

PART 1 PRELIMINARY PROVISIONS

1. TITLE

This is the General Local Law 2015.

2. PURPOSE

The purpose of this Local Law is to:

- a) provide for the peace order and good government of the Municipal District of Melton City Council in a way that is complementary to Council's Plan; and
- b) provide for those matters which require a Local Law under the Act and any other Act; and
- c) provide for the administration of Council powers and functions; and
- d) prohibit, regulate and control activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance or danger to a Person or their health and safety nor detrimental effect to a Person's Property nor impede free and safe movement by any Person, and in particular a Person with a disability.

3. AUTHORISING PROVISION

This Local Law is made under section 111(1) of the Act and section 42 of the *Domestic Animals Act 1994*.

4. OPERATION DATE

This Local Law comes into operation on 13 October 2015.

5. REVOCATION DATE

This Local Law ceases to operate on 12 October 2025.

6. REVOCATION OF OTHER LOCAL LAWS

All previous General Local Laws and amendments thereto are, from the date of commencement of this Local Law, hereby revoked.

For the avoidance of doubt this revocation does not include the Meeting Procedure Local Law (2013).

7. DEFINITIONS

Unless the contrary intention appears in this Local Law, the following words and expressions are defined to mean:

Act	means the <i>Local Government Act 1989</i> .
Advertising Sign	means any sign, self-resting 'A' frame, poster, panel or other object which advertises or promotes Premises or Merchandise or any other thing.
Animal	includes every living thing except for Plants and human beings and so extends to, but is not limited to, all species of mammal, marsupial, bird, fish and Reptile.

Annexe	means: <ul style="list-style-type: none">a) structure; orb) an awning; orc) a room; ord) a lean-to; ore) other enclosed or partially enclosed area which is used or is capable of being used in conjunction with a Caravan or tent.
Appointed Agent	means the person appointed by the Owner or Builder of the Building Site.
Appropriate Fee	means the appropriate fee determined by Council by resolution.
Asset Protection Fee	has the same meaning as Permit Fee.
Asset Protection Permit	has the same meaning as Permit.
Authorised Officer	means a member of Council staff appointed under Section 224 of the Act as an authorised officer for the purposes of this Local Law.
Barbecue	means a structure, device or contraption: <ul style="list-style-type: none">a) designed or constructed for the primary purpose of cooking food in the open air for human consumption; andb) which is being used for the purposes of cooking food or preparatory or subsequent thereto.
Builder	means a Person engaged by or on behalf of the Owner or Occupier of a Building Site to carry out Building Works.
Building	includes any structure or building, whether temporary or permanent, or part of such building or structure.
Building Refuse	means any solid or liquid domestic or commercial waste, debris or other refuse, including but not limited to any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and like material, substance or thing, generated by or in connection with Building Work.
Building Site	means any Property on which Building Work is being carried out.
Building Work(s)	means: <ul style="list-style-type: none">a) work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a Building, and includes landscaping and concreting; orb) the delivery of products or materials used or intended to be used for or in connection with work described in paragraph a); or

	c) excavation, Road making, drainage or other works relating to a Building Site or work described in paragraph a) above, where the transitional value of which is \$5,000 or more.
Bulk Waste Container	means any portable container or receptacle specifically designed for the collection of waste, and includes a rubbish hopper and skip but not a Council-Provided Mobile Bin.
Caravan	means a dwelling that is designed to be movable.
Cat	means a cat over the age of 3 months.
Charity Bin/Clothing Bin	means a container for the reception of used clothing or the donation of goods or items.
Chief Executive Officer	means the Chief Executive Officer of Council, and includes a Person acting as Chief Executive Officer.
Commercial Filming	has the same meaning as in the <i>Filming Approval Act 2014</i> .
Completion of Building Work	means the date on which all Building Works will cease on the Building Site.
Council	means Melton City Council.
Council Asset	means Footpath, kerb and channel, nature strip, sign, notice, parking sign, irrigation or sprinkler system, tree, shrub and other vegetation, street furniture, play equipment, structure, fixture, Vehicle Crossing or other Council property or works forming part of a Road, Council Land or Reserve.
Council Land	means any land, Building or facilities which are owned or occupied by or vested in Council or in respect of which Council has the care and management, including land, Buildings and facilities to which the public has access, whether an entry fee is paid or not, and may include a Public Place, Reserve, Road, Building or facility managed on Council's behalf.
Council-Provided Mobile Bin	means a refuse bin provided by Council for the purpose of refuse collection.
Dog	means a dog over the age of 3 months.
Domestic appliance	means any fixed or portable appliance designed exclusively for meal preparation and fire by gas or electricity.
Driver	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
Environment Protection Authority	means the Environment Protection Authority constituted under the <i>Environment Protection Act 1970</i> .

