



**GENERAL (AMENDMENT) LOCAL LAW
2006**

No. 8

GENERAL (AMENDMENT) LOCAL LAW 2006 No. 8.

Frankston City Council resolves:

1.1 Local Law

This Local Law is a local law made under Part 5 of the Local Government Act 1989.

1.2 Objective

The objective of this Local Law is to amend General Local Law 2003 No. 7 to provide for the protection of public assets and infrastructure.

1.3 Commencement

This Local Law commences on the day following the gazettal of the Local Law in the Victoria Government Gazette.

1.4 Amendment of Local Law

On the commencement of this Local Law, General Local Law 2003 No. 7 is amended in accordance with the provisions of this Local Law.

1.5 Application of Local Law

This Local Law applies throughout the municipality.

1.6 Definitions

- (a) The following definitions shall be included in General Local Law 2003 No. 7 -

“asset protection permit” means a written permit issued by Council for the protection of public assets and infrastructure during building works;

“building works” includes any activities, events and practices for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building or any excavation works (i.e. pool construction);

“minor building works” means building works valued at less than \$20,000 or pool construction valued at less than \$10,000, but excludes demolition and removal of buildings and structures (regardless of value); and

“security deposit” means a payment or guarantee made to Council for the purpose of securing the cost of repairing damage incurred to assets and infrastructure as a result of building works.

- (b) The definition of “person in charge” in General Local Law 2003 No. 7 shall be amended by substituting “clause 3.6.5” with “clause 3.6.6”.

1.7 Council Drains, Pits or Footpaths

- (a) Clause 3.3 “Interference with Council Drains, Pits or Footpaths” shall be deleted from General Local Law 2003 No. 7.

- (b) The following Clause 3.3 shall be inserted in General Local Law 2003 No. 7:

3.3 Council Drains, Pits or Footpaths

3.3.1 A person must not, without a permit, destroy, damage or tap into any drain, culvert or sewer vested in Council.

3.3.2 A person must not:

3.3.2.1 allow any drain vested in him or her and located on land which he or she owns or occupies to fall into disrepair or a condition which is dangerous to health; or

3.3.2.2 perform any act in relation to a drain into which he or she has been permitted to tap or to which he or she has been permitted to connect which causes the drain to fall into disrepair or develop a condition which is dangerous to health.

3.3.3 A person must not intentionally permit or allow a tree, shrub, bush or other vegetation to hinder, obstruct, or interfere with the operation of any drains, pits or footpaths vested in or under Council’s management or control.

3.3.4 Where the Council or an authorised officer can provide evidence that any tree, shrub, bush or vegetation hinders, obstructs or interferes or is likely to hinder, obstruct or interfere with the operation of any drains, pits or footpaths vested in or under Council’s management or control an authorised officer may serve a notice on the owner or occupier of the land requiring removal of the offending tree, shrub, bush or vegetation or such other action that Council or an authorised officer may require.

- 3.3.5 No person shall in any way –
- (a) interfere with access to any stormwater pit,
 - (b) construct or place any material, dirt, or other matter on a pit lid so as to conceal its location or accessibility.
- 3.3.6 Any person who fails to comply with a notice served under clause 3.3.4 in addition to any penalty under this local law shall be liable for all subsequent repair and maintenance costs and will, if not paid, become a charge on the property to bear interest at the rate prescribed from time to time by order of the Governor in Council.

1.8 Building and Works Code of Practice

- (a) Clause 3.6 “Building and Works Code of Practice” shall be deleted from General Local Law 2003 No. 7.
- (b) The following Clause 3.6 shall be inserted in General Local Law 2003 No. 7:

3.6 Building and Works Code of Practice

- 3.6.1 The Building and Works Code of Practice has been adopted by Council for the purposes of this Local Law and has the objectives of:
- (a) providing an environment where activity on and related to building sites and building works complement the safety and amenity of the public and the community;
 - (b) protecting public assets and infrastructure during building works; and
 - (c) providing for a permit system (Asset Protection Permit), including payment of a security deposit.
- 3.6.2 The whole of the Code is incorporated into and forms part of this Local Law.
- 3.6.3 The Code is available for inspection at the Council’s offices and service centres during business hours.
- 3.6.4 Council may amend the Code from time to time in accordance with the provisions contained in the Code.
- 3.6.5 An amendment does not take effect until notice of Council’s decision to amend the Code is published in the Government Gazette.

3.6.6 The person in charge of building works or a building site must ensure that: -

(a) An Asset Protection Permit is applied for and issued prior to commencing, or allowing to be commenced, any such building works; and

(b) Council's Code is complied with.

3.6.7 Clause 3.6.6 does not apply to minor building works.

3.6.8 In considering an application for an Asset Protection Permit under sub-clause 3.6.6, Council must have regard to the requirements of the Code.

1.9 Infringement Notice

(a) Clause 6.2 "Infringement Notice" shall be deleted from General Local Law 2003 No. 7.

(b) The following Clause 6.2 shall be inserted in General Local Law 2003 No. 7:

6.2 Infringement Notice

6.2.1 Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue to that person an infringement notice, in a form approved by Council, as an alternative to a prosecution for the offence.

6.2.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.

6.2.3 The amount to be paid under an infringement notice is:

(a) Clause 3.6 Building and Works Code of Practice:

(i) First Offence – 2 penalty units; and

(ii) Second Offence – 5 penalty units.

(b) Any other infringement - 1 penalty unit.

