



Yarra City Council

Roads and Council Land Local Law

Local Law No. 2 of 2002

This local law was originally made 1 October 2002 and incorporates amendments made:

- 12 October 2004 by the 'Roads and Council Land (Miscellaneous Parking and Traffic Matters) Local Law', 1 of 2004; and
- 19 June 2007 by the 'Validity of Parking Permits Local Law', No 1 of 2007; and
- 21 July 2009 by the 'Management of Large Building Sites Local Law', No 1 of 2009, and
- 21 July 2009 by the 'Commercial Fitness Activity Local Law', No 2 of 2009.

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PART A - INTRODUCTION

1. Title

This Local Law is entitled “Roads and Council Land Local Law” and is Local Law No. 2 of 2002 of the Yarra City Council.

2. Purpose of Local Law

This Local Law is made for:

2.1 the purpose of:

- 2.1.1 providing for the peace, order and good government of the Municipal District of the Yarra City Council;
- 2.1.2 promoting a physical and social environment free from hazards to health, in which the residents of the Municipal District can enjoy a quality of life that meets the general expectations of the community;
- 2.1.3 preventing and suppressing nuisances which may adversely affect the enjoyment of life within the Municipal District or the health, safety and welfare of persons within the Municipal District;
- 2.1.4 prohibiting, regulating and controlling activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the Municipal District; and

2.2 the further purposes set out in Schedule 1.

3. Authorising Provision

This Local Law is made under section 111(1) of the Act.

4. Operation Date

This Local Law operates from the day after the day upon which it is made by Council.

5. Revocation

- 5.1 This Local Law ceases to operate on 2 October 2012.
- 5.2 The following local laws are revoked upon this local law becoming operative:
- 5.2.1 Roads and Council Land Local Law, No 2;
 - 5.2.2 Roads and Council Land (Amendment) Local Law, No 10;
 - 5.2.3 Roads and Council Land (Amendment) Local Law, No 12;

6. Application

This Local Law applies and has operation throughout the whole of the Municipal District.

7. Interpretation

Unless the contrary intention appears in this Local Law, the following words are defined as indicated:

“the Act” means the *Local Government Act 1989*;

“advertising sign” means any placard, board, sign, card or banner, whether portable or affixed or attached to any land or building, which:

- 7.1 provides information about the occupier of the land or building, or a business or industry; or
- 7.2 advertises goods, services, an event or a competition;

“allotment” means any land in separate ownership or occupation within the Municipal District;

“authorised officer” means any person appointed by the Council to be an authorised officer under section 224 of the Act;

“building work” includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure;

“bulk rubbish container” means a bin, skip or other container used for the deposit of waste, but excludes a wheeled mobile garbage bin used in connection with the Council’s refuse collection service;

“the Chief Executive Officer” means the Chief Executive Officer of the Council or any person acting in that position and includes a person authorised by the Chief Executive Officer to act on his or her behalf in relation to this Local Law;

“the Council” means the Yarra City Council;

"Commercial fitness activities" means any individual or group fitness activities involving a commercial fitness trainer where the commercial fitness trainer derives a payment or reward, either directly or indirectly, in connection with such fitness activities, and includes (but is not limited to) –

- gym sessions (with or without weights, fitballs, skipping ropes or other personal fitness equipment)
- boxing and pad training
- organised aerobic activity
- yoga, tai chi and pilates classes and like activities
- circuit training
- jogging
- soccer
- a combination of any of the above.

"Commercial fitness trainer" means a person that receives payment for conducting commercial fitness activities.

“Council land” means any land vested in or under the control of the Council, including reserves, watercourses, reservations and the like, but excludes a road;

“elevated work platform”. means a scissor lift, boom lift, mobile crane, travel tower or similar device to allow work to occur off the ground;

“emergency service” means a body or corporation deemed to be an “emergency service” by the Council or an authorised officer from time to time;

"Exclusion zone" means any of the following areas within a recreational reserve –

- 10 metres from memorials
- 10 metres from any playground or play equipment
- 10 metres from any public change room, toilet or kiosk area
- 15 metres from any residential property
- any sports field or facility without a specific booking
- stairways and pathways
- picnic sheds and benches"

“footway” includes every footpath, lane or other place within the Municipal District habitually used by pedestrians, but excludes a road;

“frontage” means a boundary between an allotment and an adjoining road. If an allotment adjoins more than one (1) road, the frontage is the boundary between the allotment and the road to which the largest building on the allotment fronts;

“heavy motor vehicle” means a motor vehicle of a net weight of three (3) tonnes or more;

“litter device” means an apparatus designed for the purpose of removing dog excreta and includes a paper or plastic bag.

“motor vehicle” has the meaning ascribed to it by the *Road Safety Act 1986*;

“Municipal District” means the Municipal District of the Council;

“owner” has the meaning ascribed to it by section 3 of the Act;

“penalty unit” has the meaning ascribed to it by the *Sentencing Act 1991*;

“permit” means a permit in writing issued under clause 35;

“public body” means any government department or municipal council or body established for a public purpose by legislation;

“Public Space Licence Agreement” means any agreement (by way of a lease, licence or otherwise) between the Council and a person under which that person is authorised to occupy a site specified in that agreement for the purpose of displaying goods, placing an advertising sign, or placing a seat, umbrella, table, chair, or other furniture on that site or placing, constructing or fixing any semi-permanent or permanent structure on that site.

"recreational reserve" means any land within the Municipal District that is:

- 7.3 owned, occupied or controlled by Council; and
- 7.4 dedicated or used for cultural, recreational or entertainment purposes;
- 7.5 and includes any –
 - 7.5.1 structure;
 - 7.5.2 fixture;
 - 7.5.3 fitting; and
 - 7.5.4 garden –

located on or at the land.

“road” has the meaning ascribed to it by section 3 of the Act and excludes a footway;

“sell” includes -

- 7.6 sell by means of any machine or mechanical device;
- 7.7 barter or exchange;
- 7.8 agree to sell;
- 7.9 offer or expose for sale; or
- 7.10 keeping or having in possession for sale -
or directing, causing or attempting any of such acts or things;

“service authority” means a body or corporation deemed to be a “service authority” by the Council or an authorised officer from time to time;

“shopping trolley” means a wheeled receptacle supplied by a retailer of goods to enable persons purchasing any of those goods to transport them from one place to another;

“street party” means an organised social gathering held on a road, but does not include a gathering on parkland, a picnic/BBQ area or a grassed median;

"toy vehicle" means a vehicle, built to transport a person, designed to be propelled by human power or gravity, and ordinarily used for recreation or play, and

- 7.11 includes roller skates, roller blades, a skateboard or similar wheeled device; and
- 7.12 does not include a pram, stroller or trolley, or a bicycle or wheelchair.