Fire	does not include: <ul style="list-style-type: none">a) a fire lit by a member of a Fire Brigade in the course of his or her official duties; orb) a domestic appliance; orc) a tool of trade.
Fire Brigade	means the Metropolitan Fire and Emergency Services Board or Country Fire Authority.
Footpath	means the area between the Property boundary and the kerbside of a Road that is provided for use by pedestrians.
Fuel Burning Equipment	has the same meaning as in the <i>Environment Protection Act 1970</i> and includes an Incinerator.
Handbill	means a leaflet, brochure, place-card, notice, book, pamphlet, free newspaper or magazine or any other printed material.
Heavy Motor Vehicle	means a Vehicle which has a gross vehicle mass greater than 4.5 tonnes, and includes any other Vehicle that is: <ul style="list-style-type: none">a) physically connected to the Heavy Vehicle (even if that other Vehicle is not a Heavy Vehicle); orb) designed to seat a driver and more than 12 adults.
Household Refuse	means all refuse and rubbish produced or accumulated in or about a Property (including food waste and discarded food ordinarily used for human consumption) but does not include bricks, trade or garden waste, furniture, fittings or machinery.
Incinerator	includes a structure, device or contraption (not enclosed in a Building) which is: <ul style="list-style-type: none">a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; andb) not licensed or otherwise subject to control under the provisions of the <i>Environment Protection Act 1970</i>; andc) not a Barbecue.
Industrial Waste	has the same meaning as in the <i>Environment Protection Act 1970</i> .
Land	includes a Property, Council Land, a Reserve and a Road but does not include Land: <ul style="list-style-type: none">a) owned by; orb) occupied by; orc) under the care, management or control of Council, and which is designated as being, or is set aside for use as, a camping area.

Large Bird	means any pigeon, cockatoo or other bird or similar or larger size of any age but does not include Poultry.
Legislative Enactment	includes: <ul style="list-style-type: none"> a) an Act of Parliament; and b) a regulation, rule, by-law, local law or any other delegated or subordinate legislation made under an Act of Parliament.
Liquor	has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
Livestock	has the same meaning as the <i>Impounding of Livestock Act 1994</i> , namely an Animal (including a bird such as a Rooster) of any species used in connection with primary production or kept for recreational purposes, other than a Cat or a Dog.
Merchandise	means all goods which are sold or offered for sale or in respect of which a sale can be arranged from or within Retail Premises.
Motor Vehicle	means a Vehicle.
Melton Recycling Facility	means Council's waste transfer station (located at 33-41 Ferris Road, Melton South), including Melton Re-Sale and Permanent Drop Off site (Detox Your Home).
Melton Recycling Facility Operator	means the operator, from time to time, of the Melton Recycling Facility.
Municipal District	means the area from time to time comprising the municipal district of Council.
National Park	has the same meaning as in the <i>National Parks Act 1975</i> .
Noxious Weed	has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
Obstruction	includes any Building Refuse, hoarding, Plant, tree, congregation of people and any other article or thing that is likely to cause an impediment to pedestrian or Vehicular traffic.
Occupier	means a Person or Persons in occupation of any Property, Vehicle, Building or Building Site.
Offence	means an offence under this Local Law.
Open Air	means any place other than within a Permanent Structure.
Organisation	means any body, whether incorporated or not, and includes a club, association, group, league and co-operative.
Owner	means the Person or Persons who own the Property, Vehicle, Animal, Building or Building Site.

Permit	means a permit issued under this Local Law which authorises a use or an activity, including an Asset Protection Permit and, in the case of a Reserve, a lease or licence.
Permit Fee	means a fee fixed by resolution of Council.
Permanent Structure	means a structure of a permanent kind consisting of a wall on each side of a roof; and <ol style="list-style-type: none">includes a Caravan; butdoes not include a tent.
Person	includes a corporation, an association incorporated under the <i>Associations Incorporation Reform Act 2012</i> and a partnership.
Person in Charge	means the Person immediately responsible in the absence of the Owner or Occupier for the Building Works being carried out on a Building Site.
Planning Scheme	means the Melton Planning Scheme.
Plant	means a: <ol style="list-style-type: none">shrub; orhedge; orother form of vegetation.
Playing Arena	means an area within a Reserve designated or set aside for competitive games or sports.
Portable Self-Storage Container	means any reusable container intended to consolidate multiple items, goods or materials for storage, capable of being or intended to be transported or conveyed.
Poultry	means ducks, geese, peacocks, pheasants, turkeys, guinea fowl, female chickens and other edible birds over the age of 12 weeks but does not include Roosters.
Property	includes land on which no Building is constructed, Buildings, Building Sites and Retail Premises.
Protected Public Land	has the same meaning as in the <i>Forests Act 1958</i> .
Public Place	has the same meaning as in the <i>Summary Offences Act 1966</i> .
Public Body	has the same meaning as in the Act.
Recreational Vehicle	includes a mini-bike, trail bike, go-kart, motor scooter and motorised device used for the conveyance of a Person and included in the definition of Vehicle.
Recyclables	includes: <ol style="list-style-type: none">unbroken glass bottles, jars and other containers; andpolyethylene terephthalate; andhigh density polyethylene; andpolyvinyl chloride; and

