such as Planning, Community Development, Environmental Health, and Central Geelong and Waterfront;
- (8) any advice sought and received from the Victoria Police or any relevant other public authority;
- (9) the impact that an increased number of patrons and the service and consumption of alcohol on a footpath will have on the amenity of the surrounding areas;
- (10) public health and safety;
- (11) the cumulative impact of any existing licensed premises who trade and sell liquor on a footpath and the licensed premises who proposes to trade and sell liquor on the footpath on the amenity of the surrounding areas;
- (12) whether Council's permit hours should be the same or be more limited than the existing liquor license for the site;
- (13) whether Council's permit should be conditional upon patrons being seated while consuming alcohol and some form of food service being available in the area that is the subject of the application; and
- (14) any other matter the Authorised Officer or the Delegated Officer reasonably believes is relevant to the application.

50. COLLECTIONS

These guidelines for Sub-clause (1) to determine whether to grant a permit for house to house collections or house to house trading, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for house to house collections or house to house trading, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) for any permit for any form of house to house commercial trading or non-exempt distribution of books, handbills or information, the matter must be referred to a Senior Officer for approval;
- (2) for the sale of any goods or services from a road or any Council Land, refer to the permit required under clauses 43 to 49 of the Local. The sale of goods or services from any private property is subject to a permit under the Planning Scheme;
- (3) for a permit for collections, a limit should be imposed on the total number of collection permits to be granted (averaging per annum no more than one per month per location or postcode area) and a preference to be given to volunteer collectors for charitable organisations benefiting the Geelong community;
- (4) whether the organisation has already received a permit in any particular year for the location or area sought;
- (5) the times and days it is proposed to collect;
- (6) the matter or thing to be collected and/or distributed;
- (7) the age of the participants and the capacity for them to be supervised;
- (8) whether an indemnity/guarantee has been provided to the Council;
- (9) if the person or organisation is collecting on a public carriageway from passing vehicles, whether the person or organisation has a current public liability policy of insurance for at least \$10 million and has produced a Certificate of Currency;
- (10) the areas in which the collections would take place;
- (11) any other matter the Authorised Officer or the Delegated Officer reasonably believes is relevant to the application.

Guidelines for Sub-clause (2) Collections on a Road or Council Land are located in Section 2: Council Policies and Other Documents of this Local Law Procedure Manual, entitled Footpath and Designated Roads Trading and Activity Policy 2013 and Footpath and Designated Roads Trading and Activity Guidelines 2013, as determined by Council from time to time, and these documents are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

51. ASSET PROTECTION – DRAINAGE TAPPING

See Guidelines for Clause 52: Asset Protection – Occupying or Opening a Road below.

52. ASSET PROTECTION – OCCUPYING OR OPENING A ROAD

These guidelines to determine whether to grant an asset protection permit in relation to the occupying or opening of a road or other Council land or to determine whether to grant a drainage tapping permit, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In considering whether to issue an asset protection permit for the occupying or opening of a road or other Council land or for drainage tapping, and/or the conditions applicable to that permit, the authorised officer or a delegated officer must, where relevant, have regard to the following:

- (1) The application for an asset protection permit in relation to the occupying or opening of a road or other Council land and a drainage tapping permit must be by way of a written request together with, where appropriate, plans approved by a building surveyor, or if occupying a road or other Council land, an appropriate traffic management plan.
- (2) The Discretion Guidelines 53 (2) regarding requesting a security bonds or guarantee.
- (3) The applicant must pay the permit application fee (or the fee due must have been made subject to an approved payment system) before the application is processed, and must pay any other fee or security bond required before the permit is issued.
- (4) The authorised officer or the delegated officer may issue detailed permit conditions with regard to any excavation, temporary seal, fee procedure, safety signage for traffic and pedestrians, site cleanliness, final permanent repairs, the manner of drainage tapping and the restoration of any nature strip, reserve surface, road pavement, footpath, kerb and channel, drain, compacting and road marking.
- (5) Where the permit is for occupying a road or other Council land that impacts roads, the date, times and extent of traffic disruption and the overriding safety of other road users, including pedestrians, must be considered and specific conditions incorporated in the permit.
- (6) Permit conditions should include the requirement that any extension of time required under the permit for the completion of any occupying or opening of a road or other Council land, must be notified to the Council in advance of the expiration of the permit and any extension of time requested, which if granted, may include additional conditions on the activity.
- (7) A drainage tapping to a legal point of discharge is for the purpose of rain water only, any other discharge intended must be revealed on the application and is subject to approval by the authorised officer or the delegated officer. Additional information regarding the source, quality, chemical and biological content, quantity and frequency of any other discharge should be given.
- (8) When considering whether request an asset protection security bond for the occupying or opening of any road or Council land or for drainage tapping, an authorised officer or a delegated officer will take into account the Neighbourhood Amenity Local Law 2014 and Local Law Procedure Manual Guidelines for *Clause 53 Asset Protection – Building Works* :
- (9) Any other matter he or she reasonably believes is relevant to the application.

53. ASSET PROTECTION – BUILDING WORKS

These guidelines for determining whether and with what conditions to issue an asset protection permit in relation to building works, as determined by the Council from time to time, are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

(1) Guidelines for whether a permit is required

- (a) When considering whether or not to issue a permit for asset protection for building works, Council or an authorised officer or a delegated officer may decide, after considering the relevant guidelines and the circumstances revealed in a notice of works or by an inspection, that no permit is required.
- (b) If the Council or an authorised officer or a delegated officer decides a permit is required he or she must, where relevant, have regard to the following guidelines:

(2) Guidelines for asset protection permit for the provision of a security bond or guarantee for building or other works

When considering whether or not to request a security bond or guarantee in relation to asset protection and building or other works, Council or an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (a) the nature and location of the proposed building or other works;
- (b) the duration of the proposed building or other works;
- (c) the condition of the roads, land and other Council assets;
- (d) an appropriate sum for the security bond or guarantee given the potential risk per Sub-clause 53 (5) of the Neighbourhood Amenity Local Law 2014, as amended from time to time;
- (e) applicant's history of compliance with reinstatement requests;
- (f) any other relevant matter the authorised officer or the delegated officer reasonably believes is relevant; and
- (g) any written request by Council for a security bond or guarantee under Sub-clause 53 (4b) of the Neighbourhood Amenity Local Law 2014, as amended from time to time, must specify:
 - (i) the amount of the security bond or guarantee;
 - (ii) the period within which the security bond or guarantee must be delivered to the Council;
 - (iii) that a person who commences or permits any building works to commence without complying with a requirement for a security bond or guarantee, is guilty of an offence under the Local Law; and
- (h) when the building or other works have been completed the owner or occupier of the land or their authorised building agent must advise the Council in writing, and the Council must then follow Sub-clauses 53 (6) and (7) of the Neighbourhood Amenity Local Law 2014, as amended from time to time, in retaining, refunding or seeking a supplementary payment to the security bond or guarantee.

ALCOHOL AND SMOKING

60. POSSESSION AND CONSUMPTION OF LIQUOR ON ROADS

It should be noted that permission to possess or consume alcohol on a road is contrary to general principles of public safety. Any application would require significant planning, justification and documentation (such as a street event involving road closures). The guidelines for determining whether to issue a permit for the possession and consumption of liquor on a road, as determined by the Council from time to time, are the same as Clause 61 below, and are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

61. POSSESSION AND CONSUMPTION OF LIQUOR AFTER SUNSET IN MUNICIPAL PLACES OTHER THAN A ROAD

These guidelines for determining whether to issue a permit for the possession and consumption of liquor in municipal places (whether or not on a Road) as determined by the Council from time to time are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit for the possession and consumption of liquor in unsealed containers between sunset and sunrise in any municipal place or foreshore reserve other than a Road (or in the unusual case of on a Road), an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) whether an event, street procession or use of a reserve permit is required first (refer applicant to Events, Recreation and Open Space, Geelong Central and Foreshore or other land asset manager).
- (2) the nature, duration and location of the event or social gathering involving liquor;
- (3) whether a permit for possession and consumption of liquor should ban on glass containers;
- (4) the land use of adjoining allotments and the general amenity of the neighbourhood;
- (5) the effect on the quiet enjoyment of other persons likely to be using or traversing the area;
- (6) whether the location has a verifiable history of alcohol-related offences or alcohol-behavioural problems;
- (7) the proximity of existing licensed premises;
- (8) the impact, if any, on businesses and tourism;
- (9) public health and safety, and in particular if the area of the permit includes a Road: whether a traffic management plan is required, whether Victoria Police have given consent, whether the Road will be completely or partially closed for the duration of the permit, whether residents or other persons likely to be inconvenienced by any road closure have been given adequate notice, whether pedestrian access and safety has been secured, and whether an adequate and current Certificate of Public Liability insurance has been supplied by the event organiser/applicant;
- (10) whether the surrounding community has been consulted and any comments or submissions received;
- (11) any advice offered by Victoria Police or any other relevant public authority; and
- (12) any other matter an authorised officer or delegated officer reasonably believes is relevant.

65. SMOKE FREE AREAS IN MUNICIPAL PLACES

These guidelines for the declaration of smoke free areas within municipal places, as determined by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In preparing a report to Council for a resolution declaring an area within a Municipal Place as a smoke free area or a non-smoking area, Council officers must, where relevant, have regard to the following guidelines:

- (1) prepare and implement a community and internal stakeholder consultation plan;
- (2) provide a summary of comparative municipality initiatives;
- (3) prepare an analysis of enforcement issues, including procedures and estimated costs to Council;
- (4) prepare a report for Council summarising all of the above, including a recommendation for an area to be declared a 'smoke free area';
- (5) ensure that appropriate signage is erected and maintained in the Municipal Place or that part of it subject to the Council smoke free declaration.

MUNICIPAL PLACES, RESERVES, LANDFILL SITES AND BUILDINGS

75. EVENTS

These Guidelines for determining whether an Event permit is required and what conditions may apply to any permit issued, as determined by Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

The 'City of Greater Geelong Events Planning Guide' is also incorporated by reference in the Neighbourhood Amenity Local Law 2014:

In determining whether a Permit is required, whether it will be issued and what conditions may apply, an authorised officer or delegated officer must, where relevant, have regard to the following guidelines and to the *City of Greater Geelong Events Planning Guide*:

- (1) **In determining whether a permit is required**, the following factors must be considered:
- (a) any relevant Council policy and the *City of Greater Geelong Events Planning Guide*;
 - (b) the following events do not require a permit:
 - (i) events where there is no organising body e.g. Halloween, New Years Eve, Christmas; and
 - (ii) civic events or ceremonies organised by Council;
 - (c) whether for an event on private land,
 - (i) the community may be materially impacted by the proposed event;
 - (ii) community safety will have a materially greater risks;
 - (iii) Council's public assets are at materially greater risks;
 - (d) whether any activity, equipment, performance or other relevant matter constitutes a risk to the public warranting a public liability policy of insurance;
 - (e) whether fund-raising, sale of food, goods or services is involved;
 - (f) whether any of the Places of Public Entertainment (POPE) Permit triggers under the *Building Act 1993* exist including, but not limited to an event occurring: within a building, with fencing, with an entrance charge, with temporary structures, within an area greater than 500 square metres, requiring toilets and so on;
 - (g) whether a traffic and transport management plan is required;
 - (h) whether a waste management plan is required;
 - (i) whether a noise management plan is required;
 - (j) whether a communications plan is required;
 - (k) the anticipated number of attendees;
 - (l) the temporary infrastructure or structures being used for the event;
 - (m) whether fireworks are a part of the event;
 - (n) the extent of marketing or promotion of the proposed event including promotion of the event via social media;
 - (o) any other matter the authorised officer or the delegated officer reasonably believes is relevant to whether a permit should be issued.

- (2) **In determining whether a permit should be issued**, the authorised officer or delegated officer must, where relevant, have regard to the following guidelines:
- (a) is any negative material impact on the community counterbalanced by a corresponding benefit, whether social, economic, educational or cultural;
 - (b) will any materially increased risks to community safety or Council assets be adequately mitigated by reasonably achievable additional controls;
 - (c) has, or will, the applicant obtain a POPE permit and/or a Siting Approval for temporary structures at the event;
 - (d) has, or will, the applicant obtain a public liability policy of insurance at the minimum value determined by Council from time to time;
 - (e) has, or will, the applicant execute Council's Indemnity Form determined by Council from time to time
 - (f) has, or will, the applicant implement a traffic, waste management plan or any other risk management plan that may be deemed necessary by an authorised officer or delegated officer; and
 - (g) any other matter the authorised officer or the delegated officer reasonably believes is relevant to whether a permit should be issued.
- (3) **In determining the special conditions** which will apply to an event permit, the authorised officer or delegated officer must, where relevant, have regard to the following guidelines:
- (a) if a POPE permit is required, the matters covered by that permit will not be duplicated in the event permit;
 - (b) if a POPE permit is not required, the applicant must fulfil all conditions nominated for the provision of fencing, walkways, drainage, toilets, electrical connections, water supply, temporary structures and other relevant matters;
 - (c) if food and/or beverage service is planned, environmental health requirements must be complied with;
 - (d) if alcohol is to be sold, served and consumed, a Council Permit to sell, serve and consume liquor and a liquor license will be required;
 - (e) a site plan may be required, giving details of waste disposal, traffic and parking, first aid, toilets, structures etc.;
 - (f) an Emergency Management Plan may be required;
 - (g) where trader stalls are involved in the sale of goods or services, the name and contact details of each stall holder must be kept on record;
 - (h) Victoria Police, Country Fire Authority (CFA), Victorian Workcover Authority or other agencies may need to be contacted, and pre or post event attendance at the Events Multi Agency Working Group (*EMAWG*) may be required;
 - (i) first aid arrangements may be required;
 - (j) unless approved in the Event Permit, a separate Fireworks Permit may be required;
 - (k) any proposed sound system must be nominated and conditions may apply;
 - (l) any other matter the authorised officer or the delegated officer reasonably believes is relevant to the issuing of a permit.

76. CAMPING ON COUNCIL LAND

These guidelines for determining whether to issue, amend or cancel a Permit for Camping on Council Land, as determined by the Council from time to time, are incorporated in the Neighbourhood Amenity Local Law 2014.

- (1) **In determining whether to grant a permit to allow camping on Council land** in an area which is not a licensed caravan park and has not been declared by the Council to be a 'camping area', the Council or an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:
- (a) whether the applicant is an individual person, in which case a permit may not be issued;
 - (b) whether the applicant is a community group such as scouts or pony club and the intention is to camp as part of a group activity, in which case a permit may be issued;
 - (c) whether the applicant is a commercial operator whose activities will offer significant benefit or entertainment to the community such as a circus or festival, in which case a permit may be issued;
 - (d) whether an Events Permit is more appropriate;
 - (e) the location of the proposed camping land and the surrounding assets and amenity;
 - (f) the land-use of, and likely impact on adjoining allotments;
 - (g) the distance to the nearest dwelling or other commercial or public building;
 - (h) the suitability of the land for camping;
 - (i) the number of tents or other structures to be located on the land;
 - (j) the length of time the tents, campervans or other structures that will be erected or moved onto the land;
 - (k) the availability of sanitary facilities to the land;
 - (l) any likely damage to be caused;
 - (m) if the authorised officer or the delegated officer reasonably believes the camping on Council Land will create a traffic hazard, obstruction or other risk to the public, the applicant may be required to take out a public liability policy of insurance (minimum \$10 million) and prior to the issue of the permit or the placement of the container, the Council must be provided with a Certificate of Currency of the public liability policy of insurance for the application.
 - (n) whether the applicant will need to implement a traffic, waste management plan or any other risk management plan that may be deemed necessary by an authorised officer or delegated officer; and
 - (o) any other matter the authorised officer or delegated officer reasonably believes is relevant to the application.

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(2) **In determining whether a breach of permit has occurred or whether to re-issue, extend, vary or cancel a permit to camp or occupy a campsite on Council land** the Council or an authorised officer or a delegated officer must, where relevant, have regard to whether the applicant campers are compliant with the following campsite guidelines:

- (a) at all times maintaining the campsite in a clean and tidy condition including but not limited to no unconstrained rubbish which is likely to become litter;
- (b) prior to vacating the campsite, removing all litter (including remnant human excreta and toilet paper) and other refuse from the campsite to a Council authorised disposal point;
- (c) not camping within 10 metres of any river, stream, spring, creek, dam, bore or water course;
- (d) not disposing of any soap, detergent or similar substance less than 30 metres from any river, stream, spring, creek, dam, bore or water course;
- (e) providing approved toilet facilities;
- (f) disposing of the contents of any chemical toilet only at a Council approved site;
- (g) not lighting or maintaining any campfire or campsite barbeque using solid fuel in the open air unless:
 - (i) it complies with the requirements of Clause 15 Burning Materials;
 - (ii) the fire is contained in an approved fireplace or in a trench of at least 30 centimetres deep;
 - (iii) the ground and airspace are clear of all potentially flammable material within a distance of 3 metres from the outer perimeter and uppermost point of the fire;
 - (iv) the fire does not occupy an area exceeding one square metre;
 - (v) the dimensions of any solid fuel used are the minimum necessary for the purpose;
 - (vi) solid fuel does not exceed 1 metre in length;
 - (vii) the day is *not* a declared Total Fire Ban or Code Red Day (i.e. no fires may be lit in anyway in the open on those days).

See also Part 2: Your Property, Animals and Waste Collection: Clause 18 Camping on Land Other than Council Land; and Part 6: Municipal Places, Reserves, Landfill Sites and Buildings: Clause 70: Obstructions on Council Land.

77. PARKING ON A MUNICIPAL RESERVE

These guidelines for determining whether to issue a permit for parking a motor vehicle on a Municipal Reserve or Foreshore Reserve, as determined by the Council from time to time, are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

In determining whether to issue a permit for parking a motor car, motor cycle or other motor vehicle on any part of a Municipal Reserve or Foreshore Reserve, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) whether adequate parking is otherwise available in the immediate vicinity;
- (2) whether parking will obstruct driver or pedestrian views of traffic in the area;
- (3) the likely risk to the public and other lawful users of the reserve;
- (4) whether vehicle and pedestrian users of the reserve can be adequately separated;
- (5) the time of day, duration, frequency and number of vehicles proposed to be parked;
- (6) the likely risk to Council assets, including the vegetation or grass surface of the reserve;
- (7) whether indemnity and or public liability insurance should be required;
- (8) if a vehicle standing area is to be constructed:
 - (a) whether planning or building permits are required;
 - (b) whether Engineering Services or Traffic Control have made comment;
 - (c) whether this can be done without unduly interfering with the amenity of the area;
 - (d) whether the construction ensures adequate protection and drainage of the reserve;
 - (e) whether the applicant has advertised the proposal and the nature of any submissions;
 - (f) whether the applicant is prepared to guarantee to meet the cost of any construction or any future repair or replacement of that construction or any reinstatement of the reservation and meet the fee for any permit;
- (9) any other matter that the authorised officer or the delegated officer reasonably believes is relevant to the circumstances.

