



MELBOURNE CITY COUNCIL

**ACTIVITIES AND ENVIRONMENT
(GREENING MELBOURNE, VAPING
AND MISCELLANEOUS AMENDMENTS)
LOCAL LAW 2020**

**ACTIVITIES AND ENVIRONMENT (GREENING MELBOURNE AND MISCELLANEOUS
AMENDMENTS) LOCAL LAW 2020**

AMENDING LOCAL LAW

PART A

PRELIMINARY

Title

- 1.1 This Local Law is called the *Activities and Environment (Greening Melbourne, Vaping and Miscellaneous Amendments) Local Law 2020*.

What are the objectives of this Local Law?

- 1.2 This Local Law is made for the purposes of:
- (a) amending the Melbourne City Council Activities Local Law 2019 so as to:
 - a. insert a definition of green infrastructure and a new part 4A, ‘Greening Melbourne’, to enable a permit process to facilitate green infrastructure;
 - b. extend the definition of smoking to include vaping using an e-cigarette;
 - c. make miscellaneous consequential changes to clarify the intent and purpose of various provisions;
 - (b) amending the Melbourne City Council Environment Local Law 2019 to support the changes to the Activities Local Law 2019;
 - (c) making other minor updates and changes to the Activities Local Law 2019 and the Environment Local Law 2019; and
 - (d) providing for the peace, order and good government of the *municipality*.

What authorises this Local Law?

- 1.3 This Local Law is made under section 111 of the *Local Government Act 1989*.

When does this Local Law commence?

- 1.4 This Local Law commences on the date of its publication in the Victorian Government Gazette.

Sunset Provision

- 1.5 This Local Law ceases to operate when the Melbourne City Council’s Activities Local Law 2019 and Environment Local Law 2019 cease to operate.

To what part of the *municipality* does this Local Law apply?

1.6 This Local Law applies throughout the whole of the *municipality*.

PART B

AMENDMENTS TO THE *ACTIVITIES LOCAL LAW 2019*

2.1 In clause 1.11:

(a) Insert the following new definitions:

“*e-cigarette*” has the same meaning as in the *Tobacco Act 1987*.’

“*green infrastructure*” means:

- (a) plants, including street and community gardens
- (b) plants contained within a pot or container which may be on the ground or suspended from or connected to a building or structure
- (c) composting facilities
- (d) any item or thing attached to a *tree*
- (e) any other infrastructure that supports greening in the *municipality* as prescribed by the *Council*.’

(b) Delete the current definition of ‘smoke’ and substitute the following:

“*smoke*” means to:

- (a) smoke, hold or otherwise have control over an ignited *tobacco product*;
- (b) light a *tobacco product*; or
- (c) use an *e-cigarette* to generate or release an aerosol or vapour.’

(c) Amend the definition of *construction management plan* by:

a. inserting a new sub-clause (c):

‘(c) the impact on *green infrastructure* is minimised;’

b. re-numbering the existing sub-clauses (c) – (g) as a result.

(d) Amend the definition of ‘*design and construction standards*’ by deleting ‘in the Dockland Area’.

- 2.2 In clause 2.8:
- a. amend the title to read:
‘Protection of *trees* and *green infrastructure*’
 - b. add the words ‘or *green infrastructure*’ after the word ‘*tree*’ in both instances.
- 2.3 In clause 2.11 change ‘2.101’ to ‘2.10’.
- 2.4 In clause 3A.4, change ‘Part 2’ to ‘Part B’.
- 2.5 Insert a new Part 4A immediately after Part 4 as follows:

PART 4A

GREENING MELBOURNE

Introduction: This Part aims to support greening of and biodiversity within the *municipality* by creating a *permit* process to enable the placing of *green infrastructure* on *Council land* and any other *public place prescribed* by the *Council*.

Authorisation required for *green infrastructure*

4A.1 Without limiting the generality of clause 4.6 of this Local Law, unless:

- (a) in accordance with a *permit*, or
- (b) to do so is specifically authorised by and in accordance with the *Planning Scheme* or a planning permit issue under it, on which an animal hospital or veterinary practice is located;

a person must not place or erect green infrastructure in, on or over Council land or any other public place prescribed by the Council.’

- 2.6 In clause 7.3:
- (a) delete ‘the Office of Gas Safety’ and insert ‘Energy Safe Victoria’; and
 - (b) delete ‘Gasnet, VicGas and TXU’ and insert ‘relevant gas distributors as identified by Energy Safe Victoria’.
- 2.7 Amend the table in Schedule 1, by inserting a new row:

.1	Unauthorised <i>green infrastructure</i>	2.5
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PART C

AMENDMENTS TO THE *ENVIRONMENT LOCAL LAW 2019*

3.1 In clause 1.1, insert the following new definitions:

“approved green infrastructure” means *green infrastructure* permitted or authorised pursuant to clauses 4A.1(a) or (b) of the *Activities Local Law*.’

“green infrastructure” has the same meaning as in the *Activities Local Law*.’

3.2 In clause 3.1 change ‘his *premises*’ to ‘the *premises*’.

3.3 In clause 2 of the *Environment Management Plan*:

(a) delete the full stop at the end of sub-clause (c) and insert a semicolon; and

(b) insert a new sub-clause (d):

‘(d) support *approved green infrastructure* throughout the *municipality*.’

3.4 In clause 6 of the *Environment Management Plan* ‘Council Guidelines’:

(a) delete ‘or’ at the end of sub clause 6.1.4;

(b) insert a new clause 6.1.5:

‘6.1.5 supporting *approved green infrastructure*; or’; and

(c) re-number the current clause 6.1.5 as a result.