



City of  
**STONNINGTON**

**STONNINGTON CITY COUNCIL**  
**GENERAL LOCAL LAW 2018 (No 1)**  
**(Amendment)**

**Effective ##**

**Adopted by Council on \_\_\_\_\_**

## **1. Name and Objectives of Local Law**

This Local Law is known as the General Local Law No. 1 (Amendment) and the objectives of this Local Law are to provide for:

- (a) The amendment of the Stonnington City Council General Local Law (No.1);
- (b) the peace, order and good government of the Municipal District;
- (c) the administration of Council powers and functions;
- (d) a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- (e) the safe and equitable use and enjoyment of Public Places;
- (f) the protection and enhancement of the amenity and environment of the Municipal District;
- (g) the fair and reasonable use and enjoyment of private land;
- (h) the prohibition, regulation and control of activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood nor nuisance caused to a person nor damage caused to a person's property; and
- (i) the prohibition, regulation and control of activities which may affect urban character and local amenity.

## **2. Authorising Provision**

This Local Law is a Local Law made under section 71 the *Local Government Act* 2020.

## **3. Commencement**

This Local Law comes into operation on the day after the date of notice of making the Local Law is published in the Victoria Government Gazette.

## **4. Revocation Date**

This Local Law ceases to operate on 24 July 2028.

## **5. Principal Local Law**

In this Local Law, The Stonnington City Council General Local Law 2018 (No. 1) is called the Principal Local Law.

## **6. Repeal of Part of clause 5 of the Principal Local Law.**

In clause 5 of the Principal Local Law, the following definitions are repealed:

- (a) Advisory Committee;
- (b) Agenda;
- (c) Chairperson;
- (d) Committee;
- (e) Confidential business;
- (f) Council meeting;
- (g) Councillor;

- (h) Delegate;
- (i) Election period;
- (j) Extraordinary Vacancy;
- (k) General Election;
- (l) General Manager;
- (m) Mayor;
- (n) Meeting;
- (o) Member;
- (p) Ordinary Meeting;
- (q) Personal explanation;
- (r) Principal Local Law;
- (s) Special Committee;
- (t) Special Meeting;
- (u) Statutory Meeting.

**7. In clause 5 of the Principal Local Law new definition inserted –**

- (1) In clause 5 after the definition of “Council Waste Depot” insert the following:

“Director” means a member of staff occupying a second – level position in the organisational structure of the organisation as approved by Council.

- (2) In clause 5 after the definition of “Council” insert the following:

“Council assets” means footpath, kerb and channel, nature strip, parking signs, irrigation or sprinkler systems, trees, shrubs and other vegetation, street furniture, vehicle crossings or other Council property or works forming part of a road or Council land.

**8. In clause 6(2)(a) of the Principal Local Law substitute -**

- (2) Nothing in this Local Law relating to an Animal in general or a dog in particular prevents:
- (a) a person being entitled at all times and in all places to be accompanied by an Assistance Animal.

**9. Repeal of Part 4 of the Principal Local Law.**

Part 4 of the Principal Local Law is repealed.

**10. In clause 110 of the Principal Local Law new sub-clause inserted –**

In clause 110 of the Principal Local Law after sub-clause (2), insert the following:

- (3) A person must not:
- (a) interfere with or use *Council assets* in such a way that causes damage or detriment; or

- (b) any other person could be injured or suffer loss as a result of that interference or use; and
  - (c) attach anything to the *Council asset*.
- (4) Notwithstanding sub-clause (1), a person may:
  - (a) plant vegetation on; or
  - (b) otherwise modify the appearance of the nature strip immediately outside land which they occupy if such planting or modification complies with the Nature Strip Planting Guidelines.

**11. In clause 113(1) of the Principal Local Law substitute –**

- (1) A person must not, without a Permit, remove, damage, kill, destroy or adversely affect the health of any part of the tree or plant on Council Land.

**12. In clause 116 of the Principal Local Law substitute –**

A person must not, without a Permit or in accordance with any other law:

- (a) enter or remain in a Municipal Place without paying the appropriate fee (if any);
- (b) enter or remain in a Municipal Place if that person is less than 10 years of age (except if in the care of an adult guardian);
- (c) enter or remain in a Municipal Place if that person has been refused entry, excluded from entering or directed to leave a Municipal Place by a person who is authorised to do so;
- (d) re-enter a Municipal Place within 24 hours (or such other time as directed) after being excluded from a Municipal Place;
- (e) enter a Municipal Place if that person is suffering from any disease that presents a risk to the health of any other person;
- (f) enter or leave a Municipal Place other than through an entrance or exit provided for the public for that purpose (unless the person is to use a specifically designated exit or entry); or
- (g) have in their possession in or on a Municipal Place any Liquor or other drug.