81. SCAVENGING AT MUNICIPAL LANDFILL SITES, RECYCLING AND WASTE TRANSFER FACILITIES AND RESOURCE RECOVERY CENTRE

These guidelines for determining whether an to grant a permit for removal of waste from a municipal landfill site, recycling and waste transfer facility or resource recovery centre, as determined by the Council from time to time, and are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

In determining whether to grant a permit under sub-clause (1), Council must, where relevant, have regard to the following guidelines:

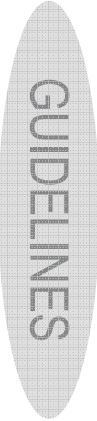
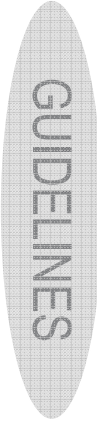
- (1) the maximum number of people, time of day, duration, frequency and location of the scavenging;
- (2) the risks to the safety of the persons applying for approval to scavenge;
- (3) the nature of material to be scavenged and any limits to be placed upon it;
- (4) the recyclable value of the material to Council and whether a variable fee should apply;
- (5) the safety of the other users of the site;
- (6) the number of other current permits issued for the same purpose; and
- (7) any other matter that the authorised officer or the delegated officer reasonably believes is relevant to the circumstances.

84. NOTIFICATION OF PROHIBITION OF ENTRY

These guidelines are for determining whether to issue a notification of prohibition from entry and the procedure to be undertaken for issuing and/or extending of such a notice, as determined by the Council from time to time, and are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

An authorised officer or a delegated officer may issue a person with a notification of prohibition from entry to any specified municipal building or service location for a specified period of time not exceeding one year with a further extension of up to six months, provided that:

- (1) the person is reasonably believed by an Authorised or Delegated Officer to represent an ongoing serious threat to the safety or well-being of other lawful users, visitors or Council staff in any municipal Building or service location, whether or not any other offence has been admitted, proven or prosecuted under this local law or any other law;
- (2) the use of prohibition from entry is a considered a reasonable and proportionate response to the threat associated with the person;
- (3) the obligations of Council and its individual Officers to provide and ensure a safe work place for both employees and customers are considered in any decision;
- (4) where the building or prohibited location is the place of work of the person, alternative conditions of entry are considered to ensure the overriding safety and well-being of others while enabling the person to continue to work;
- (5) the person has been given a reasonable opportunity to present his or her case to the Authorised or Delegated Officer deciding the matter;

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- (6) the person is permitted to present his or her case accompanied by another person of his or her choice, except that the second person may only advise but not represent, act for, or speak on behalf of the person;
 - (7) the reasons for Council undertaking the prohibition process; the penalties for breaching any prohibition; and the appeal process if a prohibition is decided, are all clearly presented to the person at the time they are heard;
 - (8) the notification of prohibition from entry is delivered in writing clearly stating the places, period, penalties and reasons for the prohibition from entry;
 - (9) the decision is subject to appeal to the CEO or an Authorised or Delegated Officer other than and not in a direct reporting line with the original decision maker;
 - (10) if Council wishes to extend the original prohibition for a period of up to six months, the prohibition from entry must be reviewed by an Authorised or Delegated Officer of Council commencing at least 1 month prior to expiration of the original prohibition;
 - (11) notice of an opportunity to be heard by the Authorised or Delegated Officer deciding the matter must be given in writing to the person and reasonable time given for a response;
 - (12) a decision to extend the prohibition from entry for a period of up to six months may only be made after the person has been heard, has declined the opportunity to be heard or has been given reasonable time to notify Council of whether they wish to be heard.
 - (13) notice of any extension of the prohibition from entry must be given in writing to the person;
 - (14) if Council fails to review the prohibition, the prohibition will automatically terminate on its date of expiration.
 - (15) the authorised officer or delegated officer may also consider any other matter that the he or she reasonably believes is relevant to the circumstances.

ADMINISTRATION, PERMITS, APPEALS, FEES AND PENALTIES

89. POWER TO DIRECT – NOTICE TO COMPLY

These guidelines for determining the issue of a Notice to Comply, as amended by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

When considering whether to issue a Notice to Comply, an authorised officer or a delegated officer must, where relevant, have regard to the following guidelines:

- (1) A Notice to Comply must state:
 - (a) the offence which is being committed;
 - (b) the time within which the breach (to which the Notice to Comply relates) must be remedied;
 - (c) any consequence or penalty that may apply if the person served with a Notice to Comply fails to remedy a situation in accordance with the Notice to Comply;
 - (d) the following procedural matters:
 - (i) whether the power exercised to issue the Notice to Comply is derived from Council's Local Law (and thereby *the Local Government Act 1989*), in which case, the decision of the Council is final on any appeal about any matter or penalty related to that Notice to Comply, or;
 - (ii) whether the power is derived from some other empowering legislation, in which case, there is a right of judicial review of any appeal decision made by the Council on any matter or penalty related to that Notice to Comply.
- (2) The time specified in a Notice to Comply must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied but should take into account, if applicable:
 - (a) the amount of work to be performed in order to observe the notice;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor that the authorised officer or delegated officer reasonably believes is relevant in the circumstances.

91. POWER TO ACT - URGENT CIRCUMSTANCES

These guidelines for acting in urgent circumstances, as amended by the Council from time to time, are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

When considering whether action to remedy urgent circumstances exists, an authorised officer or delegated officer must, where relevant, have regard to the following guidelines:

What is regarded as urgent circumstances and whether action should be taken will depend on the circumstances of each situation. Factors to be taken into consideration may include:

- (1) Whether, in the reasonable belief of the authorised officer or delegated officer, there exists an urgent risk or threat to:
 - (a) public health;
 - (b) public safety;
 - (c) the environment;
 - (d) animal welfare; or
 - (e) any property.
- (2) Whether any urgent action proposed to be taken extends no further than is necessary to cause the immediate abatement of, or to minimise the risk or danger involved
- (3) Whether:
 - (a) the person by whose default, permission or sufferance the situation has arisen; or
 - (b) the owner or the occupier of the premises or property affected,is not known or cannot be found.
- (4) Whether allowing the directly concerned persons to be heard will cause unacceptable delay in rectifying or reducing an urgent risk.
- (5) Whether the need to take action is sufficiently urgent, and that the time involved or difficulties associated with the serving of a written warning or Notice to Comply may place a person, or any animal, property or thing at risk or in danger.
- (6) Whether, if practical, a senior officer has been given prior notice of the proposed action.
- (7) If urgent action is taken:
 - (a) the urgent action taken must not extend beyond what is necessary to cause the immediate abatement of, or to minimise the risk or danger involved;
 - (b) a senior officer of Council is informed of the action taken as soon as possible;
 - (c) details of the failure and remedying action are, as soon as possible, forwarded to the person on whose behalf the action was taken;

92. POWER TO IMPOUND

These guidelines for the exercise of the power to impound as amended by the Council from time to time are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

When considering and/or exercising the power to impound (and dispose of), an authorised officer or delegated officer must, where relevant, have regard to the following guidelines:

- (1) An authorised officer or delegated officer may decide that the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner, for example an item of no intrinsic value such as an impounded open container of alcohol. In such a case the impounded item should be disposed to waste.
- (2) In all other cases as soon as possible after the impounding and where it is practicable to do so, the authorised officer or delegated officer will serve a Notice of Impounding on the owner or persons responsible for the animal or thing which has been impounded, setting out the fees and charges payable and the time by which the animal or thing must be retrieved.
- (3) If an impounded animal or thing is not retrieved within the time specified in the Notice of Impounding or Notice of Seizure, an authorised officer or delegated officer may take action to dispose of the impounded animal or thing.
- (4) If the identity or whereabouts of the owner or person responsible for the impounded animal or thing is unknown, the authorised officer or delegated officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with Discretion Guideline 92(5) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded animal or thing.
- (5) In disposing of an impounded animal or thing an authorised officer or delegated officer will have regard to the following:

Council's policy for the disposal of unrecovered impounded items is as follows:

- (a) where the item is declared by the authorised officer or delegated officer to have a saleable value of \$500 or less, it may be disposed of in the most economical way, as determined by the authorised officer or delegated officer;
- (b) where the item is declared by the authorised officer or delegated officer to have a saleable value in excess of \$500, the item may be disposed of by tender, public auction or private sale, or failing sale, may be given away or disposed of at the discretion of the authorised officer or delegated officer;
- (c) when choosing which method of disposal by sale, the authorised officer or delegated officer will consider the following matters:
 - (i) if the total estimated value of the impounded animal or thing is unknown, expert advice should be sought to obtain an estimate of its value;
 - (ii) if the estimated value exceeds \$ 3,000, disposal should be by way of tender or public auction first, and only by way of private sale if the animal or thing fails to sell by tender or public auction; and
 - (iii) sale of impounded animals or things by any means and of any value must be fully documented and reported to a Senior Officer by the authorised officer or delegated officer.

- (6) Any proceeds from the disposal of an impounded animal or thing under the Local Law will be paid to the owner or the person who, in the opinion of the Council, appears to be authorised to receive the money less the reasonable costs and expenses incurred by the Council in the administration of this clause in the Local Law.
- (7) In the event that the person described in Discretion Guideline 92 (6) cannot be identified or located within 6 months of serving the Notice of Impounding, any proceeds described in that guideline cease to be payable and may be retained for municipal purposes.
- (8) Any other matter that the authorised officer or the delegated officer reasonably believes is relevant to the circumstances.

94. PERMITS

These guidelines for the issue of a Permit as determined by the Council from time to time are incorporated in the Local Law for permits.

In relation to the exercise of the discretion under the Local Law for the processing of permit applications and the issuing of permits, an authorised officer or delegated officer must, where relevant, have regard to the following factors, considerations and circumstances as well as any other matters in any other guidelines specific to the type of permit being sought:

- (9) whether additional information is required before dealing with an application;
- (10) any relevant Council Policy;
- (11) any submission made in respect to the application;
- (12) any comments that may be made in respect of the application by any other Council department, any government or public body, any community organisation or other person;
- (13) whether the appropriate fee or charge has been paid or made subject to an approved payment system, which must occur before the application can be processed;
- (14) whether or not public notice, or written notice to specified adjoining landholders or other parties in relation to the permit application inviting submissions, has been made or will be made;
- (15) whether the applicant is a service authority or a person employed by, or acting on behalf of, a service authority that is not required to obtain a permit in respect of activities for the purposes of the service authority, although is nevertheless required to notify the Council of any activity prior to its commencement;
- (16) whether the applicant has been exempted by Council from the requirement to obtain a permit, although this exemption may be subject to certain conditions being met and maintained during the term of an exemption and the exemption may be modified or cancelled in the same way as a permit;
- (17) whether the rectification, remedying or restoration of a situation or circumstance is required prior to the issuing of a permit or as a condition of any permit;
- (18) before issuing a correction to a permit, whether the value, importance and impact of any correction warrants making the correction when compared with those works already undertaken, or expenses already incurred, under the existing permit that might be adversely impacted in time lost and/or new expense to the permit holder by the issue of the correction to the permit;

- (19) whether the consent of the owner has been obtained where the applicant is not the owner of the property for which the permit is sought;
- (20) whether this application is or should be conditional upon the granting of some other permit, which may be required by the Council whether under the Local Law or otherwise;
- (21) whether the permit should be subject to the happening of an event;
- (22) in what way a time limit should be applied by specifying the duration, commencement, completion date and termination date; and
- (23) any other matter which the Council officer reasonably believes in the circumstances is relevant to the exercise of this discretion.

Standard permit conditions apply to all permits used by the Council and are in addition to specific permit conditions applicable to any specific type of permit. Standard permit conditions are in Part 3 of this Local Law Procedure Manual as amended by Council from time to time and are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

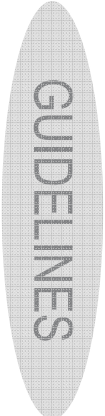
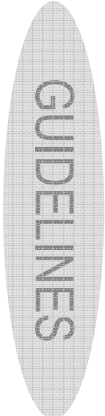
96. EXEMPTION FROM PERMIT, PERMIT FEE OR OTHER FEE WAIVER

Council's permit system and associated fee structure is designed to ensure sound fair and accountable management of Council's assets and responsibilities. Council's fee structure already makes allowance for community users. Standard Permit Conditions inform permit holders of their rights of appeal. It is therefore a serious matter to considering granting a permit exemption or fee waiver.

These guidelines for determining whether to grant a permit exemption or permit fee waiver or other fee waiver, as determined by the Council from time to time are incorporated by reference in the Neighbourhood Amenity Local Law 2014.

In considering whether to recommend a permit exemption or or a permit fee waiver or other fee waiver, an authorised officer or delegated officer must, where relevant, have regard to the following guidelines:

- (1) Only a Senior Officer, the Chief Executive Officer or Council may authorise an exemption from a permit or a fee waiver.
- (2) Each request for an exemption from a permit, permit fee waiver or other fee waiver must be treated on its individual merits, considering the factors set out below, but in the absence of clear or strong justification, should not be recommended.
- (3) All of the following matters are to be taken into consideration:
 - (a) why does the normal permit and its relevant fee structure not work in this case and can these matters be resolved?
 - (b) is the proposed activity or other behaviour of such a kind as to not be contemplated by, or capable of, being encompassed within the standard relevant permit or permit fee structure?
 - (c) is this matter more appropriately dealt with under Clause 91 of the Local Law – *Power to Act -Urgent Circumstances* or under Clause 89 of the Local Law – *Power to Direct - Notice to Comply*?

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- (d) would an exemption from a permit or waiver of a permit fee or other fee seriously increase public risk or Council liability from the proposed activity or behaviour?
 - (e) how will the community benefit directly or indirectly from the planned activity, which will be seriously inhibited or prevented by the required permit or relevant fee?
 - (f) are there overriding special circumstances related to an individual's or a group's personal disadvantage that would consequently be unfairly or unjustly impacted by the normal required permit or relevant fee?
 - (g) would issuing this permit exemption and or permit fee waiver set a public policy precedent for similar applications, in which case, should any recommendation be subject to Council approval?
 - (h) what are the appropriate conditions, limitations (including time limitations and public liability insurance) which should be included in any letter of exemption from a permit or waiver of permit fee?
 - (i) has the applicant party been warned that permit exemptions and permit fee waivers or other fee waivers may be subject to conditions and may be cancelled or varied at any time if those conditions are broken?
- (4) Any other matter which the Council officer reasonably believes in the circumstances is relevant to the exercise of this discretion.

SECTION 2 – COUNCIL POLICIES AND OTHER DOCUMENTS

POLICIES AND OTHER INCORPORATED DOCUMENTS

The following Council Policies and Other Documents, *as amended from time to time*, are incorporated by reference to in the Neighbourhood Amenity Local Law 2014 for application by an authorised officer or a delegated officer.

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1. Council’s Footpath and Designated Roads Trading and Activity Policy 2013.....	46
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COUNCIL POLICY

Footpath and Designated Roads Trading and Activity Policy	Document No:	CPL260.4
	Approval Date:	25/10/2011
	Approved By:	Council
	Review Date:	25/10/2014
Responsible Officer: General Manager Community Services	Version No	00
Authorising Officer:	Chief Executive Officer	

1. RATIONALE

A busy, active, footpath area has a positive impact on the viability of retail businesses and the vitality of city life. Carefully promoted and controlled footpath trading and other activities, such as dining, entertainment, trading and performances can energize and stimulate the street environment.

Geelong has many wide streets and footpaths which are suitable for a range of activities. However, where space on a footpath is sometimes limited, more creative solutions may be required to accommodate tables, chairs, people and signs without compromising access or safety.

In pursuing active, vibrant, safe and accessible footpath trading activities, this Policy is consistent with the direction of Council's Central Geelong Revitalisation Strategies, Strategic Planning direction and the Footpath & Designated Road Trading and Activity Guidelines.

This may include the occupation of a kerbside parking bay on a non-government road for alfresco dining purposes only, which is provided with adequate fixtures to ensure safety to all members of the public and road users.

This would only apply in instances where businesses were unable to comply with footpath access requirements but does not apply to existing traders who are able to comply with the existing Footpath Trading Policy. Such traders will not be permitted to extend their activities on to the road. All businesses are given an equal opportunity to conduct Alfresco dining.

2. PURPOSE

The purpose of this policy is to set out the requirements for the conduct of trading and other activities on Council's footpaths in accordance with Council's Neighbourhood Amenity Local Law 2014 (as amended from time to time).

Footpath and Designated Roads Trading and Activity Policy Cont'd

The policy is supported by the Footpath Trading and Activity Guidelines which together aim to;

- Promote economic development;
- Safely establish exciting and vibrant streetscapes through a diverse range of activities;
- Promote aesthetically pleasing footpath trading infrastructure in accordance with Urban Design guidelines; and
- Enhance the shopping, dining or observers experience for visitors who engage in Footpath Trading and other footpath activities.
- Enable the safe emergence of a laneway culture for laneways and minor roads under council control and declared sections of designated roads for the purpose of Alfresco Dining only.

3. SCOPE

The Policy applies throughout the municipality on footpaths and designated roads under Council's control.

4. REFERENCES

- Disability Discrimination Act 1992
- Road Management Act 2004
- Food Act 1984
- Tobacco Act 1987
- Council's Neighbourhood Amenity Local Law 2014 (as amended from time to time)
- Council Management Procedure for 'Assessment of Al Fresco Dining Applications in Exclusion Zones'

5. DEFINITIONS

- Al Fresco Dining see 'Outdoor Dining'
- Advertising Sign means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales, provision of services or notifying people of an adjacent property where goods or services may be obtained.
- Ancillary Activity includes spruiking, pavement art, barbeques, raffles, street collections and any other activity that may be designated from time to time.
- Authorised Officer means an Authorised Officer of Council appointed under Section 224 of the Local Government Act 1989.
- Busking includes a song, mime, statue, creative performance, dancing, and routines, playing of a musical instrument or provision of a display of drawing artistry on relevant medium.
- Council means the Greater Geelong City Council.
- Designated Road a public road where Council is the designated responsible road authority as defined under the Road Management Act 2004 - VicRoads is also a responsible road authority for roads they control and will have role to play in those instances.

Footpath and Designated Roads Trading and Activity Policy Cont'd

- **Exclusion Zone** means the following;
 - a distance 10 metres from an intersection;
 - a distance of 20 metres from a pedestrian crossing, traffic lights or school crossing;
 - an area adjacent to a bus zone, loading zone, mail zone taxi zone or a no stopping area.Footpath Trading and street activities within an 'Exclusion Zone' can only be conducted with the consent of an authorised officer in accordance with the 'Assessment of Al Fresco Dining Applications in 'Exclusion Zones' Management Procedure'.
- **Footpath Width** means the distance from the face of the kerb line to the outside edge of the building line (property line).
- **Footpath and Designated Roads Trading and Activity Permit** means a permit for the conduct of activities or use on a Council footpath of outdoor dining facilities, signs, goods for sale, items such as umbrellas, pots, gas heaters, barriers screens, musical equipment and sundry items associated with all of the above.
- **Kerbside Zone** means the area between the kerb line and the outer edge of the Trading Zone.
- **Outdoor Dining (Temporary)** means dining outdoors on Council land where all furniture and other items are removed from such site by 1.00 a.m. each day or at the close of business, whichever the earlier and not place such items back on to such land prior to 7.00 a.m. on any day.
- **Outdoor Dining (Fixed)** means dining outdoors on Council land where all furniture and other items (except Fixed Barriers) are removed from such site by 1.00 a.m. each day or at the close of business, whichever the earlier and not place such items back on to such land prior to 7.00 a.m. on any day.
- **Pedestrians** means any person travelling along a footpath whether walking, using a wheeled recreational vehicle, pram/stroller/shopping/delivery trolley, a guide dog or other assistance animal or a mobility aid such as a wheelchair, motorised scooter, walker, crutch or walking frame, or any other aid to assist mobility or orientation.
- **Pedestrian Zone** means the area between the property line and the inner edge of the Trading Zone with a minimum width of 1.5 metres and minimum height of 2 metres.
- **Permit** means a Permit issued by the Greater Geelong City Council under the Neighbourhood Amenity Local Law 2014 (as amended from time to time); (see 'Footpath and Designated Roads Trading and Activity Permit').
- **Permit Holder** means the person named as the responsible person on the application form and Permit.
- **Permit Prescribed Area** means any area of the Licensed Premises where alcohol is to be served and is included in the Red Line Plan on the Liquor Licence for that premises.

