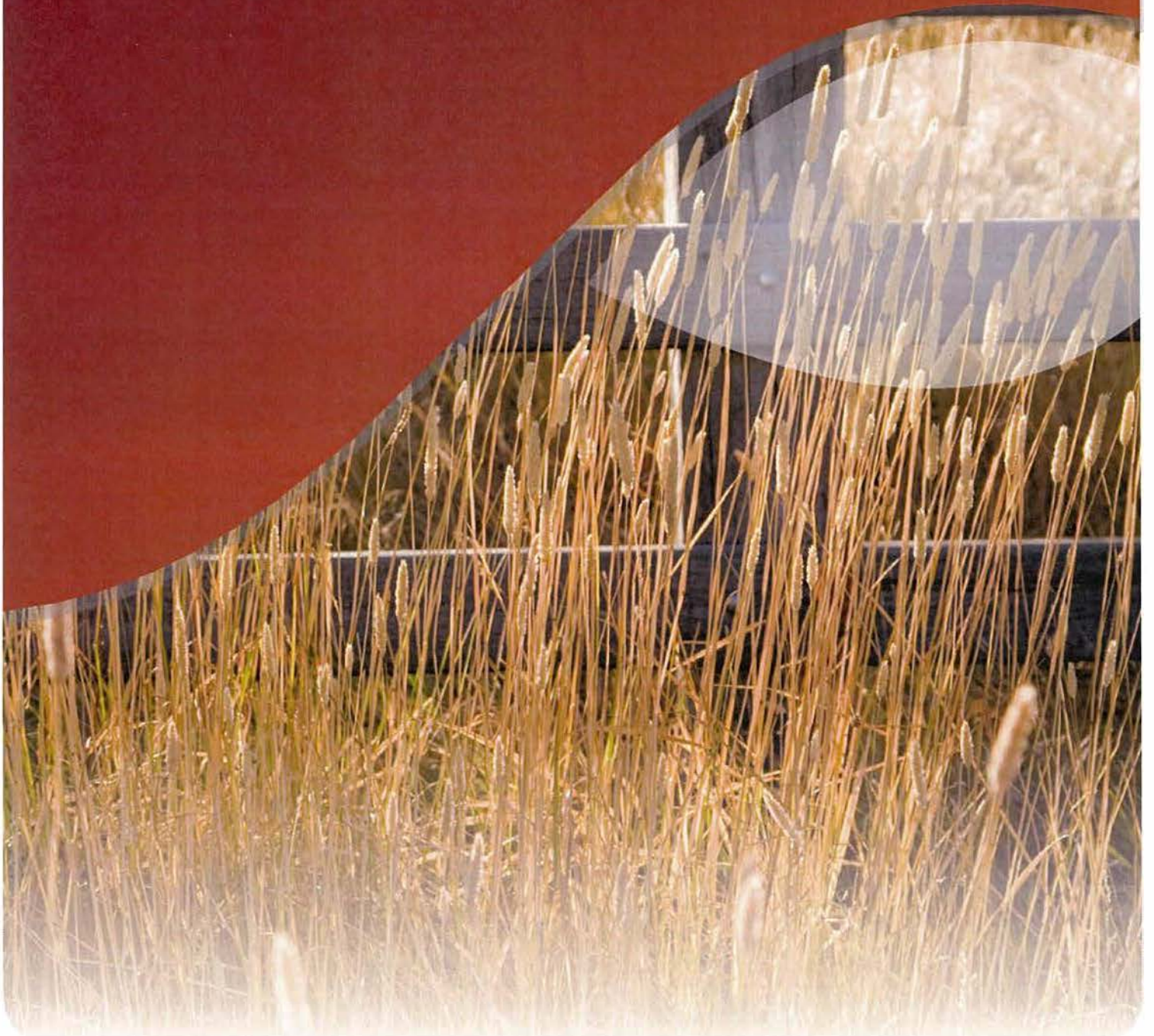




**Macedon
Ranges**
Shire Council

General Purposes and Amenity (Amendment) Local Law No. 13 of 2019



Macedon Ranges Shire Council

General Purposes and Amenity (Amendment) Local Law No. 13 of 2019

I certify that this is a true copy of a Local Law made by the Macedon Ranges Shire Council on 24 July 2019, in accordance with the requirements of Section 119 of the Local Government Act 1989 (the Act).

The notices required to be given by Section 119(2) of the Act were given in the Victorian Government Gazette No G15 of the 11 April 2019 page 12 and in newspapers circulating in the municipal district during the week beginning the 16 April 2019.

The notices required to be given by Section 119(3) of the Act were given in the Victorian Government Gazette No 36 of 5 September 2019 page 1823 and in newspapers circulating in the municipal district during the week beginning 9 September 2019

A copy of the Local Law was sent to the Minister for Local Government on 6 September 2019.

The Local Law came into operation on 24 July 2019 and will expire on 24 September 2023 or unless revoked sooner.

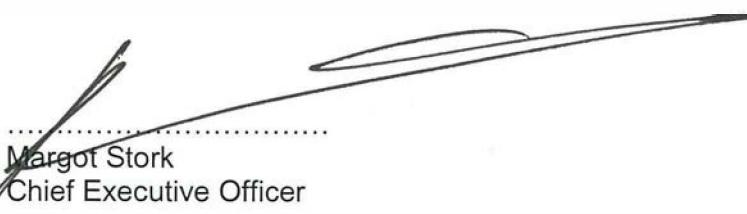
Margot Stork
Chief Executive Officer

The Common Seal of the
Macedon Ranges Shire Council

was hereto affixed on the
5 September 2019




.....
Cr Janet Pearce
Mayor of Macedon Ranges Shire


.....
Margot Stork
Chief Executive Officer

MACEDON RANGES SHIRE COUNCIL

GENERAL PURPOSES AND AMENITY (AMENDMENT) LOCAL LAW NO. 13 OF 2019

PART 1 – PRELIMINARY PROVISIONS

1. Title

This is the General Purposes and Amenity (Amendment) Local Law 2019.