**13. In clause 117(1) of the Principal Local Law substitute –**

- a) A person must not while in or on a Municipal Place:
  - (a) behave in a manner that is offensive, indecent, insulting or riotous or engage in any conduct that is dangerous or that interferes with any other person;
  - (b) act contrary to any sign or procedure in respect of the use of the Municipal Place;
  - (c) have any Animal in their possession other than an Assistance Animal;
  - (d) eat or drink other than in an authorised area;
  - (e) sell or hire any Goods in the Municipal Place other than with the written consent of a Manager or in accordance with a Permit;
  - (f) distribute, leave, post or display any pamphlet, poster, handbill or literature other than with the consent of a Manager.

**14. In clause 121 of the Principal Law new sub-clause inserted –**

In clause 121 of the Principal Law after sub-clause (2), insert the following:

- (3) A person must not, without a Permit, access residential land from a Council Reserve for the purpose of Building Activity.
- (4) A person must not, without a Permit, carry out any Building Activity in a Council Reserve.

**15 In clause 122(m) of the Principal Law substitute –**

- (m) engage in, play or practice any game that may interfere with the use or enjoyment of the reserve by any other person;

**16. In clause 123(1)(a) of the Principal Local Law substitute –**

- (a) fly or allow to be flown any model aeroplane, remote-controlled helicopter or drone over a Council Reserve unless the Council Reserve is exempted for this purpose and specified in the Procedure and Protocol Manual.

**17. In clause 123 of the Principal Law new sub-clause inserted –**

In clause 123 of the Principal Law after sub-clause (a) insert the following –

- (aa) in any Council Reserve engage in, play or practice golf or archery;

**18. New heading for clause 134 substitute –**

- 134. Unregistered, Abandoned and Obstructing Vehicles

**19. In clause 134 new sub-clause inserted –**

In clause 134 of the Principal Local Law, after sub-clause (2) insert the following –

- (3)A Council may move or impound any vehicle that is causing an unlawful obstruction, or that is unlawfully parked or left standing.

**20. In clause 158 of the Principal Local Law substitute -**

In this Part:

**“Building Activity”** includes:

- a) any act or thing done or to be done on, over or across any land, Road or Council Land for the purpose of or in the course of constructing, repairing, demolishing, pulling down or removing any building;
- b) the erection or removal of any kind of scaffolding and the excavation and carrying away of earth, soil, clay, rock or material of any kind on, over or across any land, Road or Council Land;

- c) the moving about of any building equipment or material and any rubble, waste or second – hand building materials on, over or across any land, road or Council Land ; or
- d) any work or action incidental to the matters referred to in paragraph (a), (b) and (c) conducted on, over or across any land, Road or Council Land.

**“Building Activity Hours”** means the period of time between 7 am and 6 pm on any week day or the period of time between 9 am and 6 pm on a Saturday.

**21. In clause 159(1)(a) of the Principal Local Law substitute –**

- (a) on a public holiday;

**22. In clause 159(2) of the Principal Local Law substitute –**

- (5) Sub-clause (1) does not apply to a natural person who:
  - (a) is an owner of the land on which Building Activity is being carried out; and
  - (b) the Building Activity does not require a building permit; and
  - (c) is not a registered builder.

**23. In clause 163(3) of the Principal Local Law substitute –**

- (3) Sub – clause (2) does not apply to:
  - (a) a person whose actions are authorised under a Planning Permit under the Planning Scheme;
  - (b) a person whose actions are required by any other legislation or by any other statutory authority; or
  - (c) a person acting in accordance with an instruction or direction from an Authorised Officer.

**24. In clause 174 of the Principal Local Law insert new sub-clause –**

In clause 174 of the Principal Local Law, after sub-clause (2)(a) insert the following –

- (aa) only deposit general waste in the Approved Receptacle for general waste and only deposit recyclable materials in the Approved Receptacle for recycling materials;

**25. General amendment to the Principal Local Law**

- (1) In the Principal Local Law wherever he or she or his or her is stated substitute to ‘their’.

- (2) In the Principal Local Law wherever “General Manager” is stated substitute to “Director”.
- (3) In the Principal Local Law wherever “Footpath Trading Code” is stated substitute to “Footpath Trading Policy”.

## **26. Consequential amendments**

- (1) In clause 13 of the Principal Local Law substitute –  
A Notice to Comply may be served or given pursuant to section 315 of the Local Government Act 2020.
- (2) In clause 17(1) of the Principal Local Law substitute –
  - (1) Where:
    - (a) section 117 of the Local Government Act 2020 does not apply; and
    - (b) the person given the direction or served with a Notice to Comply fails to comply with the direction or notice,  
Council or any other person, with the approval of Council, may enter upon any land on which there is any such failure to comply and do all such acts, matters or things that are required to comply with the direction or Notice to Comply.
  - (2) In clause 20 of the Principal Local Law repeal the words –  
“as required by section 5(3)(c) of the Act”