Footpath and Designated Roads Trading and Activity Policy Cont'd

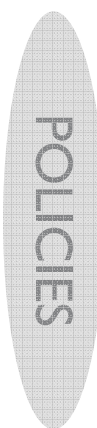

- Trading Zone means the area between the Pedestrian Zone and the Kerbside Zone.
- Trader means a person who carries out a commercial activity on behalf of a business, who may also be the Permit Holder; owner.
- Signs means A frame structures and other objects that can be securely and safely positioned to the satisfaction of Council to promote goods and services.
- Street Performers see 'Busking'.

6. COUNCIL POLICY

In its commitment to creating safe, vibrant and commercially active streets and precincts with respect to footpaths (all activities) and road side trading (alfresco only) Council will;

- 6.1. Implement the revised Footpath Trading and Designated Roads Activity Guidelines, which provide guidance and direction to all users of such spaces. These Guidelines support Council's Neighbourhood Amenity Local Law 2014 (as amended from time to time);
- 6.2. Ensure that a clear, safe and unobstructed access exists on Council's footpath (or designated roads) at all times for pedestrians of all abilities;
- 6.3. Be mindful that any proposed Footpath and Designated Roads Trading activity should not be perceived as 'privatising' public land and that the space is clearly maintained for the purpose of a shared public and commercial space;
- 6.4. Through its legal responsibility to regulate Footpath Trading activities, including ancillary activities such as sausage sizzles, street collections etc, exercise flexibility with the issuing of 'Footpath and Designated Roads Trading and Activity Permits' so as to encourage diverse activities to take place such as Outdoor Dining ('Al Fresco Dining'), advertising signs, goods displays, street theatre/performers, busking and to protect public safety;
- 6.5. Ensure compliance with relevant legislation including but not limited to the Disability Discrimination Act 1992, the Road Management Act 2004, Council's Neighbourhood Amenity Local Law 2014, Building Act 1993, Planning and Environment Act 1987, Tobacco Act 1987, Food Act 1984 and the Charter of Human Rights and Responsibilities Act (Vic);
- 6.6. Prescribe a Trading Zone by ensuring that a minimum width of 1.5 metres exists for the Pedestrian Zone on specific footpaths where the width of that footpath is between 2.9 and 3.5 metres. The minimum width of a Pedestrian Zone on footpaths with a width greater than 3.5 metres, shall be 1.8 metres;
- 6.7. Ensure that the minimum width of a Kerbside Zone on any footpath is 750 mm where there is adjoining parallel parking and 1.5 metres where there is adjoining angle parking or a disabled persons parking bay;
- 6.8. Not approve any Footpath Trading activity on footpaths with a width of less than 2.9 metres;
- 6.9. In response to a request from a business owner, investigate possibilities to implement various engineering treatments to a footpath or road on a cost recovery basis, in order to safely accommodate a trading application in accordance with this Policy and the Footpath & Designated Roads Trading and Activity Guidelines. The cost of installation and reinstatement shall be born by the applicant;
- 6.10. Where this is not possible, evaluate the possibility of converting a parking bay to a space that may be utilised for alfresco dining.

Footpath and Designated Roads Trading and Activity Policy Cont'd

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- 6.11.** Consult extensively with the local businesses within the subject precinct in order to seek opinions that are relevant to assessing such proposals and to promote the opportunities and benefits to that general precinct from an economic and place-making perspective.
 - 6.12.** Will receive and review any submission from any business owner who feels that they may be effected by such a proposal. This review will be conducted by the Council's Chief Executive Officer.
 - 6.13.** If a parking bay is to be occupied for the purpose of alfresco dining, permit fees will be calculated on the basis of previous year average occupancy rate for that area X the parking income for that area X 50%. In areas not serviced by parking ticket machine fees shall be based on those that are applied to the footpath alfresco fees.
 - 6.14.** As a general rule, not permit any Footpath Trading in a Pedestrian Zone, Kerbside Zone or Exclusion Zone. In exceptional circumstances, trading may be permitted in an Exclusion Zone subject to a risk assessment being conducted in accordance with Council's 'Alfresco Dining in Exclusion Zones Management Procedure'. This may include a road (kerbside) trading in a designated road. The costs of implementing and installing the necessary infrastructure (including a bond for the reinstatement of any works undertaken) will be borne by the applicant.
 - 6.15.** Ensure that the quality of Footpath Trading infrastructure is safe and designed from materials that present a high standard;
 - 6.16.** Through its Urban Design Unit, facilitate, assist and advise applicants on achieving footpath trading infrastructure design outcomes, that would result in a vibrant and aesthetically pleasing footpath and streetscape, which preserves the heritage and amenity of the area;
 - 6.17.** In instances where an initial design may not comply with this Policy or the Footpath and Designated Roads Trading and Activity Guidelines, Council may in conjunction with the respective business explore other options on a cost sharing basis where it can be demonstrated that there is a broader benefit to general amenity of the area and to other local traders (i.e. Finger Boards, Bollards etc);
 - 6.18.** Ensure that inappropriate advertising that may promote tobacco, alcohol or sexually explicit messages/images is not permitted in conjunction with any Footpath and Designated Road Trading activity;
 - 6.19.** Ensure that the sale of food from an Outdoor Dining facility or other structure complies with the Food Act 1984;
 - 6.20.** Ensure that any Footpath Trading items, objects or infrastructure (except Fixed Barriers) are removed from the footpath by 1.00 a.m. or the close of business, whichever the earlier and not be placed out on the footpath prior to 7.00 a.m. on any day;
 - 6.21.** Support the placement of items/objects such as planter boxes on footpaths, which may enhance the attractiveness of a footpath, subject to such items/objects complying with the Guidelines and being removed from the footpath at the end of each days trading;
 - 6.22.** Approve 'portable' permits for Real Estate Agent signs that promote 'Auctions' or 'Open for Inspection' events in accordance with the Footpath and Designated Roads Trading and Activity Guidelines;
 - 6.23.** Seek reimbursement from a permit holder for any repair or reinstatement required to any footpath or infrastructure as a result of damage due to footpath and designated road trading activities or the abandonment of the business by the permit holder;
 - 6.24.** Ensure that the application of its Footpath and Designated Road Trading Policy is consistent with its Central Geelong Revitalisation Strategies and Strategic Planning Direction;

Footpath and Designated Roads Trading and Activity Policy Cont'd

- 6.25. Ensure that any Footpath and Designated Road Trading activity shall not cause a nuisance to any other parties through noise, odour or other disturbances;
- 6.26. Support Victoria Police and Responsible Alcohol Victoria who are responsible to monitor Liquor License compliance with the footpath trading Permit Prescribed Area;
- 6.27. Alfresco dining activities are required to comply with Planning and Building regulation and with Neighbourhood Amenity Local Law 2014 with respect to permit prescribed areas ("red line" zone where alcohol is sold) and the toilet/patrons ratio.
- 6.28. Allocate resources to effectively monitor and enforce the Footpath & Designated Roads Trading and Activity Policy and Footpath Trading and Activity Guidelines.

7. QUALITY RECORDS

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Permit Applications	Health and Local Laws	7 years	Corporate Records
Public Liability Insurance	Health and Local Laws	7 years	Corporate Records
Site Plans	Health and Local Laws	7 years	Corporate Records
Annual Fees & Charges	Finance Manager	7 years	Corporate Records

8. ATTACHMENTS

Schedule 1

Listed below are all the roads within the Central Geelong Area and their classifications as either government or local roads.

Government Roads

Western Beach Road
Eastern Beach Road
Malop Street
Ryrie Street
Myers Street
Ormond Street
McKillop Street
Yarra Street
Moorabool Street
Gheringhap Street
Brougham Street

Local Roads Local Roads

Union Street
James Street
Little Malop Street
Little Ryrie Street
Baylie Place
Fenwick Street
Fitzroy Street
Garden Street
Sydney Avenue
Heaths Lane
Richie Boulevard
Yarra Street
Transit Place
Clare Street
Henry Street
Emerald Place
O'Connell Place
Cressy Place
Cummings Place
McCann Place
England Street
Prospect Lane
Penang Place
Pevency Place
Corio Place
Days Place
Lake Street
Park Street
Long Lane

Wheeler Place
Avoca Place
Merrell Lane
Swanston Place
John Place
Dover Place
Board Place
Kirk Place
Shorts Place
Minns Place
Dennys Place
James Street
Johns Street
Downes Lane
Lawrence Place
Wright Place
Warner Place
Star Street
Ryan Place South
Adams Place
Argyle Place
Thorne Place
Admiral Place
Edmonson Place
Agriculture Pace
Cubby Place
Wilson Place
Storrer Street
Bourke Crescent
Mills Lane
Little Myers Street
Benson Street
Bright Place
Pelley Place



POLICIES

Footpath & Designated Roads Trading and Activity Guidelines

(as amended October 2011)

POLICIES

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

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Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Key Background Information

A busy, active, footpath area has a great impact on the viability of retail businesses and can constitute the heart of city life. Carefully promoted and controlled street activities, such as dining, entertainment and trading activities can provide a vibrant and exciting street environment.

In regulating this guideline, Council aims to provide a safe and vibrant footpath environment for people to move through by means of providing footpath access for people of all abilities to move along.

Comparatively Geelong has wide streets and footpaths compared to other cities. However, where space on a footpath is sometimes limited, more creative solutions may be required to accommodate tables, chairs, signs and people without compromising access or safety based on risk management assessments. For example, in some cases it may be required to develop street modifications that allow dining on steeper slopes or where width is limited, benches and stools may be a better option. Similarly a-frame signage in limited space areas could be replaced with finger signs mounted on existing infrastructure.

Council's Urban Design Unit will assist and advise applicants on achieving the design outcomes that would result in a vibrant and aesthetically pleasing streetscape, which preserves the heritage and amenity of the area.

Some footpaths within Central Geelong are too narrow to enable compliance with the legislation. In order to equal opportunity for those food businesses currently unable to comply with Council's policy and guidelines the revised Footpath and Designated Roads Trading and Activity Policy and Guidelines enable such businesses to conduct such activities on non Government (minor) roads in a safe manner.

Council has a legal and moral responsibility to regulate footpath and designated road trading activities. In doing so, Council will be flexible with the issuing of permits so as to protect public safety but encourage diverse activities to take place by allowing businesses to extend their operation onto a portion of public land, subject to conditions of a permit.

Whilst the commercial benefit is a key consideration, pedestrian access and safety is the primary purpose of Council's Footpath and Designated Road Trading and Activity Guidelines.

This guideline supports;

- Council's Neighbourhood Amenity Local Law 2014
- Council's Footpath and Designated Road Trading and Activity Policy
- Disability Discrimination Act 1992
- Road Management Act 2004
- Food Act 1984
- Tobacco Act 1987

The essential key to an effective pedestrian system throughout shopping precincts is the development and maintenance of an accessible path of travel. This should extend out from the building line to provide a consistent footpath environment inclusive of the needs of all of the community, including older persons or people with disabilities. In order to achieve this, any street furniture, signs, trader's activities or displays should be located towards the kerb side, not along the building line. Another key purpose of this guideline is to balance the opportunities that footpath trading may provide with responsible risk management and high quality urban design.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Executive Summary – Footpath Trading and Activity Guidelines

- a) Council aims to provide a clear, safe and unobstructed access at all times for pedestrians of all abilities on the City of Greater Geelong's footpaths and where appropriate on designated roads in accordance with Council's statutory responsibilities and the Footpath & Designated Roads Trading and Activity Policy;
- b) Council supports the establishment of footpath and designated roads trading activities as part of its commitment to supporting safe, vibrant and commercially active retail footpaths, non government roads and streetscapes;
- c) Council will ensure compliance with the Disability Discrimination Act 1992, the Road Management Act 2004 and Council's Neighbourhood Amenity Local Law 2014 and apply risk management principles in authorizing footpath and designated roads trading activities;
- d) Footpath activity must make a positive contribution to the urban character and amenity of the area and surrounding residential areas. A key principle of this Guideline is that as footpaths are public open spaces, any footpath trading activity must not significantly impact on view lines or shared access public amenity. Any proposed activity should not result in a solution that could be perceived as 'privatising' public land;
- e) The guidelines need to be clear for traders and users of the footpath;
- f) The extension of commercial activities on to Council footpaths in accordance with the Footpath and Designated Roads Trading and Activity Policy and Footpath & Designated Roads Trading Activity Guidelines is an added consent by Council not an entitlement to traders;
- g) That the primary purpose and use of alfresco dining is for outdoor dining;
- h) The quality of footpath trading infrastructure should be safe and designed from materials that present a high standard. Such infrastructure should not detract from the general amenity of the street;
- i) In instances where a footpath trading design may not initially comply with the Footpath and Designated Roads Trading and Activity Policy and Guidelines, Council may in conjunction with the respective business explore other options on a cost sharing basis where there may be mutual benefits to either party;
- j) In pursuance of development of footpath & designated roads trading and activities this policy will be consistent with the direction of City revitalization strategies and Central Geelong Strategic Plan.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

DEFINITIONS

Alfresco Dining	see 'Outdoor Dining'
Advertising Sign	means any board, notice, structure, or other similar device used for the purposes of soliciting sales, provision of services or notifying people on an adjacent property where goods or services may be obtained.
Ancillary Activity	includes spruiking, pavement art, barbeques, raffles, street collection and any other activity that may be designated from time to time.
Authorised Officer	means an Authorised Officer of Council appointed under Section 224 of the Local Government Act 1989.
Business	means the owner or occupier of a premises proposing to conduct activities on a Council footpath in accordance with these Guidelines.
Busking	includes a song, mime, statue, creative performance, dancing routine, playing of a musical instrument or providing a display of drawing artistry on relevant medium.
Council	means the Greater Geelong City Council.
Designated Roads	means either a part or the entire portion of a non-Government Road under council control
Exclusion Zone	means the following; <ul style="list-style-type: none">• A distance of 10 metres from an intersection• A distance of 20 metres from a pedestrian crossing, traffic lights or school crossing;• An area adjacent to a bus zone, loading zone, mail zone, taxi zone or a no stopping area.
Footpath Width	means the distance from the face of the kerb line to the outside edge of the building line (property line).
Kerbside Zone	means the area between the kerb line and the outer edge of the Trading Zone.
Outdoor Dining (Temporary)	means dining outdoors on Council footpaths where all furniture and other items are removed from such site by 1.00 am each day or at the close of business as approved in any Permit.
Outdoor Dining (Fixed Barrier)	means dining outdoors on Council footpaths where all furniture and other items are removed from such site by 1.00am each day or at the close of business except for furniture that has been approved to be fixed through sub ground footings or by lockable devices/systems.
Pedestrians	means any person traveling along a footpath whether walking, using a wheeled recreational vehicle, pram/stroller, shopping/delivery trolley, a guide dog other assistance animal or mobility aid such as a wheelchair, motorized scooter, walker, crutch or any other aid to assist mobility or orientation.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Pedestrian Zone	means the area between the property line and the inner edge of the Trading Zone with a minimum width of 1.5 metres and minimum height clearance of 2.4 metres.
Permit	means a Footpath & Designated Roads Trading and Activity Permit issued under Council's General Local Law 2005 for the conduct of activities or use on a Council footpath of outdoor dining facilities, signs, goods for sale, items such as umbrellas, pots, gas heaters, barrier screens, musical equipment, performers and sundry items associated with all of the above.
Permit Holder	means the person named as the responsible person on the application form.
Permit Prescribed Area	means any area of the Licensed Premises where alcohol is to be served and is included in the Red Line Plan on the Liquor License for that premises.
Policy	means Footpath & Designated Roads Trading and Activity Policy.
Service Authority	means any company or public body responsible for the installation of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road or footpath.
Trading Zone	means the area between the Pedestrian Zone and the Kerbside Zone.
Trader	means the permit holder of a footpath & designated road trading activity associated with the business for which that person is the owner.
Sign	includes A-frame structures and other objects that can be securely and safely positioned, being of a fixed or transient nature including being affixed to bicycles, tricycles, trolleys or other objects, to the satisfaction of Council to promote goods and services.
Street Performers	see 'Busking'

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Part A Footpath Trading Zones

Council has a series of standards for footpath trading in accordance with the width of various footpaths and the associated level of pedestrian traffic at each location.

1. Footpaths of a width greater than 3.5 metres

In order to provide a clean and consistently unobstructed footway for pedestrian access, the footpath is divided into three zones.

- 1.1 The Pedestrian Zone – extends from the building line or shop front of premises for a minimum of 1.8 metres. No items may extend into this zone at any time.
- 1.2 The Trading Zone – the only area of the footpath where approved goods, café furniture and ancillary items or activities, may be placed. Where premises are adjacent to an intersection, the Trading Zone must not extend into the Exclusion Zone unless otherwise approved by Council.
- 1.3 The Kerbside Zone – is a space 0.75 metres wide between the kerb and the edge of the Trading Zone to allow for access to and from parked vehicles. Where there is a disabled persons parking bay or angle parking, the Kerbside Zone will be required to have a minimum width of 1.5 metres.
- 1.4 No items may be placed in the Pedestrian Zone or Kerbside Zone. Items may only be placed in an Exclusion Zone in exceptional circumstances and subject to an assessment in accordance with Council's "Alfresco Dining in Exclusion Zones" Management Procedure.

2. Footpaths of Width of 2.9 to 3.5 metres

In order to provide a clear and consistently unobstructed footway for pedestrian access, the footpath is divided into three zones.

- 2.1 The Pedestrian Zone: extends from the property line or shop front of premises for a minimum of 1.5 metres. No items may extend into this zone at any time.
- 2.2 The Trading Zone – the only area of the footpath where approved goods, café furniture and ancillary items or activities, may be placed. Where premises are adjacent to an intersection, the Trading Zone must not extend into the Exclusion Zone unless otherwise approved by Council.
- 2.3 The Kerbside Zone – is a space 0.75 metres wide between the kerb and the edge of the Trading Zone to allow for access to and from parked vehicles. Where there is a disabled persons parking bay or angle parking, the Kerbside Zone will be required to have a minimum width of 1.5 metres.
- 2.4 No items may be placed in the Pedestrian Zone or Kerbside Zone. Items may only be placed in an Exclusion Zone in exceptional circumstances and subject to an assessment in accordance with Council's "Alfresco Dining in Exclusion Zones" Management Procedure.