2. Objectives

The objectives of this Local Law are to provide for the peace order and good government of Macedon Ranges Shire by

- (a) amending the *General Purposes and Amenity Local Law No.10 2013* to update the provisions applying to the use of Council land or roads so that the requirements keep pace with community expectations;
- (b) providing better clarity to traders and others by making it clear how Council policies and other incorporated documents will apply to uses and activities on Council land or roads; and
- (c) balancing the primary consideration of community safety with the need to create vibrant and sustainable towns by permitting sensibly regulated activities that address different community needs.

3. Authorising Provision

This Local Law is made under section 111 (1) of the *Local Government Act 1989*.

4. Commencement, Revocation and Area of Operation

This Local Law:

- (a) commences on 24 July 2019, except for the substituted clause 8(1)(d) in clause 7 which will come into operation on 1 July 2020;
- (b) unless it is revoked sooner, ceases to operate on 24 September 2023; and
- (c) operates throughout the whole of the municipal district.

5. Definitions

In clause 6 of the *General Purposes and Amenity Local Law No.10*, insert the following definitions:

mobile trading	means any vehicle, caravan, trailer, table, stall or other similar structure used for the purpose of selling food or offering goods or services for sale, including any food or drink (excluding alcohol).
trading	means: <ul style="list-style-type: none">• selling or offering or exposing or promoting the sale, supply, exchange or hire any goods, merchandise, commodity, article, thing or service; or• advertising for the purposes of soliciting sales, notifying people where goods or services may be obtained or advertising or directing people to an event or festival; or• a fundraising stall or activity operating to raise money for a community group, charity or not for profit organisation (excluding highway collections).

PART TWO – AMENDMENTS TO THE GENERAL PURPOSES AND AMENITY LOCAL LAW NO.10

6. New clause 6A in the General Purposes and Amenity Local Law No.10

After clause 6 of the *General Purposes and Amenity Local Law No. 10* insert:

“6A. Incorporated Documents

- (1) This Local Law incorporates by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- (2) It is intended that where an incorporated document is applied to a use or activity a person must comply with any or all of the requirements specified for that use or activity.”

7. Substitution of clauses in the General Purposes and Amenity Local Law No.10

For clauses 8, 9 and 10 of the *General Purposes and Amenity Local Law No. 10* substitute the following:

“8. Permits to use Council land or a Road for Trading

- (1) A person must obtain a permit before using Council land or a road for:
 - (a) selling or displaying any goods or services, handing out advertising or promotional material, soliciting sales, fundraising or collection activities;
 - (b) selling or advertising vehicles for sale or using vehicles to advertise premises where goods or services can be obtained from;
 - (c) busking, conducting events, festivals or processions, functions or ceremonies; or
 - (d) mobile trading.

Penalty: 5 Penalty Units

- (2) In addition to any conditions on a permit granted for using Council land or a road for trading, a person must comply with any other requirements applying to uses and activities on Council land or roads in the Council’s current Policies¹ or guidelines.

Penalty: 5 Penalty Units

- (3) The requirement for a permit in sub-clause (1) does not apply to:
 - (a) a member of Council staff, a person contracted by the Council or an employee of a utility carrying out their duties; or
 - (b) a person or organisation who has any other form of consent, including a lease or a licence to use the Council land or road.

9. Permit for Outdoor Dining

- (1) A person must obtain a permit to use Council land or a road² adjacent to their premises including where that use has a licence for the sale and consumption of alcohol under the **Liquor Control Reform Act 1998** for:
 - (a) outdoor dining; and

¹ Council Policies, including any that will apply to uses and activities regulated in this Local Law, are available on the Council’s website.

² The definition of “road” in the Local Law includes a footpath or nature strip.

- (b) the placement of furniture and other equipment used in association with outdoor dining.

Penalty: 5 Penalty Units

- (2) The requirement to obtain a permit in subclause (1) does not apply:
 - (a) where there is a planning permit for the use under the Planning Scheme; and
 - (b) where the planning permit contains conditions about furniture and other equipment used in association with outdoor dining for those items specified within the planning permit.
- (3) In addition to any conditions on a permit, a person must comply with any other requirements applying to items used in association with outdoor dining such as flags, dividing screens and barriers, umbrellas and heaters in the Council's current Policies or guidelines.
- (4) The requirement to comply with subclause (3) does not apply to items that are specified in the planning permit.

Penalty: 5 Penalty Units

10. Permit for Moveable or Temporary Advertising Signs

- (1) A person must obtain a permit to place moveable or temporary advertising signs on Council land or a road.

Penalty: 5 Penalty Units

- (2) In addition to any conditions on a permit, a person must comply with any other requirements applying to moveable or temporary advertising signs in the Council's current Policies or guidelines.

Penalty: 5 Penalty Units

- (3) The requirement to obtain a permit to place a moveable or temporary advertising sign does not apply to:
 - (a) a moveable or temporary advertising sign that requires a permit under the Planning Scheme; or
 - (b) signs for community events that comply with VicRoads *Community Signage Guidelines*.