CITY OF MONASH
COMMUNITY AMENITY (MISCELLANEOUS AMENDMENTS) LOCAL LAW 2017

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CITY OF MONASH

LOCAL LAW NO. 1 OF 2017

COMMUNITY AMENITY (MISCELLANEOUS AMENDMENTS) LOCAL LAW 2017

PART 1 - PRELIMINARY PROVISIONS

1. TITLE

This Local Law will be known as the “Community Amenity (Miscellaneous Amendments) Local Law”.

2. PURPOSE

The purpose of this Local Law is to:

2.1 amend Council’s Local Law No. 3 – Community Amenity; and

2.2 provide for the peace, order and good government of the municipal district.

3. AUTHORISING PROVISION

This Local Law is made under s 111(1) of the Local Government Act 1989.

4. COMMENCEMENT AND AREA OF OPERATION

This Local Law:

4.1 commences on 1 December 2017; and

4.2 operates throughout the municipal district of Council.

5. REVOCATION DATE

This Local Law ceases to operate on the day on which Council’s Local Law No. 3 – Community Amenity ceases to operate.

6. DEFINITIONS

Unless inconsistent with the context or subject-matter, the following words and phrases are defined to mean or include:

“Council” means City of Monash.

“Municipal District” means the municipal district of Council.
“Principal Local Law” means Council’s Local Law No. 3 – Community Amenity.

PART 2 - AMENDMENTS

7. ADDITIONAL AND AMENDED DEFINITIONS

In clause 8 of the Principal Local Law:

7.1 delete the definition of “advertising sign” and substitute it with:

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

(a) provides information about a business, an industry or an organisation; or

(b) advertises goods, services, an event, a competition or similar activity.”;

7.2 immediately after the definition of “Asset Protection Permit” insert:

““assistance dog” has the meaning ascribed to it by section 4(1) of the Equal Opportunity Act 2010.”; and

7.3 delete the definition of “vehicle” and substitute it with:

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

8. AMENDED AND ADDITIONAL CLAUSES

8.1 Immediately after clause 14.9 of the Principal Local Law insert:

“14.9A without the consent of Council or an authorised officer, conduct any filming for commercial purposes on Council land.”.

8.2 Delete clause 14.11 of the Principal Local Law and substitute it with:

“14.11 [Deleted clause].”.

8.3 Delete clause 16.3 of the Principal Local Law and substitute it with:

“16.3 bring any animal into, or allow any animal under his or her control to remain in, a Municipal Place without the consent of Council or an authorised officer, except for an assistance dog being used by that person; or”.

8.4 Delete clause 18.1.4 of the Principal Local Law and substitute it with:

“18.1.4 [Deleted clause].”.

8.5 Delete clause 18.2.1 of the Principal Local Law and substitute it with:

“18.2.1 conduct any fitness training for commercial purposes; or
18.2.2 play, organise or engage in any organised competitive sport or game.

8.6 In clause 58 of the Principal Local Law, delete the words “in a Residential Area”.

8.7 Delete clause 68 of the Principal Local Law, including the heading, and substitute it with:

“Overhanging and Encroaching Vegetation

68. An owner or occupier of any land must not permit vegetation on that land to:

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

68.2 encroach upon any adjacent road or Council land.

Penalty: 10 Penalty Units”.

8.8 Delete clause 69 of the Principal Local Law, including the heading, and substitute it with:

“69. [Deleted clause]”.

8.9 Delete clause 84.1 of the Principal Local Law and substitute it with:

“84.1 a barbeque, pizza oven or other appliance constructed for the purposes of cooking food while it is being used for that purposes;

84.1A a fire in a brazier, chimenea or other appliance constructed for the purposes of heating while it is being used for that purposes;”.

8.10 Delete clause 102.2 of the Principal Local Law and substitute it with:

“102.2 place or allow to be placed an advertising sign on a road or Council land; or”

8.11 Immediately after clause 102 of the Principal Local Law insert:

“102A An advertising sign must not contain any offensive or inappropriate content.

Penalty: 20 Penalty Units”.