“traffic control item” means any sign, mark, structure or device displayed, placed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers or pedestrians, and includes a traffic control signal;

“traffic control signal” means a device, however, operated, which uses words symbols or lights to control or regulate traffic;

"vehicle" has the meaning ascribed to it by the Road Safety Act 1986;

“Vehicle Parking Permit Holder” means the person to whom a Vehicle Parking Permit has been issued by Council in accordance with a Resident Parking Scheme established pursuant to Schedule 11 to the Act;

“Vehicle Parking Permit” means a Vehicle Parking Permit issued by Council in accordance a Resident Parking Scheme established by Council pursuant to Schedule 11 to the Act to regulate motor vehicle parking, and includes a Visitor Permit;

“visitor” means a person visiting a property for which a Visitor Permit has been issued; and

"Visitor Permit" means a Vehicle Parking Permit issued for use in respect of a vehicle used by a person visiting at the place of residence of a Vehicle Parking Permit Holder.

PART AB – PARKING OR DRIVING IN RECREATIONAL RESERVES

7A Vehicles in recreational reserves.

7A.1 A person must not, without a permit:

- 7A.1.1 drive a vehicle into a recreational reserve; or
- 7A.1.2 allow a vehicle in respect of which they are the owner or otherwise in charge to remain in or on a recreational reserve:
except:
 - 7A.1.3 for riding a bicycle on a bicycle path within the recreational reserve; or
 - 7A.1.4 for travelling in or on a toy vehicle on a footpath or shared path within the recreational reserve;
 - 7A.1.5 for wheeling a pram, baby or child carriage, wheelchair or children's toy within the recreational reserve; or
 - 7A.1.6 for any staff member of the Council (or other person authorised by the Council for this purpose), member of the police force or a staff member of an emergency service acting in the course of his or her duties; or
 - 7A.1.7 for any staff member of a public body (or other person authorised by the public body for this purpose), acting in the course of his or her duties while undertaking works within the recreational reserve; or
- 7A.1.8 in accordance with any applicable Act or regulation.

Penalty: Ten (10) Penalty Units

7A.2 Where damage is caused to a recreational reserve, or anything in or on a recreational reserve, by a person in breach of clause 7A.1, the Council may institute proceedings to recover the costs incurred by or on behalf of the Council in rectifying the damage.

PART B - TRAFFIC HAZARDS

8. Vegetation at Intersections

8.1 The owner or occupier of an allotment situated at the intersection of two (2) or more roads must not permit any tree, shrub or hedge located on the allotment to grow in a manner that obstructs the clear view:

8.1.1 by a driver, of any:

8.1.1.1 pedestrian;

8.1.1.2 vehicle; or

8.1.1.3 traffic control item; or

8.1.2 by a pedestrian, of any:

8.1.2.1 vehicle; or

8.1.2.2 traffic control item.

Penalty: ten (10) penalty units

8.2 If the Council or an authorised officer is of the opinion that there is or has been a breach of clause 8.1, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 8.1.

8.3 Without limiting the powers of the Council or an authorised officer, a Notice to Comply issued under clause 39 in respect of a breach or apparent breach of clause 8.1 may require the owner or occupier of the allotment to reduce the height of any tree, shrub or hedge within nine (9) metres of the intersection of the two (2) or more roads to a height of not more than one (1) metre.

9. Overhanging Vegetation

9.1 An owner or occupier of an allotment must not permit a tree, shrub or hedge on that allotment to overhang a road or footway at a height of less than three (3) metres from the surface of the road or footway.

Penalty: ten (10) penalty units

9.2 If the Council or an authorised officer is of the opinion that there is a breach of clause 9.1, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 9.1.

10. Encroaching Vegetation

10.1 An owner or occupier of an allotment must not permit any tree, shrub, hedge or other vegetation on that allotment to encroach upon any adjacent road, footway or Council land.

Penalty: ten (10) penalty units

10.2 If the Council or an authorised officer is of the opinion that there is a breach of clause 10.1, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of 10.1.

11. Obstructions on Roads

11.1 A person must not, without a permit, leave or permit to be left any -

11.1.1 bulk rubbish container on a road or footway; or

11.1.2 other thing that encroaches on, or obstructs the free use of, a road or footway or that reduces the breadth, or confines the limits, of a road or footway -

unless permitted to do so under an Act, regulation or local law.

Penalty: twenty (20) penalty units

11.2 If the Council or an authorised officer is of the opinion that there is or has been a breach of clause 11.1, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 11.1.

11.3 The Council or an authorised officer may impound any -

11.3.1 bulk rubbish container left on a road or footway; or

11.3.2 other thing that encroaches on, or obstructs the free use of, a road or footway or that reduces the breadth, or that confines the limits, of a road or footway -

contrary to clause 11.1 or in contravention of a permit issued under clause 35.

11.4 Any bulk rubbish container or other thing impounded under clause 11.3 must be dealt with under clause 34.

11.5 This clause does not apply to the works or activities of a service authority.

11.6 The Council or an authorised officer may exempt -

11.6.1 a person;

11.6.2 a class of persons; or

11.6.3 a body -

from the application of clause 11.1

12. Fencing of Vacant Land

12.1 The Council or an authorised officer may, by notice in writing, direct the owner or occupier of any vacant land to -

12.1.1 erect;

12.1.2 repair;

12.1.3 replace; or

12.1.4 modify -

fencing enclosing the vacant land. A notice under this clause may specify:

12.1.5 the material with which any fencing to be erected must be constructed; and

12.1.6 the height and other dimensions of the fencing to be erected.

12.2 The owner or occupier of any land who receives a notice under clause 12.1 must perform any work specified in the notice within the time stated in the notice.

Penalty: ten (10) penalty units

12.3 If the Council or an authorised officer is of the opinion that there is or has been a breach of clause 12.1.6, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 12.1.

PART C - VEHICLE CROSSINGS

13. Vehicle Crossings

13.1 A person must not, without a permit, construct a temporary or permanent vehicle crossing.

Penalty: ten (10) penalty units

13.2 The Council or an authorised officer may require -

13.2.1 the construction of a temporary or permanent vehicle crossing;

13.2.2 the repair or reconstruction of a vehicle crossing;

13.2.3 the removal of a vehicle crossing in accordance with clause 13.7;

by the owner or occupier of any adjacent allotment by a date determined by the Council or an authorised Officer, having regard to the size, cost and complexity of the required works.

