APPENDIX DE – PROPOSED VERSION WITH TRACKED CHANGES

Knox City Council

KNOX CITY COUNCIL

GENERAL PROVISIONS LOCAL LAW 2010

Administrative Guidelines

October 2010
(As Amended ~~November 2015~~February 2016)

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INTRODUCTION

This document provides a guide to staff for the implementation of the Knox City Council General Provisions Local Law 2010 (the parent document).

This document establishes a framework for effective, consistent and efficient decision making together with a number of established publications, including the *Road Management Act 2004*, *Domestic Animals Act 1994*, *Public Health and Wellbeing Act 2008*, *Commonwealth Disability Discrimination Act 1992*, *Trade Practices Act 1994* and *Charter of Human Rights and Responsibilities 2006*.

As this policy is a fluid document, it should be reviewed on a regular basis to ensure relevance and consistency with both Council and community expectations.

SCOPE

The policy document establishes a series of measurable outcomes designed to protect and enhance safety, the environment and amenity of the municipal district.

PURPOSE

The purpose of this policy is to:

- Provide a mechanism to ensure the amenity of the municipal district is maintained and improved.
- Provide for the safety of the community.
- Protect and enhance the environment.
- Provide guidelines for the administration of the Knox City Council General Provisions Local Law 2010.

RELATIONSHIP

This document should be read in conjunction with the Knox City Council General Provisions Local Law 2010 (the parent document) and other relevant Codes of Practice and Guidelines.

DEFINITIONS

Has the same meaning as the parent document.

POLICY

PART 1 – INTRODUCTION

1. to 6. Refer to Part 1 – Preliminary of the Knox City Council General Provisions Local Law 2010 – for details

PART 2 – PUBLIC PLACES

7. Behaviour

Responsible Department: Local Laws

The intent of this section is to ensure that people have reasonable use of public areas without potential threat to their health, life, property or animal.

Signs may be erected in public places to provide further information or restrictions.

8. Trading Activities

Responsible Department: Local Laws

The intent of this section is to deal with matters relating to the ~~No person or business is to sell~~sale, promotion, offering for sale, display or advertising of any goods or services ~~on~~ in any public place, including municipal buildings (unless exempted by Council)~~, without a permit~~.

The aim is to:

- Clearly communicate with traders and the community good street trading practices.
- Balance access and safety needs of the general community and the economic needs of the business community.
- Meet Council's obligations under the Disability Discrimination Act 1992 to ensure that there is clear access along the building line in shopping centres to allow for unrestricted pedestrian movement.
- Encourage vibrant commercial centres.
- Regulate the placement of tables, seats, umbrellas, ashtrays, screens, planters, barriers, awnings, heaters, ~~freestanding~~ signs, display stands and goods, or any thing~~article~~ in a Public Place ~~or Council controlled land~~.

A permit is required prior to the placement of any sign, other item or undertaking any trading activity in a Public place. Completion of the relevant application form including payment of the required fee (unless otherwise specified) and certificate of currency for $10 million Public Liability Insurance providing principals indemnity cover is to be submitted for approval.

The following is an example of wording that Council would find acceptable:
"The interests of the Knox Council as a principal is hereby noted. The policy is extended to indemnify the Knox City Council in respect of any claim indemnifiable under the policy brought in respect of personal injury or damage to property caused by an occurrence arising directly and solely out of the negligent acts, errors or omissions of the insured. This extension does not extend to any negligent acts, errors or omissions of the Knox City Council, its staff or agents themselves."

Permits are non-transferable to any other person and/or business. If a business changes ownership then the permit will cease and a new application will be required.

The following applies to all items placed in a public place unless otherwise specified:

- Items are only placed directly out in front of the permitted business and are not to extend in front of adjacent properties unless approved by an authorised officer.
- Items are only to be placed out during normal trading hours for the business to which they relate.
- No hazardous items are to be placed out in a public place.
- No items are to be placed against the building/property line.
- Items must not impede the vision of motorists or the movement of pedestrians.
- No items are to be fixed to any council infrastructure or tree without written approval from Council.
- The cost of repairing any damage caused by the placement of items in a Public Place will be borne by the permit holder.
- Items must be kept clean, free from graffiti and maintained in a professional manner.
- A diagram drawn to scale of the proposed trading area is to be included with the permit application.

Failure to obtain a permit or items placed out in breach of permit conditions may result in any offending item/s being impounded and enforcement action being taken.

Footpath Trading

There are specific requirements in shopping centres and strip shops where there is a footpath or public walkway immediately outside of businesses. In such areas the footpath is divided into three specific zones to provide a clear and consistently unobstructed footway for pedestrian access.

~~Permits will generally be considered in conjunction with the following Trading Zones:~~

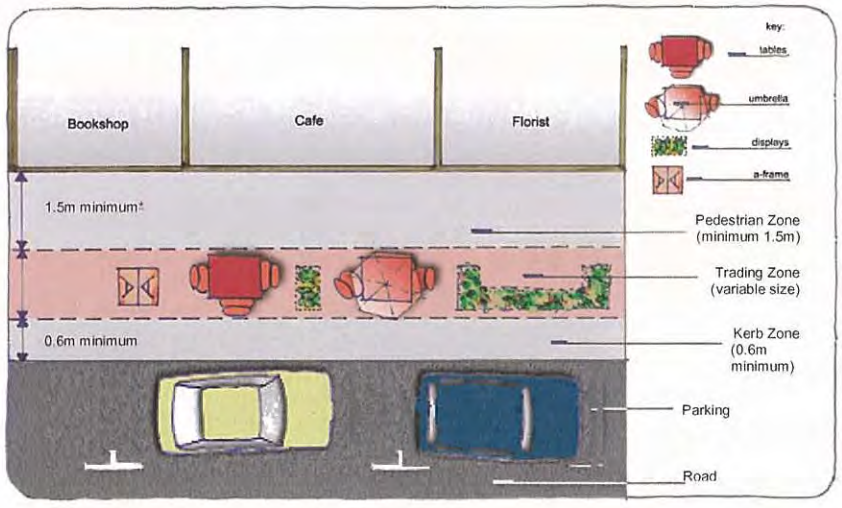
~~The Trading Zone is the area between the Pedestrian Zone and the Kerbside Zone and may vary in size according to the width of the footpath.~~

~~A minimum footpath width of 2.6 metres must exist before a permit for street trading may be considered. Where the footpath width is greater than 2.9 metres, the Pedestrian Zone must be increased to a minimum of 1.5 metres.~~

~~The placement of moveable advertising signs, goods and street furniture is prohibited against the property line/shop front. Anyone wishing to obtain a permit under these guidelines must:~~

- ~~Provide free passage for pedestrians (the Pedestrian Zone).~~
- ~~Provide a safety setback from the kerbside to allow for the overhang of cars or opening of car doors (the Kerbside Zone).~~

~~After providing the above, a permit holder may occupy an area for the placement of moveable advertising signs, displays of goods or other street furniture (the Trading Zone) which is located at least 1.2 metres from the shop front and 0.6 metres from the curb, subject to local conditions.~~



~~* If the footpath has a minimum width of 2.6 metres, consideration will be given to the pedestrian zone being decreased in size to 1.2 metres.~~

Pedestrian Zone:
This is the pedestrian walkway located immediately outside of businesses. This walkway must be a minimum of 1.5 metres wide (measured from the property boundary) to provide continuous and unobstructed movement for pedestrians. No items are permitted to be placed out in this area, including against the shop front/property line.

The size of the pedestrian zone may increase depending on the width of footpath and the requirements of the area. The below table outlines the minimum pedestrian zone requirements (unless otherwise indicated by Council markings on the footpath):

Footpath Width	Minimum Pedestrian Zone requirements
Less than 2.6m	Trading not permitted
2.6m - 3.0m	1.5m
3.0m - 4.0m	1.8m
4.0m - 5.0m	2.0m
5.0m and over	2.5m

A minimum footpath width of 2.6 metres must exist before a Local Laws permit will be considered, unless there ~~is~~are exceptional circumstances to warrant a further reduction in size of the Pedestrian Zone (to a minimum of 1.2 metres), however the amenity of the area, foot traffic and access (including meeting any requirements of the *Disability Discrimination Act 1992*) will need to be taken into account.

Trading Zone:
This is the area between the Pedestrian Zone and the Kerbside Zone and may vary in size according to the width of the footpath. This is the only area where items can be placed.

Kerbside Zone:
The Kerbside Zone must be a minimum of 0.6 metres wide (unless otherwise indicated by Council markings on the footpath) to allow for access at the rear of the trading zone, including the overhang or access to and from a parked vehicle. If located next to a loading zone the width may be increased to 1.0 metre. The Kerbside zone may be increased to 1.5 metres when adjacent to a disabled parking bay. No items are to be placed out in this area.

Anyone wishing to obtain a permit in such areas must:

- Provide free passage for pedestrians (the Pedestrian Zone).
- Provide a safety setback from the kerbside to allow for the overhang of cars or opening of car doors (the Kerbside Zone).

- Ensure items are only placed within the trading zone.
- Ensure items are only placed directly out in front of the permitted business and do not encroach into the trading zone of adjacent properties.
- Comply with type of items or goods permitted to be placed out (refer to **Display of Sale of any Goods or Services**).

Display or Sale of any Good or Services

A permit is required prior to displaying or selling any goods or services in a public place and such activities can only occur directly out in front of the permitted business and whilst that business is open

Below are factors taken into account when assessing a permit:

- The location of the site on which any stand or fixture from which sales are proposed must maintain pedestrian and vehicle safety.
- Height of any outdoor display and product must not exceed 1.5 metres.
- All displays are to be professional, consistent in style, well maintained and not contain loose items and boxes.
- The total area occupied by any goods or display is not to exceed 4m².
- Adequate room within the Trading Zone to accommodate pedestrians stopping to look at goods out on display without encroaching into the Pedestrian Zone.
- Where a trading zone extends greater than 10m in length then a 1.5m opening or gap may be required within the trading zone to allow for pedestrian traffic access.
- A 1m gap between adjoining trading zones (0.5m requirement from the two abutting traders) may be required to allow pedestrian access between the two trading zones. This mainly applies where trading areas abut a roadway. If there is no adjacent trading zone then the sole trader may trade up to their extended property line, however if a neighbouring trading zone was to be established at a later date then this gap may be required.
- The nature and type of goods to be sold.
- The capacity of the road and parking facilities to cater for the activity.
- The duration of the activity and time of day with consideration for the environment and safety to all footpath users.
- ~~If on a footpath, the Pedestrian Zone and the Kerbside Zone must be kept clear of any stand or fixture.~~
- Where food is being sold, a permit has been obtained from Council's Health Services ~~Unit~~Department.
- Any interest or concern from other departments within Council.

Minimum clearance distances may be required around Council assets, public infrastructure, street furniture, pedestrian crossings and disabled parking bays.

Placement of Tables and/or Chairs and Other Items Associated with Trading Activities

~~**(c) Placement of Goods**~~

Items such as tables, seats, umbrellas, ashtrays, screens, planters, barriers, awnings, heaters, signs, display stands and goods, or any other thing will require a permit if placed in a Public Place or on Council controlled land. These items are usually related to premises which utilise the area at the front of their business for outdoor dining and must be included in the permit application. The following conditions are in addition to those mentioned above:

- Temporary café screens and wind barriers are not to exceed 1.0m in height.
- Branding and advertising on café screens and umbrellas should not exceed 25%.
- ~~Goods including planter boxes, umbrellas, heaters, ashtrays and anything similar must be placed to not impeded vision of motorists or the movement of pedestrians.~~
- Any umbrellas used ~~in conjunction with any table~~ must allow a minimum height clearance of 2.2 metres above the footpath.
- Umbrellas should not protrude out from the approved trading area where possible.
- Planter Boxes are not to exceed 1500mm in height and 1800mm in length (including plants).
- All items, including umbrellas and screens must be adequately secured to the satisfaction of Council.
- Items can only be placed out the front of the permitted business within the trading zone and are to be removed at close of business.
-
- Tables and chairs must be positioned to ensure seats are entirely within the approved Trading Zone at all times. Chairs must not back on to the Pedestrian or Kerbside Zone unless they can be completely contained within the Trading Zone.
- Businesses utilising tables and chairs within the Trading Zone need to ensure that they are adequately able to accommodate their patrons. This is generally one person per square metre.
- Heaters (including gas cylinders) are to be installed, operated and maintained according to manufacturer specifications, Energy Safe Victoria safety standards and all applicable Australian standards.
- The applicant's Public Liability Insurance will need to cover the use of outdoor heaters.

The installation of permanent and semi-permanent structures (including but not limited to café screens, umbrellas, awnings, heaters, sockets and sleeves) that are attached or connected to the footpath or any other Council structure in a Public Place may be approved subject to approval from Council's Building Services, Planning, Assets and Local Laws

Departments as well as complying with Council's existing streetscape master plans and design requirements for the area. Applicants should seek advice from the relevant Council department prior to lodging their application for a Local Laws Permit.

Items or devices such as in ground sockets and sleeves to secure furniture (umbrellas, awnings, café screens, planter boxes and similar) that require any permanent or semi-permanent alterations to footpaths or infrastructure will be subject to Council's specifications and approval. This may include the requirement for hinged covers that can close flush with the footpath level when the street furniture is not installed. A Local Laws permit must be approved prior to any works being undertaken. The applicant will be required to pay all costs associated with any installation works. Once approval is given to place the items in a Public Place the applicant must then inform Council's Asset Protection Department of their intention to carry out works on Council Land and complete a 'Road Opening Permit - Works Within Municipal Road Reserves' application. A Traffic Management Plan may also be required to be lodged with the application. Please note that additional permit fees and Public Liability Insurance may apply.

Occupying the area outside an adjacent premise.
A trader may seek to occupy the trading zone outside an adjacent premise if that zone is currently not being utilised by the adjacent trader. Council will require an application for the adjacent area to be completed and submitted with payment. Written consent from the owner, occupier and body corporate of the neighbouring premise will need to accompany the application. This consent will be valid for up to a period of 12 months, allowing the permit holder to trade until the expiry of the current permit. If the adjacent business or property is sold then it is the responsibility of the adjacent property owner to advise the new purchaser that they may not be able to use the Trading Zone in front of the business until the expiry of the consent period (up to 12 months). Letters of consent from the adjoining owner, occupier and body corporate will be required annually upon renewal of the permit and are to state that they permit usage of the Trading Zone for a period of 12 months. Council will determine on a case by case basis if the permit should be withdrawn prior to the expiry of the permit. In the event that consent has been withdrawn and the permit cancelled prior to the expiry date, no refund will be made in respect to the unused portion of the permit.

