

## **PART 7- BUSINESS & BUILDERS**

### **BUSINESS**

#### **51. ROADSIDE TRADING OR PERFORMING**

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

Penalty: 20 Penalty Units

- (2) A Person must not, without a Permit, on any Road or Council Land sing to the public or play any musical instrument or use any sound amplification equipment.

Penalty: 10 Penalty Units

- (3) Sub-clauses (1) and (2) do not include short-term outdoor community events on Council Land, although such events may be subject to a Permit under clause 73 of this Local Law.
- (4) Sub-clause (2) does not apply to any sounds within a motor vehicle which cannot be heard outside that motor vehicle or any sound or noise conveyed through any headphones which sound or noise is not audible to a Person other than the wearer of the headphones.

*Guidelines for Roadside Trading or Performing (busking), as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

#### **52. REGULATION OF TRADING SITES**

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

Penalty: 20 Penalty Units

- (2) In addition to any other power which it has, the Council may, by resolution, determine a fee, charge, fare or rent in relation to the selling or offering for sale of any goods or services from any Private Property or Council Land adjacent to a Road or to any Person who is on that Road or adjacent Private Property or Council Land.

#### **53. IMPOUNDING OF GOODS AND EQUIPMENT**

- (1) Where the use of a site or the contravention of any conditions on a Permit issued under clause 51 continues after a Notice to Comply has been served on a Person, any goods and associated equipment used by that Person may be removed from the site by an Authorised or Delegated Officer and impounded.

- (2) Where any goods and equipment have been impounded, there must be compliance with the provisions of clause 15.

#### **54. DISPLAYING GOODS FOR SALE**

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

Penalty: 20 Penalty Units

- (2) In determining whether to grant a Permit, an Authorised or Delegated Officer must have regard to the Council's *Footpath Trading Policy* as amended by the Council from time to time and incorporated in this Local Law in Schedule 2.
- (3) Any goods left or displayed on any part of a Road contrary to this clause or displayed in contravention of any conditions of a Permit may be removed by an Authorised or Delegated Officer and impounded.
- (4) Where any goods have been impounded, there must be compliance with the provisions of clause 15.

*In determining whether to grant a Permit for displaying goods, the Council or an Authorised or Delegated Officer must follow the Council's Footpath Trading Policy, as determined by the Council from time to time, as incorporated in Schedule 2 to this Local Law.*

#### **55. USING COUNCIL LAND FOR OUTDOOR EATING FACILITIES**

- (1) A Person must not, without a Permit, use Council Land for the purposes of outside dining, whether or not alcohol consumption is intended.

Penalty: 20 Penalty Units

- (2) Use of Council Land for alcohol consumption on any Footpath or other part of a Road is only permitted when a Permit has been issued and a variation is endorsed on the trader's liquor licence by the Victorian Liquor Licencing Authority to allow consumption outside the premises.
- (3) Any tables, chairs, umbrellas or other equipment in an Outdoor Eating Facility used in contravention of this clause or of any conditions of a Permit may be removed by an Authorised or Delegated Officer and impounded.
- (4) Where any tables, chairs, umbrellas or other equipment have been impounded, there must be compliance with the provisions of clause 15.

*In determining whether to grant a permit for use of Council Land for outdoor dining, the Council or an Authorised or Delegated Officer must follow the Council's Footpath Trading Policy, as determined by the Council from time to time, as incorporated in Schedule 2 to this Local Law.*

## **56. REMOVING THE FACILITY**

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

Penalty: 20 Penalty Units

## **57. ADVERTISING SIGNS: ERECTING OR PLACING**

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

Penalty: 20 Penalty Units

- (2) An advertising sign under this clause excludes signage within Municipal Reserves, which may be subject to a Permit under clause 74.
- (3) Where any Advertising Sign is erected or placed in any location contrary to this clause or in contravention of any Permit conditions, it may be removed by an Authorised Officer and impounded provided the Authorised Officer has first issued a Notice to Comply to the Person who owns or who has placed the Advertising Sign on any part of a Road, unless, in the Authorised Officer's reasonable opinion, an emergency situation occurs, in which case the sign may be impounded immediately and, if practicable, notices served as soon as possible on the owner after impoundment.
- (4) Where an Advertising Sign has been impounded, there must be compliance with the provisions of clause 15.