3. Footpaths of Width of less than 2.9 metres

In order to facilitate a clear and consistently unobstructed footway for pedestrian access, footpaths of less than 2.9 metres cannot be used for trading purposes.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

4. Designated Roads

- 4.1 Where the application is for “Alfresco” dining only, and the footpath is less than 2.9 metres wide, consideration may be given to the use of utilising part of the road. This will only be considered on non-government roads within the Central Activity Area

5. Supervision of Customers

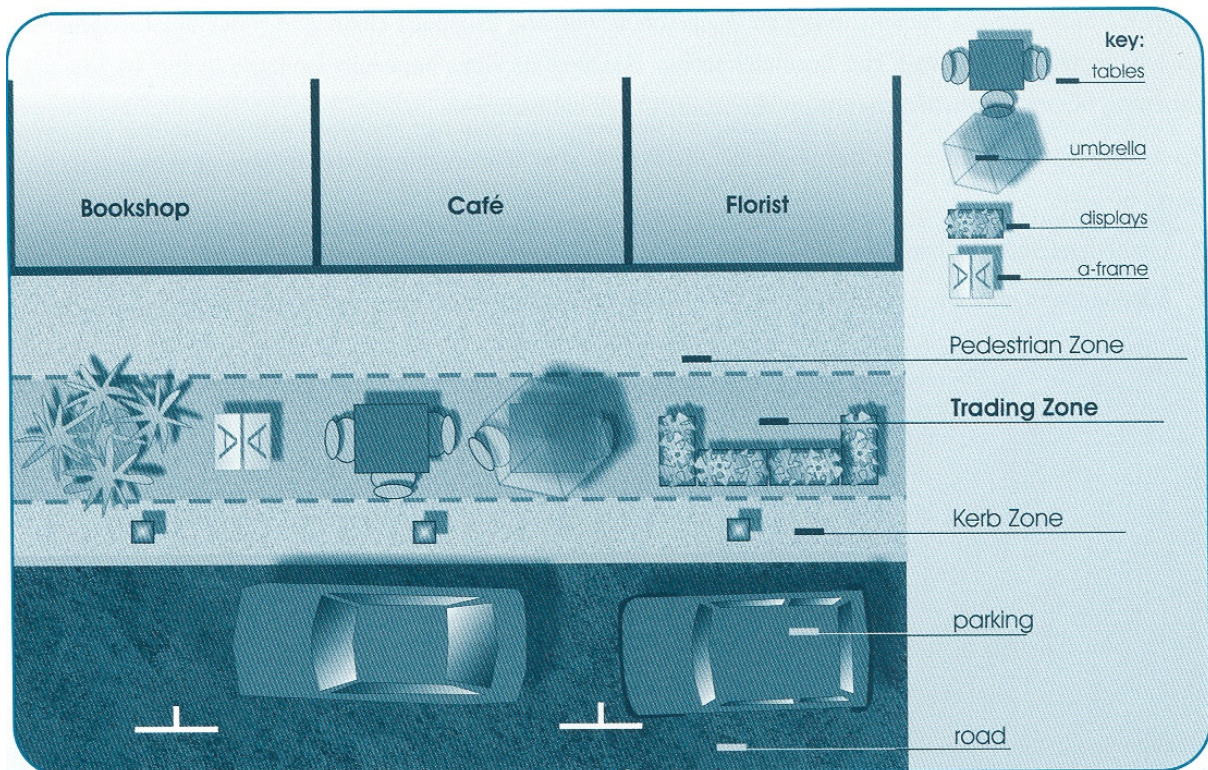
A permit holder must comply with the requirements of these Guidelines and is responsible for advising and supervising his/her customers of their obligations to also comply. Examples of activities that the permit holder needs to supervise includes but is not limited to the positioning of pushbikes, prams, wheelchairs/walking aides, shopping trolleys, motorbikes, pets, movement/location of people, tables, chairs that are being relocated.

6. Multiple Permits

Traders are permitted to hold permits for multiple footpath trading activities at any one time. Multiple permits may only be issued in relation to the following in accordance with this Policy and Guidelines. These would be in accordance with the specific section for each Permit type within this Policy.

- Alfresco dining and A frame
- Goods for sale and A frame

A Footpath Trading Scenario highlighting the Pedestrian Zone, Trading Zone and Kerb Zone



Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Part B: Outdoor Dining

Within a footpath Trading Zone, the following applies to outdoor dining.

7. Outdoor Dining

The intent of permitting outdoor dining is to enable businesses to present dining options for patrons and to contribute to creating a vibrant trading ambience in the street. The establishment of an outdoor dining facility should not create an enclosed 'outdoor room' by the walls and roof creating a "tunnel" effect along a stretch of footpath.

The quality and design of outdoor dining infrastructure shall be of a high standard and presentation that does not detract from the general amenity and style of the street.

Outdoor Dining Permits will only be issued to premises that are registered with Council as Food Premises under the Food Act 1984. All furniture, equipment and appliances associated with an Outdoor Dining facility shall comply with the above Act and corresponding food safety regulations. Such premises are also required to comply with the requirements of the Tobacco Act 1987.

In an Exclusion Zone, where an alternative and suitable location can not be found, an Applicant/Permit holder for an Outdoor Dining facility may occupy a suitable area in front of the immediate adjoining neighbouring property subject to written agreement between all parties involved. This will only apply to Temporary Outdoor Dining Facilities and not the Fixed Outdoor Dining Facilities. If at any time the agreement is revoked, the permission to occupy such an area as part of the Permit is also revoked.

If either business changes ownership the Permit must be renewed or transferred and any agreements renewed.

- 7.1** A set back of 0.5 metres within the Trading Zone is required from each boundary of a premises to ensure access points from the footpath to the road are retained between each premises.
- 7.2** The Permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must;
- 7.2.1** ensure that patrons do not move tables and chairs from the Trading Zone;
 - 7.2.2** not serve food and/or beverages to patrons standing on the footpath, except for take away sales.
 - 7.2.3** where food is sold to customers within the Trading Zone, position the food appliance/stand at 90° to the kerb within the Trading Zone thereby allowing customers to queue along the footway in the Trading Zone without impeding the Pedestrian Zone;
 - 7.2.4** ensure that prams, bikes, trolleys or any other personal items do not obstruct the Pedestrian Zone; and
 - 7.2.5** ensure that patrons adequately supervise their dogs by ensuring that their dogs;
 - do not create a nuisance and/or disturbance;
 - do not impede, whether permanently or intermittently, the pedestrian access area; and
 - are securely tethered and effectively controlled to reduce any possibility of an incident;

The dog owner shall ensure that any droppings or other spillage is adequately cleaned. Any receptacle used for dogs to drink/eat from shall not be sourced from the premises crockery/receptacle inventory and shall not be washed in facilities dedicated for appliances used in preparing of food for human consumption.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

- 7.3** An Authorised Officer may place a condition on a permit requiring a permit holder to place written reminders to patrons in the outdoor seating area, regarding the above, if deemed appropriate by an Authorised Officer.
- 7.4** The holder of an Outdoor Dining Permit is not permitted to display goods for sale on the footpath in conjunction with the Outdoor Dining operation. A-frame signs and/or menu boards may be placed on the footpath in conjunction with the Outdoor Dining activity if deemed appropriate by an Authorised Officer and provided that the applicable permit/s has been obtained.
- 7.5** A Permit holder must supply each table outside with a wind-proof ashtray at all times. Traders are responsible for cigarette ash, butts and any other litter generated by patrons of their footpath dining areas. Outdoor Dining facilities should not be designated as dedicated 'smokers areas' and should be accessible to all members of the community.
- 7.6** Staff who conduct serving functions at food premises with outdoor dining facilities shall facilitate free access by pedestrians and give pedestrians passing priority over their own movements into and out of such premises.
- 7.7** Each Permit holder is responsible for maintaining the outdoor seating area, fixed items and walkways in a clean and tidy manner which involves regular washing to remove spills and stains. Such items and areas shall also be maintained in a condition that does not pose any health and safety risk to any person. A Permit may be cancelled or suspended if instances of littering or ongoing untidiness are observed.
- 7.8** Tables and chairs shall have a contrasting colour to their background to assist people with vision impairment.
- 7.9** Tables and chairs may only be displayed outside the premises to which they relate and must be contained within the property boundary line, with a minimum setback from each side boundary of a premises of 0.5 metres to ensure access points from the Pedestrian Zone to the road are retained between each premise in an exclusion zone.
- 7.10** Items which are placed on the footpath must be stable and of good design and are not able to damage the footpath or any other infrastructure, premises, vehicles or property. It is recommended that rubber or other suitable materials be fitted to the base of chair and table legs.
- 7.11** The Permit holder will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths caused by chairs/tables etc.
- 7.12** The Permit holder for Outdoor Dining Facilities with temporary fixtures/furniture shall ensure that the fixtures/furniture are removed from such site at the close of business each day or no later than 1am, whichever the earlier, as approved in any Permit condition based on the opinion of an Authorised Officer that the amenity, safety or access by any person to that area will not be affected. An extension to this time may be considered on a case by case basis where the Permit holder can demonstrate that there will be no detrimental impact to safety and neighbourhood amenity.
- 7.13** Any premises that propose to serve alcohol on the footpath can do so within the Permit Prescribed Area as endorsed on the Liquor Licence for that premises.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

- 7.14** Within the Permit Prescribed Area, permit holders are required to comply with the conditions of their Liquor License including displaying in a prominent manner and not contrary to this Guideline, relevant 'responsible serving of alcohol' brochures/posters as issued by Victorian Commission for Gaming and Liquor Regulation.
- 7.15** An Authorised Officer reserves the right to prohibit chairs backing on to the pedestrian zone and the kerbside zone.
- 7.16** Footpath trading is generally not permitted in an Exclusion Zone. In exceptional circumstances Council may consider allowing trading in such a zone if the applicant can demonstrate that the objectives of the Policy and Guidelines can be achieved in accordance with Council's "Alfresco Dining in Exclusions Zone" Management Procedure

Key considerations to be made in determining an application for special consideration include:

- unique location geometry
- safety aspects and nature of intersection
- adequate clearance to moving traffic
- unrestricted sight lines to pedestrians and vehicles
- stability of objects in all weather conditions
- agreements from all affected parties for altering parking provisions of which the onus is on the applicant.

- 7.17** Ancillary items such as umbrellas, gas heaters, planter boxes and barrier screens may be permitted as part of an Outdoor Dining Permit unless prohibited by an authorised officer for safety and amenity reasons.

8. Barrier Screens (Temporary and Fixed)

- 8.1** Screens or screening devices must only be placed alongside tables and chairs used for dining facilities within the Trading Zone.
- 8.2** There are several types of screens approved by Council:
- 8.2.1** Temporary Screens – of the type commonly provided by coffee companies;
 - 8.2.2** Fixed Barrier Screens – made of safety glass or rigid transparent material which is fitted to the footpath with a locking device; and
 - 8.2.3** Full length awnings/blinds attached from the verandah to the footpath may be permitted in special circumstances subject to a Planning Permit and Building Permit. These circumstances include the protection of perishable food/goods from sunlight.
- 8.3** The connection of canopies, tarpaulins and the like from the top of a fixed barrier screen to verandas and umbrellas is not permitted.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Temporary and Fixed Barrier Screens (*fitted by lock in device to the footpath*)

- 8.4** Temporary and Fixed Barrier Screens may only be placed in the Trading Zone unless otherwise approved by Council. A set back of 0.5 metres is required from the extended property boundary line to ensure a 1 metre pedestrian access point between premises at the Kerbside Zone (to enable pedestrians to cross the road). Temporary Barriers must be removed from the footpath at the close of business trading or prior to 1.00 am, whichever is the earlier. The barriers should not be used for excess advertising other than for identification purposes.
- 8.5** A temporary barrier shall be secured by weighted items attached to the legs/feet of the barrier (and not to any other infrastructure) in such a manner that does not create trip hazards.
- 8.6** Screens must not exceed 6 metres in length and for larger shop frontages where there may be multiple screens, there must be a break of a minimum 1 metre between screens to allow for pedestrian access from the Kerbside Zone.
- 8.7** In the case of Fixed Barrier screens, which are fitted by locking devices to the footpath, applicants must gain special approval by application to Council's Engineering Services to ensure compliance with proper standards and safety requirements and to safeguard Council assets.
- 8.8** Environmental Health Services will be the reference point for enquiries and/or applications for all footpath trading matters. Referral processes shall be implemented involving input from relevant agencies and other sections of Council but not limited to the following:
- Local Laws
 - Urban Design
 - Engineering Services
 - Asset Management
 - Central Geelong City Management
 - Strategic Planning
 - Statutory Planning (if applicable)
 - Building Services (if applicable)
- 8.9** For Fixed Barriers and other fixed footpath infrastructure, the occupancy of this area shall be subject to an annual Permit. A Permit shall be issued in the name of a person/business/company and shall not be sub-let to any other person/business/company.
- 8.10** Fixed Barriers must comply with Clauses 8.15 to 8.21 inclusive. The barricade ends of the barrier must be a minimum width of 1 metre.
- 8.12** Unless it can be demonstrated that there is no health or safety risk, other structures associated with the Outdoor Dining areas shall not be stored on the footpath whilst the business is not in operation.
- 8.13** Where Barriers or other fixed structures are to be removed, the Permit holder shall be responsible for the cost of such removal and the reinstatement of the area to its former state.
- 8.14** The Permit fee for Fixed Barrier Screen Outdoor Dining is based on the area occupied whereas the Permit for Temporary Screen Outdoor Dining is based on unit rate per chair.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

- 8.15** Guidelines for Fixed Barrier specifications will be available upon request. In particular, engineering specifications will be required for those structures greater than 1.5 metres in height to ensure stability.
- 8.16** Barriers, whether fixed or temporary, shall be a minimum of 1.0 metre high from ground level to avoid trips and falls. In the case of Fixed Barriers, a clearance of 150mm from the ground to the bottom of the structure is required to enable street cleaning.
- 8.17** Fixed Barrier screens must be a minimum of 1.0 metre and a maximum of 1.5 metres in height (unless approved by Council's Engineering Services), be transparent and constructed of safety glass or rigid transparent material. Each fixed screen must have writing or symbols on all surfaces of the barriers between 1 and 1.5 metres above the ground level to provide a visual reference point for pedestrians. In particular, prominent contrasting writing and symbols are required at the barrier ends to alert visually impaired persons.
- 8.18** Fixed and temporary barrier screens may contain a minor level of advertising but must not be used as an opportunity for wholesale advertising. The name of the business, brand products used within that business or appropriate symbols may be used on temporary screens and advertising shall not exceed 30% of the total area of such screens. Fixed barrier screen advertising is in accordance with temporary screen advertising but shall not exceed 10% of the total area of that screen so as to maintain the primary objective of transparency. Signage should be of a fixed nature such as being embossed, engraved or etched.
- For both fixed and temporary barriers, advertising and signage must not promote tobacco, alcohol, gambling or contain any offensive image or message. The promotion of "specials", "discount", "sales" or the like may not be displayed on any barrier screens.
- 8.19** If a lock in device is fitted without prior Council approval or does not meet required specifications, an Authorised Officer can require that the lock-in device is removed and the footpath is reinstated to its original condition. If a business changes ownership and the future operator does not intend to use the Fixed Barrier screens, the current permit holder is responsible for reinstating the footpath to its original condition, to the satisfaction of an Authorised Officer.
- 8.20** Barriers should be kept in a clean, sanitary and well maintained condition so as not to create any safety or health risk or to detrimentally impact on the amenity of the area.
- 8.21** The Permit Holder shall be responsible to repair any damage to any Barrier structures, footpath or buildings caused by vandalism to the Barrier structure and to reinstate such to a safe condition to the satisfaction of an Authorised Officer. The Permit Holder is also responsible for the removal of graffiti from such structures.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Part C: Goods/Signs/Ancillary items and Activities on the Footpath

(Goods, Signs, Umbrellas, Heaters, Pot Plants, Speakers, Barriers)

9. Goods for Sale

Permits may be issued for Goods for Sale on Footpaths for any premises. "A" frame signs may be utilized together with goods for sale provided businesses are the holder of both current permits as approved by Council

- 9.1 Goods for display shall be a small representation of the goods for sale within the premises that are subject the permit;
- 9.2 In order to provide a consistent, unobstructed walkway, goods for display and ancillary activities may only be displayed or conducted in the Trading Zone (as detailed in PART A of the Guidelines) of the footpath.
- 9.3 Goods for display or advertising that promote the alcohol or tobacco shall be prohibited. Goods or advertising of a sexually explicit nature shall also be prohibited.
- 9.4 Goods for display and ancillary activities will not be permitted in an exclusion zone unless otherwise approved by Council.
- 9.5 Goods for sale shall be displayed in accordance with Council design guidelines with respect to stalls, trestles, trolleys and other display furniture. Stands must be secured in a manner which ensures that adverse weather conditions will not create a risk for pedestrians, property and passing traffic. Stands must not cause any damage to the footpath. Any damage caused by displays will incur a reinstatement cost payable to Council.
- 9.6 Goods for display should not exceed a height of 1.5 metres, with a minimum height of 1.0 metre. In exceptional circumstances, goods for display exceeding 1.5 metres may be considered on the basis that there is no safety risk to any person and/or the line of sight for pedestrians/vehicles is not impaired. There must be a minimum of 1 metre of space between goods displays.
- 9.7 Goods displayed should be temporary in nature and reflect the products sold within the business premises.
- 9.8 White goods and bulky items such as beds, furniture and cupboards are prohibited;
- 9.9 Goods for display and display furniture on which goods are displayed are to be removed at the end of trading for that day or earlier as instructed by an authorised officer should safety issues arise.
- 9.10 A permit is required for goods to be displayed in accordance with Council's Neighbourhood Amenity Local Law 2014 and subject to these guidelines and the Footpath & Designated Roads Trading and Activity Policy. Goods must not be displayed prior to the appropriate permit being issued.
- 9.11 Goods for display infrastructure should have a contrasting colour to their background to assist people with vision impairment.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

- 9.12** Goods for display will not be permitted to encroach into the Kerbside Zone or Pedestrian Zone and must be accessible by customers only from the Trading Zone. Full-length shop awnings to protect goods may only be installed with an approved planning permit and/or building permit as per 8.2.3.
- 9.13** Goods such as perishable foods, food that may deteriorate or food products on display without supervision if subjected to the external environment, shall not be permitted to be displayed.
- 9.14** Where supervised, the sale of food on a footpath shall be done in accordance with the following;
- food shall be prepared within the food premises and sold as a pre-packaged item that is stored at appropriate temperatures in approved equipment
 - the food shall be associated with foods sold at the premises which are subject of the permit;
 - food shall be at all times protected from dust, fumes and sunlight;
 - food selling shall comply with the Food Act and associated regulations
- 9.15** A set back of 0.5 metres is required from each side boundary of a premise to ensure access points from the pedestrian zone to the road are retained between each premises.