Accompanying the application should also be plans drawn to scale identifying both premises, the type and location of items to be placed out as well as a copy of Public Liability Insurance noting both premises. The trading zone is public space owned by Council. Business and/or owners cannot charge monies for the use of the area out the front of their premise.

Footpath Trading Guidelines

Council may publish additional Trading Guidelines in addition to those in this section for the placement of items in a Public Place. Such Trading Guidelines may identify additional standards or approved items that will be applicable to trading activities occurring in a Public Place.

Signs

The following guidelines are intended to assist in applying common standards for the

placement of Advertising, Sponsorship and Promotional Signs on Public Land throughout the municipality.

They also ensure the visual integrity of Council Land and Properties and minimise public risk and liability.

Any person, club or organisation wishing to install any Advertising, Sponsorship or Promotional Sign on Council land/~~–~~or road (other than for land subject to a Seasonal Tenancy Agreement) must apply for and be granted a permit prior to such installation.

Variable Message Signs (VMS) are not permitted unless they are for road management or public advisory notices of significance or other Council purposes or Knox based not for profit community organisation events held within the Knox municipality for a maximum period of 4 weeks.

An application to install an Advertising, Sponsorship or Promotional Sign would normally include:

- Details of the proposed sign – size, construction material and method to ensure public safety.
- Details of the proposed wording and any artwork.
- Information as to any existing signs relating to the club or user group.
- Information in relation to all other signs advertising and sponsoring on public land.
- The name and contact details of the applicant.
- Risk assessment relevant to the placement of the sign.
- Details of the period in which the sign is required.
- Proof of Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.

Movable advertising signs

With a permit, moveable signs such as A-frames, teardrop flags or similar are permitted to be displayed on Public Land out the front of the business they promote. Signs are not permitted on roundabouts, dividing strips or ~~medium~~ median strips.

~~**(a) Advertising, Signs and Display of Goods**~~

- ~~A standard 'A' Frame sign should be 900mm in height or 600mm in width.~~
- ~~In the case of footpaths, signs or displays are to be placed in the Trading Zone adjacent to the Kerbside Zone subject to local conditions.~~
- A clear distance of 26 metres is to be kept between any two signs.
- No movable sign is to be greater than 2000mm by 2000mm including any support structure.
- Permitted flags are to be teardrop type flags and are not to exceed 3.5 metres in height.

- ~~The total space occupied by any sign or display is not to exceed 4 square metres in area.~~
- No sign or flag~~display~~ should have any moving or rotating components. Illuminated or reflective components will be assessed from a safety perspective.
- Signs or Flags are only to be displayed when the business is open and engaged in regular trading.
- ~~The times of day and duration of the sign or display. A restriction to daylight hours generally applies.~~
- Only one sign or flag per business premises is permitted.
- Signs and/or flags must not cause an obstruction.
- The type and condition of the sign or flag is not to detract from the amenity of the area.
- Each sign or ~~display~~ flag must be maintained in a professional manner and enhance the amenity of the area~~to ensure safety to the user and general public~~.
- Signs or displays are to be in front of the place of business they promote.
- All signs and flags are to be adequately secured to the satisfaction of Council.

In the case of shopping areas with footpaths, A-Frame signs or teardrop flags are the only type of signs permitted. These can only be placed in the 'Trading Zone' and are subject to local conditions. In such areas A-frame signs are not to exceed 900mm in height or 600mm in width and flags not to be higher than 2.5 metres. Signs outside residential properties are generally not permitted.

Advertising and Sponsorship at Sporting Facilities and Events

~~**(b) Advertising / Sponsorship at Sporting Facilities / Events**~~

Signage placed at a sporting facility and/or event will need to comply with Seasonal Tenancy Agreements and Council's Advertising, Sponsorship and Promotional Signs on Council Land Policy.

Items that are placed outside of the Seasonal Tenancy Agreement will be subject to the application for and the granting of a permit.

Citywide Advertising of Prominent Community Events

~~**(c) Citywide Advertising of Prominent Community Events**~~

The following sites have structures provided for signs to advertise or promote city wide prominent community events:

- Tim Neville Arboretum
- Ferntree Gully Community Centre
- Rowville Community Centre

- Knox City Gateways
- Bayswater Community Centre

~~Applications are still required. The structures are not available for commercial sponsorship.~~

These facilities are normally used for advertising Council sponsored or approved events only and are not available for commercial sponsorship.

Council and Community Event Signs

~~**(d) Promotional Signs**~~

This relates to temporary signage placed in prominent locations to promote a Council or community event such as festivals, school fetes and Christmas carols.

~~A "promotional sign" is a sign bearing the registered name and/or business name and/or logo of the agent or in any other manner identifying an agent and which is not a sign relating to the sale or lease of specified real estate or business or an "open for inspection" sign or an "auction this day" sign.~~
~~"Sponsor" means an agent who whether directly or indirectly is organising or otherwise providing assistance of any sort to a corporation, an incorporated body, an unincorporated association, or an individual in return for which an agent is permitted or allowed to advertise his business.~~
~~An agent must be able to substantiate current sponsorship, if requested.~~
~~An agent must not and must not cause or allow its registered name and/or business name and/or logo to appear on a promotional sign unless appropriate permits (if any) for the display of the sign have first been obtained and, if the promotional sign is displayed on any real estate other than that owned by the sponsor or by the corporation, incorporated body, unincorporated association or individual being sponsored, the written permission of the owner of the real estate is obtained before the promotional sign is displayed.~~

A promotional sign for an event which is to occur at a specific time of the year (by way of example but not limited to, a specific date, a month or months, or a season) must not be displayed for more than six weeks before the event and must be removed within 48 hours after the date on which the event takes place.

~~**Conditions for the Issue of a Permit**~~

When considering an application the following criteria are to be taken into account:

- The extent of any commercial sponsorship on the sign – generally limited to 20%.
- The size and type of ~~lettering and finish on the~~ sign, including quality, content, design and the ~~athletics~~ aesthetics of the sign ~~– generally limited to 4 colours and non-reflective.~~.
- Details of the sign including artwork is to be submitted with the permit application for Council approval.
- The sign must be non-reflective.
-

- The location of the sign.
- Signs must be professionally designed and constructed.
-
- The proposed construction – particular attention is to be paid to any sharp edges or protruding nails or screws that pose a danger to the public.
- Free-standing signs are not permitted.
- A standard sign should not exceed 1800mm by 12900mm in size., ~~except for signs attached to the perimeter of playing arenas inward facing which can be 3000mm by 900mm in size.~~
- Standard banners should not to exceed 3000mm by 900mm in size.

~~Evidence of adequate Public Risk insurance providing principal's indemnity cover to the Knox City Council to a minimum of $10 million.~~

Open for Inspection / Auction Signs
~~**(e) Sale/Auction Signs**~~

A permit is required for 'open for inspection' and 'auction' signs placed in a Public Place. When considering an application the following criteria are to be taken into account:

~~All signage must comply with REIV Rules of Practice. The following is an extract from the REIV rules.~~

~~Planning Schemes, Local Laws etc~~

- ~~An agent must be familiar with requirements of planning schemes and local laws affecting the display of the agent's signs.~~
- ~~An agent must observe planning schemes and local laws relating to signs.~~
-
- ~~Signs – In General~~
-
- ~~Signs must be removed from real estate within 30 days of a contract of sale or lease being signed by all parties.~~
- ~~Before displaying a sign indicating that real estate or a business is for sale or lease, an agent must hold a current engagement or appointment to sell or lease the real estate or business.~~
- Portable free standing (e.g. A-frame) signs only are permitted and are not to exceed 900mm in height or 600mm in width. No other forms of temporary open for inspections or auction signs are permitted on public land, including signage secured into public assets (i.e. staked into the ground).
- Signs must:
- ~~Comply with the requirements of the Act:~~

- be of materials fit and proper for the purpose
- be securely fixed
- present a professional appearance
- be easy to read
- not be misleading, deceptive, false, in bad taste or derogatory
- not present a hazard to the public
- not be placed upon or affixed to roadways, roundabouts or traffic islands, public property, utility poles, street, traffic or other public signage, trees, or nature, road or sports reserves

~~Open for Inspection Signs~~

- Signs can be displayed only on the day that the property is open for inspection or for auction and are to be removed within one hour of completion of the open for inspection time or completion of auction.~~Unless displayed on the date of a public auction, an "open for inspection" sign shall only be displayed for 15 minutes before, for the duration of, and for 15 minutes after the times between which the property will be or is open for inspection.~~
- The period of time of the open for inspection/auction must be displayed on the sign.
- Only three signs are permitted per property.
- ~~"Open for inspection" s~~Signs may be placed in the following positions:
  - One sign on a nature strip at each end of the roadway in which the property open for inspection is located; and
  - One sign between the front boundary of the property open for inspection and the adjacent kerb signs shall only be placed in positions that do not hinder or endanger the safety of the public.

~~On the day of a public auction, an agent may display an "open for inspection" sign for 1 hour preceding the advertised time of the auction. When the agent leaves the site of the auction the "open for inspection" sign must be removed.~~

~~Auction this Day Signs~~

- ~~An "auction this day" sign indicates that real estate or business will be offered for sale by public auction on the day upon which the sign is displayed.~~
- ~~An "auction this day" sign may incorporate a device indicating the direction of the property to which the sign relates.~~
- Any ~~agent may display "auction this day" signs if any~~ signs ~~are~~ placed on the property ~~to be auctioned~~ (by way of example, but not limited to, a banner or flag) does not require a Local Law permit however they must not obstruct the footpath or hinder or endanger the safety of the public.

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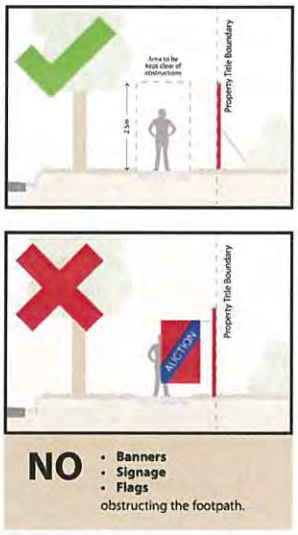

Real Estate Advertising Boards

Real estate advertising boards are the large advertising boards that are commonly placed on the boundary of a property advertising it for sale, auction or lease. Real estate advertising boards generally must be placed within or on the boundary of the subject property and is to comply with planning provisions. Advertising signage, including real estate boards are not permitted to be placed on Council Land or in a Public Place without a permit. Such a permit will only be considered if it is not possible for the board to be placed on the property boundary. The sign is to predominantly advertise the property and not the real estate agent or agency. Permits will be issued on a case by case basis and at Council's discretion.

When considering an application for a real estate advertising board on Council land or in a Public Place, the following criteria and conditions apply:

- One real estate advertising board is permitted per property and is to be located directly out the front of the property being advertised.
- Proof of Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
- The advertising board is not to be illuminated, animated or contain any moving parts.
- Details of the board (including size) are to be provided to Council.
- A site diagram drawn to scale indicating the location of the proposed board, property boundaries, width of nature strip or road reserve, street signs, poles and any other relevant information is to accompany the application.
- Real estate advertising boards will only be valid for a maximum period of three months and signs are to be removed within 7 days of the property being sold or leased.

- The size permitted for a real estate advertising board is 1800mm by 1200mm. Variations to this may only be considered in industrial and business zoned areas.
- Signs are not to be attached to any Council or public infrastructure, including but not limited to trees, signs, light or power poles.

~~Pointer Signs~~

- ~~An agent may display pointer signs provided:~~
  - ~~Not more than two pointers signs are displayed (including a pointer sign displayed adjacent to an intersecting roadway) for each item of real estate or business and when displayed the two pointer signs must not be more distant from the real estate or business than the nearest intersecting roadways.~~
- ~~If an agent has more than one piece of real estate or a business for sale or lease and those pieces of real estate or businesses are situated within 500 metres of each other and abut or are adjacent to the same roadway, the number of pointer signs displayed in relation to all those pieces of real estate or businesses shall not exceed two in number.~~
- ~~Only one pointer sign may be displayed adjacent to intersecting roadways at any one time.~~
- ~~Pointer signs are removed on the first to occur of:~~
  - ~~60 days after the date on which the agent was engaged or appointed to sell or let the real estate or business to which the pointer sign relates; or~~
  - ~~The expiry of the agent's engagement or appointment to sell or let the real estate or business to which the pointer sign relates; or~~
  - ~~An unconditional contract for the sale of the real estate or business to which the pointer sign relates has been signed by the principal; or~~
  - ~~A lease for the real estate or business to which the pointer sign relates has been signed by the principal.~~
- ~~Whilst on display the pointer sign is maintained in a clean and tidy condition and, if damaged or defaced, is promptly removed.~~

Roadside Trading

(a) ~~Roadside Trading~~

A permit is required to carry out roadside trading activities. Roadside trading refers to vendors selling from a vehicle or stall on the side of the road and may include mobile food vans, ice cream vendors and flower sellers.

A completed permit application form and fee is required as well as a copy of Public Liability Insurance indemnifying Council. A map of the intended site where the trading is to occur should also be included in the application.

Trading Locations

~~When an enquiry is received for a roadside trading permit, the things to establish are the location requested, the type of trading and the frequency of trading.~~

~~A permit application form must be completed and submitted with payment of the appropriate fee. A certificate of currency for $10 million Public Liability insurance must accompany the application along with any other permits required ie food permit, planning permit.~~

Stud Road, Rowville - Currently there are four approved areas allocated to roadside trading. These are located on Stud Road, Rowville near the Police Paddocks. Two of the sites are located on the Eastern side of the road and the other two on the Western side. One of the Eastern sites is a powered site. They are located at Melway Ref 81 H8.

~~*Stud Road Trading Zones*~~

~~Currently there are four trading areas on Stud Road, Rowville allocated to roadside trading. There is one powered site and three non powered sites. They are located at Melway Ref 81 H8.~~

High Street Road, Wantirna South - Currently there is one trading area on High Street Road, Wantirna South (South Side) allocated for roadside trading. It is located at Nortons Park, Melway Ref 71 K1.