*In determining whether to grant a Permit for Advertising Signs placed on a Road or Council Land, the Council or an Authorised or Delegated Officer must follow both:*

- *the Council's Footpath Trading Policy, as determined by the Council from time to time and incorporated in Schedule 2; and*
- *the Guidelines for advertising signs as determined by the Council from time to time and incorporated in Schedule 1.*

## **58. COLLECTIONS**

*Community generosity to charitable organisations is a valued quality of our community but this must be balanced against the right of residents not to be excessively imposed upon by charitable collectors in their homes, streets and vehicles.*

- (1) A Person must not, without a Permit,
- (a) solicit or collect any waste materials, gifts of money or subscriptions; or
  - (b) distribute any handbills

from Council Land or on a Road or from house to house adjacent to any Road (except hand delivering printed matter only to street-side letterboxes) or cause or authorise another Person to do so.

Penalty: 10 Penalty Units

- (2) Sub-clause (1) does not apply to any solicitation or distribution of printed electoral material or to the collection of signatures for a petition.
- (3) Sub-clause (1) includes the distribution of information brochures, books and solicitation of anything from members of the general public in any Municipal Place.

In determining whether to grant a Permit, an Authorised or Delegated Officer must have regard to the guidelines incorporated in this Local Law in Schedule 1.

*Guidelines for Collections, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

## **59. TRADE WASTE BINS AND WASTE HOPPERS (INCLUDING ALL TRADE RECYCLING BINS)**

- (1) An occupier of land may arrange for the collection of trade waste from, or for the placement of a waste hopper or recycling bin on, that land subject to compliance with the Guidelines for Trade Waste and Waste Hoppers incorporated in Schedule 1 to this Local Law.

Penalty: 10 Penalty Units

- (2) A Person must not place any waste or material in a trade waste bin, waste hopper or recycling bin contrary to any notice on the trade waste bin, waste hopper or recycling bin.

Penalty: 10 Penalty Units

- (3) A Person must place any waste or material in a trade waste bin, waste hopper or recycling bin in compliance with the Guidelines for Trade Waste and Waste Hoppers incorporated in Schedule 1 to this Local Law.

Penalty: 10 Penalty Units

- (4) All trade waste and waste hoppers, including recycling bins, must be kept on the land of the Person on which the waste is generated, except for the period from twelve(12) hours before to (4) four hours following collection.

Penalty: 10 Penalty Units

*Guidelines giving the Council's requirements for Trade Waste Bins as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*See also the following clauses in this Local Law:*

- *Part 6 Vehicles and Roads: 43. Placing Bulk Rubbish Containers (& Guidelines in Schedule 1 );*
- *Part 9 Council Buildings Places: 72. Obstructions on Council Land.*

## **BUILDERS**

*(While the following laws may particularly apply to building and development works, owners, builders and contractors are recommended to also refer to other local laws protecting Council assets, including but not limited to Section 9 - Public Places.)*

### **60. DRAINAGE TAPPING / ROAD OPENING**

A Person must not, without a Permit, tap into or interfere with any drain or open any road under the control of the Council.

Penalty: 20 Penalty Units

*Guidelines and Permit Conditions for Drainage Tapping / Road Opening, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*Permit Conditions for Drainage Tapping / Road Opening, as determined by the Council from time to time, are incorporated in Schedule 3 to this Local Law.*

### **61. A VEHICLE CROSSING IS REQUIRED**

- (1) The owner of land must ensure that each point of vehicle access from a Road to the land has a properly constructed vehicle crossing between the Road and the boundary of such land abutting the Road.

Penalty: 20 Penalty Units

- (2) Any such vehicle crossing must be properly constructed at the cost of the property owner and in accordance with the Council's specifications.
- (3) For the purposes of this clause, a vehicle crossing is properly constructed if:
  - (a) it was constructed by or in accordance with the terms of an approval by the Council; or
  - (b) the Council has approved in writing the method of construction of the particular vehicle crossing.
- (4) The owner of land must, at his or her own cost, ensure that the vehicle crossing between the Road and the boundary of such land is maintained.

