



Your questions answered

Frequently asked questions
Proposed new Local Laws (Community Amenity
Local Law 2023)

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About local laws

What is a local law?	Local laws play an important role in enabling Council to deliver on its strategic objectives, core strategies and policies. Our local laws are used to support the creation of a liveable, safer, and healthier city by regulating activities that occur in public and private places that may impact on urban character, local amenity, and the fair enjoyment by or safety of others.
What are the main areas changing in the proposed local law 2023?	<p>There are numerous key changes in the proposed Local Law 2023 along with administrative changes to aid the operability of some clauses. The key changes are:</p> <ul style="list-style-type: none">• Clause 9 Connecting to Council Drains• Clause 15 Asset Protection Permit• Clause 17 Behaviour on Council Land• Clause 20 Commercial Dog Walkers• Clause 23 Shopping Trolleys• Clause 31 Residential Parking Permits• Clause 33 Itinerant trading• Clause 35 Special Events• Clause 43 Furniture and other items on Council Land and Footpaths• Clause 50 Political Signs• Clause 51 Dangerous or Unsightly Land• Clause 52 Managing Amenity on Building Sites.
When was the current local law adopted?	The current local law was adopted 1 September 2013. It sunsets 31 August 2023.
What consultation has happened to date?	A comprehensive internal stakeholder engagement program, Councillor briefings, benchmarking and review of data sets was undertaken which identified changes which needed to be made to improve the operation of the proposed Local Law 2023.

Where can I view hard copies of the proposed local law 2023?

A copy of the proposed Local Law may be obtained from Council offices:

Town Halls:

St Kilda Town Hall: 99a Carlisle Street, St Kilda.

8.30 am to 5 pm Monday to Friday.

Port Melbourne Town Hall: 333 Bay Street Port Melbourne

Monday, Tuesday and Friday 12 pm to 4 pm.

Council libraries:

Albert Park Library 319 Montague St, Albert Park

Monday to Wednesday 10am to 8pm, Thursday and Friday 10 am to 6 pm, Saturday 10 am to 5 pm and Sunday 2 pm to 5 pm.

Emerald Hill Library: 95 Bank St, South Melbourne.

Monday 10 am to 6 pm, Tuesday 12 pm to 8 pm, Wednesday and Thursday 12 pm to 6 pm, Friday 10 am to 6 pm and Saturday 10 am to 2 pm.

	<p>Middle Park Library 254-256 Richardson St, Middle Park.</p> <p>Monday to Friday 2 pm to 6 pm and Saturday 10 am to 2 pm.</p> <p>Port Melbourne Library: 333 Bay St, Port Melbourne</p> <p>Monday 10 am to 6 pm, Tuesday to Thursday 10 am to 8 pm, Friday 10 am to 6 pm and Saturday 10 am to 2 pm.</p> <p>St Kilda Library: 150 Carlisle St, St Kilda.</p> <p>Monday to Thursday 10 am to 8 pm, Friday 10 am to 6 pm, Saturday 10 am to 5 pm and Sunday 10 am to 5 pm.</p>
Where can I get hard copies of the survey?	You can email proposedlocallaw2023@portphillip.vic.gov.au to request hard copies of the survey to be posted to your chosen address or collect a hard copy of the survey from Council offices or libraries.
How can I make a submission about the proposed local laws?	<p>You can make a submission in a few ways:</p> <ul style="list-style-type: none"> • Online: Complete the survey from 6 March 2023 to 31 March 2023. • Email a written submission to proposedlocallaw2023@portphillip.vic.gov.au • Send a written submission to: Local Laws team, Port Phillip Council, Private Bag No 3, St Kilda, VIC 3182. • Pick up a hard copy survey form from any City of Port Phillip Town Hall ASSIST counter or any library.
How long will the proposed local laws remain in place?	10 years from the date it is adopted, unless revoked earlier.

What's is the proposed Council Meeting Procedure?	Adoption of the proposed Local Law 2023 will be considered at the Council Meeting on 7 June 2023 commencing 6.30 pm at the St Kilda Town Hall.
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Changes to existing clauses

Clause 9 Connecting to Council drains

What is the current situation in relation to connecting to Council drains?	Where Council has approved a plan of subdivision , a permit is not required. We're proposing removing this exemption, so a permit is required for all connections to Council drains. This will ensure all connections are subject to Council requirements.
What does this amendment propose?	We are proposing an amendment to this clause to ensure any connection made to a Council drain is subject to a permit.
Why is this amendment being proposed?	It is important that we're able to manage any activities that can potentially damage Council assets or impact the quality of water entering stormwater systems, water courses and Port Phillip Bay.