The owner or occupier of any allotment required to construct, repair, reconstruct or remove a vehicle crossing by the Council or an authorised officer under this clause must make application to the Council for a permit under clause 13.1.

Penalty: twenty (20) penalty units

13.3 Any work in respect of a -

13.3.1 road;

13.3.2 kerb;

13.3.3 drain; or

13.3.4 vehicle crossing -

performed under clause 13.1 must be performed to the satisfaction of the Council or an authorised officer.

13.4 If it is likely that vehicles will be required to enter or leave the carriageway of a road adjacent to any allotment in the course of proposed building work on the allotment, the owner or occupier of the allotment must advise the Council in writing at least seven (7) days prior to the commencement of the building work.

Penalty: ten (10) penalty units

13.5 If the Council or an authorised officer has required the owner or occupier of any allotment on which building work is to occur to construct a temporary vehicle crossing under clause 13.2 to prevent damage to a -

13.5.1 permanent vehicle crossing;

13.5.2 road;

13.5.3 footpath;

13.5.4 kerb; or

13.5.5 drain -

the owner or occupier must not permit or cause the building work to commence until the temporary vehicle crossing has been constructed.

Penalty: ten (10) penalty units

13.6 If vehicles enter or leave the carriageway on any road adjacent to any allotment on which any building work is being carried out, the owner or occupier of the allotment must repair any damage to any -

13.6.1 permanent vehicle crossing;

13.6.2 road;

13.6.3 footway;

13.6.4 kerb; or

13.6.5 drain -

that results from the movement of any vehicle leaving or entering the carriageway of an adjacent road.

Penalty: twenty (20) penalty units

13.7 The Council or an authorised office may by notice in writing require the removal of any vehicle crossing and the reinstatement of any kerb, drain, footpath, nature strip or other part of a road if, in the opinion of the Council or an authorised officer, the vehicle crossing is redundant or has been constructed in breach of any provision of clause 13 or a permit issued under clause 35.

13.8 Where the Council or an authorised officer is of the opinion that there is or has been a breach of any provision of clause 13, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 13.

PART D - BEHAVIOUR ON ROADS AND COUNCIL LAND

14. Toy Vehicles

A person -

14.1 must not; and

14.2 must not permit a person under his or her care and control -

on any -

14.3 road;

14.4 footway; or

14.5 Council land -

to use:

14.6 or leave a toy vehicle in a manner which -

14.6.1 interferes with the passage of;

14.6.2 causes a nuisance to; or

14.6.3 endangers -

any person on the:

14.6.4 road;

14.6.5 footway; or

14.6.6 Council land;

14.7 a toy vehicle in an area where the use of toy vehicles is prohibited by the inscription on a sign erected by the Council.

Penalty: five (5) penalty units

15. Shopping Trolleys

15.1 A person must not leave a shopping trolley -

15.1.1 on a road;

15.1.2 on Council land;

15.1.3 on a footway; or

15.1.4 in a car park vested in the Council -

except in an area designated by the Council for the leaving of shopping trolleys.

Penalty: five (5) penalty units

15.2 The Council or an authorised officer may impound any shopping trolley left on -

15.2.1 a road;

15.2.2 Council land;

15.2.3 a footway; or

15.2.4 a car park vested in the Council -

contrary to clause 15.1.

15.3 Any shopping trolley impounded under clause 15.2 must be dealt with under clause 34.

16. Street Parties

A person must not:

16.1 hold a street party without a permit; or

16.2 participate in a street party for which a permit has not been granted.

Penalty: five (5) penalty units

17. Dogs

17.1 A person must not on any road, footway or Council land, permit the excrement of a dog under his or her care or control to remain on the road, footway or Council land.

Penalty: five (5) penalty units

17.2 A person in charge or control of a dog on any road, footway or Council land must carry a litter device and must produce the litter device upon the request of an authorised officer.

Penalty: five (5) penalty units

18. Camping on Roads or Council Land

18.1 A person must not, without a permit:

- 18.1.1 camp; or
- 18.1.2 occupy a -
 - 18.1.2.1 caravan;
 - 18.1.2.2 tent; or
 - 18.1.2.3 similar structure -

on a road, footway or Council land.

Penalty: ten (10) penalty units

18.2 The Council or an authorised officer may exempt -

- 18.2.1 a person;
- 18.2.2 a class of persons; or
- 18.2.3 a body -

from the application of clause 18.1.

19. Busking

19.1 A person must not, without a permit, on any -

- 19.1.1 road;
- 19.1.2 footway; or
- 19.1.3 Council land -

with the object, or apparent object, of collecting money:

- 19.1.4 sound or play any musical instrument;
- 19.1.5 sing;
- 19.1.6 harangue or recite;
- 19.1.7 perform conjuring tricks;
- 19.1.8 juggle;
- 19.1.9 dance;
- 19.1.10 engage in miming or puppetry; or
- 19.1.11 perform like activities.

Penalty: five (5) penalty units

19.2 The Council or an authorised officer may exempt -

19.2.1 a person;

19.2.2 a class of persons;

19.2.3 a body -

from the application of clause 19.1.

19.3 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 19.1, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 19.1.

19B. Commercial fitness activities

19B.1 Commercial fitness activities in exclusion zones prohibited

19B.1.1 A commercial fitness trainer must not conduct commercial fitness activities in an exclusion zone.

Penalty: twenty (20) penalty units

19B.1.2 A person must not participate in commercial fitness activities in an exclusion zone.

Penalty: twenty (20) penalty units

19B.1.3 It is a defence to the offences prescribed in this clause if the commercial fitness trainer or person participating in the commercial fitness activities was, at the time of the offence, transiting a stairway or pathway.

19B.1 Application for permit for commercial fitness activities

19B.2.1 A commercial fitness trainer may apply to Council for a permit to undertake commercial fitness activities in recreational reserves, other than in exclusion zones.

19B.2.2 A commercial fitness trainer must not conduct commercial fitness activities in a recreational reserve without a permit, or contrary to the conditions of a permit.

Penalty: twenty (20) penalty units

19B.2.3 A commercial fitness trainer must produce a permit on the request of an authorised officer when conducting commercial fitness activities in a recreational reserve.

Penalty: twenty (20) penalty units

19B.2.4 Local sporting clubs and schools are exempt from the requirement to obtain a permit under this clause.

19B.3 Anti-social behaviour and nuisance

19B.3.1 A commercial fitness trainer must not use amplified music or audio equipment when conducting commercial fitness activities in a recreational reserve.