Penalty: 20 Penalty Units

### **62. CONSTRUCTING VEHICLE CROSSING**

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

Penalty: 20 Penalty Units

- (2) A Person must not, remove, prune or damage any street tree as a result of a vehicle crossing construction, installation, removal or alteration.

Penalty: 20 Penalty Units

*Guidelines for granting a Permit under this clause are the same Guidelines as determining whether to grant an Asset Protection Permit under Clause 64. Building Works on Private Property.*

### **63. TEMPORARY VEHICLE CROSSINGS**

- (1) Where it is likely that Building Works on a property will involve Vehicles leaving the Road or entering a property which abuts a Road, the owner of the property or the Person responsible for the Building Works must obtain a Permit for the construction of a temporary crossing, pay any inspection fee and protect all of the existing Road including the kerb, drains, street trees, Footpaths, nature strip and any other part of the Road.

Penalty: 20 Penalty Units

- (2) The owner of the property on which Building Works have been carried out must repair any damage to the kerb, drains, footpath, street tree or existing road caused by the carrying out of the Building Works to the satisfaction of the Council.

Penalty: 20 Penalty Units

- (3) Where, in the opinion of an Authorised Officer, an existing driveway crossing, footpath, kerb, street tree or other part of the Road has been damaged as a result of or arising out of the Building Works, the owner of the property on which the Building Works have been carried out must repair the damage or, when requested to do so by the Council, reimburse the Council for the cost and expense of the repair of such damage.

Penalty: 20 Penalty Units

- (4) The amount of reimbursement for such repairs under sub-clause (3) must be proportionate to the cost of repairing any damage.

### **64. BUILDING WORKS ON PRIVATE PROPERTY**

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| <i>In relation to building works on private property, the Council's objectives are to secure community safety, protect public assets, enhance neighbourhood amenity and simultaneously support appropriate private building development.</i> |
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A Person must not cause or allow any Building Works to commence or continue on Private Property without:

- (1) giving written advice to the Council of the general nature of the works to be undertaken;
- (2) paying an inspection fee to the Council not less than 5 normal working days prior to the commencement of the Building Works;
- (3) giving an opportunity for an Authorised or Delegated Officer to inspect the Roads, Council Land and Council assets in the vicinity of the Private Property; and
- (4) obtaining and complying with an Asset Protection Permit from the Council.

*Guidelines as determined from time to time for determining whether to grant an Asset Protection Permit are incorporated in this Local Law in Schedule 1.*

- (5) If an Authorised or Delegated Officer is of the reasonable opinion that there is an unacceptable level of risk of damage to the Roads, Council Land or Council assets in the vicinity of the Private Property on which the Building Works are proposed, the Authorised or Delegated Officer may issue a written notice to the owner or occupier of the Private Property or their authorised building agent, requiring the delivery to the Council of a guarantee or bond satisfactory to the Authorised or Delegated Officer, and no Building Works may commence until payment of that bond has been made.

*Guidelines for the written notice, the circumstances in which all or part of the bond may be used by Council and/or refunded, as determined by the Council from time to time, are incorporated in this Local Law in Schedule 1.*

- (6) Whether a condition of the Asset Protection Permit or not, a Person must not cause or permit any Building Works to commence or continue on Private Property without ensuring that:
- (a) the Private Property is properly fenced, whether permanent or temporary, and remains so for the duration of the Building Works;
  - (b) a protective barrier is installed around any Tree which is
    - (i) located on a Road or other Council Land within 4 metres of the building site unless reasonable grounds for its exclusion are determined by an Authorised or Delegated Officer; and
    - (ii) any additional Tree nominated by an Authorised or Delegated Officer as requiring a protective barrier;
  - (c) building clean-up, wash-down, slurry or other wastes do not enter the Council's stormwater system;
  - (d) the Private Property is provided with proper site identification; and
  - (e) upon being requested by an Authorised or Delegated Officer to do so, a traffic management plan is provided to the Council adequately addressing any parking or traffic issues referable to the Building Works which have been identified by the an Authorised or Delegated Officer.

*Guidelines for proper fencing, protective tree barriers, site identification and traffic management plans, as determined by the Council from time to time, are incorporated in this Local Law in Schedule 1.*

- (7) If a Person fails to comply with this clause 64 or any condition on an Asset Protection Permit he or she commits an offence.

Penalty: 20 Penalty Units