10. Signs

- 10.1** All permitted signs are to be secured in place by a means that is not reliant on, or physically tied to any Council infrastructure. The means by which these signs are to be secured must not extend beyond the circumference of the permitted sign and must be to the satisfaction of an Authorised Officer. Any securing device or object is to be removed with the sign in accordance with the permitted display times.
- 10.2** Inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs, flags and banners are not permitted to be placed on the footpath, posts, walls, fences or verandahs unless permitted by a Planning Permit.
- 10.3** Approved signs need to be of a temporary relocatable nature and may only be placed on the footpath or nature strip during the normal hours of trade. Permanently fixed signs are not permitted unless through a planning permit approval.
- 10.4** Approved signs may not be placed on road carriageways, roundabouts or median strips. Approved signs shall not be permitted in Exclusion Zones or council reserves unless approved by an Authorised Officer as per 10.14.
- 10.5** Approved signs shall not be tied to poles, trees or any other street fixtures, must only be on the footpath while a business is operating and must only be outside the premises to which they relate. In exceptional circumstances such as arcades, laneways etc where signs are not able to be placed outside the business, consideration may be given to a fixed sign post subject to compliance with Planning requirements, being in accordance with the City's Urban Design strategies. These shall be funded by the subject business. Signs shall not be permitted in Residential Zoned areas in accordance with Planning requirements. Council may, from time to time, attach a sign to street fixtures for the purposes of conducting statutory activities or emergency management activities.
- 10.6** Advertising signs, goods, chairs and tables shall have a contrasting colour to their background to assist vision impaired persons.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

- 10.7** An advertising sign for a business must not exceed the following dimensions;
- 0.6 metres in width and 1.2 metres in height (0 - 60 km/hr speed zone)
 - 0.7 metres in width and 1.4 metres in height. (61 – 80 km/hr speed zone)
 - 0.8 metres in width and 1.6 metres in height. (81 + km/hr speed zone)
 - A minimum height of 1.0 metre.
- The top edge of any sign attached to an object including bicycle and tricycle must not exceed the heights listed in the speed zones above. (Measurements are taken as height above pavement).
- 10.8** The maximum number of signs permitted per premises is one (1). Consideration will be given to an additional permit where the frontage of the business premises to the street is greater than 8 metres.
- 10.9** In exceptional circumstances for multi-tenanted businesses, more than one (1) sign can be displayed providing that;
- A minimum of 1.5 metres of access exists between each sign;
 - The stability of the sign and the line of sight is not compromised so as to create safety hazards; and
 - There are a maximum number of three (3) signs for that building which may be approved subject to each applicant producing evidence of their ABN details.
 - The installation of finger boards, bollards and the like may be permitted subject to a Planning Permit and consent from Council's Urban Design Unit.
- 10.10** Fees applicable for the display of signs shall be charged on an annual basis.
- 10.11** The maximum number of signs that a Community Market may display is three (3).
- 10.12** All Community Market signs must be located within 200 metres of the market location.
- 10.13** Community Market signs may only be displayed on the day of the market event.
- 10.14** Advertising signs may be permitted in Exclusion Zones where the footpath width is greater than 2.9 metres and pedestrian access and/or safety is not compromised.
- 10.15** An annual permit to display signs may be issued to Real Estate Agent businesses subject to the following conditions:
- 10.15.1** A maximum of three (3) signs may be permitted per 'open for display' or 'auction' event;
- 10.15.2** No sign shall be placed on any roundabout, median strip, council reserve or other location that may impede and/or distract motorists and/or pedestrians;
- 10.15.3** Signs shall be placed kerbside in accordance with Section 10 of these Guidelines;
- 10.15.4** Auction signs may only be displayed on the day of the auction event listed in 10.15.1 and shall be removed no later than 4 p.m. on the day of the auction event;
- 10.15.5** 'Open for Inspection' signs shall only be permitted to be displayed during the times that the property is open to the public;
- 10.15.6** Signs shall not be larger than 1200mm high X 600 wide;
- 10.15.7** Signs shall be identified by the business (Permit Holder), its purpose (auction or open for inspection) and contact details of the Permit Holder.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

11. Ancillary items (umbrellas, enclosures, heaters and pot plants)

- 11.1 Unless approved by an Authorised Officer, ancillary items such as umbrellas, gas heaters, planter boxes and barrier screens are permitted only in conjunction with food premises furniture within the 'prescribed area' relevant to the Permit, and for premises that are registered to serve food and/or beverages under the Food Act 1984.

12. Outdoor Speakers/Amplification Equipment

- 12.1 Amplified music is not permitted in an outdoor dining area or in conjunction with a business, unless approved by Council, in order to protect the amenity of the area by preventing the occurrence of any nuisance conditions.
- 12.2 Where these items are fitted without permission, an Authorised Officer will require the items to be removed.
- 12.3 Live entertainment is only permitted with the written permission of an Authorised Officer (see 'Busking').

13. Noise Emission

- 13.1 The Permit Holder of any footpath & designated roads trading activity within the Trading Zone must ensure that the activity does not create any unreasonable noise or other disturbance which may interfere with the reasonable use and/or occupancy of neighbouring properties or cause detriment to the general amenity of the neighbourhood.

14. Heaters

- 14.1 In some locations due to narrow width of certain footpaths, outdoor gas heaters should wherever a reticulated gas supply is available, be affixed to the awnings or verandas so as to be located off the footpath. A Planning Permit is required to undertake this activity and a Building Permit may also be required.
- 14.2 If relocatable patio heaters with a stable base are to be used, they must be included on the permit application and be covered by the traders' public liability insurance. All heaters must be placed within the Trading Zone in such a manner as to not create trip hazards, burn hazards and/or access restrictions.
- 14.3 Any heater used must carry the appropriate certification by the Australian Gas Association and be used in accordance with the manufacturer's instructions. Furthermore, compliance with safety and technical advice available through the Office of Gas Safety is also required.

15. Umbrellas

- 15.1 Umbrellas may only be placed in the Trading Zone and must be brought back into the premises in accordance with 7.12.
- 15.2 Where umbrellas are permitted, they must at all times be a minimum of 2.4 metres high above the footpath surface at the lowest point of the canopy and must not protrude over the Kerbside Zone. At times during rainfall, water from large umbrellas should be discharged in the areas outside pedestrians walking path.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

- 15.3** Umbrellas must be secured and positioned in a stable manner to the satisfaction of an Authorised Officer.

16. Full Length Awnings/Blinds

- 16.1** Full length awnings/blinds may be approved in accordance with Council Planning Permit and Building Permit, in accordance with Clause 7.2.3.

17. Planter Boxes

- 17.1** Planter boxes that are not part of an Outdoor Dining activity will only be permitted in the Trading Zone and subject to a Permit.
- 17.2** Planter Boxes must provide a positive contribution to the visual amenity of the footpath. The condition of a Permit for a planter box requires that these items be well maintained with healthy plants and must be kept clean of litter, cigarette butts and the like. If this is not adhered to, permission for the planter boxes may be revoked and the planter boxes will need to be removed by the Permit Holder.

18. Indication of the Footpath Trading Zone.

- 18.1** Council may place markers to clearly define the Footpath Trading Zone along any footpath when deemed necessary.

19. Permanent Fixtures on the Footpath

- 19.1** Bike racks, seats, bins, pedestrian crossings, fire hydrants and other emergency assets, parking meters, traffic signal boxes, public transport shelters and other permanent fixtures placed on the footpath are public assets and have priority over commercial interests. Any item covered by these Guidelines shall not be located closer than 0.5 metres either side of the abovementioned infrastructure.
- 19.2** As a general rule, parking meters, parking controls and special use zones will not be relocated at the request of a trader.
- 19.3** In exceptional circumstances and subject to no impact to any party, relocation of such infrastructure, as per 19.1 and 19.2 may be considered with any associated costs being borne by the applicant/permit holder.
- 19.4** Permit holders shall not obstruct footpath tactile (for the visually impaired) and where this may not be possible, the Permit Holder shall be responsible to install modified tactiles to the footpath in accordance with the relevant standards.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Part D – Busking/Street Performing

20. Busking/Street Performing

- 20.1** No person shall perform busking activities on a Council footpath unless with a permit to do so;
- 20.2** Busking is permitted on Council footpaths subject to the following conditions;
- 20.2.1** Within the Central Geelong precinct, suitable locations to perform busking activities will be designated by the Events, Central Geelong and Waterfront Unit of Council;
 - 20.2.2** At locations other than the Central Geelong precinct, the applicant is required to obtain consent from business owners in front of which he/she intends to perform;
 - 20.2.3** Busking activities shall take place between sunrise and sunset unless otherwise approved by an Authorised Officer;
 - 20.2.4** Busking activities shall not create any nuisance or disturbance as outlined in 13.1 of these Guidelines.
 - 20.2.5** Busking activities shall not be located in front of any doorway, driveway or other entry point to any building.
- 20.3** Busking activities shall not be undertaken:
- 20.3.1** in Exclusion Zones;
 - 20.3.2** within 10 metres of any major commercial or public building; and
 - 20.3.3** for a period longer than one (1) hour at any specific site unless approved by an Authorised Officer.
- 20.4** Buskers shall be permitted to sell CD's providing that it is their own original recorded music. The selling other types of CD's or merchandise is prohibited.
- 20.5** A Busking Permit will not be issued to any person under the age of 16 unless that person is accompanied by a parent, adult or guardian.
- 20.6** A Busking Permit shall be on display at all times during the busking performance and shown to any Authorised Officer upon request.
- 20.7** The use of an A frame sign is not permitted in conjunction with a busking permit.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

Part E - Enforcement

21. Enforcement of Footpath and Designated Roads Trading and Activity Policy

- 21.1** Upon detection of a breach of the General Local Law, Footpath and Designated Roads Trading and Activity Policy and Guidelines, an Authorised Officer may take the following action:
- 21.1.1** Issue a verbal instruction to remedy any observed breach of a minor nature;
 - 21.1.2** Issue a Notice to Comply for subsequent breaches or where serious breaches are observed;
 - 21.1.3** Issue an Infringement Notice for non-compliance with the Notice to Comply;
 - 21.1.4** Issue an Infringement Notice for a serious breach;
 - 21.1.5** Cancellation of a Permit and/ or Prosecution for continuing offences.
- 21.2** An Authorised Officer may impound any items that are placed on the footpath that do not comply with Council's Neighbourhood Amenity Local Law 2014 and Council's Footpath and Designated Roads Trading and Activity Policy and Guidelines and any conditions placed on a Permit.
- 21.3** Second and subsequent Infringements will be issued without additional warning for further incidents of non-compliance.
- 21.4** Incidents of non-compliance will be taken into consideration when requests to vary or add to a Permit are considered for approval.
- 20.5** In signing the annual Permit renewal form, traders acknowledge their understanding of the compliance requirements associated with that Permit.
- 20.6** Victoria Police and Victoria Commission for Gaming and Liquor Regulation shall be responsible to monitor Liquor License conditions associated with any Footpath & Designated Roads Trading and Activity Permit. Council will exercise its duty of care to refer any observed licensing breaches to these authorities.
- 21.7** A second offence relating to any Liquor License breach (as referred by the relevant agency) may result in the Footpath and Designated Roads Trading and Activity Permit being revoked.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

PART F - Administration

22. Street Cleaning

- 22.1** All items such as tables, chairs, umbrellas, plants, goods displays, A-frame signs and other ancillary items must be removed and the footpath kept clear to facilitate cleansing between 1.00 a.m. and 7:00 a.m. on any day, unless otherwise approved.
- 22.2** The Permit Holder is responsible for keeping the Trading Zone area clean at all times. This would involve the reasonable removal of food/drink stains, cigarette butts, chewing gum or other contaminating matter from the pavement within the Trading, Kerbside and Pedestrian Zone in front of that premises. In instances of significant staining of the footpath where Council requires to conduct additional and intensive cleaning, the Permit Holder may be charged for that service.

23. Service Authority Works and Special Events

- 23.1** At times Utilities Services, Emergency Services or Council will require the use of a footpath or adjacent area to undertake works or to allow a Special Event or Activity to occur. This may include repair to infrastructure as a result of emergency works being undertaken. During such periods it is normal practice to give the Permit Holder a minimum of seven days notice to vacate the Trading Zone prior to the event.
- 23.2** In cases of an emergency, the Trading Zone may need to be cleared immediately by the Permit Holder. Council and/or the Utilities/Emergency Agencies shall not be responsible for any claim for loss of trade during the time of an emergency.

24. Public Liability Insurance and Indemnity

- 24.1** A Permit will not be issued unless the Applicant indemnifies Council against any law suit, action, proceeding, judgement, claim, demand, cost, expense, loss or damage for which Council becomes or may become liable in relation to the death or injury to any person or the damage to any property caused by a service, activity or structure authorised by a Permit.
- 24.2** The Permit holder must maintain a public liability policy of insurance, noting the interests of Council, for an amount of not less than **\$10 million**. The policy must be able to meet any claim which may be sustained against the Permit holder or Council in relation to the death or injury to any person or the damage to any property arising out of the occupancy authorised by the Permit.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

25. Applying for a Permit

To apply for a Permit, applicants need to:

- 25.1 Complete and sign the application and indemnity form;
- 25.2 Provide a site plan of existing conditions at a scale of 1:100 that accurately shows the width of building frontage and of the footpath from the outside edge of the kerb to the building lines, location of building lines and the type of abutting properties, existing trees, light poles, signs, existing street furniture, pits, fire hydrants, car parking and other features;
- 25.3 Provide a site plan at a scale of 1:100 that accurately shows the area and layout of the proposed footpath activity including the proposed location of chairs, tables, screens, heaters, umbrellas, advertising signs, goods displays or other items or activities;
- 25.4 State the number of internal seats as per the occupancy permit for the building as well as the number of external seats to be provided;
- 25.6 Provide toilets for patrons in accordance with the ratios prescribed in the Building Act 1993 and the Building Code of Australia;
- 25.7 Provide photographs or detailed drawings of the proposed furniture, item, activity or advertising logo including its size and location within the trading zone. This includes advertising on barriers and any equipment;
- 25.8 Provide a Certificate of Currency in relation to a public liability policy of insurance, insuring against liability for the death of or injury to any person or damage to any property arising out of the occupancy that may be authorised by the permit which lists:
 1. 'City of Greater Geelong Council' as an interested party
 2. A minimum of \$10 million in public liability
 3. The insured (including situation of risk)
 4. The Company insuring you
 5. Expiry Date
 6. Policy Number
- 25.9 Forward the prescribed application and fees (payable to "City of Greater Geelong Council"); and deliver the application form together with the above information and fee to:

**Health & Local Laws
City of Greater Geelong
PO Box 104
Geelong VIC 3220**

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

26. Permit Amendments

A new Permit is required;

- 26.1 If the Permit holder wishes to place additional items within the Trading Zone.
- 26.2 If the Permit holder requires significant changes to existing Permit conditions. (eg changing barrier types from canvas to glass, seating capacity, food displays etc.)
- 26.3 Upon change of ownership of a business where it is intended to change structures, seating capacity, barriers etc. If the same fixtures are intended to be used by the prospective proprietor, a new Permit under the same conditions may be processed subject to appropriate consents being obtained from both parties and the prescribed transfer form and fee being completed and lodged with Council.
- 26.4 When a business with a Permit for Fixed Barriers either wishes to discontinue with the use of Fixed Outdoor Dining Barriers or changes ownership and there is a declaration from prospective proprietor/s that the Fixed Barriers are not required, the current Permit holder is responsible for the removal of such structures and the reinstatement costs of Council infrastructure. A pro-rata refund of the Permit fee for a period of no less than 6 months will be forwarded to the current Permit holder.

27. Authorised Officers

- 27.1 Local conditions will influence where items may be placed. An Authorised Officer cannot permit activity where it would compromise pedestrian or vehicle traffic safety or cause detriment to the amenity of the area. Relevant local conditions include the width of the footpath, proximity to major roads, parking restrictions, clearways, trees, angle parking, the number of pedestrians at particular times of day and the location of residences.
- 27.2 An Authorised Officer has the right to reject an application, modify the conditions of an existing permit or revoke a permit if:
 - 27.2.1 the sight of pedestrians crossing at an intersection or crossing is interfered with so as to obscure oncoming traffic;
 - 27.2.2 the sight of the driver of a vehicle is interfered with so as to not properly see pedestrians, signals or signs;
 - 27.2.3 the Permit requirements have not been complied with and there is continuing failure to comply;
 - 27.2.4 the permit holder fails to maintain public liability insurance;
 - 27.2.5 the Authorised Officer believes the activity will create a safety hazard to pedestrians, motorists or cyclists or cause detriment to the amenity of the area;
 - 27.2.6 the health and amenity of the area is compromised through the inability to provide toilet facilities where the total seating capacity of the business exceeds 20 seats.

Footpath and Designated Roads Trading and Activity Guidelines Cont'd

28. Permit Fee and Period of Permit

- 28.1 Fees may vary from year to year as adopted by Council.
- 28.1 Unless otherwise specified on the Permit, the Permit expiry period shall be on the 31st of December each year, except in those instances when it is revoked by an Authorised Officer.
- 28.3 If an application is refused, the Permit fee is refunded for the applicant.
- 28.4 Upon written request and notification of cessation of use by a Permit holder, a pro-rata refund may apply to a level not exceeding 50% of the Permit fee.

29. Policy Alterations

- 29.4 The City of Greater Geelong Council will review the Footpath and Designated Roads Trading and Activity Guidelines and the Footpath and Designated Roads Trading Policy from time to time as required and reserves the right to make any alterations it deems necessary.



POLICY: Works within Road Reserves and Road Reinstatement

1. Purpose

To provide direction for the implementation of Council's statutory responsibilities and infrastructure asset protection obligations with regard to works within road reserves and road reinstatements.

To ensure:

- All parties (other than defined service authorities) wishing to undertake road openings make application for Council permission via the appropriate permit and comply with all permit conditions.
- Council is appropriately indemnified against potential actions arising from road opening and reinstatement works undertaken by other parties.
- Council is adequately notified of all road opening proposals by service authorities, tradesmen and other persons.
- Road opening worksites are safe, protecting both the safety of road users and the amenity of the municipality.
- Road openings and reinstatements are conducted in a timely manner thus minimising road user inconvenience.
- All road reinstatements are inspected by Council officers and completed to standards in accordance with Council's 'Road Opening and Reinstatement Standards and Requirements' guidelines.

To facilitate:

- The capacity for service authorities, tradesmen and other persons to efficiently open and occupy roads and reinstate road openings in the course of their normal business.
- Adequate reimbursement of costs incurred by Council through the need for Council inspection, supervision or works as a result of road openings and reinstatements undertaken by other parties.
- Council's capacity to serve 'Compliance Notification' on any parties which do not comply with consent for works in road reserves and reinstatement permit conditions.

Works within Road Reserves and Road Reinstatement Policy Cont'd

2. Scope

This policy deals with the requirements and standards in relation to road openings and road reinstatements. The policy will apply to parties proposing to undertake road opening works including 'service authorities' (as defined). It prescribes the conditions under which Council will grant permits and/or permission for parties to undertake road openings and the standards for road reinstatement works.

3. References

- Local Government Act 1989.
- Greater Geelong City Council, General Local Law 2005
- Asset Accounting Management Policy MPL505.4.1.
- Road Safety Act 1986 and Subordinate Regulations.
- City of Greater Geelong 'Road Opening and Reinstatement Standards and Requirements,' September 1996 (Amended September 2003).
- Road Management Act 2004
- Road Management Plan

4. Definitions

- Applicant means the person who applies for a road opening permit.
- Authorised Council Officer means a member of Council staff who is empowered to undertake road opening/reinstatement inspections.
- Council Inspection means the viewing of a road opening or road reinstatement by an authorised Council Officer.
- Private Openings means road openings undertaken by private persons or entities as distinct from 'Service Authorities'.
- Road means as prescribed in the Local Government Act 1989:
 - **road** includes:
 1. a street; and
 2. a right of way; and
 3. any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and
 4. a passage; and
 5. a cul de sac; and
 6. a by-pass; and
 7. a bridge or ford; and
 8. a footpath, bicycle path or nature strip; and
 9. any culvert or kerbing or other land or works forming part of the road.
- **Road Opener** means the party undertaking a road opening including any authorised subcontractor under whose direction the party undertaking the road opening is operating.

Works within Road Reserves and Road Reinstatement Policy Cont'd

- **Road Opening** means any hole or excavation in or near a road which is undertaken by a party other than Council for the purpose of water tapings, stormwater, water main or sewer main connection or any other purpose whatsoever.
- Consent for works within Road Reserves Permit means a two way legal document providing permission from Council for the undertaking of a road opening by another party, and specifying the conditions (if any) to which that other party must comply.
- **Road Reinstatement** means the repair of the road opening, reinstating the condition of the road to the standard required by Council.
- **Service Authority** means any company or public body responsible for the installation of public services, eg, telecommunications, gas, electricity, water or sewerage.
- **Sub-Contractor** means a person or entity contracted by a service authority or other person for the purpose of undertaking road opening or road reinstatement works.
- **Traffic Management Plan** means a plan indicating the traffic diversion or redirection method to be used whilst the road opening poses a traffic hazard.
- **User Charge** means the funding mechanism through which Council is reimbursed for the cost of undertaking, supervising and administering road reinstatement works, eg, on a full cost reflective basis.