	<ul style="list-style-type: none"> e) aluminium cans; and f) steel cans; and g) liquid paperboard; and h) paper and cardboard; and i) garden organics; and j) any other material approved by Council as a recyclable material from time to time and specified as such on Council's website.
Refuse Disposal Site	means a site established or approved by Council for the collection, deposit or disposal of refuse and rubbish.
Refuse Facility	means a container designed for the containment of litter and waste material within a Building Site, and which is: <ul style="list-style-type: none"> a) of robust construction, with side walls of one piece construction of either a welded metal frame and cyclone wire mesh or a solid material welded in each corner; and b) not less than one cubic metre in volume; and c) lockable and has a lid that is attached to the container with welded hinges; and d) not overfilled at any time.
Registered	means, in respect of a Vehicle, registered by the Roads Corporation under the <i>Road Safety Act 1986</i> or by an equivalent registration authority in another State or Territory.
Reptile	means any snake, lizard, turtle or tortoise.
Reserve	means any park, garden, playground, sporting or recreational reserve or other place of public recreation or resort, and includes a lineal creek reserve.
Residential Area	means an area comprising primarily Residential Land.
Residential Land	means any land used, adapted to be used or zoned to allow to be used primarily for residential purposes.
Residential Zone	means an area which is zoned Residential under the Planning Scheme.
Retail Premises	means any Premises that are used wholly or predominantly for the carrying on of a business involving the sale or hire of goods by retail.
Road	has the same meaning as in the Act and includes a Footpath.
Road Related Area	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
Rodent	includes any ferret, guinea pig or rabbit.
Rooster	means a male chicken of any age.
Rural Zone	means an area which is zoned Rural under the Planning Scheme.

Sell	includes: <ul style="list-style-type: none"> a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and b) sell for re-sale.
Shopping Trolley	means a receptacle: <ul style="list-style-type: none"> a) to which wheels are attached; and b) which is supplied by a retailer of goods to enable customers purchasing any of those goods to transport them from one place to another.
Sign	means a sign made and erected or installed by or on behalf of Council.
Skateboard	includes roller skates and roller blades, and any board on which a Person may: <ul style="list-style-type: none"> a) stand; or b) crouch; or c) lie and <ul style="list-style-type: none"> i) which is designed to enable or facilitate self-propulsion; and ii) beneath which is fitted a set or sets of rollers.
Small Bird	means a budgerigar, canary, finch or other similar size or smaller bird.
Smoke	means to smoke, hold or otherwise have control over an ignited Tobacco Product or to light a Tobacco Product.
Smoke Free Area	means as area designated to be a smoke free area in accordance with clause 33 and identified as such on Council's website.
Special Event	means an organised sporting, recreational, cultural, commercial or social gathering of people which is held on a Road, Road Related Area, Council Land or in any other Public Place.
Spruik	includes haranguing or addressing members of the public (whether directly or by the use of pre-recorded speech or messages) to encourage members of the public to enter Premises, purchase goods or both.
State Forest	has the same meaning as in the <i>Forests Act 1958</i> ;
Tobacco Product	has the same meaning as in the <i>Tobacco Act 1987</i> .
Tout	includes soliciting business, whether by addressing members of the public directly or the emission of music or other noise calculated to attract business.
Trade Waste	means waste from any Retail or Property Premises from which a trade, business or undertaking is carried on.

Unregistered	means, in respect of a Vehicle, a Vehicle that is not Registered.
Urban Area	means an area which is built-up.
Vehicle	means any form of conveyance, and includes: <ul style="list-style-type: none"> a) a motor car; and b) a Caravan; and c) a motor bike; and d) a trailer; and e) a tractor; and f) a Recreational Vehicle; and g) all goods and other chattels attached to a form of conveyance.
Vehicle Crossing	means an: <ul style="list-style-type: none"> a) opening; or b) artificial surface which <ul style="list-style-type: none"> c) allows; or d) facilitates access from a Road to a Property which abuts that Road.
Written	includes duplicated, lithographed, photocopied, photographed, printed and typed.

8. APPLICATION OF LOCAL LAW

Except as otherwise provided, this Local Law will apply to and operate throughout the whole of the Municipal District.

9. INCORPORATION OF DOCUMENTS

1. The document titled 'Nature Strip Guidelines Booklet', as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.
2. Relevant Codes of Practice made under the:
 - a) *Prevention of Cruelty to Animals Act 1986*; or
 - b) *Domestic Animals Act 1994*.

10. INTERPRETATION

1. A Person (including an Owner or Occupier of Property) commits an offence against this Local Law if he or she does something or omits to do something contrary to this Local Law. In that event he or she can be prosecuted and can be liable to a penalty not exceeding the penalty shown under the provision in respect of which the offence has been committed.
2. Any activity or other matter that requires the consent or approval of Council under the *Road Management Act 2004* (including but not limited to any written

consent given by Council as the coordinating road authority) is to be evidenced by way of the grant of a Permit under this Local Law.

3. Introductions to Parts and boxed notes do not form part of this Local Law. They are provided to assist understanding.