Clause 15 Asset Protection Permit

What is an Asset Protection Permit?	Builders are required to obtain an Asset Protection Permit to carry out building or demolition works on Council land. The permit ensures community assets are not damaged as a result of works.
What is the current situation in relation to connecting to Asset Protection Permits?	Currently, if a builder causes more damage than the security bond covers and they

	cannot be traced, Council must carry the cost of the repair.
What does this amendment propose?	We are proposing an amendment that expands the definition of 'builder' to include the owner of the land and ensure they are jointly responsible for all damages to Council assets as a result of building works.
Why is this being proposed?	Under the current law, Council covers excess cost of public assets that are damaged by building works. This is a cost to the community that the proposed amendment addresses by ensuring that the owner and builder are jointly responsible for these costs

Clause 17 Behaviour on Council Land

What does this amendment propose?	The proposed amendment addressed nuisance behaviour in our City.
What is nuisance behaviour?	A public nuisance is an 'unreasonable inconvenience, annoyance or hurt to the public at large'.
How would this work?	It would give Council officers the ability to address behaviour that unreasonably interferes with another person on or close to Council land. Officers can ask people engaging in nuisance behaviour to stop. They would also have the ability to issue an infringement if there is a failure to comply.
Why was this considered?	We've heard from our community about the impacts of antisocial behaviour on our residents. Council receives many complaints about the issue, its impacts upon amenity, safety and the appeal of high streets and other areas as vibrant, attractive and safe places to visit. This clause has been amended to address nuisance behaviour in our city. It would give officers the ability to address behaviour that unreasonably interferes with

	another person on or close to Council land by asking them to stop or issuing an infringement.
If this proposal was endorsed, would people experiencing homeless have been fined or punished?	No, we don't do that. Our number one goal is to work with them to offer assistance to help them and to seek housing.

Clause 31 Residential parking

What does this amendment propose?	We're proposing an amendment that makes it an offence to sell or purchase, hire, lease, licence or receive a residential parking permit that has been allocated to another person.
What is the current situation in relation to Residential Parking?	There is currently no workable mechanism to follow up on the copying, reproduction, tampering with, lending or selling a residential parking permit issued by Council.
Why is this being proposed?	We've seen an increase in the misuse of parking permits. Copying, forging or selling permits may result in less space for legitimate permit holders. As our already densely populated City grows, we need to protect our resident's space and ensure the parking allocated to them is available. That's why we're proposing to make misuse of parking permits an offence.
I'm going away for an extended period and I have a guest house sitting. Can I give them my parking permit?	If you only have a registration-based permit, then you cannot re-allocate it to another person. Registration based permits (Resident, Combined and Foreshore permits) are only issued to full-

	time residents. However, if you have a visitor permit, you can offer this to your guest to use.
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Clause 33 Itinerant trading

What is itinerant trading?	Itinerant trading refers to a trader or business that doesn't operate from a fixed place. Food trucks, door to door sales and market stallholders are examples of what could be identified in the category of itinerant traders.
What is the current situation in relation to itinerant trading?	Currently the law requires a permit to engage in itinerant trading in a vehicle and in certain places in the City such as a road or the foreshore.
What is being proposed?	We're proposing an amendment that will allow Council to require and assess permits for any businesses seeking to use <i>any</i> Council land for commercial purposes, including e-bikes and e-scooters.
Why is this being proposed?	This will give Council more oversight of how many traders from outside the City are trading in Port Phillip. It also provides a greater ability for us to consider how this impacts our local traders.

Clause 35 Special events

What is a 'special event'?	A special event is an organised sporting, recreational, cultural, commercial or social gathering of 20 or more people held on Council land.
What is the current situation in relation to special events?	Currently, a permit is required to hold a special event and for permission to busk, trade, film / photograph and erect temporary fencing. There is currently no

	permit requirement in our local laws for furniture, heaters or fire pits on Council land.
What is being proposed?	We're proposing that a permit be required for putting any furniture, heater, fire pit of other item on a road or Council land.
Why is this being proposed?	This would allow event organisers to broaden their offer at some special events. Because they are subject to permitting rules, this also allows Council and organisers to assess and manage risks.

Clause 51 Dangerous or unsightly land

What constitutes dangerous or unsightly land?	Dangerous or unsightly land refers to materials on land that can be hazardous, flammable or attract vermin. It also applies to land that has been neglected or is out of keeping with other land in the vicinity.
What is the current situation in relation to dangerous or unsightly land?	An owner or occupier of land must not allow that land to be kept in a manner which is dangerous or unsightly and can be subject to penalties.
What is being proposed?	We are proposing to expand this clause to require owners or owners' corporations to take responsibility for land adjacent to their properties. This would include not allowing nature strips and land adjacent to property to be unsightly or occupied with furniture or other objects.
Why is this being proposed?	This amendment is proposed to encourage a joint onus to addressing the issue of dumped hard waste in our streets. This is a response to community feedback about access issues and the visual impacts of dangerous and unsightly land. Landowners and owners' corporations will be required

	to book hard waste collections services through Council's service provider.
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Clause 52 Managing amenity on building sites – tree protection barriers

What is the current situation in relation to managing amenity on building sites?	A builder must comply with the measures for the management of a building site stated in the Procedures and Protocols Manual .
What is being proposed?	This proposed amendment would require Tree Protection Barriers for Council trees (including root zone) on the nature strip or other Council Land adjoining a building site.
Why is this being proposed?	This amendment is proposed in recognition of the environmental and aesthetic values of our City's trees as well as the significant investment of public funds in tree maintenance, monitoring and replacement.