Penalty: twenty (20) penalty units

19B.3.2 A commercial fitness trainer conducting commercial fitness activities, and persons participating in commercial fitness activities in a recreational reserve must not engage in aggressive or intimidating behaviour, or cause a nuisance.

Penalty: twenty (20) penalty units

PART E - OCCUPATION OF ROADS FOR WORKS

20. Occupation of Roads for Works

20.1 A person must not, without a permit -

20.1.1 occupy or fence off;

20.1.2 erect a hoarding or scaffolding on;

20.1.3 use an elevated work platform on;

20.1.4 make a hole or excavation in;

20.1.5 fill a hole or excavation in; or

20.1.6 remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on -

any road or footway, or part of a road or footway, under the control of the Council.

Penalty: twenty (20) penalty units

20.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 20.1, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 20.1.

20.3 The Council or an authorised officer may impound any equipment being used for works in contravention of clause 20.1 or in contravention of a permit issued under clause 35.

20.4 Any equipment impounded under clause 20.3 must be dealt with under clause 34.

20.5 This clause does not apply to the works or activities of a service authority if the service authority notifies the Council in writing that it has made, proposes to make or authorised the making of a hole or excavation in a road or footway, or part of a road or footway, under the control of the Council.

20A Damage to Council Assets

A person must not, without a permit, undertake activity which may damage, interfere with or destroy anything in, on or under any road or Council land including, without limitation, any fence, tree, tree band / guard, sign, sprinkler, service conduit, hydrant or other assets vested in or under the control of the Council.

Penalty: twenty (20) penalty units

PART F - SIGNS, GOODS AND FURNITURE

"21. Signs, Goods, Furniture, Semi-permanent and Permanent Structures

21.1 A person must not, unless authorised by a Public Space Licence Agreement:

- 21.1.1 display or permit to be displayed any goods on a road, footway or Council land;
- 21.1.2 place or allow to be placed an advertising sign on a road, footway or Council land;
- 21.1.3 place or allow to be placed a seat, umbrella, table, chair or other furniture on a road, footway or Council land; or
- 21.1.4 place or allow to be placed, construct or allow to be constructed, fix or allow to be fixed, or occupy or use or allow to be occupied or used any semi-permanent or permanent structure on a road, footway or Council land.

Penalty: twenty (20) penalty units

21.2 A person who has placed, permitted to be placed, displayed or permitted to be displayed -

- 21.2.1 goods;
- 21.2.2 an advertising sign on a structure which is not permanently or semi permanently fixed to public space; or
- 21.2.3 a seat, umbrella, table, chair or other furniture which is not permanently or semi permanently fixed to public space –

on a road, footway or Council land, whether in accordance with a Public Space Licence Agreement or not, must move or remove the-

- 21.2.4 goods;
- 21.2.5 advertising sign; or
- 21.2.6 seat, umbrella, table, chair or other furniture –

if directed to do so by:

- 21.2.7 an authorised officer;
- 21.2.8 a member of the Victoria Police; or
- 21.2.9 a member of an emergency service.

Penalty: twenty (20) penalty units

- 21.3 A person who has placed or allowed to be placed, constructed or allowed to be constructed, fixed or allowed to be fixed, occupied or used or allowed to be occupied or used any semi-permanent or permanent structure on a road, footway or Council land, whether in accordance with a Public Space Licence Agreement or not, must remove, vacate or cease to use the permanent or semi-permanent structure if directed to do so by an authorised officer or a member of the Victoria Police; or a member of an emergency service.

Penalty: twenty (20) penalty units

- 21.4 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 21.1 or 21.2 or 21.3, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 21.1 or 21.2 or 21.3.

- 21.5 The Council or an authorised officer may impound or cause to be removed at the owners expense any -

21.5.1 goods;

21.5.2 advertising sign on a structure which is not permanently or semi permanently fixed to public space;

21.5.3 seat, umbrella, table, chair or other furniture or

21.5.4 permanent or semi permanent structure –

placed, left, constructed or fixed in contravention of clause 21.1 or clause 21.2; or clause 21.3

- 21.6 Any items removed or impounded under clause 21.5 must be dealt with under clause 34.

21.7 Transitional Provision

21.7.1 In this clause, "**existing permit**" means a permit issued in accordance with any previous local law made by the Council allowing the display of any goods on a road, footway or Council land, the placement of an advertising sign on a road, footway or Council land or the placement of a seat, umbrella, table chair or other furniture on a road, footway or Council land, being a permit in force immediately before the commencement of this local law.

21.7.2 Unless sooner terminated, an existing permit continues in force until the day on which it is expressed to expire or, if no date is so expressed, until the day which is one year after its issue.

21.7.3 An existing permit continues to permit the activity it authorises immediately after the commencement of this local law.

PART G - SALE OF GOODS, STREET COLLECTIONS, UNSOLICITED MATERIAL AND SPRUICKING

22. Persons Selling Goods

22.1 Unless permitted under an applicable Planning Scheme, a person must not, without a permit, sell any goods from -

- 22.1.1 a stall;
- 22.1.2 a vehicle;
- 22.1.3 a caravan;
- 22.1.4 a trailer;
- 22.1.5 a barrow;
- 22.1.6 a box;
- 22.1.7 a crate;
- 22.1.8 a bag; or
- 22.1.9 any other receptacle -
standing or placed on -
 - 22.1.10 a road;
 - 22.1.11 a footway;
 - 22.1.12 Council land;
 - 22.1.13 vacant land; or
 - 22.1.14 land which is not ordinarily occupied by the person.

Penalty: ten (10) penalty units

22.2 A person must not, without a permit:

- 22.2.1 erect or use on any land a -
 - 22.2.1.1 tent; or
 - 22.2.1.2 temporary structure or building -

for the sale of goods unless permitted to do so under a Planning Scheme applicable to the land; or

- 22.2.2 sell any goods from a -
 - 22.2.2.1 tent; or
 - 22.2.2.2 temporary structure or building -

erected or used contrary to clause 22.2.1.

Penalty: ten (10) penalty units

22.3 A person must not, without a permit, sell any goods carried about on the person or on any animal or vehicle:

- 22.3.1 on a road;
- 22.3.2 on a footway;
- 22.3.3 on Council land; or
- 22.3.4 from door to door.

Penalty: ten (10) penalty units

23. Street Collection and Distribution

A person must not, without a permit, solicit or collect -

- 23.1 on a road;
- 23.2 on a footway;
- 23.3 on Council land; or
- 23.4 from door to door -

any gifts or subscriptions for any purpose of cause or authorise another person to do so.

