

# Pyrenees Shire Council

## General Local Law Community Impact Statement – February 2019

Pyrenees Shire Council provides the following information to the community in respect of the Local Law review and development of the General Local Law 2019.

### Part A- General Comments

#### Background

Pyrenees Shire Council undertook an extensive review of its current Local Law No. 2 Environment and Local Law No. 3 Streets and Roads in 2017 and 2018.

This has resulted in the creation of the Pyrenees Shire Council General Local Law.

This review and creation of the General Local Law has been conducted in accordance with the Better Practice Guidelines 2010 published by Local Government Victoria.

The General Local Law replaces Local Law No. 2 Environment and Local Law No. 3 Streets and Roads. The content of the General Local Law contains amendments to content and new content, which are detailed in Part C of this document.

The General Local Law contains all of Council's Local Law requirements except those relating to meeting procedures. Those requirements are contained in Local Law No.1 2012 (Meeting Procedures).

The use of agricultural scare guns was previously covered under Local Law No.4 2013. This local law has since lapsed and it has been determined that it is no longer required as a local law. The *Environment Protection Act* provides guidelines around noise control including the use of scare guns.

The General Local Law has been reviewed by Council's solicitors who confirm that it complies with all regulatory requirements.

#### Objectives

The objectives of this Local Law are set out in the General Local Law.

#### Overview

The introduction of new laws is the outcome of comprehensive internal consultation, community feedback and in-depth analysis of other Victoria Councils' Local Laws.

The new Local Law makes amendments to previous Local Law No.2 and Local Law No.3 content as outlined below.

Amendments made to the local laws include clearer phrasing, use of modern terminology, clearer processes for decision making and an improved consistency to ensure the laws are fair and applicable.

The removal of some existing laws has occurred due to them being no longer relevant or consistent with other legislation. Some existing laws have been amalgamated under a new or amended clause.

The General Local Law groups issues into one of five types:

Environmental Amenity and Property;  
Animals;  
Waste and Recycling;  
Community Safety and Public Places; or  
Management of Streets and Roads.

It amends clauses relating to the following issues:

- Dangerous or Unsightly Land
- Dilapidated Buildings
- Camping
- Temporary Dwellings
- Shipping Containers
- Incinerators and Open Air Burning
- Burning Offensive Materials
- Animal Numbers
- Animal Litter
- Droving of Livestock
- Livestock Fencing and Confinement
- Horse Riding
- Roadside Collection, Recycling, Trade Waste & Waste Hoppers
- Use of Municipal Transfer Stations
- Drainage Tapping
- Consumption of Alcohol in Public Places
- Street Parties, Festivals and Events
- Entertainment, Busking and Promotion
- Collections and Fundraising
- Displaying Goods for Sale and Outdoor Eating Facilities
- Roadside and Itinerant Trading
- Advertising Signs, Advertising and Bill Posting
- Recreation Vehicles in a Public Place
- Use of Scooters, Skateboards and other Wheeled Recreation Devices
- Trees and Plants not to Obstruct People or Traffic
- Vehicle Crossovers
- Displaying Property Numbers
- Development of Nature Strips and Road Reserves
- Parking Heavy Vehicles
- Vehicle Repairs in Public Places

- Occupation of Roads, Footpaths and Council Land
- Unregistered or Abandoned Vehicles and Unlawfully Parked Vehicles

Creates clauses and / or offences relating to:

- Light Pollution
- Private Access to Reserves
- Control of Building and Construction Sites
- Spoil on Roads
- Emergency Water/Standpipes
- Storage of Vehicles
- Roadside Grazing
- Wasps (infestation control)
- Wandering Animals
- Public Litter and Recycling Bins
- Hard Waste Collections
- Smoking in Public Places
- Damage to Council Assets
- Charity Collection Bins
- Shopping Trolleys
- Cattle Grids
- Collecting Firewood on Roadsides

Amalgamates clauses relating to:

- *Storage of Machinery or Second Hand Goods on Property* is now covered under the amended clause relating to *Dangerous and Unsightly Land* where there will be requirements for property owners to adhere to environmental amenity standards.
- *Noise from Business and Industrial Premises* and *Noise in a Public Place* are now covered under an amended clause regarding *Entertainment, Busking and Promotion*. Other noise issues that do not fall under this category are covered under the *Environment Protection Act 1970* and/or the *Public Health and Wellbeing Act 2008*.
- *Depositing Waste at Municipal Transfer Stations*. Existing clauses 7.4, 7.5, 7.6 and 7.7 from Local Law No.2 Environment, regarding depositing waste at transfer stations have been combined into one amended clause.

Revokes the following clauses:

- Recreation Vehicles on Private Land  
The original law only applied to the very specific Rural Conservation Zone. Through research and consultation it was determined that if someone was conducting activities that were

detrimental to the environment in such a zone there are powers under other existing legislation to deal with this.

- Mandatory Desexing of Cats

Council made an order on 13<sup>th</sup> November 2008 under Section 10 of the *Domestic (Feral and Nuisance) Animals Act 1994* that Mandatory desexing of cats is requirement for first time registered cats, except those exempt under 10B of *Domestic (Feral and Nuisance) Animals Act 1994* so it is not required as a local law.