5. Council Policy

5.1. Introduction

- Council has responsibility for maintaining Council roads within the municipal district to appropriate standards of condition, and for ensuring that the condition of these roads provides for a reasonable level of safety for all road users at all times.
- Council acknowledges that service authorities and private persons and other entities may from time to time need to open roads under Council's control for the provision, accessing and/or repair of various public services, eg, telecommunications, gas, electricity, water, sewerage.
- When roads are proposed to be opened or subterraneously excavated by service authorities or other parties Council needs to be appropriately notified of such proposals. Council will require applicants to give notification and where necessary seek approval through the completion of a Consent for Works in Road Reserves Permit application form. Additionally, when road openings are undertaken the Road Opener and Council are required to ensure that public safety is maintained. When road openings are reinstated Council needs to inspect the reinstatement works to ensure that the road has been returned to a condition consistent with Council's required reinstatement standards.
- Council may undertake road opening reinstatement works itself for which it may recover all or any part of the cost of the works from the Road Opener. Additionally, Council may seek reimbursement of costs associated with road opening/reinstatement inspection, supervision and administrative costs.

Works within Road Reserves and Road Reinstatement Policy Cont'd

- This management policy sets out the steps to be followed to ensure that Council is notified of all proposed road openings; that Council approves road openings where required; that public safety is ensured at all times; that road openings are reinstated to acceptable standards; and that Council is reimbursed for any associated works or inspection, supervision or administrative costs.
- This policy is cognisant of the relevant legal requirements as prescribed by Greater Geelong City Council, General Local Law 2005, and of the relevant provision of the Road Safety (Traffic) Regulations 1988.

5. 2. It is the policy of Council that:

- Council must be notified of all proposals for road openings whether to be undertaken by service authorities, other persons or entities or their subcontractors (principle 1).
- All road openings will be reinstated to a standard commensurate with Council's asset maintenance standards (principle 2).
- Council acknowledges that service authorities operate under specific Federal and State legislation and that Council cannot enforce the provisions of its General Local Law 2005 in relation to service authorities requiring permits for road openings.
- Council will require all service authorities (except in emergency circumstance) to provide written notice of any intention to undertake a road opening, such notification to be given at least fifteen working days prior to road opening works.
- Temporary reinstatements to be referred to 'Works Within Road Reserve' Manual. 'Road Opening and Reinstatements Standards and Requirement' guidelines.
- Council acknowledges that service authorities will take all reasonable steps to carry out road openings and road reinstatements with as little detriment and inconvenience to the community as possible and in a manner to protect public safety at all times.
- Council will require all service authorities to reinstate the road opening within ten working days of undertaking the road opening to a condition satisfactory to Council, in accordance with 'Road Opening and Reinstatement Standards and Requirements' guidelines.
- After inspection by a Council officer, where Council is not satisfied with the condition of a road opening reinstatement undertaken by a service authority, it may request the service authority to undertake further restitution works to achieve a required reinstatement standard. Where further restitution works are still unsatisfactory Council will undertake the reinstatement works itself and seek full recompense on a user pay basis.
- In determining whether to grant a permit the Council will have regard to:
 - the nature and duration of the works;
 - the likely hazard that the works may constitute to users of the road;
 - the likely impact on environmentally sensitive zones;
 - the impact of the works on the amenity of the adjoining area;
 - whether other works are scheduled for the location;
 - whether an appropriate Traffic Management Plan has been developed;
 - whether an appropriate indemnity has been provided to Council; and
 - any other matter relevant to the circumstances of the application.

Works within Road Reserves and Road Reinstatement Policy Cont'd

- All applicants for private road openings including sub contractors must notify Council of the road opening proposal via a permit application.
- Council will maintain an accurate data base of all Consent for Works within Road Reserves permit applicants and of Consent for Works within Road Reserves permits issued.
- Council will require all private Consent for Works within Road Reserves permit holders to carry out road openings in strict accord with all permit conditions.
- Council will require all private Consent for Works within Road Reserves permit holders to reinstate the road opening within 48 hours of undertaking the road opening to a condition satisfactory to Council.
- After inspection by a Council Officer, where Council is not satisfied with the condition of a road opening reinstatement undertaken by a private Consent to Work within Road Reserve permit holder, it will service a 'Notice to Comply' demanding adherence to the permit conditions.
- Where the response to a 'Notice to Comply' is still unsatisfactory Council will undertake the reinstatement works itself and recover the full cost of these works from the permit holder.
- The intent of the above policies be applied to specific cases that do not conform to typical situations.

6. Quality Records

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Road Opening Permit	Corporate Records	2 years	Corporate Records
Notice to Comply	Corporate Records	2 years	Corporate Records
Reinstatement Tracking Spreadsheet	Engineering Manager	Permanent	Engineering

7. Attachments

- Nil



POLICY: Recycling and Waste Collection System

Recycling and Waste Collection System	Document No:	CPL225.1
	Approval Date:	23 March 2010
	Approved By:	Council Recycling and Waste Collection
	System Review Date:	31 December 2014
Responsible Officer: Manager Infrastructure Operations	Version:	02
Authorising Officer:	Chief Executive Officer	

1. Purpose

To outline the principles and processes for the operation of Council's recycling and waste collection system.

2. Scope

All occupants of properties with a residence.

3. References

- Council report of 28 May 2002 adopting the new recycling and waste collection system.
- Council report of 24 June adding to the adopted recycling and waste collection system.
- Neighbourhood Amenity Local Law 2014

4. Definitions

- Garbage - means all waste generated or accumulated in or on any residential premises, but excludes any substance designated by Council from time to time not to constitute garbage for the purposes of Neighbourhood Amenity Local Law 2014;

Recycling and Waste Collection System Policy Cont'd

- Green waste - means any substance which the Council designates from time to time as green waste material for the purposes of Neighbourhood Amenity Local Law 2014 ;
- Hard waste - means waste items which the Council designates from time to time as hard waste for the purposes of Neighbourhood Amenity Local Law 2014;
- Litterbin - means a receptacle provided by Council, or with authority of Council, in a road, a reserve or other public place, for use by the public in depositing small items of litter;
- Recyclables - means any substances or articles, which Council designates from time to time to be recyclables for the purposes of Neighbourhood Amenity Local Law 2014;
- Residential - includes all tenements used for residential purposes in whole or in part, and any other premise designated by Council from time to time.
- Tenement - means a building or part of a building in separate occupation which is, or is capable of being, rated separately by Council.

5. Council Policy

The City of Greater Geelong has introduced a recycling and waste collection system that incorporates three (3) collection services (recycling, green waste and garbage) all utilising Council provided mobile bins. The following key principles aspects have been adopted as of the new system.

1. All residential properties (dwellings) within the Municipality be charged for and provided with a 3 mobile garbage bin (mgb) service;
2. Domestic waste collection be a weekly 120 litre mgb service.
3. Recycling collection be a fortnightly fully commingled 240-litre mgb service.
4. Green waste collection be a fortnightly 240 litre mgb service.
5. The new recycling and waste collection system utilise all new mgb's branded and supplied by the City.
6. The recycling and waste collection services relate to the property and the bins be allocated to and remain with the property and be part of the total collection service.
7. In order to meet the specific needs of some properties an option for a 120 litre mgb in lieu of 240-litre mgb for the fully commingled recycling and green waste services be provided at the standard charge.
8. Flats and units may share a 240 litre bin for garbage, recycling and green waste provided that each property has a minimum equivalent capacity of 120 litres for garbage and recycling and that each complex containing flats and/or units has at least one 240 litre green waste service.
9. Upon compliance with the conditions outlined in the 'Guidelines for Assessing Applications for Additional Garbage and Recycling Services' a resident may be granted an additional garbage and/or recycling service at no additional charge.

Recycling and Waste Collection System Policy Cont'd

10. Opportunity be provided for other properties (eg: schools, small commercial business premises within collection areas) to be included within fully commingled recycling and green waste collection service on a fee for service basis. This fee to be the actual cost of providing the particular service.
11. That a review of the collection system be undertaken on an annual basis to ensure that it continues to meet the needs of residents and that feedback be provided to residents on the overall performance of the system.
12. That the future provision of a hard waste collection service be determined via a report to Council prior to any action being taken.
13. Colours of all bins be dark green with lids coloured burgundy for domestic waste, yellow for recycling and lime green for green waste.
14. All mgb's be appropriately marked including Council logo, stickers indicating type of waste that can and cannot be put into bin, property address, waste minimisation message and embossed marking to reflect type of bin.
15. A community advisory service be established during the implementation period to encourage the most efficient and effective utilisation of the service including possible sharing of bins in flats/units.
16. New residents kits be prepared and circulated to all Real Estate agents seeking their assistance in distributing these kits and in educating new residents/tenants in the proper use of the collection system.
17. The name of the charge on the rate notices be the Recycling and Waste Services Charge.
18. A Communication and Education Strategy be used to assist in the on-going operation of the system and to include:
 - a. encouragement of responsible home composting.
 - b. information on drop off points for extra recyclables and waste during seasonal peaks.
 - c. a communication and education program to promote the recycling of green waste and the positive impact on the environment.
19. The green waste collection service, including provision of a green waste bin, be provided to all rural properties as part of the standard recycling and waste collection service to which all properties are entitled.
20. Collection from casual occupancy dwellings in coastal townships be addressed by:
 - a. promoting that it is the responsibility of the property occupant to make suitable arrangements with neighbours or others to place out and return bins.
 - b. providing drop off facilities, on a trail basis, at selected locations to accommodate the placement of materials by residents.
21. Criteria for the provision of a special needs service be developed in accordance with the principles of Council's Disability Action Plan and in consultation with the Barwon Disabilities Resource Council.

Recycling and Waste Collection System Policy Cont'd

6. Quality records

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Council Property Database for Residential Properties (refer Items 5.1, 5.7 & 5.8)	Finance Manager	7 years (ie: duration of collection contracts)	Finance Department
File database for Additional Garbage and Recycling Services (refer Item 5.9)	Manager responsible for Waste Management	7 years (ie: duration of collection contracts)	Waste Management Department
File database for Extra Recycling and Green Waste Services (refer Item 5.10)	Manager responsible for Waste Management	7 years (ie: duration of collection contracts)	Waste Management Department
File database for Special Needs Service (refer Item 5.21)	Manager responsible for Waste Management	7 years (ie: duration of collection contracts)	Waste Management Department

7. Attachments

Guidelines for Assessing Applications for Additional Garbage and Recycling Services

Objectives

These guidelines have been prepared to:

- ensure that the community is encouraged to embrace waste minimisation principles and maximise the separation of waste into the appropriate collection streams for environmentally beneficial recycling and reuse of these material, and
- enable the City to deliver its recycling and waste collection services in a socially just manner to members of the community for which the service is inadequate in capacity for reasons reasonably outside their control (eg: medical conditions, family circumstances).

Recycling and Waste Collection System Policy Cont'd

Guidelines

An additional 120 litre mobile garbage bin and/or a 240litre recycling bin may be provided on a temporary basis to a residential tenement in the following circumstances, subject to written application to the Manager responsible for waste management clearly stating the reasons why the additional service(s) is necessary:

- the number of persons resident in the tenement on a full time basis is six or more, or
- a person resident in the tenement possesses a medical condition or some other personal condition that is beyond their control (eg: diabetic with dialysis waste) requiring disposal of waste that is reasonably beyond the capacity of the standard service to accommodate, or
- there are circumstances beyond the applicants control and not relating to leisure, business, culture or some other pursuit such that it is considered 'socially just' that the person seeking the additional service should be provided with that additional service.

An additional 120 litre garbage service and /or a 240 litre recycling service provided under these guidelines shall be:

- a. provided free of charge
- b. shall be accompanied by education on correct recycling
- c. reviewed annually to ensure that the circumstances continue to justify the additional service, and
- d. removed as soon as circumstances warrant the additional service cease.

Decisions relating to provision of additional garbage and recycling services shall be made by the Manager responsible for waste management and be subject to review by the responsible General Manager.

SECTION 3 – PERMIT CONDITIONS

SECTION 3 – PERMIT CONDITIONS

Table of Contents

94. Standard Permit Conditions – All Permits88

The standard Permit conditions in this Local Law Procedure Manual are applicable to all Permits issued under the Local Law.

To ensure procedural fairness and to enhance customer focus, community safety, individual site differences and the protection of public assets, Council reserves the right to add individual additional clauses to any Permit, provided an authorised officer or a delegated officer reasonably believes any additional clause is relevant and based upon the individual circumstances of a permit application. All additional clauses must be consistent with the relevant Local Law, the relevant incorporated Guidelines in Section 1 of this Local Law Procedure Manual and the incorporated Policies in Section 2.

Fees relating to permits are determined by Council and are available from Council’s website or by enquiry direct to Council.

Council Website is: www.geelongcity.vic.gov.au

Council’s enquiry email is: [enquiries@](mailto:enquiries@geelongcity.vic.gov.au)

Council’s telephone number is:

Council’s Civic Offices are at:

Council’s Office Hours: 8:30am-5:00pm Monday – Friday

Council’s Postal Address: PO Box 104 Geelong VIC 3220

The following permit conditions, as determined by the Council from time to time, are incorporated by reference into the Neighbourhood Amenity Local Law 2014.

94. STANDARD PERMIT CONDITIONS

The following standard permit conditions, as determined by Council from time to time, are incorporated by reference in the local law and apply to all Permits issued or corrections to permits issued by City of Greater Geelong Council. They are in addition to, and, if in conflict with, override any conditions applicable to any specific type of permit. These conditions should form part of, or be attached to every Local Law Permit issued.

Conditions of permit are that:

- (1) The permit application must be accompanied by the Appropriate Fee, and the permit application will not be processed until the Appropriate Fee is paid in full to Council, or the fee due is made subject to an approved payment system.
- (2) If application is approved and issuing the permit involves an additional fee or fees, the permit is not valid until the Appropriate Fee or fees are paid in full to the Council, or the fee due is made subject to an approved payment system.
- (3) The applicant may be required to give public notice, or written notice to adjoining landowners and other specified parties of such application inviting submissions.
- (4) Except where otherwise expressly stated in this Permit, a Permit will operate from the date it is issued until 30 June next following that date.
- (5) This Permit may be fully or partially cancelled or suspended by Council at any time, if in the opinion of an Authorised Officer or a Delegated Officer:
 - a) there has been any material misstatement or concealment in relation to the application for a Permit; or
 - b) there has been a failure to comply with any condition or conditions subject to which the Permit was issued.

Where paragraph (a) of this sub-clause applies, the Permit may be suspended by giving seven (7) days' notice of the decision to propose full or partial cancellation and of advice that an appeal may be lodged with the Council. If an appeal is lodged within that seven (7) days, the suspension continues until full or partial restoration or cancellation of the Permit is determined in the appeal to the Council.

Where paragraph (b) of this sub-clause applies, any cancellation will not take place unless:

- (i) a Notice to Comply has been served upon the Permit Holder;
- (ii) there has been a failure to comply with the Notice to Comply within the time required;
- (iii) the failure to comply continues for a period of seven (7) days after the time specified in the Notice.

- (6) Where the Permit Holder is not the owner of the property to which the Permit applies and the owner's consent was required to be given to the application for the Permit, the owner must be notified of any and all Notices to Comply and the reasons why it has been served on the Permit Holder.
- (7) The Council reserves the right to correct or modify any Permit in relation to a clerical mistake or other error arising unintentionally or by an omission; or an evident material miscalculation of figures or an evident material mistake in description of any person, thing or property referred to in the Permit. The Council will give notice of any correction or modification of a Permit to the Permit Holder.
- (8) Permit applicants should also be aware that under the Local Law any person who makes any false representation or declaration (whether oral or in writing) in, or who omits any relevant information from, an application for a Permit or exemption is guilty of an offence with a maximum penalty of 20 Penalty Units. Also any person who fails to comply with a Notice to Comply within the required time is guilty of an offence with a maximum penalty of 10 Penalty Units.
- (9) Any permit applicant or holder who is aggrieved by any matter in the granting, reviewing, modification, suspension, cancellation or renewal of this Permit, and/or in relation to any written notice, Notice to Comply or Infringement Notice issued in relation to breaches of conditions of this Permit, may by written request within twenty-eight (28) days of the date of the incident, notice or matter concerned, seek a review by Council (including by its delegated ombudsman) of the matter. However, the making of any such request will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under the Permit or any notices issued pursuant to matters related to this Permit.
- (10) As Council is the final review authority in matters relating to this Permit, Council's review decision is final. However, if the review involves any infringement or penalty notice issued in relation to the permit, then during the review process such a notice will be suspended pending the review decision. Following any such Infringement Notice review decision, there is a further right to be heard in the Magistrates' Court provided notice is given to Council within 14 days.

End of Standard Permit Conditions

SECTION 4 – FORMS

LOCAL LAW PROCEDURE MANUAL 2014

SECTION 4 - FORMS

The forms in this Schedule are included, but are not incorporated in the Local Law. Council reserves the right to amend or vary these forms from time to time based on changing needs or new circumstances. These forms (or alternative versions) of these forms are available from Council's website or from Council's Customer Service Centres.

For all application forms, permits or other forms and Council information contact Council's Customer Service on

Note that the form of an Infringement Notice is prescribed in the Infringements (Reporting and Prescribed Details and Forms) Regulations 2006, Regulation 8, and is consequently not included in this Schedule.

Forms Included in Section 4 are:	Page
Notice to Comply.....	91
Notice of Impounding.....	92
Application for a Permit.....	93
Standard Indemnity Form.....	94
Standard Permit Form.....	96

NOTICE TO COMPLY

TO: _____
(Name)

(Address)

This Notice to Comply is based upon the following breach of Council's Neighbourhood Amenity Local Law 2014.

Clause _____

In relation to: _____

To remedy the breach you must carry out the following work/s, action and/or cease the following activity, as specified below, within _____ days from the date of this notice.

Works or Actions required to comply:

You should contact the undersigned at the Municipal Offices during business hours for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of \$_____ (penalty) for the offence. Additionally, an Authorised Officer may proceed to have any required work carried out, in which case, you will be liable for the cost of such works (in addition to the above penalty) under Section 225 of the *Local Government Act 1989*.

Date _____
(Insert Date) (Name of Authorised Officer)

Telephone _____
(Signature of Authorised Officer)

NOTE: If this Notice relates to a contravention of a Permit and there is no compliance with the Notice, apart from any other penalties, the Permit may be cancelled. If you do not wish to have the Permit cancelled you should comply with the directions in this Notice. You may appeal by writing to Council and seeking a Review of this Notice and any potential permit cancellation.

NOTICE OF IMPOUNDING

TO: _____
(Name)

(Address)

The following thing(s) has/have been impounded in accordance with clause 15 of the Council's
Neighbourhood Amenity Local Law 2014.
(Describe thing(s) impounded)

You may collect the thing(s) by attending at the municipal offices during normal business hours
and paying the fees and charge due. Note that some fees are charged by the day so the Total
Payable may change.

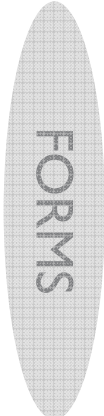
Details of Fees and Charges	\$
_____	_____
_____	_____
_____	_____
_____	_____

TOTAL PAYABLE \$ _____

If you fail to collect the thing(s) and pay the required fees and charges by _____ (date),
the Council's Authorised Officer will proceed to dispose of the thing(s) in accordance with Council
policy.