Penalty: twenty (20) penalty units

24. Unsolicited Material

A person must not, without a permit -

- 24.1 leave; or
- 24.2 cause or authorise another person to leave -

any advertising or promotional material at any allotment on which there is a sign which is visible and legible from the road on which the allotment has its frontage stating -

- 24.3 "No junk mail";
- 24.4 "No advertising material"; or
- 24.5 words to similar effect -

unless the advertising or promotional material is:

- 24.6 of a political nature and carries all endorsements or authorisations required under any applicable Act or regulations;
- 24.7 distributed by or on behalf of the Council or a statutory authority; or
- 24.8 delivered by the Australian Postal Corporation.

Penalty: ten (10) penalty units

25. Spruiking

A person must not, without a permit -

25.1 on a road, footway or Council land; or

25.2 from any land adjacent to a road, footway or Council land to such persons on the road, footway or Council land -

spruik, tout or solicit the sale of any goods.

Penalty: ten (10) penalty units

26. Notices to Comply under this Part

Notices to Comply under this Part

Where the Council or an authorised officer is of the opinion that there is or has been a breach of any clause in this Part, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of a clause in this Part.

27. Exemptions

The Council may exempt -

27.1 a person;

27.2 a class of persons; or

27.3 a body -

from the application of any provision of clause 22, 23, 24 or 25.

PART H - NUMBERING OF ALLOTMENTS

28. Numbering of Allotments

28.1 The Council or an authorised officer may from time to time allot a number to an allotment and may from time to time allot a different number to an allotment or otherwise change the numbering.

28.2 The owner or occupier of an allotment to which a number has been allotted by the Council or an authorised officer must mark the allotment with the number -

28.2.1 in a form;

28.2.2 of sufficient size; and

28.2.3 in such a position, clear of vegetation and other obstructions-

as to be clearly visible and legible from the road on which the allotment has its frontage.

Penalty: ten (10) penalty units

28.3 The owner or occupier of an allotment must ensure that all numbers marking the allotment are:

28.3.1 made of durable materials;

28.3.2 kept in a good state of repair; and

28.3.3 renewed as often as may be necessary.

Penalty: ten (10) penalty units

28.4 A person must not display a number on an allotment unless the number has been allotted to the allotment by the Council or an authorised officer.

Penalty: ten (10) penalty units

28.5 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 28.2, 28.3 or 28.4, it, he or she may serve a Notice to Comply under clause 39 on the person apparently in breach of clause 28.2, 28.3 or 28.4.

PART I - SPOIL ON ROADS

29. Spoil on Roads

29.1 A person must not -

29.1.1 drive; or

29.1.2 permit or cause to be driven -

a vehicle on a road in the course of any trade, industry or commercial undertaking, unless the -

29.1.3 wheels; and

29.1.4 tyres -

of the vehicle are free from soil, earth, clay or like substances.

Penalty: twenty (20) penalty units

29.2 A person must not permit any soil, earth, mud, clay, liquid waste or like substance to fall or escape onto a road from any vehicle which he or she is driving in the course of any trade, industry or commercial undertaking.

Penalty: twenty (20) penalty units

29.3 A person must not permit any grease, oil, mud, clay or like substance to run off a motor vehicle he or she is cleaning in the course of any trade, industry or commercial undertaking onto a road, or into a drain.

Penalty: twenty (20) penalty units

PART J - MOTOR VEHICLES

30. Large Vehicles

- 30.1 Subject to clause 30.2, the Council may prohibit or restrict the use of a road by any motor vehicle, of or over, a specified size or weight.
- 30.2 Before exercising any power under clause 30.1, the Council must follow the procedure under section 223 of the Act with respect to the proposal to prohibit or restrict the use of the road in accordance with section 207A of the Act.
- 30.3 The Council or an authorised officer may erect or cause the erection of signs indicating any prohibition or restriction on the use of a road made by the Council under clause 30.1.
- 30.4 A person must not, without a permit, drive or permit or cause to be driven a motor vehicle on a road in contravention of any prohibition or restriction on the use of the road made by the Council under clause 30.1.

Penalty: twenty (20) penalty units

- 30.5. The Council or an authorised officer may exempt -
- 30.5.1 any person;
 - 30.5.2 any class of persons; or
 - 30.5.3 any body -
- from the application of clause 30.4.

31. Repair and Display of Vehicles

A persons must not -

- 31.1 paint;
 - 31.2 service;
 - 31.3 carry out maintenance on;
 - 31.4 except to enable it to be removed, repair or dismantle; or
 - 31.5 display for sale in the course of a business for the sale of vehicles -
- a vehicle on a road, footway or Council land.

Penalty: ten (10) penalty units

32. Revoked clause

(Note: This clause was revoked by the Roads and Council Land (Miscellaneous Parking and Traffic Matters) Local Law, No. 1 of 2004, on 12 October 2004.)

33. Noisy Vehicles

33.1 A person must not:

33.1.1 leave the engine of a heavy motor vehicle running while the motor vehicle is stationary, except for the period of five (5) minutes:

33.1.1.1 immediately after the motor vehicle has stopped moving; or

33.1.1.2 immediately before the motor vehicle is to start moving; or

33.1.2 allow a refrigeration unit mounted on a motor vehicle to run between the hours of 7pm and 7am while the motor vehicle is parked or standing on any road located in or abutting an area zoned as residential or predominantly residential under a Planning Scheme applicable to the land.

Penalty: twenty (20) penalty units

33.2 Clause 33.1 does not apply to a person employed by -

33.2.1 a service authority;

33.2.2 an emergency service; or

33.2.3 the Council -

while acting in the course of his or her duties.

PART K - SAFETY

33A. Failure to maintain a safe environment

The owner, or a person in charge, of any:

33A.1 land on which building work is being undertaken on or adjacent to any road or Council land; or

33A.2 vehicle parked on or adjacent to any road or Council land,

must ensure that the land is maintained, and the vehicle is parked and loaded, in such a way so as not to cause or potentially cause any:

33A.3 injury to a person or animal;

33A.4 damage to a Council owned or controlled asset or any other asset not owned or controlled by the owner or person in charge; or

33A.5 detriment to the amenity of adjacent land or the neighbourhood.