~~*High Street Road Trading*~~

~~Currently there is one trading area on High Street Road, Wantirna South allocated for roadside trading. It is located at Melway Ref 71 K1.~~

Any other location that is identified or requested as a trading site will be assessed on a case by case basis and must be approved by the Coordinator Local Laws. Factors taken into account when deciding whether to allow trading at other sites may include:

- Impact that the trading may introduce at the location.
- Visual amenity.
- Nature of the trading to take place.
- Frequency of the trading.
- Safety of road users and pedestrians.
- Proximity to the roadway.
- Traffic and roadway speed limits.
- Any other issues or concerns identified.

~~*Other Locations*~~

~~Any other location that is identified or requested as a trading site must be approved by the Coordinator or Team Leader Local Laws before approval is granted.~~

Fee Exemptions

pecial events such as for the sale of Christmas trees at Christmas by not for profit community groups must apply for a permit and supply proof of Public Liability Insurance, however they are exempt from paying a permit fee.

~~*Exemptions*~~

~~Community groups wanting to set up roadside trading for special events such as sell Christmas trees at Christmas, must apply for a permit and supply public liability insurance, but are exempt from paying a fee.~~

Conditions for the Issue of a Permit

All permits issued will have permit conditions included appropriate to the activity and site.
Applications will be required to include:
~~site location and application received.~~

~~Permits will include at a minimum:~~

- The permit holder's name, business name and address.
- Trading Name.
- ABN/ACN (or statement of supplier if unavailable).
-
- Location of the trading site.
- The nature of the trading.
- Trading frequency.
- Map to scale of the intended trading site, including locations of any signage.
- Public Liability Insurance.
- ~~The location of the trading site.~~
- ~~This permit is valid from 'from date' to 'to date'.~~

Permit conditions ~~will~~ include ~~at a minimum~~:

- The permit does not constitute approval from VicRoads or any other authority. The permit holder must make their own enquiries with other authorities.
- This permit is not transferable to any other person and/or business without consent of the Council.
- This permit must be produced to an authorised officer of the Council on demand.
- This permit must be displayed at all times that goods are being sold.
- Times of selling may be restricted to daylight hours.
- ~~Times of selling may be restricted depending on the nature of the service.~~
- All vehicles, signs and items relating to the roadside activity must be removed from the site daily.
- The requirements of any Planning Scheme or Permit for the site must be complied with.
- The vendor is responsible for ~~any~~ clearing any rubbish as a result of their use of the site.
- Signs are only permitted on the side of the road that trading is occurring and only two (2) signs are permitted per site.

Other conditions may include:

- The vendor must not trade within 1km ~~400 metres~~ of an established permanent retail premise who's prime product is similar in nature ~~trader~~.
- Conditions relating to access and egress of site.
- A requirement to provide rubbish bins.
- The requirement for a current Food Act certificate for all food vendors. ~~A current health certificate is required by all food vendors.~~

~~**8.1.3 and 8.1.4 Placement of Tables and/or Chairs and Other Items Associated with Trading Activities**~~

- ~~Must not impede the vision of motorists or the movement of pedestrians.~~
- ~~Must be maintained in a professional manner to ensure safety to the user and general public.~~
- ~~The Pedestrian Zone and the Kerbside Zone must be kept clear.~~
- ~~May only be placed in the Trading Zone, subject to local conditions.~~
- ~~Where food is being sold, a permit has been obtained from Council's Health Services Unit.~~

9. Alcohol

Responsible Department: Local Laws

Subject to the provisions below, the consumption of liquor or carrying an open receptacle containing alcohol in public places is not permitted without a permit.

This section does not apply:

- To a person in licensed premises or authorised premises under the Liquor Control Act 1987; or
- Where the consumption of alcohol is taking place or as part of a family or group picnic/barbeque ~~or gathering~~ within a Council Reserve (not including liquor licensed areas), provided that no nuisance is caused to other persons in the area and the persons concerned leaves the area in a clean and tidy condition afterwards.

Permit Application

A request for a permit must be submitted a minimum 21 days prior to the proposed commencement of the event. There is no specific application form. Requests for permits under this section must be in writing addressing the permit criteria. Applicants must be over 18 years old and provide a copy of identification with proof of age. No application fee applies.

Criteria for Issuing Permits

In deciding whether to grant a permit, the Council may take into consideration:

- The effect on the quiet enjoyment of other users of the public place or road and the amenity of the area.
- The nature, time, location and duration of the event or function.
- The availability of sanitary facilities and rubbish removal.
- Protection of Council assets and the environment.
- Any comments received in respect of the application.
- Whether emergency services notification is required.
- The purpose of the public place or road.
- Whether liquor consumption is consistent with the normal use of the public place or road.
- Whether the applicant has provided Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.

- The applicant's record in conducting similar events or functions.
- If the consumption of alcohol is an associated business activity of the applicant (i.e. restaurant, sporting club).
- Any submissions lodged.
- Any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- Must meet all legal requirements in regard to event e.g. Liquor Licensing.
- Notify the local Police.
- The name and description of the municipal place or road where the permit applies.
- The times and duration of the event.
- The event or function, the persons or groups permitted to consume liquor.
- Facilities and services required e.g. Rubbish, toilets, security, health and safety services.
- Promotion and advertising.
- A requirement to provide Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
- The applicant's service address and emergency contact details.
- Any other conditions deemed necessary.

10. Independent Collection Bins

Responsible Department: Local Laws

Independent Collection Bins, whether owned by charitable or commercial organisations may only be placed ~~on~~ in a public place upon receipt of a permit to do so. Such a permit will be issued on an annual basis, with renewal required each year.

Permit Application

A completed, Council approved permit application form must be submitted with all relevant documentation prior to the placement of any bin.

Criteria for Issuing Permits

When considering an application for a permit to place an Independent Collection Bin on any public place the following criteria are to be taken into account:

Site Selection

- The site must provide safe and convenient access to the general public making donations and for bin collection activities.
- The bins must not obstruct vision of motorists or pedestrians.
- The bins must not obstruct any driveway, hydrant, mailbox or any other facility required by the public.
- The bin and environs are to be highly visible and well lit.
- The bin location must be such that access to it is not likely to interfere with traffic, parking or pedestrians in the vicinity.
- In the case of private land that is controlled by Council, the permission of the owner is required.
- The spatial and access availability for the number of bins requested at the location.
- Any likely detrimental effect on the neighbouring area.

Number of Bins Per Site

- The number of bins to be approved at any one site will ~~would~~ depend on the actual site, ~~and~~ its ability to cater for ~~the~~ access and safety requirements.
- Where more than one owner of bins exists at any one site then it will be a joint responsibility between bin owners to adequately~~an agreement about the management and maintenance of the~~ maintain the site ~~is necessary~~.

Site Management

- The owner/operator of the bin/s must demonstrate the ability and agree to ensuring the site is inspected on a regular basis and all material that ~~have~~ has been placed outside the bin/s are to be cleared within 24 hours.
- Any graffiti or vandal damage should be removed or repaired within 48 hours after detection.

Bin Presentation and Labelling

- All bins are to be maintained in a clean and tidy condition and are to be labelled to clearly identify the owner and beneficiary of any donations.
- Full contact details must be clearly displayed on each bin~~A contact telephone number is to be marked on each bin to facilitate reporting and problems or to make inquiries~~.
- The site or area in which the bin is located is to have appropriate signage to warn people of the offence related to any dumping of rubbish.

Public Awareness Programs

- The owner of any bin should provide Council with any proposal to advertise and promote the use of any bin.

Independent Collection Bins on private land do not require a permit; however it is

encouraged that ~~, the~~ conditions within this section are applied~~relating to Site Selection do apply~~.

All operators of bins in public places or Council managed land are to have a Public Risk Insurance Cover of at least $10 million providing principal's indemnity cover to Council. A current copy of this insurance to be supplied with application each year.

Permit Conditions

Permit conditions may include:

- A limit on the number of bins permitted.
- The placement location of bins.
- The requirement for details to be displayed on the bin.
- A sign is erected on the site specifying that:
  i) materials must be placed in the bin and not alongside it.
  ii) materials must be clean and of a specified type.
  iii) materials which are putrescibles refuse or offensive or dangerous must not be placed in the bin or on the site.
- Site maintenance requirements.
- A requirement to provide Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
- Any other conditions deemed necessary.

11. Collections of Money

Responsible Department: Local Laws

This section does not apply to any activity that:

- Is authorised under the Fundraising Appeals Act or other State or Federal legislation; or
- If conducted door to door, does not occur on any day other than a Saturday, Sunday or designated public holiday, and does not commence before 10am or continue after 4pm; or
- Is done only by means of a pamphlet or leaflet, which invites donations of used clothing or household goods for a charity, and which is put into the letterbox of any property.

Permit Application

Permits may be available for the organisers of activities that are to be held in a public place or on a road.

A completed permit application form must be submitted 21 days prior to the proposed commencement of the event.

Criteria for Issuing Permits

In deciding whether to grant a permit the Council must take into consideration:

- The times and days of the collection.
- The matter or thing to be collected.
- Where the application relates to an intersection collection, whether the proposed site is suitable.
- The impact on traffic and safety of pedestrians.
- Whether persons who may be liable for injury caused by the collection activity are insured against that risk.
- Whether the applicant has provided Public Liability Insurance to the minimum value or $10 million providing principal's indemnity cover to Council.
- Any view of the Victoria Police or VicRoads (where relevant) concerning the proposed location or conduct of any collection.
- Whether the applicant is a registered Charity in accordance with the Charities Act.
- Whether the activity is for a not for profit community or charity group/activity.
- The number of similar events already undertaken by the organisation in the same calendar year (max 4).
- Any submissions lodged.
- Any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- The period of the permit including the dates and times.
- Disclosure of the name and nature of benefiting organisation.
- The identification of collectors.
- A requirement to provide Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council confirming items subject to the permit are covered outside the premises.
- Any other conditions deemed necessary.

12. Vehicle Crossings

Responsible Department: Assets

The owner of any land must ensure that each point of vehicular entry to the property is provided with a properly constructed vehicular crossing.

A properly constructed crossing consists of a crossing that has been constructed in accordance with a permit.

Conditions for the Issue of a Permit

When considering an application for a vehicular crossing the following criteria are to be taken into account:

- A vehicular crossing is to be located to coincide with the entry point to the property.
- Vehicular crossings are to be located a minimum distance of 9 metres from an intersection.
- The standard of all crossings is to be in accordance with Council's Standards.
- All works are to be inspected at the set-up stage and approved by Council Officers prior to pouring any concrete.

Redundant Crossings

Where any works on a property change the location of a point of entry and any vehicular crossing is no longer required, the owner is to arrange to have the crossing removed, and have any road, kerb and footpath reinstated to the satisfaction of Council.

Temporary Crossings

Where any building works on a property are likely to cause any damage to the road, kerb or footpath, a temporary crossing is to be provided by the builder.

Where any damage to Council assets occurs, the responsible person should notify Council of any damage. If not, rectification works must be undertaken within 28 days of issuing a Notice to Repair Council Assets.

13. Property Numbers

Responsible Department: Local Laws

Each property within the municipality that has been allocated a property number is to have that number clearly displayed.

The owner of the property is responsible for the installation and maintenance of the property number.

The property number is to be constructed of sufficient size, colour and material to be visible and capable of being read from the footpath and/or passing motorist during daylight hours.

The property number is to be located in the vicinity of and visible at the primary entrance to the property.

Where a mailbox is located away from the primary entrance to the property, a secondary number is to be displayed within the near proximity of primary entrance.

14. Vehicles in Public Places

Responsible Department: Local Laws

Abandoned or Derelict Vehicles on Public Roads

- The *Local Government Act 1989* Section 205, gives Municipal Councils authority to manage traffic within its municipality. This includes the authority to remove, impound and dispose of any unregistered or abandoned vehicles that are left on any road (Schedule 11).
- This authority is to be enacted when any vehicle is left on any road and/or causes any danger, inconvenience to or loss of amenity to any person.
- Prior to an Officer impounding a vehicle, a reasonable attempt to contact the owner is to be made. This can be done by way of placing a highly visible Council sticker on the vehicle advising when the vehicle is to be removed.
- The time given to remove a vehicle would depend on the circumstances and typically a vehicle causing any danger would need to be removed immediately and an unregistered vehicle within 48 hours. In other circumstances a reasonable time to arrange removal could be allowed. A reasonable time would not normally exceed one week.
- All goods and chattels attached to the vehicle may also be removed and impounded.
- Immediately upon the removal and impounding of any ~~dangerous, abandoned, stored or derelict~~ vehicle, the owner, if known, is to be advised of its removal and of the action required to obtain release of the vehicle.
- If the owner or person in charge of a vehicle has been advised that they cannot place an unregistered vehicle on or in a Public Place and/or roadway and continues to place any unregistered vehicle in such areas, then the offending vehicle/s can be impounded immediately without prior warning.

Disposal of the Vehicle

- The owner of the impounded vehicle or an authorised representative may claim the vehicle within fourteen days of the date of advice that the vehicle has been removed.
- The vehicle is to be released to the owner or the authorised representative upon providing proof of ownership and ~~the~~ payment of ~~a~~the release fee.
- Where the owner of the vehicle does not respond to the advice within fourteen days, or where no claim has been made within fourteen days, the Council may sell, destroy or give away the vehicle, 28 days after the date the vehicle was impounded.

14.1 Dangerous

- If an abandoned or unregistered vehicle is located in a position which is deemed as dangerous by an authorised officer of Council or a member of Victoria Police, the Officer can arrange to have the vehicle removed and impounded.
- ~~Prior to doing so, every reasonable effort should be made to contact the owner and provide them with an opportunity to move the vehicle within one to two hours.~~

14.2 Abandoned/Stored Vehicles (other than Boats, Caravans and Trailers)

- Vehicles are not permitted to be stored in a public place. Storage is defined as a vehicle (other than a boat, caravan or trailer) parked for 14 continuous days or more in the same place without moving.
- If a vehicle is not registered then it is deemed abandoned under the *Local Government Act 1989* and should be dealt with according to the provisions of that Act.
- If the vehicle is registered an Officer will first make enquiries to determine ownership of the vehicle and advise the owner of the Local Law requirements.
- The Officer will then determine that the vehicle is being stored by marking the tyre of the vehicle (or by other means) and reinspecting it after 14 days to identify if the vehicle has moved or not.
- After reinspection, if it has been determined that the vehicle is being stored on the roadway/public place, the Officer will issue a Notice to Comply to the registered owner of the vehicle advising them of the breach of the Local Law and ~~request~~ direct that the vehicle be moved. If the vehicle is not removed by the date on the Notice to Comply a fine may be issued. If the vehicle remains unmoved after a period of two months it is to be treated as an abandoned vehicle under the *Local Government Act 1989*.

