

**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**”.

- 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**”.



- 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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