Penalty: twenty (20) penalty units

PART KA – USE OF PARKING PERMITS

33B Application of this Part

- 33B.1 This Part applies to Vehicle Parking Permits issued by Council in accordance with a Resident Parking Scheme established pursuant to Schedule 11 of the Act and any Council policies regarding the operation of Resident Parking Schemes in the municipal district.
- 33B.2 This Part is intended to operate in conjunction with any policy of Council relating to the operation of Resident Parking Schemes and any conditions imposed on Vehicle Parking Permits.
- 33B.3 Nothing in this Part is intended to derogate from any rights which Council or an authorised officer may have under any Council policies regulating the operation of Resident Parking Schemes and the use of Vehicle Parking Permits or any conditions imposed on Vehicle Parking Permits.
- 33B.4 A decision by Council or an authorised officer not to enforce this Part does not affect the power of Council or an authorised officer to enforce any relevant Council policy or conditions imposed on Vehicle Parking Permits.

33C Offence to sell, give away or rent a Vehicle Parking Permit

A Vehicle Parking Permit Holder must not:

- 33C.1 sell or offer to sell a Vehicle Parking Permit;
- 33C.2 give away for no charge, or offer to give away for no charge, a Vehicle Parking Permit (other than a Visitor Permit to be used by a legitimate visitor);
- 33C.3 lend or license, or offer to lend or license a Vehicle Parking Permit (other than a Visitor Permit to be used by a legitimate visitor); or
- 33C.4 otherwise allow a Vehicle Parking Permit (other than a Visitor Permit being used by a legitimate visitor) to be used by any person other than a Vehicle Parking Permit Holder.

Penalty: Ten (10) penalty units

33D Offence to accept or to use a Vehicle Parking Permit where not the Vehicle Parking Permit Holder

A person (other than a legitimate visitor using a Visitor Permit in accordance with any applicable policies or conditions) must not:

- 33D.1 purchase or induce to purchase a Vehicle Parking Permit from any Vehicle Parking Permit Holder or other person not authorised to issue a Vehicle Parking Permit;
- 33D.2 otherwise receive (whether for a charge or not), or induce to receive (whether for a charge or not), a Vehicle Parking Permit from any Vehicle

Parking Permit Holder or other person not authorised to issue a Vehicle Parking Permit;

- 33D.3 accept a lent or licensed Vehicle Parking Permit, or induce to receive a lent or licensed Vehicle Parking Permit from any Vehicle Parking Permit Holder or other person not authorised to issue a Vehicle Parking Permit; or
- 33D.4 otherwise use or attempt to use a Vehicle Parking Permit in instances where he or she is not the relevant Vehicle Parking Permit Holder.

Penalty: Ten (10) penalty units

33E Offences relating to falsification of Vehicle Parking Permits

A person must not:

- 33E.1 forge or counterfeit a Vehicle Parking Permit; or
- 33E.2 knowingly use, deal with or tender a Vehicle Parking Permit.

PART L - ADMINISTRATION AND ENFORCEMENT

34. Impounding

34.1 Where any item has been impounded under this Local Law, the Council or an authorised officer must serve notice of the impounding personally or by certified mail on the person who appears to be the owner of the impounded item if it is practicable to do so.

34.2 An impounded item must be surrendered to -

34.2.1 its owner; or

34.2.2 a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner -

on:

34.2.3 evidence to the satisfaction of the authorised officer being provided of the owner's right to the item; and

34.2.4 payment of any fee determined by the Council or an authorised officer from time to time.

35. Permits

35.1 Subject to clause 35.1.1 the Council or an authorised officer in its, his or her absolute discretion may issue a permit under this local law with or without conditions, including the payment of any fee the Council may require, or may refuse to issue the same.

35.1.1 An Authorised Officer may not issue or enter into a Public Space Licence Agreement for any semi permanent or permanent structure located or to be located on land classified in the City of Yarra Planning Scheme as a Public Park and Recreational Zone or a Public Conservation and Resource Zone unless the Council has authorised the issue of Public Space Licences for such structures on that land by resolution passed at an ordinary meeting of Council."

35.2 The Council or an authorised officer may from time to time prescribe:

35.2.1 the manner and form in which applications for permits under this Local Law should be made;

35.2.2 the manner in which any permit under this Local Law should be issued; and

35.2.3 the fee for any such permit.

35.3 The Council or an authorised officer may waive payment of any fee for a permit.

- 35.4 The Council may make appropriate delegations of permit-issuing powers.
- 35.5 The Council must keep a register of permits.
- 35.6 The Council or an authorised officer may require an applicant for a permit to give notice of the application in a manner specified from time to time by the Council or an authorised officer.
- 35.7 The Council or an authorised officer may require an applicant for a permit to provide the Council with more information before the Council or authorised officer deals with the permit application.
- 35.8 A permit expires on the date specified in the permit or if no such date is specified the permit will expire one (1) year after the date of issue.
- 35.9 Where the Council or an authorised officer is of the opinion that there is or has been a breach of any condition of a permit, it, he or she may serve a Notice to Comply under clause 39 on the permit holder.

36. Considering Applications

In considering an application for a permit the Council or an authorised officer may consider:

- 36.1 any policy or guideline adopted by the Council relating to the subject matter of the application for the permit;
- 36.2 any submission that may be received in respect of the application;
- 36.3 any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and
- 36.4 any other relevant matter.

37. Correction of Permit

- 37.1 The Council or an authorised officer may correct a permit issued if the permit contains:
- 37.1.1 a clerical mistake or an error arising from any accident, slip or omission; or
- 37.1.2 an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.
- 37.2 The Council or the authorised officer must note the correction in the register of permits.

38. Grounds for Cancellation of or Amendment of Permits

- 38.1 The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been:
- 38.1.1 a material misstatement or concealment of facts in relation to the application for a permit;
 - 38.1.2 any material mistake in relation to the issue of the permit;
 - 38.1.3 any material change of circumstances which has occurred since the issue of the permit;
 - 38.1.4 a failure to comply with the conditions under which the permit was issued; or
 - 38.1.5 a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- 38.2 The Council or the authorised officer must notify the holder of a permit of the Council's or authorised officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- 38.3 If the Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or authorised officer must note that cancellation or amendment in the register of permits.

39. Notices to Comply

- 39.1 The Council or an authorised officer may, by serving a Notice to Comply in the form or to the effect of Schedule 2, direct any owner, occupier or other relevant person to remedy any thing which constitutes a breach under this Local Law.
- 39.2 A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- 39.3 The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- 39.3.1 the amount of work involved;
 - 39.3.2 the degree of difficulty;
 - 39.3.3 the availability of necessary materials or other necessary items;
 - 39.3.4 climatic conditions;
 - 39.3.5 the degree of risk or potential risk; and
 - 39.3.6 any other relevant matter.