14.3 Abandoned/Stored Vehicles (Boats, Caravans and Trailers)

- Vehicles such as boats, caravans and trailers are not permitted to be stored in a public place. Storage for these type of vehicles is defined as being parked for more than 7 days in any 28 day period.
- If a vehicle is not registered then it is deemed abandoned under the Local Government Act 1989 and should be dealt with according to the provisions of that Act.
- If the boat, caravan or trailer is registered an Officer will first make enquiries to determine

ownership of the vehicle and advise the owner of the Local Law requirements.

- The Officer will then determine that the boat, caravan or trailer is being stored by marking the tyre of the vehicle (or by other means) and reinspecting it after 7 days to identify if the vehicle has moved or not.

- After reinspection, if it has been determined that the vehicle is being stored on the roadway/public place, the Officer will issue a Notice to Comply to the registered owner of the vehicle advising them of the breach in the Local Law and ~~request~~ direct that steps are taken to ensure that the vehicle is removed. If the vehicle is not removed by the date on the Notice to Comply a fine may be issued. If the vehicle remains unmoved after a period of two months it is to be treated as an abandoned vehicle under the *Local Government Act 1989*.

14.3A Vehicles on Reserves, Parks and Other Public Places

- If an Officer detects a vehicle in an area other than that set aside for parking, or a designated roadway, then enforcement action can be taken.

- Discretion may be applied on days of organised events or at Council reserves with a lease agreement in place.

-

14.4 Repairs

- ~~If a~~A person (other than a person from a motoring assistance organisation) ~~is making~~ may make minor repairs to a vehicle on a road ~~then they are only to be minor in nature~~ (e.g. because the car won't immediately start. i.e. flat battery or tyre)~~., the person is to be advised verbally that this is not permitted.~~

- If a person (other than a person from a motoring assistance organisation) is making repairs to a vehicle on a road that are more than minor (as stated above), the person is to be advised verbally that this is not permitted.

- A direction notice may also be issued to advise that the activity is inappropriate unless a permit has been granted and that the activity should cease immediately.

- If the activity does not cease then enforcement action may be taken~~not removed by the date specified, the Officer can arrange to have the vehicle removed and impounded~~.

14.5 For Sale

- Vehicles are not permitted to be sold from a public place. An infringement ~~should~~ may be issued upon detection of an offence.

Contact with the Owner

- Prior to Council staff removing any dangerous, abandoned, stored or derelict vehicle from any road, a reasonable attempt to contact the owner is to be made.
- Where the vehicle is registered, the owner (as per VicRoads database), is to be contacted and instructed to remove the vehicle. Verbal contact, either by visiting the address of the registered owner or by telephone, is considered to be reasonable.
- In the case of an unregistered vehicle, a reasonable attempt to identify and contact the owner is to be made. A reasonable attempt would be to seek information from the occupant of the nearest property.
- The time given to remove the vehicle would depend on the circumstances and typically a vehicle causing any danger would need to be removed immediately. In other circumstances a reasonable time to arrange removal could be allowed. A reasonable time would not normally exceed one week.

Removal and Impounding of the Vehicle

- Where the owner of any dangerous, abandoned, stored or derelict vehicle does not comply with the instruction to remove such vehicle from the road, or where the owner of the vehicle cannot be contacted, Council Officers may arrange for the vehicle to be removed from the road and impounded.
- All goods and chattels attached to the vehicle may also be removed and impounded.
- Immediately upon the removal and impounding of any dangerous, abandoned, stored or derelict vehicle, the owner, if known, is to be advised of its removal and of the action required to obtain release of the vehicle.

Disposal of the Vehicle

- The owner of the impounded vehicle or an authorised representative may claim the vehicle within fourteen days of the date of advice that the vehicle has been removed.
- The vehicle is to be released to the owner or the authorised representative upon the payment of a fee.
- Where the owner of the vehicle does not respond to the advice within fourteen days, or where no claim has been made within fourteen days, the Council may sell, destroy or give away the vehicle, 28 days after the date the vehicle was impounded.

15. Camping (including 23.2 Camping on Land)

Responsible Department: Local Laws

Unregistered caravans must not be left on any public land or road. If they are over length or overweight, they are to be dealt with under Victoria Road Rules (i.e. 1 hour limit if oversized).

Other registered caravans may only be left in a public place or on a road for the purpose of temporary storage of the caravan ~~for a period of no more than 14 days~~ and must comply with section 14.3 of the Local Law.

Registered caravans may not be left in a public place for the purpose of a temporary dwelling or camping.

Any person wishing to camp or place a tent, caravan or makeshift structure in a public place must make application for, and be granted a Council permit.

Permit Application

A completed, Council approved permit application form must be submitted a minimum 21 days prior to the proposed commencement of the activity.

Criteria for Issuing Permits (for both Private and Public Land)

In deciding whether to grant a permit, the Council may take into consideration:

- The location of the land and any likely effect on any nearby property.
- Public safety and impact on traffic in the event of the use of any road.
- The duration of the occupation of the land or road.
- The suitability of the land to provide available sanitary facilities, services and the public safety.
- The size and height of the caravan or structure.
- The distance from any adjoining property or dwelling.
- The distance from any road.
- Charges for the use of the land, including reasonable rent and any expenses.
- Any other matters that are considered to be applicable to the particular site or activity.

16. Obstructions – Public Place

Responsible Department: Local Laws & Assets

The placement of shipping container or similar or any other thing ~~with~~ which an authorised officer of Council deems to be obstructing the free use of a public place is not permitted without a permit. Items should only be placed on roads or in public places when there is insufficient space or access for the placement of the container within the applicant's premises.

Permit Application

A completed, Council approved permit application form must be submitted a minimum of 21 days prior to the proposed placement of the item, including proof of Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.

Criteria for Issuing Permits

In deciding whether to grant a permit, the Council may take into consideration:

- The suitability of the land.
- The site location.
- Whether the placement of the item could interfere with a neighbouring property.
- If the item can be stored on private land.
- The impact on the visual amenity of the area.
- The duration of the placement.
- If the item can be delivered without damage to Council assets or infrastructure.
- The intended use of the item.
- Any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- The duration for the placement of the item.
- That the item must be removed upon sale of the property.
- That the permit is not transferable.
- The location for placement.
- Maximum placement of 48 hours.
- Any other conditions that are deemed necessary.

17. Shopping Trolleys

Responsible Department: Local Laws

Shopping trolleys are not to be offered for use unless the details of the owner and telephone number are affixed to the trolley.

Shopping Trolleys are not to be left on any road or public place, other than an area designated by Council or the owner of land as a trolley collection point.

The owner of the trolley must make provisions for customers to use the trolleys and return the trolleys to a designated position.

- Where the trolleys are to be kept on land, a sign erected at the exit from the carpark should be adequate.

- Where the designated area is in a public place land, the area should be clearly visible, easily located with convenient access.

The owner of the trolley is responsible for the trolley at all times.

Within fourteen (14) days of any trolley being impounded the owner of the trolley may recover the trolley after the payment of a fee.

Any trolley not claimed after the 14 days may be sold, disposed of or given away at the discretion of ~~the~~ an authorised officer.

18. Bulk Rubbish Container and/or Skip Bins

Responsible Department: Local Laws

A placement of a bulk rubbish container in a public place is not permitted without a permit.

A permit is not required if the bulk rubbish container is placed on private land.

Guideline

The following guidelines are intended to provide for the safe placement and use of bulk rubbish containers in a public place. These guidelines must be read in conjunction with the Code of Practice for the Placement of Waste Bins on Roadside, published by VicRoads.

Bulk rubbish containers should only be placed on roads or in public places when there is insufficient space or access for the placement of the container within the hirer's premises.

One off placement of bulk rubbish containers in a public place must be with Council's written permission or by a supplier who is accredited with Knox City Council for the placement of bulk rubbish containers.

An accredited supplier must lodge an annual application and pay the required fee with Knox City Council prior to placing any bulk rubbish container. A supplier who is not accredited with Knox City Council must pay an application fee to Council prior to the placement of any bulk rubbish container in a public place within the City of Knox.

Council may permit the placement of a bulk rubbish container on naturestrips or roads provided that Council considers it to be impracticable to place the container within the hirer's property, that the placement is considered safe or agrees it is desirable for any other reason. The bulk rubbish container must not remain in a public place for longer than 7 days.

Permit Application

An application to place a bulk rubbish container on a public place would include:

One Off Placement

- The completion of and submission to Council of a Council approved application form.
- Payment of the appropriate fee.
- Proof of Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
- Requirement to comply with the Code of Practice for the Placement of Waste Bins on Roadsides.
- Contact details of the provider.

Accredited Supplier

- Annual completion of an accreditation application.
- Payment of the approved fee.
- Proof of Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
- Permit conditional on compliance with the Code of Practice for the Placement of Waste Bins on Roadsides.

Council is to be advised each time a bin is placed within the municipality by the accredited supplier, at the time the bin is placed.

Criteria for Issuing Permits

Bulk rubbish containers must not be placed in any position that:

- Obstructs any vehicle or pedestrian. Adequate provision must be made for the safe movement of pedestrians, (including those with disabilities) and cyclists.
- Obstructs the views of any motorist or pedestrian.
- Obstructs any emergency vehicle or service.
- Obstructs any utility service or equipment.
- Obstructs any drainage pit or outlet channel.
- Obstructs access to any item legally placed, or any event on any road or public place.
- Is likely to cause any damage to any public place.
- Does not comply with the requirements in the Code of Practice for the Placement of Waste Bins on roadsides.

A waste bin must be removed by the supplier upon request from an authorised officer of the Council.

Should any damage to public land be caused by the bulk rubbish container, Council may request the responsible person(s) to cover the cost of rectification works.

Inspections

Prior to a permit being issued, Council may inspect the proposed placement site for suitability. The inspection may include taking photographs of the immediate area to note any existing damage. A follow up inspection may also be done to ensure the bulk rubbish container has been removed at the expiry of the permit and to determine if any damage has been done.

Permit Conditions

Permit conditions may include:

- The location for the placement of the bulk rubbish container.
- The duration of the permit.
- Only one bulk rubbish container will be permitted per address on public land in a residential area.
- Any other item deemed necessary.

19.1 Flying of Model Aircraft

Responsible Department: Local Laws

The flying of internal combustion model aircraft may cause a nuisance by noise and/or smell when flown in the vicinity of private residences.

Permit Application

A completed, Council approved permit application form must be submitted a minimum of 21 days prior to the commencement of the activity.

Criteria for Issuing Permits

In deciding whether to grant a permit, the Council may take into consideration:

- The suitability of the public place.
- Whether the flying of the aircraft could interfere with a neighbouring property.
- The duration of the activity.
- The timing of the activity.
- Any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions may include:

- The duration for activity.
- The times when the activity is permitted.
- That the permit is not transferable.

- The location for activity.
- Any other conditions that are deemed necessary.

19.2 & 19.3 Use of Toy Vehicles

The use of a Toy Vehicle is not to interfere with another person's reasonable use of that Public Place. If an Officer determines that a toy vehicle is being used inappropriately then they are to ~~request~~ direct the activity cease to continue. If the problem continues then the Officer may take enforcement action.

19A Fireworks

Responsible Department: Local Laws

A permit will only be issued for the discharging of fireworks in a public place that is occurring as part of an organised event. Consent will also be required from the relevant Council department that manages the land where it is intended that fireworks are to be discharged.

All permits must comply with the relevant Work Safe requirements as well requirements of all other Acts of Parliament.

A permit application form must be completed and submitted with payment of the appropriate fee. A certificate of currency for $10 million Public Liability Insurance which indemnifies Council must also accompany the application.

Permits will be automatically voided on days of declared TOTAL FIRE BAN.

All waste materials to be removed from the site.

An advertisement is required in the local paper advising the public of the discharge of fireworks as well as a letter box drop to residents and businesses within a 500 meter radius (unless specified otherwise by an Authorised Officer).

Non authorised discharging of fireworks will to be referred to the Police.

PART 3 – ANIMALS

20. Keeping of Animals

Responsible Department: Local Laws

A permit under the Local Law is subordinate to that issued under the Planning Scheme. Before applying for a permit under Local Law, the applicant must investigate the requirement of a permit from Planning.

Livestock must be confined to the property of the owner or the person with custody of the livestock and must be adequately housed.

Criteria for Issuing Permits

In deciding whether to grant a permit, the Council may take into consideration:

- The area of the land.
- The zoning of the land.
- The reason for the application.
- The proximity to adjoining occupiers.
- The amenity of the area.
- The type and number of livestock, dogs and cats to be kept in the accommodation.
- The likely effect on adjoining occupiers.
- The adequacy of the proposed accommodation.
- Any membership by the applicant of any relevant bona fide association or organisation.
- The age of the livestock, dogs and cats.
- The sanitation of the area.
- If a Planning Permit is required under the Knox Planning Scheme.
- Any other matter relevant to the circumstances of the application.

Where the number of cats or dogs in total exceeds five (5) and a Planning Permit is not required, an Authorised Officer may issue a Local Laws Permit where it has been established that there is no anticipated negative impact on the general amenity of the area.

For the purpose of this section one litter per year per property will not be considered to be keeping more than 2 dogs and/or 2 cats at the property provided that the litter does not remain at the property for longer than 12 weeks.

The definition of desexing for the purposes of this clause is the same as the definition under the *Domestic Animals Act 1994*.

A Local Laws Permit is not required for excess pigeons, however more than 100 pigeons will require a planning permit.

Roosters are not permitted on land less than 4,000 square metres. For properties greater than 4,000 square metres ~~without~~ a permit is required to keep a rooster and will be assessed on the criteria above.