8.12 Delete clause 104 of the Principal Local Law and substitute it with:

“104. A person who has placed or displayed, or permitted to be placed or displayed, goods, an advertising sign, a table, chair, barrier or other item on a road or Council land, whether with or without a permit issued under clause 102, must move or remove them or it if directed to do so by:

104.1 an authorised officer; or

104.2 a member of staff of a Service Authority.

Penalty: 20 Penalty Units”.

8.13 In clause 110.3 of the Principal Local Law insert the words “concrete pump,” immediately after the words “use a”.
8.14 Immediately after clause 132 of the Principal Local Law insert:

“132A. A structure used for housing an animal must not be attached to, or within one metre of, any fence or other structure designed to separate neighbouring properties.

Penalty: 10 Penalty Units”.

8.15 Delete clauses 150 and 151 of the Principal Local Law and substitute them with:

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

Penalty: 5 Penalty Units

151. A person must not place, or cause or allow to be placed, any item (other than a receptacle) on a nature strip or other part of a road, except for the purposes of a hard waste collection provided by Council and in accordance with clause 150.

Penalty: 5 Penalty Units”.

8.16 Amend Schedule 1 to the Principal Local Law by

8.16.1 inserting “102A” after “102”;

8.16.2 inserting “132A” after “132”; and

8.16.3 deleting “69”.
9. **AMENDED PENALTY UNITS**

9.1 In clause 13 of the Principal Local Law delete “Penalty: 6 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.2 In clause 14 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.3 In clause 16 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.4 In clause 17 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.5 In clause 18 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.6 In clause 20 of the Principal Local Law delete “Penalty: 2 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.7 In clause 21.1 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.8 In clause 21.2 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.9 In clause 21.3 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.10 In clause 23.1 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.11 In clause 23.2 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.12 In clause 24 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.13 In clause 30 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.14 In clause 51 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.15 In clause 53 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.16 In clause 54 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.17 In clause 55 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 15 Penalty Units”.

9.18 In clause 57 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 15 Penalty Units”.

9.19 In clause 58 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

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9.20 In clause 59 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.21 In clause 60 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.22 In clause 62 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.23 In clause 63 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.24 In clause 64 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.25 In clause 65 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.26 In clause 67 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.27 In clause 68 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.28 In clause 69 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.29 In clause 70 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.30 In clause 71 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.31 In clause 73 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.32 In clause 74 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.33 In clause 75 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.34 In clause 77 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.35 In clause 80 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 15 Penalty Units”.

9.36 In clause 81 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 15 Penalty Units”.

9.37 In clause 82 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 15 Penalty Units”.

9.38 In clause 83 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.39 In clause 89 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.
9.40 In clause 90 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “ Penalty: 10 Penalty Units”.

9.41 In clause 91 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.42 In clause 102 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.43 In clause 104 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.44 In clause 105 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.45 In clause 110 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.46 In clause 112 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.47 In clause 113 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 20 Penalty Units”.

9.48 In clause 114 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.49 In clause 115 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.50 In clause 117 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.51 In clause 118 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.52 In clause 120 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.53 In clause 121 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.54 In clause 122 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.55 In clause 123 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.56 In clause 124 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.57 In clause 125 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.58 In clause 127 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.59 In clause 129 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

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9.60 In clause 130 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.61 In clause 132 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.62 In clause 133 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.63 In clause 134 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.64 In clause 136 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.65 In clause 137 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.66 In clause 139 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.67 In clause 140 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.68 In clause 141 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.69 In clause 143 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.70 In clause 144 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.71 In clause 145 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.72 In clause 146 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.73 In clause 147 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.74 In clause 149 of the Principal Local Law delete “Penalty: 3 Penalty Units” and replace with “Penalty: 5 Penalty Units”.

9.75 In clause 161 of the Principal Local Law delete “Penalty: 5 Penalty Units” and replace with “Penalty: 10 Penalty Units”.

9.76 In clause 173 of the Principal Local Law delete “Penalty: 10 Penalty Units” and replace with “Penalty: 20 Penalty Units”.
This Local Law was made by resolution of Council at a meeting held on 31 October 2017.

THE COMMON SEAL of

MONASH CITY COUNCIL

was hereto affixed in the presence of:

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