



BOROONDARA CITY COUNCIL

STREET NUMBERING LOCAL LAW

Date Resolved By Council:	24 August 2020
Commencement Date:	28 August 2020
Revocation Date:	28 August 2030
Responsible Directorate:	Chief Financial Office (CFO)

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PART A – PRELIMINARY

1. Local Law

This Local Law is called the 'Boroondara City Council Street Numbering Local Law' and is made under Part 5 of the *Local Government Act* 1989.

2. Objectives

The objectives of this Local Law are to provide for the:

- 2.1. revocation of Council's existing Street Numbering Local Law 2010;
- 2.2. peace, order and good governance of the municipality;
- 2.3. protection and enhancement of the amenity and environment of the municipality through the uniform numbering of properties throughout the municipality;
- 2.4. display of street numbers that are of a style, size and colour as to be clearly visible to occupants from vehicles on the nearest adjacent road; and
- 2.5. uniform and fair administration of this Local Law.

3. Commencement

This Local Law commences on the day following the notice of its making being published in the *Victoria Government Gazette*.

4. Revocation Dates

- 4.1 This Local Law ceases to operate on a date that is 10 years after its commencement unless revoked earlier by Council.
- 4.2 Upon the commencement of this Local Law **Council's** Street Numbering Local Law 2010 is revoked.

5. Application of Local Law

This Local Law applies throughout the municipality unless specifically stated otherwise.

6. Definitions

Some of the words or terms in this Local Law are defined. They are identified in **bold** and have the following meanings in this Local Law:

Authorised Officer – means a person appointed by Council under section 224 of the *Local Government Act 1989*;

Council – means Boroondara City Council;

municipality – means the municipal district of Council;

notice to comply – means a notice to comply issued under this Local Law;

occupier – means the person who is for the time being in charge of land;

owner – means the person or persons for the time being entitled to be registered on Title as the owner of the land and where more than one person each of them jointly and severally;

penalty unit – has the same meaning as in the *Sentencing Act 1991*;

private land – means all land other than public land;

public land – means all land owned, leased, managed or occupied by a public body, including Council;

residential area – means an area zoned as Residential under the Boroondara Planning Scheme and includes an area which is predominantly in a Residential Zone under that Planning Scheme; and

road – has the same meaning as in the *Local Government Act 1989*.

7. Conflict with Other Legislation

This Local Law does not apply where any act or thing is authorised by or under any legislative instrument or Planning Scheme.

PART B – STREET NUMBERING

8. Property Numbers to be displayed

8.1. The **owner** of **private land** that has been allocated a street number by **Council** must mark the **private land** with the allocated street number.

8.2. Where the **private land** is in a **residential area** the allocated street number must be:

8.2.1. located on the front boundary alignment of the **private land**;

8.2.2. located as near as practicable to the driveway, letterbox or entry gate; and

- 8.2.3. of a style, size and colour so as to be clearly visible to occupants from vehicles on the nearest adjacent **road**.
- 8.3. Where the **private land** is in any area other than a **residential area** and the premises are business premises or otherwise, the allocated street number must be:
 - 8.3.1. located on the front of the premises as near as practicable to the entry or doorway; and
 - 8.3.2. of a style, size and colour so as to be clearly visible to occupants from vehicles on the nearest adjacent **road**.
- 8.4. It is an offence to fail to mark the **private land** with the allocated street number or to mark the **private land** with a number other than the allocated street number.

9. Powers of Council

Without affecting the operation of any particular provision of this Local Law, unless the contrary intention appears, everything that:

- 9.1. **Council** is capable of doing under this Local Law is also capable of being done by an **Authorised Officer**; and
- 9.2. An **Authorised Officer** is capable of doing under this Local Law is also capable of being done by **Council**.