Housing for livestock, dogs and cats that exists or is proposed to be constructed in the

following circumstances requires a Council permit.

Housing for any kind of livestock, dogs and cats for which a permit is required, and housing for any number of livestock, dogs and cats for which a permit is required, should be constructed to comply with the relevant Code of Practice or regulations below:

Code of Practice - Caged Birds (excludes pigeons used for racing, poultry and others)
Code of Practice - Private Keeping of Cats (section 12 refers to housing)
Code of Practice - Private Keeping of Dogs (section 12 refers to housing)
Code of Practice - Welfare of Cattle
Code of Practice - Welfare of Sheep
Code of Practice - Welfare of Horses
Code of Practice - Private keeping of reptiles
Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2006

In the case of rodents, they are to be kept in accordance with animal care guidelines as produced on the RSPCA Victoria website.

Copies of the Codes of Practice can be found on the relevant State Government websites.

Locations where a permit to construct housing for livestock, dogs and cats or to allow such housing to remain on the property, is required:

- Within 15 metres from the frontage of the property to the road.
- Within 6 metres from any street alignment other than the frontage of the property.
- Within 1.5 metres from the side boundary of the property where such property is less than 4,000 square metres in area.
- Within 4.5 metres from a side boundary of an allotment of 4,000 square metres or greater.
- Within 10 metres from any dwelling on the property or any adjoining property; and/or
- Distances may be altered and conditions amended subject to local conditions.

Permit Conditions

Permit conditions may include:

- The ability of the property to sustain the number of livestock, dogs and cats proposed.
- The location of housing.
- The storage of feed.
- A limit on the number of livestock, dogs and cats permitted.
- The likely effect on safety of the general public.
- The likely effect on the amenity of the area and adjoining properties.
- Any housing for the livestock, dogs and cats be in accordance with the relevant Code of Practice or Regulation.

- The keeping of livestock, dogs and cats in accordance with the relevant Code of Practice or Regulation.
- Any other conditions deemed necessary.

21. Excrement

Responsible Department: Local Laws

Persons in charge of animals must remove any excrement left by that animal on a road or public place as soon as it is deposited.

Animal owners exercising animals on a road or public place must carry a receptacle to remove any excrement deposited. Appropriately wrapped excrement may be placed in a public litter bin.

Persons not removing animal excrement from a public place or road may be issued with an infringement notice.

22. Animal and/or Bird Noise and Odour

Responsible Department: Local Laws

Upon detection of a breach of the Local Law, an authorised officer may issue a Notice to Comply directing the person responsible to rectify the behaviour so that the behaviour no longer breaches the Local Law.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to cease the nuisance immediately and if they refuse or fail to comply, commence enforcement proceedings on the person responsible for the behaviour.

In circumstances where a permit has been issued, a show cause notice is to be sent to the owner of occupier of the land detailing the permit breaches and request why the permit should not be rescinded. If no response is received within the specified period or the response will not negate the nuisance, then a notice rescinding the permit is to be issued giving a reasonable period to comply.

Failure to comply with this request may result in initiating enforcement proceedings.

PART 4 – AMENITY

23. Condition of Land

Responsible Department: Local Laws & Building (Uninhabitable Buildings)

23.1 In determining whether land is unsightly, dangerous or detrimental to the general amenity, the following attributes need to be considered.

23.1.1 Dangerous

Dangerous is deemed to include but is not limited to:

- A haven for vermin, noxious weeds, insects; or
- Excessive vegetation growth that adversely impacts on neighbouring properties; or
- Anything determined by an authorised officer to be dangerous or likely to cause danger to life or property; or
- Any other matter deemed to be offensive.
- Upon detection of a dangerous or unsightly property, an authorised officer may issue a Notice to Comply directing the property owner or occupier to rectify the matter that is dangerous and or unsightly. The Notice to Comply may include:
  - The name and address of the land owner or occupier of the dangerous property.
  - The address of the subject property.
  - The works to be undertaken.
  - The period for the works to be completed by.
  - The penalties associated with non compliance including compulsory removal.
  - Any other conditions deemed appropriate.

23.1.2 Unsightly

Unsightly means a state or condition characterised by the presence of one or more of the following features or similar features of a property and that in the opinion of an Authorised Officer the property has:

(a) excessive unconstrained rubbish such as paper, cardboard, plastic bags, styrene, domestic garbage, second hand containers; and/or

(b) excessive second hand timber or second hand building material; and/or

(c) discarded, rejected, surplus or abandoned solid or liquid materials; and/or

(d) graffiti on exterior walls or fences; and/or

(e) excessive machinery, machinery parts or similar; and/or

(f) anything being built which is left incomplete and constitutes a detriment to the appearance of the surrounding area; and/or

(fa) excessive dead, diseased or dying vegetation; and/or

(fb) excessively long grass and/or weeds; and/or

(fc) a disused excavation; and/or

(fd) a building or other structure or thing which is a detriment to the appearance or amenity of the surrounding area; and/or

(g) any other thing making the land visually repugnant.

Excessively long grass may be defined as grass and/or weeds exceeding 200mm in length.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may:

- Issue an infringement notice on the person or persons responsible for the offence.
- Have all necessary works undertaken as detailed in the Notice to Comply with all costs recovered in accordance with section 55 of the Local Law.

23.1.3 Nuisance and Detrimental Land Use

If the condition of a property is causing a nuisance or is detrimental that, in the opinion of an Authorised Officer, it is having a negative impact on its immediate surrounds the officer must assess the adjacent land uses (including any reasonable use and enjoyment of that land) and impact of the problem property to determine what course of action is to be taken.

~~23.1.4 Un-Inhabitable Building~~

~~Where Council's Building Surveyor (or similar relevant Authority) has deemed a property to be un-inhabitable, Council may issue a notice directing the property owner to arrange for the removal of the building and the clean-up of the property.~~

23.2 Camping on Land

The intent of this provision is to stop people camping on private land where it adversely affects the amenity of an abutting land owner. Where this applies, initiate proceedings as per section 15 Camping/~~Temporary Dwellings on Public Land~~.

24. Environmental Weeds

Responsible Department: ~~Sustainability~~ Biodiversity & Local Laws

The following plants have been proclaimed by Council as environmental weeds:

Scientific Name	Common Name
Acacia longifolia var. longifolia	Sallow Wattle
Asparagus scandens	Asparagus Fern
Cestrum elegans	Red Cestrum
Chrysanthemoides monilifera monilifera	Boneseed
Coprosma repens	Mirror Bush
Coprosma robusta	Karamu
Cotoneaster Spp	Cotoneasters
Crataegus monogyna	Hawthorn
Crocosmia x crocosmiiflora	Montbretia
Cytisus scoparius	English Broom
Delairea odorata	Cape Ivy
Erica lusitanica	Spanish Heath
Echium plantagineum	Pattersons curse
Fraxinus angustifolia subsp. angustifolia	Desert Ash
Genista monspessulana	Cape Broom/ Montpellier Broom
Genista linifolia	Flax-leaf Broom
Hakea Saliciifolia	Willow-Leaf Hakea
Hedera helix	Ivy
Hypericum tetrapterum	St Peter's Wort; Square-stem St John's Wort
Passiflora spp	Banana passionfruit
Lonicera japonica	Japanese Honeysuckle
Pinus radiata	Monterey Pine
Pittosporum undulatum	Sweet Pittosporum
Rubus fruticosus agg.	Blackberry
Sollya heterophylla	Blue bell creeper
Ulex europaeus	Gorse or Furze
Vinca major	Blue periwinkle
Watsonia meriana var. bulbillifera	Bulbil Watsonia
Zantedeschia aethopia	White arum Lily

A person or business within Knox is not to sell or possess for sale any environmental weeds as listed above.

An owner and/or occupier of any land of 2 hectares or less within the municipality is to ensure that the property does not support the growth of any environmental weeds.

Purpose

The aim of this guideline is to:

- Control the spread of Environmental Weeds.
- Reduce the detrimental impact of Environmental Weeds on valuable Bushland and

Conservation sites.

- Protect biodiversity in Knox.
- Educate landowners of the impact of Environmental Weeds.
- Begin with controls for the most widespread and damaging Environmental Weeds on Bushland and Conservation sites.
- Extend the list of Environmental Weeds following a marketing campaign to educate the land owners and community of the guidelines.

An Environmental Weed is deemed to exist if a plant species described above is allowed or permitted to grow on a property of less than 2 hectares following the issue of a Notice to Comply issued by an authorised officer.

25. Machinery or Vehicle on Land

Responsible Department: Local Laws

25.1 Storage of More Than Two Unregistered, Unroadworthy, Dismantled, Incomplete or Deteriorated Motor Vehicles or Machinery

The intent of this provision is to stop people from storing unregistered vehicles, parts of vehicles or machinery on their property where it is impacting on amenity or causing nuisance for others, particularly where people leave a vehicle in a front yard that is visual to the community and the vehicles are clearly not touched but left abandoned for excessive periods of time.

The Local Law provides that this cannot occur for a period of more than two months without a permit. A permit however is only to be a temporary measure to allow additional time for non-permissible items to be removed.

When a complaint is received~~re a breach has been detected~~, an officer should ~~first~~ visit the property and discuss the vehicles, parts of vehicles or machinery with the owner to establish what their intention is and the expected timeframe for the removal of the items. Advise them of the requirement for a permit if this is to extend beyond 2 months. The officer is then to revisit the property again at the conclusion of 2 month to see if the matter has been resolved. If ~~it is clear that these aren't to be removed within two months, the resident should first receive a letter to say that they are not able to keep them on the property for more than two months. At the conclusion of two months, to reinspect the property, if they~~the items are still on the property then a Notice to Comply is to be issued providing 14 days to have them removed. If they are not removed within this period of time ~~they are to be removed and the cost passed on to the owner~~then the matter may be referred to the Magistrate's Court so that a Court Order for removal of the items can be obtained.

Permit Application

A permit application form is to be submitted with the application fee only (there is no permit fee).~~can be made by way of a letter. There is no formal permit application. There is no fee for a permit application in regards to this provision.~~ As part of the permit application, the

applicant must provide a plan identifying what steps will be taken within the permit period to have the vehicles, vehicle parts or machinery removed by the expiry of the permit.

~~Any r~~Requests for a permit are to ~~be considered taking~~take into account the following issues:

- The visual impact of the vehicles, vehicle parts or machinery.
- Timeframe to be kept on the property.
- Reason for retaining them beyond two months.
- Permits should not be issued beyond 12 months.

~~Any permit should not be issued beyond 12 months. As part of a permit, people are required to provide a plan identifying what steps will be taken within the permit period to have the vehicles, vehicle parts or machinery removed by the expiry of the permit.~~

25.2 Painting a Vehicle by Mechanical Means

The intent of this provision is to control the impact of airborne particles on neighbours from the mechanical painting of a vehicle. A vehicle under this provision has the broadest possible meaning and includes water vessels.

Permit Application

A permit application under this provision must ~~can~~ be in writing. No formal permit application applies. No fee applies for a permit under this section. In making an application any consideration needs to be undertaken in conjunction with the Health Department. The following issues need to be considered:

- How the airborne particles will be controlled.
- Not permitted in the open air but must be in a structure that can control the release of the airborne particles and appropriately ventilated.
- Times that the operation will occur.
- Impact on visual amenity.

In considering any permit, discussion needs to be undertaken with Planning to ensure that the Local Law permit is not contrary to the Planning provisions.

A permit will only be issued for a specific vehicle or period of time and will not under normal circumstances be issued for multiple vehicles. If this is the case, discussion will need to be undertaken with Statutory Planning to ensure that any permit is not inconsistent with the Planning Scheme.

26. Open Air Burning

Responsible Department: Local Laws & Emergency Management

Without a permit an owner or occupier of land must not light a fire in the open air.

A fire must not be lit or allowed to remain alight within the municipality without a permit and must be extinguished upon direction by an authorised officer or a member of the Fire Brigade.

Applying for/or holding ~~The applicant or holder of~~ a permit under this section of the Local Law does ~~is~~ not relieved ~~of~~ any responsibility for any damage to property or injury to persons, or of the need to comply with relevant legislation.

Permit Application

This section does not apply to any fire that:

- Is lit by a member of the Country Fire Authority or other authorised authority in the course of their duties; or
- Is lit in a barbecue for the purpose of cooking food for human consumption; or
- Is lit in a brazier or chiminea for the purpose of heating in the open air or outdoor area.

Council may from time to time allow exemptions from having to apply for a permit in conjunction with its annual fire preparedness program.

Criteria for Issuing Permits

In deciding whether to grant a permit, Council may take into consideration:

- The location of the fire and its likely effect on the environment or any other person.
- Proximity to other landowners and the risk of any smoke nuisance.
- The proposed method of managing and controlling the fire.
- The resources (labour, water and equipment) available to control any spread or emergency situation.
- The climatic conditions.
- The number of fires to be lit in any area at any one time.
- The material proposed to be burned.
- Day and time the fire is to be lit and extinguished.
- The ability of the landowner to remove the vegetation via more appropriate methods.
- Size of the land.
- Whether it is a declared fire danger period.
- Any other matter relevant to the circumstance of the application.

Permit Conditions

Burning must be conducted in accordance with the conditions listed on the permit. Failing to

do this can result in enforcement action and cancellation of the permit.

Permit conditions may include:

- No more than one fire per property may be lit in the open air at any one time.
- A maximum of 1 cubic metre of material is to be alight at any one time (unless an authorised officer determines it is safe for multiple or larger sized fuel piles).
- A responsible person is to be in attendance at all times when the fire is alight.
- Reasonable fire fighting equipment is to be available on site at all times when the fire is alight.
- Clearance above the area of the fire.
- Fire to be lit and extinguished between daylight hours.
- Ground within 3 metres of the fire is to be free of all flammable material.
- The Fire Brigade is to be notified of the times and day the fire is to be lit.
- Restrictions may be placed on the material to be burned, having regard to smoke and other likely detrimental effect on the environment.
- Any other matter deemed necessary.

Permit holders will be required to provide a minimum 24 hours notice of any fire being lit.

No fires are permitted on any declared "Total Fire Ban" or "Smog Alert" day irrespective of whether a permit has been issued.

No permit to burn will be issued under the Local Law during the Declared Fire Danger period.

26.6 Permit to Burn Fees

Any request for fees to be waived should be referred to the relevant Team Leader, Coordinator or Municipal Fire Prevention Officer (MFPO) for approval.