39.4 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

40. Urgent Circumstances

If an authorised officer is of the opinion -

40.1 that a person has breached any provision of the Local Law in respect of which a Notice to Comply may be issued:

40.2 that -

40.2.1 any person;

40.2.2 any animal;

40.2.3 any property; or

40.2.4 the environment of the Municipal District -

is in danger of substantial detriment due to the breach; and

40.3 that the danger may be exacerbated by the length of time it may take to serve and ensure compliance with a Notice to Comply -

he or she may take such action as he or she considers necessary to abate or minimise the danger without serving a Notice to Comply if:

40.4 he or she obtains the prior approval of the Chief Executive Officer; and

40.5 notice is given, if practicable, of -

40.5.1 the reasons for taking the action; and

40.5.2 the action taken -

is given to the person in breach of the provision of this Local Law in respect of which the action was taken.

41. Offences

A person who -

41.1 contravenes or fails to comply with any provision under this Local Law;

41.2 contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or

41.3 contravenes or fails to comply with a Notice to Comply within the time specified in the Notice to Comply -

is guilty of an offence and is liable to:

41.4 the penalty stated under a provision, or if no penalty is stated then ten (10) penalty units;

41.5 a further penalty of two (2) penalty units for each day after conviction during which the contravention continues; and,

41.6 upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply.

As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 42 of this Local Law.

42. Infringement Notices

42.1 The penalties fixed for Infringement Notices are set out in Schedule 3, or if no penalty is fixed, the penalty is one (1) penalty unit.

42.2 Where an authorised officer has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the authorised officer may serve on that person an Infringement Notice in a form determined by resolution of the Council from time to time.

43. Payment of Penalties

Any person issued with an Infringement Notice may pay the penalty indicated to an authorised officer at the Council offices.

44. Date for Payment

To avoid prosecution, the penalty indicated should be paid within 28 days from the date of the issue of the Infringement Notice.

45. Acceptance of Infringement Notice

A person issued with an Infringement Notice is entitled to disregard the Notice and defend the prosecution in Court.

46. Waiver of Infringement Notice

- 46.1 If a person issued with an Infringement Notice makes a written representation to the Council or an authorised officer within twenty-eight (28) days of the issue of the Infringement Notice, the representation must be brought to the attention of the Chief Executive Officer.
- 46.2 The Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within twenty-eight (28) days of the issue of the Infringement Notice to which it relates.

47. Withdrawing a Notice

- 47.1 The Council or the Chief Executive Officer may at any time withdraw an Infringement Notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.
- 47.2 Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the Infringement Notice.
- 47.3 If the penalty referred to in an Infringement Notice has been paid within twenty-eight (28) days of its issue and no representation has been received by the Council or its officers, no decision may be made to withdraw the Infringement Notice and prosecute the offence after the expiry of twenty-eight (28) days from the issue of the Infringement Notice.
- 47.4 Any notice of withdrawal of an Infringement Notice may be served in accordance with section 234 of the Act.

48. Failure to Comply with Notice

In the event of the failure of a person served with an Infringement Notice to pay the amount specified within twenty-eight (28) days of the issue of the notice or such further time as the Council or the authorised officer may permit, the Council or the authorised officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.

SCHEDULE 1

The further purposes of this Local Law are:

1. prohibiting, regulating and controlling traffic hazards and obstructions on roads and footways, including overhanging vegetation, encroaching vegetation and bulk rubbish containers;
2. requiring the fencing of vacant land;
3. prohibiting, regulating and controlling vehicle crossings;
4. prohibiting, regulating and controlling the use of toy vehicles;
5. regulating and controlling shopping trolleys;
6. prohibiting, regulating and controlling street parties;
7. regulating and controlling dogs;
8. prohibiting, regulating and controlling busking;
9. prohibiting, regulating and controlling camping on roads, footways and Council land;
10. prohibiting, regulating and controlling the occupation of roads for works;
11. prohibiting, regulating and controlling signs, goods, furniture and semi permanent and permanent structures on roads, footways and Council land;
12. prohibiting, regulating and controlling the sale of goods;
13. prohibiting, regulating and controlling street collections and distributions;
14. prohibiting, regulating and controlling spruiking;
15. prohibiting, regulating and controlling spruikers;
16. prohibiting, regulating and controlling the distribution of unsolicited material;
17. requiring, regulating and controlling the numbering of allotments;
18. prohibiting spoil on roads;
19. prohibiting, regulating and controlling the use of large vehicles on roads;
20. prohibiting the performance of work on or sale of vehicles on roads, footways and Council land;
21. prohibiting, regulating and controlling the cleaning of vehicles,
22. prohibiting noisy vehicles; and
23. requiring work sites and vehicles be maintained and operate in such a way as to not cause, or potentially cause, ill health or injury;
24. requiring work sites and vehicles be maintained and operated in such as way at to not damage, or potentially damage property;

25. regulating the use of Vehicle Parking Permits issued in accordance with Resident Parking Schemes established pursuant to Schedule 11 to the Act; and
26. prohibiting the unauthorised and improper use of Vehicle Parking Permits issued by Council, by, among other things:
 - prohibiting Vehicle Parking Permit Holders from selling, giving away, licensing or otherwise allowing an unauthorised person to use a Vehicle Parking Permit issued by Council; and
 - prohibiting any unauthorised person from purchasing, receiving, hiring or inducing to sell, forge or counterfeit any Council issued Vehicle Parking Permits issued by Council.
27. ensure equity of access to recreational reserves and resolve conflict between those who wish to undertake commercial fitness activities and other users of recreational reserves.
28. ensure commercial fitness activities do not adversely impact on assets, including preventing wear and tear on recreational facilities.
29. prohibit aggressive or intimidating behaviour by persons undertaking commercial fitness activities in recreational reserves.



Yarra City Council

Roads and Council Land Local Law, No 2 of 2002

Notice to Comply

To: Name:
Address:

You have, in the opinion of Yarra City Council ("the Council") or an authorised officer of the Council, committed a breach of clause No. of Council's 'Roads and Council Land Local Law', No. 2 of 2002 by

To remedy the breach you must do the following, within days from the date of this Notice:

You should contact at the Municipal Office, between the hours of for any further information about this Notice.

If you fail to comply with this Notice:

- you will be guilty of an offence and may be liable for a penalty of up to \$...... plus a further \$200 per day of non-compliance ; and
• Council may undertake some or all of the required works on your behalf. If this occurs you will also be liable for the cost of these works.