Clause 52 Managing amenity on building sites – allowable hours

What is the current situation in relation to allowable hours for building works?	Currently, a builder does not require a permit for construction work between 7 am to 6 pm Monday to Friday and 9 am to 3 pm Saturday.
What is being proposed?	We're proposing to extend hours for Saturday construction hours so that works can be carried out until 5 pm on a Saturday without requiring an 'Out of Hours' permit. This would increase the allowable hours from 9am to 3pm to 9 am to 5 pm.
Why is this being proposed?	This is in response to increasing requests for permits from the construction industry and in consideration of our City's

	increasing level of development and projected growth.
Will this mean more noise and works in the City on weekends.	Issuing permits beyond these hours will be carefully managed to protect community convenience and maintain the liveability of our City.

New clauses and definitions

Clause 20 Commercial dog walkers

What is being proposed?	The new clause would require commercial dog walking businesses to obtain a permit if walking, exercising, or otherwise being in control of seven dogs or more on Council land. There is currently no permit required and no limit for commercial dog walkers on the number of dogs they can walk on Council land.
Why is this being proposed?	The new clause seeks to ensure the safety of people and other animals as well as ensure everyone can enjoy their parks and their neighbourhoods.
Why is this being added now?	We consulted and received feedback from our community on this issue as part of our <i>Domestic Animal Management Plan 2021</i> , before being adopted by Council. We have a growing population and a limited amount of public space. The proposed clause will ensure people and other animals have safe access to amenities in our community
Do I need a permit to walk my dog?	No. The proposed law seeks to ensure the safety of people and other animals, and amenity of parks and their neighbours by imposing an obligation upon commercial dog walking businesses to obtain a permit if walking, exercising, or otherwise being in control of seven dogs or more on Council land.

Clause 23 Shopping trolleys

What does this amendment propose?	We are proposing an amendment that requires all venues with over 30 trolleys to
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	have a perimeter lock system installed to reduce the number of trolleys being taken off site.
How would this work?	A system will be installed on trolleys that automatically locks the trolley wheels when it is taken beyond the perimeter of the retailer's premises.
Why is this being proposed?	Often trolleys that are taken offsite are abandoned or misused. This can result in damage to public land and block access. Trolleys can also block rivers and drains, which can contribute to flash flooding during extreme weather events.
Will people experiencing homeless be fined, punished or have their possessions confiscated for continuing to use shopping trolleys from before this clause was amended?	No. Our priority is to work with people experiencing homelessness to help them move their items and seek housing.
How long do retailers have to implement the lock system? How will they be punished for lateness / non-compliance?	There will be an amnesty period during the implementation phase.

Clause 43 Furniture and other items on Council land and footpaths.

What is being proposed?	This new clause makes it an offence to place furniture or other items on footpaths or other Council land that obstructs access. The clause provides a power for Authorised Officers to direct that they be removed or impound the items if there is a breach.
Why is this being proposed?	The clause is aimed at reducing the incidence of dumped furniture and other items being moved from their original positions to open spaces and footpaths within the City where they impact pedestrian and customer access.

Why is this being added now?	Items that aren't typically found on footpaths and in our parks and reserves are increasingly being found by residents to be obstructing and causing visual clutter. To ensure the cleanliness and safe passage of are public space, this new clause will allow items that shouldn't be located on the street to be quickly removed and impounded.
Will people experiencing homeless be fined, punished or have their possessions confiscated for continuing to use furniture and other items on Council land?	No. Our priority is to work with people experiencing homelessness to help them move their items and seek housing.
Have you consulted with homelessness experts and service providers on this proposal? How have they responded?	These key stakeholders are being consulted as part of the local law engagement process.

Clause 50 Political signs

What is being proposed?	The new clause makes it an offence to affix, erect, install or otherwise display a political sign on Council land other than where it is authorised under any other legislation. State and Federal legislation provide for the placing, erection and display of candidate signs within 100 metres of polling places.
Why is this being proposed?	This new clause is proposed in order to improve transparency and remove any confusion with regard to the Planning Scheme and other legislation.

Other local law issues we want to hear your feedback on

Council has considered, but not included a hoon clause in the new Local Laws at this Stage. We are asking the community to provide their thoughts through the local law consultation process.

Council may revisit this at a more appropriate time, pending community feedback.

Hoon Driving Events

What is a hoon driving event?	A hoon driving event includes events that involve burnouts, doughnuts, drag racing and high-level speeding
How could local laws address hoon driving events?	It may be possible to create an offence that applies to planning or running a hoon event, or to participate as spectators or passengers.
Aren't there already laws against hooning?	Yes, Victoria Police can impound a vehicle for 30 days where they reasonably believe a hoon-related offence has been committed. Local laws addressing hoon events can potentially strengthen and complement existing police powers by enabling them to respond and take action. Current legislation does not allow for enforcement action to be taken against spectators or organisers of hoon events.