The fee for a permit to burn may be waived provided the following has been met:

- The land is greater than 1 hectare in size,and
- A permit to burn at the property has previously been granted for the current calendar year, and
- A new permit application form has been completed and submitted.

27. Heavy and/or Long Vehicles

Responsible Department: Local Laws

Upon detection of a heavy or long vehicle being stored on land, an authorised officer may issue a Notice to Comply directing the driver to remove the heavy vehicle.

Permit Application

A driver/property owner/resident may apply for a permit to house a heavy and/or long vehicle on land in a residential area.

Criteria for Issuing Permits

In deciding whether to grant a permit, Council may take into consideration:

- The likely impact on the residential amenity of the neighbourhood.
- The level of noise emanating from the heavy vehicle.
- The opinion of the immediate community.
- Pedestrian and motorist safety.
- Any damage likely to be caused to Council assets and street trees.
- Fumes or related smells resulting from the parking of heavy vehicles.
- The proximity of neighbouring habitable buildings to the storage area.
- Whether the manoeuvring requirements of the vehicle and the carriageway width will enable the vehicle to be turned within a maximum crossing width of 4 metres.
- Any load limit restriction in force on the relevant road or surrounding roads.
- Whether the property is of sufficient size and layout to enable the vehicle to be properly housed.
- Any other matter relevant to circumstances of the application.

Permit Conditions

Permit conditions may include:

- The period of the permit.
- Placement of screening trees, plants and fencing.
- Prohibiting repairs and servicing of the heavy vehicle.
- The location on the property where the heavy vehicle will be stored.
- Times for entry and egress by the heavy vehicle to and from the property.
- The condition and maintenance of the storage location.
- Installation of an appropriate road crossover.
- Details of the permit holder and emergency contact numbers.
- Any other condition deemed appropriate.

If an application for a permit is received, the Council shall require that notice of the application be given to adjoining or nearby land owners seeking their comment on the application prior to any decision being made.

28. Obstructions – Land

Responsible Department: Local Laws

No person is permitted to place, or allow to be placed, any obstruction or encroachment on any public land or road without obtaining a Council permit.

Permit Application

A complete, Council approved permit application must be submitted a minimum of 21 days prior to the proposed placement of the obstruction.

Vegetation Restrictions

The owner and/or occupier of any property is to ensure that any vegetation or structure on that property does not obstruct or interfere with traffic or pedestrians.

An obstruction is deemed to exist if vegetation or a structure:

- Overhangs a road or footpath and is likely to cause injury to any person or damage to any vehicle legally using the roadway or footpath. A clear height minimum of 2.5 metres is to be maintained over all footpaths and 5 metres over road pavements.
- Obstructs the clear sight of vehicles at an intersection.
- Obstructs the clear sight between pedestrians and vehicles.
- Obstructs clear sight between any vehicle or pedestrian and any traffic signals and/or signs.
- Encroaches onto a footpath to limit the available space for pedestrians.
- Encroaches onto a footpath and creates a slippery surface when wet.
- Obscures a street light.
- Creates a danger to any vehicle or pedestrian in any other way.

The above criteria also applies to any street tree or other Council owned tree.

Criteria for Issuing Permits

In deciding whether to grant a permit, the Council may take into consideration:

- The type and size of the obstruction.
- The duration and times of day in which the obstruction is to remain.
- The likely effect on safety for traffic and pedestrians as a consequence of the obstruction.
- The ability to provide suitable barriers, lights and signs to ensure public safety in the vicinity of the obstruction.
- The likely effect on any adjoining property or dwelling:

- The continued access to any public utility and other land.
- The likelihood of any undesirable precedents being established.
- Whether the applicant has provided Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
- Any other matter relevant to the circumstances of the application.

Permit Conditions

Permit conditions will be determined by an authorised officer and be site specific.

29. Noise

Responsible Department: Health

The Environment Protection Authority (EPA) Victoria - Noise Control Guidelines (Publication Number 1254) forms part of the Local Law.

30. Alarms

Responsible Department: Health

The owner or occupier of a premise containing an alarm, which does not comply with the requirements of this section may be issued a Notice to Comply to:

- Adjust the alarm, or have it adjusted, to comply with the requirements; or
- Replace the alarm with an alarm that complies with the requirements; or
- Permanently disconnect the alarm, or have it permanently disconnected; or
- Council may exercise its authority under section 54 of the Local Law.

31. Bees

Responsible Department: Health

Bees may be located on land or a public place as a result of one or two activities.

1. An apiarist (beekeeper) may have placed a docile bee hive on land in order for bees to pollinate and produce honey products.

2. A feral bee swarm may have settled on land or in a public place as part of their migratory activities.

Generally, bees are accepted on land providing the Victorian Apiary Code of Practice is being adhered to. If the Apiary Code of Practice cannot be complied with, a Planning Permit is required. In both cases, an apiarist (beekeeper) must maintain current registration with the relevant State Government department.

Information on the keeping of bees, including registration and the Apiary Code of Practice

can be found on the relevant State Government website.

If a feral swarm is located in a public place and is causing a nuisance, the Health Department should be advised so that the swarm can be relocated.

32. European Wasps

Responsible Department: Health

European wasps nest in sheltered areas. Nests can be found outdoors in the ground, rockeries, in rubbish heaps or at the base of trees and shrubs. Nests can also be found in the sheltered areas of buildings including in the roofs, walls and under the eaves of houses. Nests are usually light grey in colour and are made from a cardboard-like material. Nests are sometimes football sized or larger and usually only a 2-5cm wide entrance is visible.

The actual choice of a suitable insecticide depends on the location of the nest. A number of products are approved for use against wasp nests in Victoria or contractors can be utilised to have the nest destroyed.

European Wasps are not permitted to be kept on land or in a public place.

33. Rats and Mice

Responsible Department: Health

Rats and mice are robust, resilient and adapt to urban and/or rural landscapes readily. Generally they only require three elements to support species survival; this includes: food, water and shelter – all of which is readily available where humans live.

Knox City Council acknowledges that it is highly improbable to eradicate these species entirely however we recognise that effective control measures are required to prevent increased rodent numbers and/or the increased risk of human exposure.

It is considered appropriate that when conducting an investigation in relation to these matters that a written direction is issued to the occupant and/or owner and/or person apparently in charge of a property where an authorised officer believes on reasonable grounds that harbourage of rodents such as rats and mice is occurring on those premises. Harbourage might include but is not limited to a food supply that cannot be isolated from rodents, nesting sites such as roof cavities, wall cavities, burrows etc and signs of rodent presence such as droppings, rat runs or rodent carcasses.

It is suggested that consideration be given to the cost associated with, and reasonable time be given, in any written direction.

The use of rodenticide poisons carry an inherent risk and as such may only be used by the occupier or a licensed pest controller. Consideration should also be given to secondary exposure and likelihood of primary exposure to children, the infirm, domestic or wild animals and marine or aquatic life.

Written direction should not be issued to a person apparently in charge of domestic pet rats or mice under effective control and/or a person apparently in charge of rats or mice kept exclusively for research, scientific or educational purposes unless exceptional circumstances exist.

Reference may be made to current information provided by the Department of Health.

34. Tree and Vegetation Protection

Responsible Department: Conservation

Council may declare a tree(s) or vegetation as significant.

To do this, Council will identify the significant trees of Knox through a considered process using biodiversity and streetscape studies.

If tree/s or vegetation has been declared as significant, a person must not interfere with the tree/s or vegetation unless they have obtained a permit from Council.

A permit may be granted after inspection by a qualified Council Officer who has deemed it necessary to remove the tree.

Criteria for Issuing Permits

In considering whether to grant a permit for the removal of a significant tree or cutting, trimming, lopping, pruning or taking any other action which may endanger the health of the tree the Council may consider:

- Whether it is necessary to obtain an arborist's report.
- Has planning approval been provided or is required.
- The reason for the request.
- Impact on the amenity and safety of the area.
- Impact on any nearby buildings or structures.
- Any proposed replacement planting.
- Any other relevant matter.

35. Recreational Vehicles and Trail Bikes

Responsible Department: Local Laws

The owner or person in charge of a recreational vehicle and/or trail bike must ensure that the vehicle does not create a nuisance when ridden on private land.

If a nuisance is detected, the owner or person in charge of the vehicle may be directed to cease the nuisance immediately and may be prohibited from riding the vehicle on that land.

Approval may be given for the riding of a recreational vehicle or trail bike on private land at predetermined or designated times so as not to create a nuisance.

This may be done in consultation with neighbouring properties.

36. Drainage of Properties

Responsible Department: Drainage Engineers

Upon detection of a breach of the Local Law, an authorised officer may issue a direction notice requiring the property owner, the occupier or person responsible to rectify the behaviours so that the behaviour no longer causes a nuisance.

If a direction notice has not been complied with, or if the breach warrants, an authorised officer may issue an infringement notice on the property owner, occupier or person responsible for the behaviour. In urgent circumstances, enforcement proceedings can be commenced without a direction notice.

If the drain remains in contravention of the Local Law, an authorised officer may arrange to have the drain reinstated.

All costs, including administration costs, may be recovered by Council from the property owner or person/s who failed to complete the required works.

PART 5 – WASTE COLLECTION SERVICE

37. Domestic Garbage

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

Council provides garbage bins for the storage and disposal of garbage to each property within the municipality.

The bin is to be kept on the premises, to which they have been allocated, except when put out for collection.

In the case of a unit or flat an area is to be allocated and clearly defined for the storage of bin and the occupier is to keep the bins in such allocated areas except when put out for collection.

Use of Mobile Bins

The bin issued for domestic garbage are to be used for the disposal of domestic garbage only and Council will publish a list of those materials that cannot be disposed of via the garbage bin, from time to time.

The bin/s issued for the disposal of garbage are to be used for household garbage only and must not be used for the disposal of the following:

- Slops or liquid waste.
- Hot or burnt ashes unless they have been mixed with water to form a stiff paste and effectively wrapped.
- Disposable napkins, unless all solid material has been removed and they are securely wrapped in impervious material.
- Any oil, paint, solvent or any other material which could cause damage to the bin.
- Trade Wastes of any kind.
- Any item that takes the total weight of the bin and its contents over 50 kilograms.
- Any other item prescribed as prohibited by Council.

The bin is to be placed out for collection on the naturestrip or approved alternative designated collection point by 6.00am on the allotted collection day and returned to the property by evening on the same day by the occupier. The bins are not to be left on the road reserve for more than 48 hours in any one week.

Bins placed out for collection are:

- To be placed on the naturestrip approximately 300mm from the kerb with the handle facing away from the kerb.
- To have a clear distance of 500mm from each side and 4 metres above the lid of the bin.
- To be clear of any structure, tree or vehicle associated with the property.

The bins are to be kept in a clean and sanitary condition by the occupier and any damaged bins are to be reported to Council for repair.

38. Recyclable Goods

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

Council provides a recycling bin for the storage and disposal of recycling waste to each property within the municipality.

The bin is to be kept on the premises, to which they have been allocated, except when put out for collection.

In the case of a unit or flat an area is to be allocated and clearly defined for the storage of bin and the occupier is to keep the bins in such allocated areas except when put out for collection.

Use of Mobile Bins

The bin issued for recyclable goods are to be used for the disposal of recycling only and Council will publish a list of those materials that cannot be disposed of via the recycling bin, from time to time.

The bin issued for the disposal of recycling is to be used for household recycling only and must not be used for the disposal of the following:

- Slops or liquid waste.
- Hot or burnt ashes unless they have been mixed with water to form a stiff paste and effectively wrapped.
- Disposable napkins, unless all solid material has been removed and they are securely wrapped in impervious material.
- Any oil, paint, solvent or any other material which could cause damage to the bin.
- Trade Wastes of any kind.
- Any item that takes the total weight of the bin and its contents over 50 kilograms.
- Any other item prescribed as prohibited by Council.

Council will publish a list of acceptable goods for recycling from time to time.

The bin is to be placed out for collection on the naturestrip or approved alternative designated collection point by 6.00am on the allotted collection day and returned to the property by evening on the same day by the occupier. The bins are not to be left on the road reserve for more than 48 hours in any one week.

Bins placed out for collection are:

- To be placed on the naturestrip approximately 300mm from the kerb with the handle facing away from the kerb.
- To have a clear distance of 500mm from each side and 4 metres above the lid of the bin.
- To be clear of any structure, tree or vehicle associated with the property.

The bins are to be kept in a clean and sanitary condition by the occupier and any damaged bins are to be reported to Council for repair.

39. Hard Garbage

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

Council provides an 'At Call' residential hard waste collection service throughout the municipality.

Occupiers of properties are required to make a booking with Council prior to placing the material for collection onto the naturestrip or approved alternate collection point on the weekend prior to the week designated by Council from time to time as the collection week for that property.

Material put out for collection must comply with the following:

- All material is to be placed in a safe and tidy condition.
- Hard Rubbish is to be separate from any Green Waste.
- All items placed for collection are presented for collection in accordance with publications circulated within the Municipality by Council.
- No items are to be placed for collection if they are prohibited items.

40. Green Waste (not in Council supplied bin)

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

Council provides a collection service for the removal of Green Waste (not in a Council provided bin) – Green Waste collection dates are published in a schedule of dates for the collection throughout the municipality.

Occupiers of properties are required to place the material to be collected on to the naturestrip or approved alternative collection point by 6.00am on the day of the collection and not more than 24 hours prior to that day.

Material put out for collection must comply with the following:

- All material is to be placed in a safe and tidy condition.
- Green Waste is to be separate from Hard Garbage.
- Leaves and grass are to be placed in containers, other than plastic bags that can be lifted by one person.
- Branches and prunings are to be cut into lengths not more than 1.5 metres and tied in bundles so that they can be lifted by one person.
- Branches are to be no thicker than 10 cm.

41. Green Waste Bin

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

Council provides a collection service for the removal of Green Waste in a bin to those properties that request and pay for the provision and collection of a Green Waste Bin – Green Waste Bin collection dates are published in a schedule of dates for the collection throughout the municipality.

Occupiers of properties are required to place the bin to be collected on to the naturestrip or approved alternative collection point by 6.00am on the day of the collection and not more than 24 hours prior to that day.