Date:
Name of authorised officer:
Telephone No:
Email: info@yarracity.vic.gov.au
Signature of authorised officer:

Note: If this Notice relates to a contravention of a permit and you do not comply with the Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the directions in this Notice or show cause to the Council in writing why the permit should not be cancelled.

SCHEDULE 3

Infringement Notice value and Court penalty for contravention of this Local law

(All values expressed in Penalty Units)

Clause	Description of Offence	Infringement Notice	Court penalty
8.1	Vegetation at Intersections Trees & shrubs obstructing view at intersection.	1	10
9.1	Overhanging vegetation Trees & shrubs overhanging road or footpath lower than 3 metres.	1	10
10.1	Encroaching vegetation Tree or shrub encroaching upon adjacent road, footpath or Council land.	1	10
11.1	Obstructions on roads Obstructions on roads	3	20
12.2	Fencing of vacant land Failure to comply with a notice to erect / modify a fence.	1	10
13.1	Vehicle crossings Construction of a vehicle crossing without a permit.	3	20
13.2	Failure to obtain a permit in instances where an Authorised Officer has required construction or removal of a vehicle crossing.	3	20

Infringement Notice value and Court penalty for contravention of this Local Law (Cont'd.)

(All values expressed in Penalty Units)

Clause	Description of Offence	Infringement Notice	Court penalty
13.4	Failure to advise Council of builders requirement to enter / egress a road to enter / egress a building site.	1	10
13.5	Commencement of building works on site prior to the construction of a temporary vehicle crossing.	1	10
13.6	Failure to repair damage to crossing, path etc.	3	20
14	Toy vehicles Use of a toy vehicle where prohibited.	1	5
15.1	Shopping Trolleys Dumping of shopping trolleys outside designated areas.	1	5
16	Street parties Conducting or participating in a street party without a permit.	1	5
17	Dogs Dog excrement left on ground.	2	5
18.1	Camping Camping without a permit.	1	10
19.1	Busking Busking without a permit.	1	5
19B1.1	Commercial fitness activities in exclusion zone – trainer	2	20
19B1.2	Commercial fitness activities in exclusion zone – participant	1	20
19B2.2	Commercial fitness training without or contrary to a permit.	2	20

19B2.3	Fail to produce permit whilst commercial fitness training.	1	20
19B3.1	Commercial fitness training using amplified music or audio when commercial fitness training	1	20
19B3.2	Conducting or participating in commercial fitness activities and engaging in aggressive or intimidating behaviour, or causing a nuisance	2	20
20.1	Occupation of road for building works Occupation of road / footpath for works without a permit.	10	20
20A	Damage to Council assets Damaging, or interfering, with a Council asset.	10	20

**Infringement Notice value and Court penalty for contravention of this
Local Law (Cont'd.)**

(All values expressed in Penalty Units)

Clause	Description of Offence	Infringement Notice	Court penalty
21.1	Street signs, goods and furniture Display of sign, goods or furniture on road / footpath without a permit.	2	20
21.2	Failure to remove sign, goods or furniture from road / footpath when directed by Authorised officer.	2	20
21.3	Failure to remove semi-permanent structure from road / footpath when directed by Authorised Officer	2	20
22.1	Persons selling goods Selling any goods from road / footpath without a permit.	4	10
22.2	Erection of a tent / temporary structure, without a permit, to sell goods.	2	10
22.3	Without a permit, selling goods carried about on person, animal or vehicle. (Selling on road / footpath / door to door.)	2	10
23	Street collectors Street collection without a permit.	2	20
24	Junk mail Depositing 'junk mail' where "No Junk mail" sign is displayed.	3	10
25	Spruiking Spruiking without a permit.	1	10
28.2	Numbering of allotments Failure to display house numbers.	1	10
28.3	Failure to maintain house numbers.	1	10

**Infringement Notice value and Court penalty for contravention of this
Local Law (Cont'd.)**

(All values expressed in Penalty Units)

Clause	Description of Offence	Infringement Notice	Court penalty
28.4	Displaying a house number other than the correct house number.	1	10
29.1	Spoils on roads Driving a commercial / trade vehicle with muddy / soiled wheels and tyres.	10	20
29.2	Driving a commercial / trade vehicle and allowing spoils to fall onto road.	10	20
29.3	Whilst cleaning a commercial / trade vehicle, allowing grease, oil, clay etc to run, onto the road or into a drain.	10	20
30.4	Large vehicles Driving a (large) vehicle on a road in contravention of any prohibition or restriction.	2	20
31	Repair and display of vehicles Repairing, or in the course of a business, displaying a vehicle for sale from road or footpath etc.	2	10
32	Revoked clause.		
33.1	Noisy Vehicles Leaving a stationary (heavy) vehicle's motor running for longer than 5 minutes. (Warm up and cool down). Permitting a refrigeration unit mounted on a vehicle to operate between 7:00pm and 7:00am, in designated planning zones.	2	20
33A	Safety Failure to maintain a safe work site (or vehicle) on or adjacent to a road or Council land.	2	20
33C	Offence to sell, give away or rent a Vehicle Parking Permit	5	10
33D	Offence to accept or to use a permit where not the Vehicle Parking Permit Holder	5	10
33E	Offences relating to falsification of Vehicle Parking Permits	5	10

The following table is for information only and does not form part of this Local Law.

**Key dates in the statutory procedure to make the
Roads and Council Land Local Law**

(Local Law No 2 of 2002)

Event	Date
Resolution to give Notice of Intention to make this local law.	Council 6 August 2002
Public Notice – Notice of Intention and invitation to make public submission.	Victoria Gazette – Thursday 15 August 2002 Yarra Leader – Monday 19 August 2002
Consideration of submissions.	Finance & Resources Committee, Tuesday 24 September 2002 (No submissions received)
Council resolution to make this local law.	Tuesday 1 October 2002
Commencement date.	Wednesday 2 October 2002
Public notice in the Victoria Gazette. (Making of Local Law.)	Thursday 17 October 2002
Commencement date of this local law.	Wednesday 2 October 2002
Sunset date (unless this local law is sooner amended or revoked.)	2 October 2012

This local law was originally made 1 October 2002 and incorporates amendments made:

- **12 October 2004** by the 'Roads and Council Land (Miscellaneous Parking and Traffic Matters) Local Law', 1 of 2004; and
- **19 June 2007** by the 'Validity of Parking Permits Local Law', No 1 of 2007; and
- **21 July 2009** by the 'Management of Large Building Sites Local Law', No 1 of 2009, and
- **21 July 2009** by the 'Commercial Fitness Activity Local Law', No 2 of 2009.