Date _____
(Insert Date) (Name of Authorised Officer)

Telephone _____
(Signature of Authorised Officer)



APPLICATION FOR PERMIT

Applicant:

Organisation:

Address:

Telephone: BH: _____ AH: _____ Mob.: _____

Application to:

Fee: \$

Declaration: I attach a copy of Certificate of Currency for public liability insurance (\$10m), which provides indemnity to City of Greater Geelong Council in relation to this application and permit, and agree to abide with all conditions herewith.

Signature _____ Date ____/____/____

Name (please print)

Please note: Council collects your personal information for the purposes of processing your application for a permit. If you have any queries or wish to gain access to your information, please contact Council's Customer Service on

Office use only

amount: \$

Received from _____

FORMS

FORMS

STANDARD INDEMNITY FORM - 1

CITY OF GREATER GEELONG COUNCIL

This section to be completed by the Permit Holder or their authorised representative

FORM OF INDEMNITY

I, _____ (Name of the Person)

of _____ (Address of Person)

in the State of Victoria

holding the position _____ (Role or Position in Business)

in the business named _____ (Business Name)

with ABN or ACN _____ (Australian Business or Company Number)

of _____ (Business Address)

for which business I am duly authorised to sign this indemnity,

in consideration of the Permit for

_____ (the nature of the permit)

on the Footpath or Road

being granted to

_____ (Name of Person or Incorporated Business Name on the Permit)

(referred to as "the Permit Holder") HEREBY COVENANTS with CITY OF GREATER GEELONG COUNCIL (hereinafter referred to as "the Council") that unless caused by a breach of statutory duty or common law by the City of Greater Geelong Council or any of its officers, agents, employees or contractors, the Permit Holder agrees to indemnify the Council and keep the Council indemnified from and against all and any damage, loss, cost or liability incurred or suffered by any person as a result of the Permit Holder's failure to comply with any conditions of the Permit granted by the Council, or any other failure to comply with any relevant law, lawful duty or obligation giving rise to any damage, loss, cost or liability incurred or suffered by any person as a result of or in any way associated with the exercise of this Permit. /Continued Next Page

STANDARD INDEMNITY FORM – CONTINUED - 2

SIGNED SEALED AND DELIVERED by

(Print Name)

(Sign)

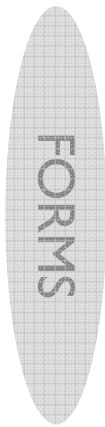
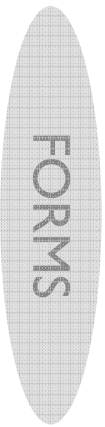
(Print Position)

(Date)

in Victoria in the presence of:

(Print Witness Name)

(Witness Sign & Date)



STANDARD PERMIT FORM

CITY OF GREATER GEELONG PERMIT

Permit Reference No.

Permit Issued to: (Name)

Address:

Phone:

Email:

Other details (e.g. ABN):

Permit is Issued for:

Permit is issued under authority of the Neighbourhood Amenity Local Law 2014
Clause (No. and Name):

This permit is not valid until the following fee has been paid in full, or has been made subject to an approved payment system. The applicable fee is: \$

The permit commences on: (time/date)

The permit expires on: (time/date)

This permit is composed of this cover page, a set of standard conditions, a set of specific permit conditions related to the purpose of the permit, plus any other individual special conditions which the issuing Authorised Officer or Delegated Officer decides are necessary.

This permit is not transferrable and can be, amended, suspended or cancelled by Council in a range of circumstances, including failure to disclose information in an application, change of circumstances, breach of conditions or other reasons.

Signed by Issuing Authorised Officer or Delegated Officer

Date

FORMS

FORMS

4. STATE OF THE ASSETS REPORT

Portfolio:	Infrastructure, Parks& Gardens – Cr Ellis
Source	City Services – Engineering Services
General Manager:	Gary Van Driel
Index Reference	Asset Management

Purpose

To provide Council with a summary report of the condition of the City's infrastructure assets.

Summary

- Council has extensive networks of long-life assets that require a strategic asset management approach.
- Condition rating is the key management tool for ongoing monitoring of assets. It allows assets in poor condition to be targeted for capital renewal programs.
- The current condition of the City's Infrastructure shows a serious situation, with many assets in poor condition and beyond their intervention levels. There is a gap in the annual renewal funding of \$14.04mill.

Cr Ellis moved, Cr Heagney seconded -

That Council:

- 1) receive the State of the Assets Report;**
- 2) note the shortfall in asset investment as shown by the City's annual renewal gap of \$14.04mill; and**
- 3) call for a report to address this annual renewal gap.**

Carried.

Background

Strategic Asset Management (AM) recognises the enduring nature of infrastructure and ensures that the community's long-term investment can be realised over the asset's lifecycle. AM decisions are formed by evaluation of alternative means of service provision, full lifecycle costing, performance measurement and condition monitoring.

The replacement value of Council's infrastructure exceeds \$2 billion.

The physical assets managed by councils support the delivery of core services, facilitate economic activity and strengthen the economy in the long term.

Discussion

This 'State of Assets Report' gives an overall snapshot of the condition of the infrastructure asset networks.

Asset Condition is the primary determinant of the finances required for renewal and refurbishment of the City's assets.

Condition is also the most important factor in determining whether civil infrastructure is 'fit for purpose'. It is measured as an objective numerical ranking which helps asset managers to compare condition with set standards and prioritise which assets should be renewed and when that should happen.

Condition rating is therefore an essential tool for lifecycle management of large networks. As the networks are so extensive and the cost quite high, rating is typically performed on a 4-5 year cycle.

Determining the 'State of the Assets' is therefore about separating assets into categories of good fair and poor condition (condition profiling).

Because of the network size, and the high cost of capital renewal even a small proportion of 'poor' condition assets may result in the renewal demand being significant in the City's overall budget.

The attached "State of the Assets" Report shows a collection of photographs that demonstrate the condition profiles of the City's major asset groups.

Environmental Implications

This report supports and encourages planning to enhance the natural and built environment through the consistent improvement in the City's infrastructure base.

Financial Implications

There is no direct cost impact on the budget associated with this report. However, this State of the Assets Report advocates the use of financial principles and techniques that are directed towards optimisation of expenditure on assets.

Policy/Legal/Statutory Implications

This Report will provide some direction for the ongoing improvement of Asset Management within the Municipality and does not have adverse implications.

Alignment to City Plan

This report aligns with the sustainability and built environment sections of City Plan.

Officer Direct or Indirect Interest

There are no direct or indirect interests by officers engaged in this report.

Risk Assessment

The recommendations of this report will lead to a better understanding of Council's position in terms of the level of financial sustainability due to improved Asset Management.

Social Considerations

Asset Management is essential to deliver the appropriate levels of service for the community and support the social and lifestyle choices made by residents and visitors of the City. The Asset networks provide the infrastructure that enables the City's services to be delivered. Sound AM planning means that social impacts are properly considered.

Human Rights Charter

Not applicable to this report.

Consultation and Communication

This State of the Assets Report has been distributed and communicated to key Asset Management staff at the City.

Attachment 1 - State of the Assets Report.

State of the Assets Report

July 2014

State of the Assets Report

July 2014

1. Purpose

The key objectives of the report are:

- To give a summary of the condition of the City's Infrastructure Assets.
- To give an explanation of the strategic nature of infrastructure management.

2. General

The City's infrastructure consists of networks of local roads, footpaths, bridges, drains, buildings and recreation assets. Council holds infrastructure (or 'assets') on behalf of the community to contribute to transportation and recreational goals as well as providing civic amenity.

The City's Asset Management (AM) effort is considerable, using a large proportion of Council's financial and other resources. It integrates with corporate, financial business, budgetary, operational, human resources and information technology plans.

Strategic Asset Management recognises the enduring nature of infrastructure and ensures that the community's long-term investment can be realised over the asset's lifecycle. AM decisions are formed by evaluation of alternative means of service provision, full lifecycle costing, performance measurement and condition monitoring. Such work enables the City to determine appropriate infrastructure to be provided and the level at which assets need to be presented.

The replacement value of Council's infrastructure exceeds \$2 billion.

2.1. The Nature of Infrastructure

- The purpose of infrastructure is to deliver a particular *service* or function.
- Infrastructure assets have long life (10 years plus) and high capital costs in comparison to other assets and usually are intended to last a long period of time.
- Regular maintenance ensures that the asset achieves its 'expected life'.
- The 'expected life' of an asset is reached when its level of service falls below an acceptable condition.
- When the asset deteriorates to below acceptable condition (poor), capital renewal is required to restore it to 'Good' condition.

2.2. About Infrastructure Networks

- A network consists of a set of interconnected assets, usually categorised in a hierarchy.
- As networks are constructed over a period of many years, assets will exhibit a range of condition from 'as new' to 'average' to 'poor'.
- Assets that are 'poor' will be targeted for renewal via rolling capital works programs.
- Network/subdivisional growth increases total expected lifecycle costs through the increased requirement for maintenance and renewal.

2.3. Management of Infrastructure

- The key objective of asset management is to deliver a defined level of service at the lowest possible cost over the life of the asset.

- After creation, the condition or structural integrity of an asset is managed by application of an appropriate lifecycle activity i.e. operations, maintenance, renewal and upgrade
- Expensive capital intervention (renewal or upgrade) can be delayed by effective maintenance. However, excessive deferral of cyclic capital works (such as resealing or resheeting of roads) may lead to a more expensive capital treatment later on.
- Priority for capital funds should be given to renewal over new construction, where appropriate.
- Levels of Service should be validated through customer consultation to ensure that the Community is satisfied that infrastructure meets its needs.

2.4. Renewal Demand and the Infrastructure Renewal Gap

As stated above, the purpose of asset management is to achieve a target LOS at the lowest lifecycle cost. When insufficient capital funds are applied to network renewal, a funding deficit is created - commonly known as the 'asset renewal gap'.

As custodian of infrastructure assets, the City is obligated to renew assets that are in poor condition.

The existence of a renewal gap indicates that nominated Levels of Service (LOS) are not being achieved. This leaves Council two basic choices:

- Reduce the nominated level of service
- Increase capital renewal funds to eliminate the deficit.

3. Condition of Council Assets

Condition is the most important factor in determining whether civil infrastructure is 'fit for purpose'. It is measured as an objective numerical ranking which helps asset managers to:

- Compare condition with set interventions and prioritise which assets should be repaired first,
- Forecast how assets not requiring immediate attention will deteriorate over time,
- Plan for the future by producing long-term financial forecasts.

Condition rating is therefore an essential tool for lifecycle management of large networks. As the networks are so extensive and the cost quite high, rating is typically done on a 4-5 year cycle.

Determining the 'State of the Assets' is therefore about separating assets into categories **good fair and poor condition** (condition profiling). Condition profiling information is shown in Table 1 for the major asset networks of the City. It is accompanied by photographs to show typical asset conditions.

4. Summary

- Council has extensive networks of long-life assets that require a strategic management approach.
- Aging existing infrastructure combined with strong subdivisional growth means that assets present in a range of conditions that require different types of intervention.
- Condition rating is a key management tool for ongoing monitoring of assets. It allows assets in poor condition to be targeted for capital renewal programs.
- Because of the network size, and the high cost of capital renewal, even a small proportion of 'poor' condition assets may result in the renewal demand being significant in the City's overall budget.
- The condition profile has identified an annual renewal gap in funding of \$14.04mill.

State of the Assets

Asset Group	Quantity	Replacement Value (\$Mill)	Condition Rating %			Renewal Demand (\$Mill)	Renewal Funds (\$Mill)	Renewal Gap (\$Mill)
			Good %	Fair %	Poor %			
Roads	2,154 km	748.4	69%	28%	3% (64.6km)	14.56	8.75	5.81
Kerbs	2,306 km	186.1	41%	58%	1% (23km)	2.87	1.07	1.80
Footpaths	1,499 km	173.5	41%	58%	1% (15km)	4.01	2.67	1.34
Bridges & Major Culverts	158	23.1	33%	52%	15% (23)	0.46	0.36	0.10
Drainage	1,717 km	385.2	19%	79%	2% (34.3km)	1.72	0.80	0.92
Buildings	686	448.7	21%	52%	27% (185)	3.82	1.00	2.82
Recreation Assets (Active)	1163	37.9	88%	7%	5% (58)	1.16	0.73	0.43
Recreation Assets (Passive)	5153	47.8	79%	14%	7% (360)	1.16	0.82	0.34
Environment	278	33.8				0.48	0.00	0.48
Non Infrastructure (eg Fleet)	4,279	68.4				5.53	5.53	0.00
Total		\$2,152.9				\$35.77	\$21.73	\$14.04

Table 1 – Condition/Funding Profiles for Major Asset Groups

Note Source data is derived from the Hansen Asset Management System

Financial Renewal figures are in line with the CT Management Financial Sustainability Review

Roads - Good/Fair/Poor Examples



Good



Fair



Poor

Footpaths - Good/Fair/Poor Examples



Good



Fair



Poor

Kerbs - Good/Fair/Poor Examples



Good



Fair



Poor

Bridges - Good/Fair/Poor Examples



Good (Avalon Road)



Fair (Hannans Road)



Poor – (Lees Road North)

Drainage - Good/Fair/Poor Examples



Good



Fair



Poor

Buildings - Good / Poor Examples
Arts and Culture – Good Condition



Arts and Culture – Poor Condition



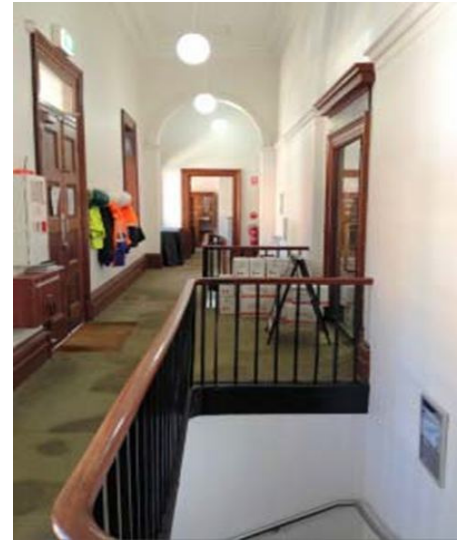
Community Service Buildings – Good Condition



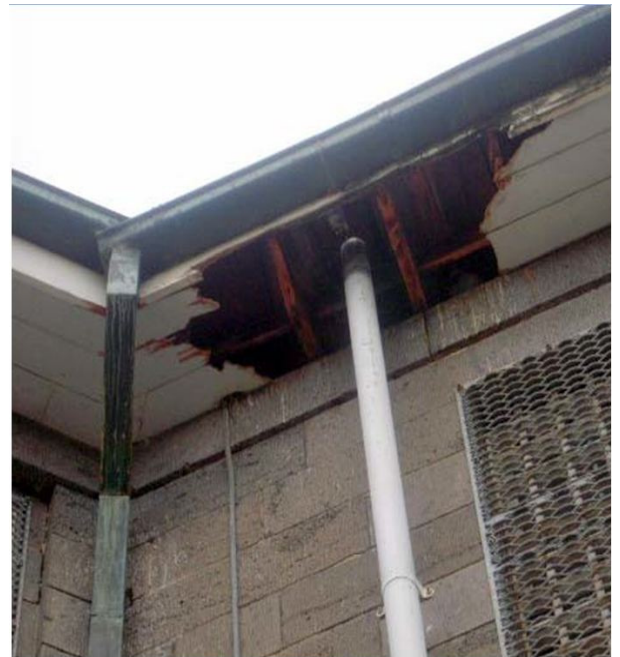
Community Service Buildings – Poor Condition



Civic Buildings – Good Condition



Civic Buildings – Poor Condition



Leisure – Good Condition



Leisure – Poor Condition



Sport and Recreation Buildings – Good Condition



Sport and Recreation Buildings – Poor Condition



Public Toilets – Good Condition



Public Toilets – Poor Condition



Picnic Tables Good/Fair/Poor Examples



Good



Fair



Poor

Barbecues Good/Fair/Poor Examples



Good



Fair



Poor

5. RAMBLERS ROAD FORESHORE EROSION AND INUNDATION

Portfolio:	Coastal Communities – Cr Ellis
Source	City Services – Environment & Waste Services
General Manager:	Gary Van Driel
Index Reference	Ramblers Road Foreshore Erosion and Inundation

Purpose

The purpose of this report is to inform Council about the issues associated with coastal erosion and inundation of the foreshore and private property adjacent to Ramblers Road, Portarlington.

Summary

- Previous coastal processes studies have noted that the Ramblers Road foreshore coastline is exposed to west or north-west winds and is especially susceptible to storm surge events, where meteorological forcing of wind and atmospheric pressure leads to an increase in sea level over a number of days.
- Two major storm surge events over the past 12 months have severely impacted the Ramblers Road foreshore. This resulted in significant erosion of the foreshore as well as inundation / flooding of the foreshore and private property.
- These events have damaged the shared path and native vegetation on the primary dune. Sand bags were used as a precautionary measure to prevent damage to private properties.
- Council's Environment Unit has undertaken remediation works along sections of the foreshore in order to reinstate the primary dune with the aim of restoring a barrier to prevent flooding from storm surge events and to mitigate seasonal erosion and protect existing coastal vegetation without altering natural coastal processes.
- Areas of native vegetation along the foreshore have recently been illegally removed which has the potential to allow further breaches of the barrier dune and accelerate coastal erosion.
- If the implementation of soft engineering measures leads to a build-up of sand in the primary dune and reinstates the continuous barrier, Council should implement a planting program in the winter of 2015 to infill and stabilise the dune.
- A targeted technical review of the cause of coastal erosion at Ramblers Road Foreshore will assist in future management of the Reserve.

Cr Ellis moved, Cr Richards, seconded -

That Council:

- 1) continue trial implementation of current soft engineering beach stabilisation measures at Ramblers Road Foreshore in 2014/2015;**
- 2) formally notifies residents on the north side of Ramblers Road regarding the potential accelerated coastal erosion implications and penalties for removal of native vegetation in the public foreshore reserve and continues active monitoring of existing remaining native dune vegetation;**

- 3) monitors the ongoing build up of sand at erosion control points at Ramblers Road through until March 2015; and
- 4) seeks quotations from suitably qualified consulting coastal engineers to complete a targeted technical review of the cause of coastal erosion at Ramblers Road Foreshore.

Carried.

Background

Ramblers Road Foreshore Reserve location

Ramblers Road Foreshore Reserve is located west of Point Richards at Portarlington, approximately 25km east of Geelong on the Bellarine Peninsula. The foreshore reserve extends approximately 1.1km west of the existing pier and boat ramp at Point Richards, and is approximately 30m wide.



Ramblers Road Foreshore Reserve

Although all due care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong, Basson Water or the State of Victoria in its use.



Aug 8, 2014 9:30 AM

Prepared by the City of Greater Geelong - PLACES

MGA Zone 55

Scale 1 : 50000

The foreshore reserve is freehold land owned by the City of Greater Geelong. The site is zoned Public Park and Recreation Zone (PPRZ) in the Greater Geelong Planning Scheme. The area west of Ramblers Rd is zoned Public Conservation and Resource Zone (PCRZ) again extending approximately 600m out into the bay.

Parks Victoria (PV) is responsible for the recreational use of the waters of Port Phillip Bay and the Department of Environment and Primary Industries (DEPI) is the crown land manager which includes both the sea bed to the high tide mark. Bellarine Bayside Foreshore Committee of Management manages the Point Richards boat ramp, car park and pier as well as the foreshore crown land east of Point Richards Road.