Material put out for collection must comply with the following:

- Only the items prescribed by Council from time to time as Green Waste are to be placed in the Green Waste Bin.

Bins placed out for collection are:

- To be placed on the naturestrip approximately 300mm from the kerb with the handle facing away from the kerb.
- To have a clear distance of 500mm from each side and 4 metres above the lid of the bind.
- To be clear of any structure, tree or vehicle associated with the property.

42. Disposal of Disused Refrigerators and other Compartments

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

Council provides an 'At Call' Hard Waste Collection Service for the collection of household appliances and other prescribed items. Occupiers of properties are required to make a booking with Council prior to placing the material to be collected onto the nature strip or approved alternate collection point on the weekend prior to the collection week.

A person who places a refrigerator, ice-chest, icebox, trunk, chest freezer or similar out for hardwaste collection must remove every door or lid prior to placing the item out for collection. Tall items should be laid down on the naturestrip or an approved alternate collection location to ensure that that cannot fall over.

The items must be placed out for collection on the weekend before the starting date of the collection week for the relevant address.

Material put out for collection must comply with the following:

- Only the items prescribed by Council from time to time as Hard Waste are to be placed for collection.

43. Interference with Hard Garbage

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

A person is not permitted to rummage or collect items from Hard Waste that has been placed for collection on the naturestrips or approved alternate collection location for commercial purposes. The intent of this section is to prevent people collecting goods to sell and make a profit for themselves or others. It is not intended to stop a person taking an item for their own personal use and enjoyment.

Any person detected in breach of this provision should be requested to cease the activity immediately and if necessary, an authorised officer may initiate enforcement proceedings.

If a Notice to Comply has been issued and not complied with or if the breach warrants, an authorised officer may commence enforcement proceedings on the person responsible for the activity.

44. Screening of Bins and Receptacles

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

An authorised officer may issue a Notice to Comply requesting the owner or occupier of any land or the person responsible for the placement of bins or receptacles to have any domestic or commercial garbage bin or similar thing screened as a result of the domestic or commercial garbage bin or similar thing being considered by an authorised officer to be:

- Unsightly; or
- Dangerous; or
- Detrimental to the general amenity of the neighbourhood in which it is located.

45. Depositing of Waste at the Recycling and Waste Centre

Responsible Department: Waste Management

Upon detection of the placement of any hazardous, dangerous or infectious material or items, the matter is to be considered urgent and an authorised officer may request the person responsible to immediately remove the item or material and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

Dependant on the type of materials deposited, the waste may need to stay where placed and other agencies may be required to assist with the removal or clean-up of the materials. These costs are to be paid for by the person responsible for the placement of the materials.

46. Non Council Domestic Waste Services

Responsible Department: Waste Management

Non Council Domestic Waste Services are those that are provided by an Owners Corporation or other similar entity for the removal of rubbish – this can be initiated in several circumstances including properties with a substantial number of units, retirement villages etc.

The organisers of the waste service must ensure that, at a minimum, all the services that Council provides are available to the residents of their properties. Eg: green waste, domestic garbage, recycling, and hard waste services. Additional services may be provided.

If a Planning permit requires a waste management plan, those refuse services must be provide otherwise Council may commence enforcement proceedings.

47. Commercial Waste

Responsible Department: Administration – Waste Management
Enforcement and Permits – Local Laws
Container Condition – Health

The Container

The container is to be constructed using impervious material, so as to prevent any leakage.

The container is to be provided with a tight fitting lid to ensure that it is fly and vermin proof. The lid must be closed except when emptying or filling.

The container is to be kept in a clean and sanitary condition. The container should normally be cleaned after each time it is emptied.

Where cleaning is difficult or the build up of waste in the bin is likely, a drain hole and plug may be required to facilitate adequate cleaning.

The container is to be marked clearly with the supplier's name and telephone number.

The Site on which the Container is Housed

The site on which any Industrial, Trade or Commercial Waste Container is housed includes the paths, and other areas used for access to the container or collection vehicle.

The site is to comply with any Planning Permit, Approval or Planning Scheme provisions.

The site is to be paved with an impervious surface and grades to the sewer or approved silt trap or treatment device.

A reticulated water supply and tap is to be provided for cleaning purposes.

The site is to be screened to provide a satisfactory visual environment for neighbouring properties as required on any planning conditions.

The site is to be fenced or constructed so as to deny access by the public.

The site is to be maintained in a clean and sanitary condition at all times.

Permit Application

Applications for storage of a commercial waste bin will be considered in line with the process for permits under section 18 Bulk Rubbish Containers and/or Skip Bins.

48. Suspension of Services

Responsible Department: Waste Management

If an owner of a premise continues to place the incorrect items in bins or on the naturestrip or approved alternate collection point for collection, and after education by Council staff, the collection service may be suspended.

During the period that the collection service is suspended by Council, the occupier must ensure that all waste is removed from the property at their own expense.

Enforcement – PART 5 – Waste Collection Services

Responsible Department: Administration – Waste Management
Enforcement – Local Laws

Upon detection of a breach of this section of the General Provisions Local Law 2010, an authorised officer may issue a Notice to Comply directing the person responsible to comply with the relevant section(s) of Part 5 of the General Provisions Local Law 2010.

If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to immediately remove the deposited waste and if they refuse, commence enforcement proceedings on the person responsible for the behaviour.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person responsible for the behaviour.

PART 6 – COUNCIL ASSETS AND BUILDING SITES

49. Building Sites

Responsible Department: Asset Preservation

This Part impacts on builders and land owners involved in building works on private land where such works require a building permit under the Building Act 1993.

It is the responsibility of the land owner to ensure that an approval for works required under the General Provisions Local Law 2010 is obtained beforehand, failing which, the owner will be in breach of the Local Law and may be issued with an infringement notice for ten penalty units or be fined up to twenty penalty units by a Court.

The approval will address the following issues:

- Containing building refuse within the site.
- Road and footpath cleanliness.
- Provision of toilet facilities.
- Any adverse impact on public health, safety and amenity.
- Avoidance of storm water erosion.
- Quality of any water being discharged from the site.
- The need for temporary fencing of the site.
- Repairs to and reinstatement of damaged assets.
- Payment of asset protection fees.

Having regard to the significant amount of refuse which finds its way from building sites on to Council streets, the approval holder will be responsible for providing on site a suitable container with a secure lid to store all building and site refuse produced in relation to the building works.

In addition to the problems associated with site refuse, other debris including mud and dust are often carried or blown onto streets from building sites.

In wet conditions, drivers of vehicle's leaving a building site must ensure that the vehicle wheels are free of any mud.

In windy conditions where dust is created on a building site, the approval holder, must arrange to suppress the dust by either installing an appropriate watering device, by frequently hosing the problem area, or by providing for some other approved method of dust suppression.

Where cleaning vehicle wheels or dust suppression is achieved by hosing or watering, measures must be put in place to ensure that contaminated water is not discharged off site, into the drainage system or into any waterway.

All building sites must be provided with a minimum of one on site chemical toilet for use by persons working on the site.

Approval Process

The Local Law requires that an approval be obtained under the Local Law prior to:

- The commencement of any works on public property.
- The placement of any building material on public property.
- The commencement on land of any works requiring a building permit under the Building Act 1993.

An application for an approval for the following activities must be on the Council approved form and accompanied by the appropriate fee for:

- Road opening works.
- Placement of building materials in a public place.
- Any other works in a public place.
- Works on land up to 1,000 square metres.
- Works on land larger than 1,000 square metres.

Council has the right to require additional information from the applicant in relation to the application.

Persons affected by the Local Law are required to obtain and to adhere to an approval.

The conditions attaching to any approval will depend on the nature of the works.

Authorised officers will monitor compliance with both the Guidelines and the Local Law and have adequate powers to:

- Issue reasonable directions.
- Issue infringement notices with a penalty of ten penalty units.
- Commence prosecution proceedings in the Magistrates' Court for habitual or serious offenders.

Repairs and Reinstatement

If an approval holder is responsible for damage to any public asset that person shall repair or reinstate the public asset:

- At the approval holders cost.
- To Council's satisfaction including the time limits for compliance.

If the approval holder refuses or fails to carry out the work satisfactorily or at all, Council may carry out the work and claim the cost in reliance of its statutory powers under the Local Government Act 1989.

The statutory process allows Council or its appointed contractor to carry out the work and to recover the cost from:

- The approval holder; or
- The land owner where an approval required under the Local Law has not been obtained.

If the landowner is responsible for the cost, the Local Government Act provides that it will become a charge on the property and until paid will attract interest under the Penalty Interest Rates Act 1983.

In summary, Council has the discretion to decide whether any necessary work to repair or reinstate damaged public assets is to be carried out by:

- Council; or
- The person responsible for causing the damage; or
- The land owner.

Enforcement

Whilst it is anticipated that most persons will support the implementation of the Guidelines, Council is aware that on occasions, some offenders will be:

- Issued with an infringement notice (ten penalty units); or
- Prosecuted in the Courts and fined up to twenty penalty units.

Protection and Use of Drains

Responsible Department: Asset Preservation

Upon detection of a breach of Part 6 of the Local Law, an authorised officer may issue a Notice to Comply directing the property owner, the occupier or person responsible to rectify the behaviour so that the behaviour no longer breaches the Local Law.

If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the property owner, occupier or person responsible for the behaviour. In urgent circumstances, enforcement proceedings can be commenced without issuing a Notice to Comply.

If the drain remains in contravention of the Local Law provision, an authorised officer may arrange to have the drain reinstated with all costs including administration, being the responsibility of the property owner, occupier or person or persons responsible.

Interfere with Council Assets

Responsible Department: Asset Preservation

Any assets including trees, footways etc are considered assets for the purposes of the Local Law.

Upon detection of a breach of this section of the Local Law, an authorised officer may issue a Notice to Comply directing the person or persons responsible for destruction, damage or interference to reinstate the asset to its condition to the destruction, damage or interference.

In urgent circumstances, enforcement proceedings can be commenced without issuing a Notice to Comply. If the Notice to Comply has not been complied with or if the breach warrants, an authorised officer may issue an infringement notice on the person or persons responsible for the behaviour.

If the asset remains in a state of disrepair, an authorised officer may arrange to have the asset reinstated with all costs including administration, being the responsibility of the person or persons responsible.

Vehicle Crossings

Responsible Department: Asset Preservation

Council may require:

- The construction of a temporary or permanent vehicle crossing; or
- The repair or reconstruction of a vehicle crossing.

by the owner or occupier of any adjacent land at his or her own cost, except that no person may be charged for the reconstruction of a vehicle crossing which has been an element for which an owner has previously paid, as part of a private street construction.

The owner or occupier of any land required to construct a permanent vehicle crossing by Council or an authorised officer under this clause must make application to Council for a permit in accordance with clause 12.1.

In determining such standards, Council must take into account:

- Standards which commonly apply to comparable situations.
- The expected use of the crossing.
- The health and safety of the public.
- The need to ensure that activities of a person or group do not adversely affect the activities or enjoyment of another person or group.
- The need to protect Council or Public Authority assets or infrastructure from damage.
- Legislation of the Commonwealth and State governments.
- The need for work to occur which is authorised by Commonwealth or State legislation, or by Council or a Public Authority.

Protection of Council Infrastructure Assets During Building Work

Responsible Department: Asset Preservation

To help protect Council's infrastructure and assets during construction, approval is required in accordance with section 49 of the Local Law.

Asset Protection Approvals may include conditions for:

- Payment of a security bond.
- Works to be done on or around the site to protect Council infrastructure assets, the health and safety of the public, the environment and the amenity of the area.
- Entry to and exit from the site only at designated locations.
- Any other reasonable condition.

As soon as practicable after receiving notice of the issue of an occupancy permit or Certificate of Final Inspection, with respect to any building works, the Council must cause an inspection of the Council infrastructure assets to be carried out.

If as a result of the inspection, Council considers that the building works have damaged Council infrastructure assets, Council may:

- Direct the builder and owner to repair the damage at their cost, in accordance with standards specified by the Council and within a period of not more than 28 days; or
- Repair the damage and recover the cost from the contractor.

If repair of damaged Council infrastructure assets is required, the builder or owner of the building site (as the case may be) must affect the repairs to the standards and within the time specified by the Council.

If repair work is completed by Council and the cost is greater than the amount of the security bond, then the builder or the owner of the building site must pay to the Council, the amount of the shortfall, being the difference between the cost of the repair work and the amount of the bond. Council may refund or release any unused portion of the security bond.

If as a result of inspections, Council considers that the building work has not damaged Council infrastructure assets, Council must refund or release the entire security bond.

An authorised officer may commence enforcement proceedings if the person responsible fails to obtain an asset protection approval as required.

Building Works

Responsible Department: Asset Preservation

The person in charge of a building site must ensure all provisions of Part 6 of the Local Law are complied with. This includes ensuring site management, management of waste including sediment, stormwater and air pollutants and associated building activities.

Where an authorised officer is of the opinion that a person in charge of the building site has failed to comply with any requirement of Part 6 of the Local Law, a Notice to Comply may be issued on that person.

If the Notice to Comply has not been complied with, an authorised officer may issue an infringement notice on the person in charge of the building site.

In urgent circumstances, enforcement proceedings can be commenced without issuing a Notice to Comply and remedial action initiated to reinstate the matter. All costs including administration, being the responsibility of the person in charge of building works.

In situations where the person in charge of a building site has been previously issued a Notice to Comply for similar breaches, enforcement action may be initiated upon detection of the breach.

50. Defacing / Damaging Land and Assets

Responsible Department: Asset Preservation and Local Laws

Council Land and assets are not to be removed, destroyed, damaged or interfered with in any manner.

Consideration may be given to the granting of a permit for a specific purpose.

Permit Application (Asset Preservation)

A letter detailing the works proposed and any supporting documentation must be submitted to Council a minimum of 21 days prior to the proposed commencement of the works.

Criteria for Issuing Permits

In deciding whether to grant a permit, the Council may take into consideration:

- The effect on the works on the amenity of the area.
- The nature, time, location and duration of the works.
- Protection of other Council assets.
- Any comments received in respect of the application.

- Whether emergency services notification is required.
- Whether the applicant has provided Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
  - the applicant's record in conducting similar works; and
  - any other matter relevant to the circumstances of the application.

