



CITY OF BOROONDARA

STREET NUMBERING LOCAL LAW

As amended by the
Miscellaneous Amendments Local Law
gazetted on 1 September 2011.

Date Resolved By Council	19 July 2010
Date Amended By Council	15 August 2011
Commencement Date:	6 August 2010
Revocation Date:	6 August 2020
Responsible Directorate:	Corporate Services

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STREET NUMBERING LOCAL LAW 2010

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:

- 2.1. The peace, order and good governance of the municipality;
- 2.2. The protection and enhancement of the amenity and environment of the municipality through the uniform numbering of properties throughout the municipality; and
- 2.3. The 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. Application of Local Law

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

5. 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;

Council-controlled land – means any land which Council occupies, manages or otherwise controls;

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;

permit – means a permit issued under this Local Law;

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;

public notice – means a notice appearing in a newspaper generally circulating within the municipality;

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;

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

6. 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

7. Property Numbers to be displayed

- 7.1. The **owner** of **private land** that has been allocated a street number by **Council** must mark the **private land** with the allocated street number.
- 7.2. Where the **private land** is in a **residential area** the allocated street number must be:
 - 7.2.1. located on the front boundary alignment of the **private land**;
 - 7.2.2. located as near as practical to the driveway and/or letterbox and/or entry gate, and;
 - 7.2.3. of a style, size and colour so as to be clearly visible from occupants of vehicles, including emergency vehicles and delivery vehicles, on nearest adjacent **road**.
- 7.3. 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:
 - 7.3.1. located on the front of the premises as near as practical to the entry/doorway; and
 - 7.3.2. of a style, size and colour so as to be clearly visible by occupants of vehicles, including emergency vehicles and delivery vehicles, on nearest adjacent **road**.
- 7.4. 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.

8. Powers of Council

Without affecting the operation of any particular provision of this Local Law, everything an **Authorised Officer** or any other specified person is capable of doing under this Local Law is also capable of being done by **Council** or its delegate.

9. Notice to Comply

9.1. Where an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised Officer** may issue to the person a written **notice to comply**, requiring that person to stop committing the offence.

9.2. A **notice to comply** must include information about:

- 9.2.1. the name of the alleged offender (if known);
- 9.2.2. the offence, and the provision of this Local Law it infringes;
- 9.2.3. the action required to stop committing the offence;
- 9.2.4. the time for compliance;
- 9.2.5. the date on which it was issued; and
- 9.2.6. the name and signature of the **Authorised Officer**.

10. 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:

- 10.1. the amount of work involved;
- 10.2. the degree of difficulty;
- 10.3. the availability of necessary materials or other necessary items;
- 10.4. climatic conditions;
- 10.5. the degree of risk or potential risk; and
- 10.6. any other relevant factor.

11. Failure to adhere to a notice to comply

11.1. 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.

11.2. 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**.

11.3. All costs and expenses incurred by **Council** in carrying out any acts, matters or things described in sub-clause 11.2 are a debt due to **Council** from the person on whom the **notice to comply** was served.

12. Power of Authorised Officer – Urgent Circumstances

Council or an **Authorised Officer** may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or which **Council** or the **Authorised Officer** considers necessary to prevent any danger to the environment or any nuisance arising, without serving a **notice to comply**, provided that:

12.1. the circumstance arises out of a person's use of **Council-controlled land**, a **reserve**, a **municipal building** or a **road** or failure to comply with a provision of this Local Law;

12.2. **Council** or the **Authorised Officer** considers the circumstance to be sufficiently urgent and that the time necessary to serve, or the potential difficulty in serving a **notice to comply** may place the person's life, health or property, or the animal, or the environment at risk or in danger of substantial detriment;

12.3. the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and

12.4. the person on whom a **notice to comply** under clause 13 would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.

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 14.1, the person requesting the review must do everything practicable to cooperate in the prompt and speedy 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. Penalties

If no penalty is specifically provided in a provision of this Local Law, a person found guilty of an offence under this Local Law is liable to a penalty not exceeding:

- (a) 3 penalty units for a first offence; and
- (b) 10 penalty units for each second or subsequent offence.

16. 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.

17. Costs Incurred by Council

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

18. Infringement Notices

18.1 Where an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised Officer** may issue and serve on that person an infringement notice as an alternative to a prosecution for the offence.

18.2 The penalty fixed for an infringement notice under this Local Law is 2 penalty units for each offence.

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

..... Councillor

..... Chief Executive Officer

..... Date

ENDNOTES:

This document does not bear Council's Common Seal as it is a version of the Street Numbering Local Law, incorporating amendments made by the Miscellaneous Amendments Local Law.

The Street Numbering Local Law was originally adopted by Council on 19 July 2010 and commenced on 6 August 2010.

The Miscellaneous Amendments Local Law was adopted by Council on 15 August 2011 and commenced on 2 September 2011 and made amendments to:

- Clause 15
- Clause 16
- Clause 17
- Clause 18

Copies of the original Local Laws can be obtained by contacting the Governance Department on 9278 4471.