10. Notice to Comply

- 10.1. Where **Council** or an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Council** or **Authorised Officer** may issue to the person a written **notice to comply** which:
 - 10.1.1. requires the person to stop the conduct constituting the offence;
 - 10.1.2. contains a direction indicating what action is required to stop the conduct constituting the offence;
 - 10.1.3. contains direction indicating what action is required to achieve compliance with the Local Law; and/or
 - 10.1.4. contains a direction to remedy any consequences arising from the conduct constituting the offence.
- 10.2. A **notice to comply** must include information about:
 - 10.2.1. the name of the alleged offender (if known);

- 10.2.2. the offence, and the provision of this Local Law it infringes;
- 10.2.3. the action required to stop committing the offence;
- 10.2.4. the time for compliance;
- 10.2.5. the date on which it was issued; and
- 10.2.6. the name and signature of the **Authorised Officer** or member of Council staff, as the case may be.

11. Reasonable time to comply

The time required by a **notice to comply** served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take the following into account if applicable:

- 11.1. the amount of work involved;
- 11.2. the degree of difficulty;
- 11.3. the availability of necessary materials or other necessary items;
- 11.4. climatic conditions;
- 11.5. the degree of risk or potential risk; and
- 11.6. any other relevant factor.

12. Failure to adhere to a notice to comply

- 12.1. Any person served with a **notice to comply** under this Local Law who fails or refuses to comply with the requirements of the **notice to comply** within the time specified in it is guilty of an offence against this Local Law.
- 12.2. If a person on whom a **notice to comply** is served fails to comply with the requirements of that **notice to comply**, **Council** or an **Authorised Officer** or any employee or any other person authorised in writing by **Council**, may enter upon any **private land** on which there is any such failure to comply and do all such acts, matters or things that are required to comply with the **notice to comply**.
- 12.3. All costs and expenses incurred by **Council** in carrying out any acts, matters or things described in sub-clause 12.2 are a debt due to **Council** from the person on whom the **notice to comply** was served.

13. Appeals

- 13.1. A person may request **Council** or an **Authorised Officer** to review an order, direction or notice issued in relation to him or her under a Local Law.
- 13.2. Where a request for review has been made under clause 13.1, the person requesting the review must do everything practicable to cooperate in the prompt review of the order, direction or notice.

PART C – ENFORCEMENT

14. Offences

A person is guilty of an offence if the person:

- 14.1. does something which a provision of this Local Law prohibits to be done or makes an offence;
- 14.2. fails to do something which a provision of this Local Law requires to be done; or
- 14.3. fails to comply with a **notice to comply** or a direction of an **Authorised Officer** under this Local Law.

15. Infringement Notice

- 15.1. Where an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised Officer** may issue to that person an infringement notice, as an alternative to a prosecution for the offence.
- 15.2. A person to whom an infringement notice has been issued must pay to **Council** the amount specified in the infringement notice within 28 days.
- 15.3. The infringement notice must contain:
 - 15.3.1. the name and address of the offender;
 - 15.3.2. the nature of the offence in general terms;
 - 15.3.3. the date, time and place of the offence;
 - 15.3.4. the amount of the fixed penalty, being one **penalty unit** or, in the case of a second or subsequent offence, three **penalty units**;
 - 15.3.5. the clause of this Local Law of the offence;

15.3.6. the time within which the penalty must be paid to avoid prosecution, and the place at which it can be paid; and

15.3.7. that the offender is entitled to disregard the infringement notice and defend the prosecution in Court.

15.4. To avoid prosecution a person to whom an infringement notice is issued must pay to **Council** the amount set out in the infringement notice within 28 days.

16. Penalties

If no penalty is specifically provided for in a provision in this Local Law, a person found guilty of an offence under this Local Law is subject to the following penalties:

- First offence – not more than 3 **penalty units**; and
- Second or subsequent offence – not more than 10 **penalty units**.

17. Additional Penalty

In addition to any penalty imposed pursuant to this Local Law, a penalty not exceeding 2 **penalty units** will apply for each day after conviction for an offence during which a contravention of this Local Law continues.

18. Costs Incurred by Council

A person who is guilty of an offence under this Local Law must pay to **Council** all reasonable costs incurred by **Council** in remedying the offence.

The Common Seal of the Boroondara
City Council was hereunto affixed in the
presence of:

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28 August 2020

Councillor

Chief Executive Officer

Date