Permit Conditions

Conditions that may be included are (but not limited to):

- Specific things or activities that are required to achieve the required standards set and adopted by Council.
- Limitations or restrictions regarding days, time of day or the duration for which the permit is valid.
- Any restoration works that may be required upon completion of the works for which the permit is granted.
- Any specific matter relevant to the particular application.

51. Trees and Plants in Public Places

Responsible Department: Asset Preservation and Local Laws

Trees and plants in public places are not to be removed, lopped, destroyed, damaged or interfered with in any manner. This is to ensure the amenity of the area.

Consideration may be given to the removal of trees and plants for a specific purpose.

Permit Application (Asset Preservation)

A letter detailing the works proposed and any supporting documentation must be submitted to Council a minimum of 21 days prior to the proposed commencement of the works.

Criteria for Issuing Permits

In deciding whether to grant a permit, the Council may take into consideration:

- The effect on the works on the amenity of the area.
- The nature, time, location and duration of the works.
- Protection of other Council assets.
- Any comments received in respect of the application.
- Whether emergency services notification is required.

- Whether the applicant has provided Public Liability Insurance to the minimum value of $10 million providing principal's indemnity cover to Council.
- The applicant's record in conducting similar works.
- Any other matter relevant to the circumstances of the application.

Permit Conditions

Conditions that may be included are (but not limited to):

- Specific things or activities that are required to achieve the required standards set and adopted by Council.
- Limitations or restrictions regarding days, time of day or the duration for which the permit is valid.
- Any restoration works that may be required upon completion of the works for which the permit is granted.
- Any specific matter relevant to the particular application.

PART 7 – ADMINISTRATION

52. Permit/Approval

In dealing with an application for a permit the following matters are to be taken into account:

Application

The application for any permit is to be made on the appropriate form that is provided for the purpose and is to be accompanied by the appropriate fee or charge.

Considerations

When considering any application for a permit the responsible officer is to take into account the criteria set out in the relevant Administrative Policy Guideline and any objection or comment by a person likely to be affected by the issue of the permit. Any legislation relevant to the application is also to be taken into account.

Conditions

Conditions that are imposed on the granting of any permit may include any of the following:

- Specific things or activities that are required to achieve the required standards set and adopted by Council.
- Limitations or restrictions regarding days, time of day or the duration for which the permit is valid.
- Any restoration works that may be required upon completion of the works for which the permit is granted.
- Any specific matter relevant to the particular application.

Cancellation or Amendments

In the event of any mis-statement at the time of the application or any error in the process during the consideration of the permit, the permit can be cancelled or amended as appropriate. Any variations on any permit are to be clearly endorsed on the original permit and kept on the register of permits.

Once a Local Laws permit has been granted then the conditions associated with the permit must be adhered to. If a breach of permit conditions occurs then an authorised officer is to advise the permit holder of the breach and give them the opportunity to correctly adhere to the permit conditions. If breaches of permit conditions continue to occur then enforcement action can be taken, and the permit may be subsequently cancelled.

Appeal Process

If a person believes that they have been unreasonably affected by the granting of a permit/approval and they require the permit/approval to be re-assessed, they must submit an appeal in writing detailing their concerns to Council.

How to Lodge an Appeal Against a Decision on a Permit Application

Knox City Council may conduct a submissions hearing to consider appeals ~~has a panel of independent Seniors Officers available to hear appeals~~ on decisions made on permits lodged under the General Provisions Local Law.

The panel undertakes an evaluation of the permit decision that was made based on a number of factors, which may vary depending upon the permit applied for.

These may include:

- Community consultation:
  - the number of neighbouring/abutting properties notified of the permit application
  - the number and type of submissions received for the application
  - the impact of the approved application on neighbouring/abutting properties
- Previous history of the applicant in regards to compliance of legislation.
- Reports from authorised officers on the inspection conducted before issuing/not issuing a permit.
- Any other factors.

Anyone involved in a permit application, including the applicant and submitters, can lodge an application to Council if they are unhappy with a decision. Such applications are referred to as an "Application for Review".

The process for lodging an appeal includes a written request on an approved form (see attached).

What Happens at an Appeal Hearing?

All hearings are open to the parties involved and are held at the Civic Centre, 511 Burwood Highway, Wantirna South. All of the parties involved in the appeal will be notified of the hearing date and time, and are invited to make a verbal and written submission to the Panel.

During the hearing other parties can choose to cross examine (question) those who have made a verbal submission, as there may be an opportunity to mediate a result that suits all parties involved.

Once all of the submissions have been heard, the Panel then adjourns to consider the information put to it. The members of the Panel may also visit the permit site to clarify any issues. A written decision is then issued, which is based on the information given at the hearing.

Transfer of Permits

Permits cannot be transferred to any other person by the holder of the permit without the consent of the officer responsible for the issue of the permit. Consideration will need to be given in relation to permits where Public Liability insurance has been provided as part of the Permit application as the insurance may not be transferable.

Register of Permits

A register of all permits that have been issued is to be kept by Council. The register is to identify each permit with the property to which the permit has been issued and where appropriate, the register is to record permits by subject or issue.

Establishment

When an Administrative Policy is being developed in relation to any Local Law or legislative requirement; careful consideration must be given to the issues and practical application of that law or requirement and must pay attention to:

- The objectives of the Local Law or legislative requirement.
- The standards that are proposed to be achieved.
- The likely effect on the applicant or other person or environment.
- Any other matter considered to be appropriate to the particular issue.

In the event of a new Council resolution, new legislation or other circumstance which renders any one or more of the Administrative Policy Guidelines obsolete, irrelevant or inappropriate, the affected guideline shall be appropriately modified or deleted as soon as practicable.

Any staff member who is affected by the change is to be notified of the change as soon as practicable.

Registration

A register of all "Administrative Policy Guidelines" is to be prepared and maintained at all times.

The Register is to be reviewed on an annual basis with all nominated responsible officers provided with the opportunity for input.

The Register is to be available to all staff to provide assistance in the performance of their duties in relation to any Council function. A current copy of the register is to be available on the electronic information system used by Council.

The Register is to be available to the public, by inspection at the municipal office during normal business hours.

53. Direction of Authorised Officer

Where an authorised officer believes that a person or organisation has failed to comply with any requirement of the General Provisions Local Law 2010, a written direction notice may be issued specifying the following:

- The name of the person directed.
- The date of the notice.
- The time, date, place and nature of the non-compliance.
- The relevant Local Law clause(s).
- The action required to be taken to remedy the non compliance.
- The time allowed to complete the required action.
- The names of the Council Officer to whom enquiries and appeals can be submitted.

When considering whether to issue a direction, the required action and the time allowed the authorised officer will take into account:

- The nature of the non compliance and the potential consequences including risks to persons, property, animals and the environment.
- The amount of work, costs and difficulty of the remedial action required.
- The availability of equipment, labour and materials.
- Climatic or other conditions that may effect the remedial work or safety.
- The likely effect on the amenity of the area, or to any person resulting from the non-compliance or situation.
- The risk to persons, property, animals and the environment while the non compliance continues.
- Whether a prompt and effective remedy will avoid the issue of an infringement notice or the initiation of a prosecution.
- Any other factor considered relevant to the particular circumstance.

Copies of all direction notices are to be maintained within Council's Electronic Document Management System (EDMS)~~kept in a register kept for the purpose and all supporting documents to be filed~~.

Where a verbal direction is issued the authorised officer must make notes which include the matters above and recorded on a direction notice. A copy of such notes is to be kept on the relevant file.

If any person fails to take remedial action in accordance with a direction notice within the time specified, an infringement may be issued for non-compliance and Council may undertake such action/works that meets the requirements of the Notice to Comply and recover all costs associated with the action/works undertaken.

A Notice to Comply shall remain active or in force for a period of up to 1 year unless otherwise stated for continuing offences.

A Notice to Comply can be withdrawn by an authorised officer if the Notice was issued incorrectly, has errors or in any other reasonable circumstance.

54. Power of Authorised Officer – Urgent Circumstances

In circumstances where an authorised officer believes the breach of Knox City Council General Provisions Local Law 2010 is urgent, the authorised officer may immediately impound the offending material and serve on the person or organisation responsible, a notice of impoundment.

Urgent circumstances include but are not limited to the following:

- Goods and materials that:
  - are posing a danger or potential danger to the community
  - are causing undue obstructions
  - are a hazard or potential hazard
  - replicate or are similar to traffic management devices
  - are causing traffic congestion
- Whether there is an urgent risk or threat to public health; public safety; the environment or animal welfare at a Victoria Police request provided that:
  - The authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice may place a person, animal, property or thing at risk or in danger; and
  - Wherever practicable, the prior consent of the relevant Manager, or their delegate, is obtained.

The action taken by an authorised officer under this clause must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

An authorised officer who takes action under this clause must ensure that as soon as practicable:

- Details of the circumstances and remedying action are forwarded to the person in breach of the provision of the local law in respect of which the action was taken; and
- A report of the action taken is submitted to the relevant Manager.

Council may recover all costs associated with any action or works undertaken.

Power of Entry

This section will not be expiated without specific approval of a Manager.

55. Cost Recovery

Costs will be calculated on an actual cost basis where third3rd parties are involved plus any administration fees and charges.

56. Impounding

Section 56 of General Provisions Local Law 2010 provides the powers for an authorised officer to impound items which are stored or placed or left in breach of the Local Law.

The provision also details in what circumstances any impounded items maybe released.

Where any item has been impounded under the Local Law, Council or an authorised officer must serve written notice of the impounding on the person who appears to be the owner of the impounded item, wherever it is practicable to do so.

A notice of the impounding must specify:

- The item.
- The date of impounding.
- The place and times when it may be retrieved.
- The fee that must be paid for its retrieval.
- The date by which the item must be retrieved (which must be at least 14 days after the date on which the notice is issued).
- That the item will be sold or disposed of in accordance with this clause, if not so retrieved.

In any case where the name or the whereabouts of the owner of, or person responsible for the impounded item is unknown, an authorised officer must take reasonable steps to ascertain that information.

If an impounded item is not retrieved by the date specified in the notice, an authorised officer may take action to dispose of it according to the following principles:

- Where the item has no saleable value it may be disposed of in any manner considered appropriate in the circumstances.
- Where the item has some saleable value, it may be disposed of by public auction or tender, or by private sale, but if no sale results from Council's efforts, the item may be disposed of in any manner which Council sees fit.

Proceeds of any sale of an impounded item, less any costs incurred by Council in impounding the item and complying with the requirements of this Local Law, are to be held by the Council for 6 months pending any claim by the owner. If the owner at any time provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, within six months of the sale, payment of such must be made to that person.

If no valid claim is made with the six months period any surplus proceeds of the sale becomes the property of Council.

57. Council Signs

A person must comply with any sign erected in a public place by Council whether the sign is temporary or permanent.

If a person fails to comply with a sign, an authorised officer may give a direction verbally to comply, issue a Notice to Comply or commence enforcement proceedings.

58. Delegation

The authority to enforce all aspects of this Local Law have been delegated to the Chief Executive Officer of Council, every authorised officer of Council and current members of Victoria Police.

PART 8 – ENFORCEMENT

59. Offences

Compliance with Local Laws, Legislative Requirements and Council Resolution

It is an offence not to comply with ~~Where any non-compliance with~~ any Local Law, State Legislation or Council Resolution. Upon detection of an offence an Authorised Officer may issue a warning, notice to comply, infringement notice, or refer the matter to the Magistrate's Court. ~~occurs, a Notice is to be issued to the offending person or organisation, advising of the non-compliance or situation and of the requirement to remedy the situation.~~

~~The notice must clearly state the time and date by which the non-compliance or situation is to be remedied.~~

~~When considering the time by which any non-conformance or situation is to be remedied, the following criteria are to be taken into account:~~

- ~~The nature of the non-conformance or situation and the potential danger to any person or property.~~
- ~~The amount of work and the difficulty involved to remedy the situation.~~
- ~~The availability of materials that are required to remedy the situation.~~
- ~~The climatic conditions in the event that they may affect the execution of any remedial work in a safe manner.~~
- ~~The likely effect on the amenity of the area, or to any person resulting from the non-compliance or situation.~~
- ~~Any other factor considered relevant to the particular circumstance.~~

~~A register of all notices and dealings in relation to any non-conformance is to be kept by the responsible officer for the matter under consideration.~~

60. Infringement Notice

Infringement notices are to be issued in accordance with the *Infringements Act* 2006, *Infringements (General) Regulations* 2006, *Infringements (Reporting and Prescribed Details and Forms)* 2006 and the Attorney General's Guidelines to the Infringements Act 2006

61. Penalties

See the parent document for details.

Attachment 1

Knox City Council

P_____/_____
(Office Use Only)

Application for Review by a Permit Applicant or Permit Holder

Under Part 7 Section 52, clause 52.6, of the General Provisions Local Law 2010

Please note: An appeal must be lodged within 28 days of notification of Council's decision.

1. **Details of applicant(s).**

   Name.....

   Is the applicant named as the applicant in the permit application?

   □ Yes □ No

2. **Address of applicant(s).**

   Address .....

   Workday telephone.....Mobile telephone.....

   Facsimile .....Email address.....

3. **Information regarding the land to which the permit application relates and the permit application.**

   Address.....

   Proposal.....

   Is the permit application an application to amend an existing permit?

   □ No □ Yes If yes, what is the permit number? .....

4. **What are you requesting the Panel review?**

   □ Refusal to grant a permit.

   □ Conditions in a permit. List disputed conditions below:

   .....

   .....

   □ Requirement to give notice of an application for a permit.

5. Set out a short statement of the grounds you rely on to support your application.

Attach a separate sheet if necessary.

.....

.....

.....

6. Are you requesting mediation?

If you would like your application to be considered by way of mediation, please tick the box below. Please note: Council may schedule mediation even if parties do not request it.

□ Yes, I am requesting mediation.

7. Signature

Signature.....

Name .....Date.....

Application checklist
Before you lodge this application, make sure that:

□ You have signed and dated your application.
□ You have completed all details and responded to all questions.

Lodge this completed form, any attachments and the applicable fee by:

Mail or deliver to:
Local Laws Permit Appeal Panel
Knox City Council
511 Burwood Hwy
WANTIRNA SOUTH VIC 3152

Office Hours: Monday to Friday from 8:30am to 5:00pm – Tuesday until 8:00pm