Open space context

The Ramblers Road Foreshore Reserve is directly adjoined by 56 residential lots with dwellings on 52. There are also four public access points/walkways providing access from Ramblers Road through to the foreshore reserve.

As part implementing the Ramblers Road Foreshore Management Plan 2007, Council established an unsealed walking path improving public access to and along the foreshore reserve. This has led to increased public use of the Reserve and beach which had previously only been available for use by directly adjoining residents.

Flora

The vegetation on site includes the following communities:

Dune Shrubland (EVC1)

Dominated by closed to open shrubland of Coast Saltbush *Atriplex cinerea* and includes some areas of bare sand and areas dominated by the weed species Sea Wheat Grass *Thinopyrum junceiforme*. The only remnants of this community are in the western end of the foreshore reserve. The rare *Malva sp. aff. australiana* located near the drain outfall from Lot No.96-98 appears to have been lost to coastal erosion.

Modified Dune Shrubland

Dominated by a closed shrubland of Coast Saltbush *Atriplex cinerea*, this vegetation plays a key role in stabilisation of the primary dune area. Where it has been modified or completely removed the potential for accelerated coastal erosion is significantly increased.

Saline Herbfield

Dominated by Austral Salt-grass *Distichlis distichophylla* and herbaceous species including Sea Rush *Juncus kraussii* and Beaded Glasswort *Sarcocornia quinqueflora*. This community is confined to low lying areas in the western end of the study area and typically occurs behind the fore dune. This area, which provides the primary habitat zone on the site was inundated during the recent storm events when the fore dune was breached and will be lost if the fore dune is not reinstated.

Exotic lawns/garden beds/plantations

The remaining study area mostly consists of areas of lawn, with some areas left unslashed. The mown edge is often maintained right up to the path which forms the boundary to the indigenous communities.

Fauna

The narrow reserve and lack of continuous Dune Shrubland vegetation result in high levels of disturbance for birdlife. There are also significant levels of dog use and the proximity of adjoining properties may limit habitat values for all but the most tolerant species. The beach and sand bar were popular with pelicans and significant numbers of wading birds, typically feed along the shallow waters of the intertidal zone however the impacts of coastal erosion on these species is unknown.

Cultural Heritage

A Cultural Heritage Desktop Assessment and site walk over was completed by consultants Terraculture for the Ramblers Road Foreshore area in 2007. The report confirmed that there is no registered Aboriginal or historic archaeological or heritage sites within the foreshore reserve.

Drainage

There are three stormwater drains which discharge directly to bay via the Ramblers Road Foreshore Reserve. The following drainage issues were identified:

- Flooding at intersection of Ramblers Road and Point Richards Road;
- Flooding at ford area near 98 Ramblers Road;
- Area subject to beach accretion, thus 98 and 14 Ramblers Road outlets constantly blocked;
- High water table;
- Low lying properties close to sea level; and
- Properties legal points of discharge point to Ramblers Road causing a majority of stormwater on the Road.

Investigation by GHD for Council in 2013 concluded that major works outlined in their report resulted in no improvements to the majority of affected residents and only a small improvement to some residents with respect to predicted flood depths. While not modelled directly, it is anticipated that the investigated solutions may reduce the duration of flooding, but will not eliminate flooding from occurring and the impacts of storm surge and sea level rise were also not addressed by proposed works. Internal Council assessment concluded that the results of this study did not provide a value-for-money solution to the Ramblers Road flooding.

After an internal design review, CoGG Engineering Services is currently installing a pump to Ramblers Road. The pump is not designed to prevent flooding but will enable Council to respond more quickly and remove flood waters from the street after a flood or storm surge event. Works will be completed in 2014.

Coastal Processes

The Coastal Processes Study by Lawson and Treloar P/L (2004) notes the coastline exposed to west or north-west winds from Clifton Springs to Point Richards including Ramblers Rd Foreshore Reserve is especially susceptible to storm surge events. This is where meteorological forcing of wind and atmospheric pressure leads to an increase in sea level over a number of days. In these events, the low lying foreshore reserve may suffer significant erosion in a relatively short time period.

From Clifton Springs, past Spray Farm Lane, net sand transport continues to the east towards Point Richards. Point Richards is a meeting place of sand drift, with sand travelling from Portarlinton to Point Richards in a westward direction and sand travelling along the beach in an eastward direction from Clifton Springs. The sand then feeds the offshore sand bars and possibly the adjacent shipping channel.

The transport from the east is confirmed by the sand at the Point Richards boat ramp building up on the western side.

The Ramblers Road Foreshore is a very low lying section of coast, with many of the adjoining private properties and areas of farm land located below the natural level of the foreshore and at extreme risk of flooding after rainfall and/or storm surge events. The beach is north west facing and subject to strong winds and wave action common to Port Phillip Bay with the direction of long shore sediment drift and prevailing wind alternating seasonally. The following observations have been made from site observation and analysis of historic aerial photography.

The eastern end, from approximately 200m to 400m south west of Point Richards the coast and vegetation has retreated by up to 5m since 1985. However analysis of historic aerial photography indicates that between 1985 and 2005 the coastline was relatively stable.

Since 2005 the middle area, approximately from 400 to 800m south west of Point Richards, has been seen a substantial accumulation of sand. This increased the width of the foreshore by around 65m including establishment of a shallow lagoon that has been recolonised by native vegetation providing a significant expansion of bird habitat values.

At the western end of the foreshore significant accretion and natural re-vegetation occurred from 1977 to 1985 followed by a period of relatively stability. Since 2005 however there has been considerable recession and the coast has retreated by approximately 40m.



Impacts of storm events in June 2013 and June 2014

In June 2013 severe erosion of the beach immediately south west of Point Richards at the north eastern end of Ramblers Road Foreshore was reported. Investigation by Council suggested that the erosion occurred following alterations to concrete panels that were established on the west side of the pier by Bellarine Bayside Committee of Management. The effect was a concentration of energy along the concrete panels to the upper intertidal zone during the storm which caused extreme scouring of the beach. This scouring occurred initially in the immediate vicinity of the pier and then extending back along the beach for approximately 70 metres.

In June 2014 a more recent event severely impacted at the western end of the Ramblers Road Foreshore. This area of foreshore has been gradually receding for a number of years. The storm on 24 June 2014 had a dramatic effect on the already vulnerable beach and foreshore. Severe erosion resulted from the breach of the barrier dune which consequently allowed the high tide storm surge to flood the foreshore and threaten a number of dwellings along Ramblers Road.

Discussion

The recent experience of the Ramblers Road Drainage Design Investigation clearly illustrates the inherent risks associated with engineering investigations in the Ramblers Road area. The investigation concluded in a series of very expensive solutions which provide little or no benefit to protection of public infrastructure and adjoining private property.

Unfortunately the site constraints associated with a narrow low lying coastal reserve and even more low lying adjoining private properties at Ramblers Road will be very difficult to be managed sustainably and cost effectively.

There is limited potential for significant growth in public open space use given the narrow reserve, proximity of adjoining private properties and lack of a public reserve foreshore reserve providing links west to Clifton Springs. There are environmental values associated with the existing coastal vegetation however these are threatened and degraded by coastal erosion and the mitigation works undertaken to prevent it.

The draft recommendations provided for consideration in this report aim to implement a cost effective and practical solution to current coastal erosion and potential flooding problems without further compromising existing environmental values while seeking further information to enable consideration of a more sustainable long term solution.

The recently installed sand fencing appears to have been effective. It is important to understand that even if this approach is effective in the short/medium term it is unlikely that it will provide a long term solution to impacts of sea level rise along the Ramblers Road Foreshore.

There appears to be active removing and pruning of the native dune vegetation in the Council Foreshore Reserve. This activity may have contributed to recent breaches and erosion of the primary dune and if continued poses a risk to remaining vegetation and future planting if undertaken by Council as part of dune stabilisation works.

If the implementation of soft engineering measures leads to a build-up of sand in the primary dune and reinstates the continuous barrier, Council should implement a planting program in the winter of 2015 to infill and stabilise the dune.

If however there is insufficient build up of sand in the primary dune, Council should undertake additional temporary site protection measure such as sand bagging and beach re-nourishment to stabilise failing sections of primary dune ahead of winter-spring when increased storm activity is likely to provide additional time while considering alternative engineering solutions arising from the technical review.

The objectives of the technical review are to include:

Determine the cause and long term implications of coastal erosion on the foreshore at Ramblers Road;

Assess long term cost and sustainability of soft engineering beach stabilisation measures currently being undertaken by Council to contain coastal erosion at Ramblers Road; and

Investigate and compare cost-benefit for use of other coastal engineering and planning solutions, if available, while considering the longer term implications of sea level rise and increased storm activity.

Environmental Implications

Environmental implications may be more prevalent if none of the recommendations are adopted, in particular in relation to protecting against further storm surge events and the continued removal of native vegetation from the barrier dune system.

Financial Implications

No impact to budget for recommendations 1, 2, 3 and 4 as these works are able to be funded through the environment units coastal maintenance budget. If the work is to be commissioned resulting from Recommendation 4 is expensive i.e. greater than \$20,000 then funding may need to be made available in the 2015-16 budget, depending upon the cost.

Policy/Legal/Statutory Implications

Recommendations within this report are in accordance with relevant legislation and Council Policies.

Alignment to City Plan

This report is in line with City Plan 2013-2017 Sustainable Built and Natural Environment Section. The implementation of the Climate Change Adaptation Strategy is listed as a key strategy that will assist in delivering the Sustainable Built and Natural Environment priorities.

Officer Direct or Indirect Interest

No Council officer involved in the preparation of this report has a direct or indirect conflict of interest.

Risk Assessment

A risk assessment will be undertaken as part of the technical review.

Social Considerations

- Maintaining access along the Ramblers Road Foreshore Reserve for use by the broader community; and
- Reducing and managing inundation of private properties along Ramblers Road.

Human Rights Charter

There are no human rights charter issues resulting from the recommendation in this report.

Consultation and Communication

Any communication will be undertaken in conjunction with Councils Corporate Communications unit. Ongoing engagement of the local residents is a key requirement.

6. NAMING - UNNAMED PARK ON CREEKSIDE DRIVE, CURLEWIS TO PERCY CHERRY PARK

Portfolio:	Sport and Recreation - Cr Irvine
Source	Projects, Recreation & Central Geelong
General Manager:	Paul Jane – Acting General Manager
Index Reference:	Property: 24 – 30 Creekside Drive, Curlewis (ID#347402)

Purpose

To name an unnamed park on Creekside Drive, Curlewis after a World War I Veteran – Percy Cherry.

Summary

- Council received a request from the developer of the 'Bayview on the Bellarine' sub-division (National Pacific Properties) to name an unnamed parcel of open space on Creekside Drive, Curlewis after Captain Percy Cherry.
- This name has been selected from a recently compiled ANZAC register of suitable road names. The register was compiled as part of the State Government Office of Geographic Names ANZAC Commemorative Naming Project.
- The proposed naming was advertised in The Geelong Advertiser and The Independent on 31 May 2014.
- Council received one submission from the Returned and Services League Drysdale requesting a location closer to the township of Drysdale be selected for this particular naming. Council officers have discussed this submission with the RSL and they are now content with the Curlewis park being named in honour of Captain Percy Cherry.

Cr Irvine moved, Cr Macdonald seconded -

That Council approve the naming of the unnamed park on Creekside Drive, Curlewis to Percy Cherry Park.

Carried.

Background

Council received correspondence from National Pacific Properties requesting the park on Creekside Drive, Curlewis be named in honour of Captain Percy Cherry (see Attachment 1).

The park does not currently have a name as the area is part of a new development in Curlewis.

Discussion

Due to the development of the 'Bayview on the Bellarine' in Curlewis a number of public recreation reserves and parcels of open space have been developed.

National Pacific Properties have investigated and researched the names available on the ANZAC Commemorative Naming Project list and proposed the park be named in honour of Captain Percy Cherry.

During the Anzac centenary period (2014–18), the Victorian government is conducting a commemorative naming project in partnership with naming authorities, primarily councils.

The project is an opportunity for Victorians to acknowledge the wartime service and sacrifice of their local municipality's military service people or locals who supported Australia's military cause.

According to the Australian War Memorial webpage;

(<http://www.awm.gov.au/people/P10676557/>)

- Captain Percy Cherry was born in Drysdale on 4 June 1895 and lived in Drysdale until he was 7.
- In 1915 Captain Percy Cherry enlisted in the Australian Imperial Forces and was posted to the 26th Battalion.
- On 26 March 1917, Captain Percy Cherry's company was ordered to storm Lagnicourt and he quickly found himself in lead when all officers became casualties. His conspicuous bravery in securing the village for Australian forces under fierce enemy fire won him the Victoria Cross.
- Captain Percy Cherry was posthumously awarded the Victoria Cross and the Military Cross for valour on the same day for capturing two enemy machine gun posts.
- Captain Percy Cherry was killed on 27 March 1917 during the German counter attacks.

The suggested naming meets the requirements of Council's position to name reserves and parks in honour of War Veterans. A number of factors were considered as part of the initial recommendation from National Pacific Properties;

- Naming this parcel of open space in honour of Captain Percy Cherry recognises his significant contribution to the future of Australia; and
- Captain Percy Cherry was a resident of Drysdale.

The proposed naming was advertised in The Geelong Advertiser and The Independent on 31 May 2014.

One submission was received from the Returned and Services League Drysdale (RSL) requesting a park within the Drysdale area be considered instead (see Attachment 2).

Council contacted the RSL to discuss their feedback, explaining that there were no current opportunities to name a park within Drysdale after Captain Percy Cherry. The RSL has now confirmed that they are comfortable with the unnamed park in Curlewis being named after Captain Percy Cherry as proposed. A letter confirming this was sent to the RSL on 2 July 2014 (see Attachment 3).

Environmental Implications

There are no environmental issues arising from this report.

Financial Implications

Upon approval the developer, National Pacific Properties, will be provided with guidelines and expectations to produce an interpretative sign to be installed by them at the site within one month of the approval.

The sign must be visible from the park entry;

The sign must include:

- The Victorian Anzac Centenary Branding (Primary Version);
- An image of Captain Percy Cherry;
- Interpretation honouring Captain Percy Cherry's gallantry.

The sign must comply with the standards and expectations set out in the Victorian Anzac Commemorative Branding guidelines (see Attachment 4).

A proof of the sign will be provided to Council by National Pacific Properties for approval prior to being developed and installed.

There is no impact to Council budgets.

Policy/Legal/Statutory Implications

The Local Government Act 1989, Geographic Place Names Act 1998 and The Guidelines for Geographic Names 2010 have been followed and met.

Alignment to City Plan

This newly developed park provides recreational opportunities that support Council's Community Wellbeing objective.

Officer Direct or Indirect Interest

There is no Council Officer direct or indirect interest involved in this report.

Risk Assessment

If an emergency situation occurred, Council's proposal to rename this park on Creekside Drive, Curlewis could minimise the risk of failure in being able to locate the property in a timely manner.

Social Considerations

The naming of this park will allow for easy identification for the public and enable utility organisations and emergency services to locate the property. Council is supportive of and has a preference to name parks and reserves after War Veterans.

Human Rights Charter

This report has no direct impact on the human rights of the residents of the City of Greater Geelong.

Consultation and Communication

Correspondence was sent to all properties directly adjoining the park on Creekside Drive, Curlewis.

The proposed naming was advertised in The Geelong Advertiser and The Independent on 31 May 2014.

One submission was received from The Returned and Services League Drysdale (RSL) requesting a park within the Drysdale area be considered instead (see Attachment 2).

Council contacted the RSL to discuss their feedback, explaining that there were no current opportunities to name a park within Drysdale after Captain Percy Cherry. The RSL verbally confirmed that they were comfortable with the unnamed park in Curlewis being named after Captain Percy Cherry as proposed. A letter confirming this was sent to the RSL on 2 July 2014 (see Attachment 3).

The RSL provided written confirmation on 8 August 2014, supporting the proposal (see Attachment 5).

NOTICE OF MOTION – Cr Fisher

NORTHERN BAY COLLEGE

Background

- The Corio South Norlane Kindergarten currently operates in a stand-alone building on the old Vermont Avenue campus of Northern Bay College.
- Northern Bay College's preference is to retain and run the Kindergarten in 2015 and beyond. The College has concerns in regard to the capability of the 'Karin families', who provide the bulk of children to the Kindergarten, to organise transport to another Kindergarten facility if the Corio South Norlane Kindergarten is closed. These families generally walk everywhere. The Corio Kindergarten is 1.7km from Vermont Avenue and Norlane West Kindergarten is 2 km from Vermont Avenue.

Cause for retaining the Kindergarten as a part of Northern Bay College:

- Northern Bay College was formed as a merger of nine schools and one kindergarten as a K-12 school.
- Their kindergarten services a minority and highly disadvantaged sector of the community who link into their Family Centre for support and connection, and our Childcare facility which enables them to access English language courses at Diversitat. They also have a significant number of Afghan women with large families moving into our community under the "Women in Danger" program.
- To close the kindergarten and disperse these children across a range of different kindergartens in the area will break up the support networks that we have worked hard to establish.
- The kindergarten has a full enrolment but is beginning to suffer being on a closed school site.
- Corio/Norlane is a very vulnerable community. The Northern Bay College are working hard to provide a 'wrap around' service for our community. The Family Services Hub of a Family Centre, Childcare and kindergarten is a critical part of the College's structure.

Cr Fisher moved, Cr Ansett seconded -

That Council support the Northern Bay Colleges efforts in retaining a Kindergarten Program on its Goldsworthy Campus by writing letters of support to DEECD, current State Minister for Education and the Local State MP.

Carried Unanimously.

ASSEMBLY OF COUNCILLORS RECORD

Portfolio: Governance – Cr Lyons (Mayor)
Source: Corporate Services
Act/General Manager: Michael Kelly

Summary

- Section 80A (2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.
- A record of Assembly of Councillors meeting(s) is attached as an Appendix to this report.

Cr Harwood moved, Cr Macdonald seconded -

That the information be received.

Carried.

**RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 9 September 2014)**

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
<p>Councillor Briefing 2 September 2014</p>	<p>Crs Ansett, Ellis, Farrell, Fisher, Harwood, Heagney, Irvine, E Kontelj, Macdonald, Nelson</p>	<p>D Frost (A/CEO) J McMahon (GM) P Bettess (GM) G Van Driel (GM) M Kelly (A/GM) S Sodomaco (MGR) T McDonald (MGR) R Bourke (CO ORD) A Paterson (EO-MAYOR)</p>	<ul style="list-style-type: none"> • Presentation – Aerolite Quarries – Trevor Bartlett • Combined Amendment C283 – Drysdale Urban Design Framework/Permit 1060/2013 McHarry’s Buslines – Consideration of Panel Report and Adoption • State of the Assets Report • Ramblers Road Foreshore Erosion and Inundation • Naming – Unnamed Park on Creekside Drive, Curlewis to Percy Cherry Park • Review of Local Law • Review of Councillor Expenses and Facilities Policies • Corporate Risk Profile Update as at June 2014 • Shell Refining, 80-90 Refinery Road, Corio • Councillor Community Grants Program 2013/2014 – Summary of Allocations 1 January to 30 June 2014 	<p>Nil.</p>

CLOSE OF MEETING

As there was no further business the meeting closed at 7.52pm. Tuesday, 9 September 2014.

Signed: _____
Chairperson

Date of Confirmation: _____