- Cat Curfew

Council made an order on 13<sup>th</sup> November 2008 under Section 10 of the *Domestic (Feral and Nuisance) Animals Act 1994* requiring a night curfew for cats within township zones of Avoca, Amphitheatre, Beaufort, Landsborough, Lexton, Moonambel, Snake Valley and Waubra between the hours of sunset and sunrise, therefore it no longer required as a local law.

- Dogs on Leash in Townships

This is no longer required as a local law as Council made an order on 13<sup>th</sup> November 2008 under Section 26 of *Domestic (Feral and Nuisance) Animals Act 1994* requiring dogs to remain on leash within the business precincts of Avoca, Amphitheatre, Beaufort, Moonambel, Landsborough, Lexton, Snake Valley and Waubra. The dog on leash order also applies to sign-posted areas around schools and kindergartens. The *Domestic Animals Act 1994* also provides the requirement for dogs to be under effective control.

- Transportation of Waste

Not required as a local law as this clause is covered under the *Environment Protection Act 1970*.

- Good Order and Behaviour in Public Places

Not required as a local law as this clause is controlled under the *Summary Offences Act 1966*.

- Council Signs

Not required as a local law as council signs depict activities that are already covered or restricted by another law.

- Placing of Signs and Posts

Not required as a local law as this is covered under the *Road Management Act 2004*.

- Fences at Intersections

Not required as a local law as this is covered under the *Building Act 1993*.

## Part B- Comments on General Local Law Overall

<p>Measures of success of General Local Law</p>	<p>The main objective of the General Local Law is to protect the amenity of the Shire and the health and safety of the community.</p> <p>Council will measure the success of the Local Law as follows:</p> <ul style="list-style-type: none"> <li>• <i>The number of permits issued;</i></li> <li>• <i>The number, subject and outcome of complaints relating to Local Laws received;</i></li> <li>• <i>Monitoring and recording levels of non-compliance and compliance;</i></li> <li>• <i>Review of enforcement actions taken; and</i></li> <li>• <i>Cost to the community of fees once these are set by Council.</i></li> </ul> <p>Council will report annually to the community on the operation of the Local Law.</p>
<p>Existing legislation which might be used instead</p>	<p>The General Local Law will supplement existing state legislation administered and enforced by Council.</p>
<p>State legislation more appropriate</p>	<p>Council is of the view that each of the problems identified in relation to the General Local Law is a Council problem and that, accordingly, the provisions of the Local Law are an appropriate solution. Where Council has considered State Legislation is more appropriate to deal with particular issues, such clauses have been removed from the Local Law.</p>
<p>Overlap of existing legislation</p>	<p>Council believes that the provisions of the General Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>
<p>Overlap of planning scheme</p>	<p>Council does not believe any provision of the General Local Law overlaps, duplicates or creates any inconsistency with the Pyrenees Planning Scheme.</p>
<p>Risk assessment</p>	<p>Council has adopted a risk management approach to the review and development of the General Local Law.</p>
<p>Legislative approach adopted</p>	<p>Council believes in the minimum imposition on the community with Local Laws. The General Local Law reflects this approach by providing for:</p> <ul style="list-style-type: none"> <li>• reasonable penalties;</li> <li>• minimum possible number of provisions which create offences;</li> <li>• where possible, provision for permits rather than prohibition of activities;</li> <li>• reasonable and appropriate permit conditions which in the main are set out in the General Local Law; and</li> <li>• reasonable enforcement procedures including provision for the giving of warnings where appropriate, provision of an internal review</li> </ul>

	<p>process for infringement notices and refusal of permits.</p> <p>Council has ensured that the General Local Law:</p> <ul style="list-style-type: none"> <li>• is expressed plainly and unambiguously and in a manner consistent with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria;</li> <li>• is not inconsistent with the principles, objectives or intent of the enabling Local Government Act 1989 (Act);</li> <li>• does not make unusual or unexpected use of the powers conferred by the Act under which the local law is made having regard to the general objectives, intention or principles of that Act;</li> <li>• does not embody principles of major substance or controversy or constrain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation;</li> <li>• does not unduly trespass on rights and liberties of the person previously established by law;</li> <li>• does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions;</li> <li>• is not inconsistent with principles of justice and fairness; and</li> <li>• does not overlap or conflict with other statutory rules or legislation.</li> </ul>
<p>Restriction of competition</p>	<p>Council has conducted a review of the Local Law in accordance with National Competition Principles.</p> <p>Competition will be restricted in some instances because:</p> <ul style="list-style-type: none"> <li>• the benefits of the restriction to the community outweigh the costs; and</li> <li>• the objectives of the General Local Law can only be achieved by restricting competition.</li> </ul>
<p>Penalties</p>	<p>The penalty amounts established in the General Local Law are designed as a deterrent and considered appropriate. They are in line with the State Government’s penalty regime, will be reviewed annually and are scaled to reflect the impact of the offence on the community.</p>
<p>Permits</p>	<p>A number of provisions in the Local Law require permits for various activities to be obtained.</p>
<p>Fees</p>	<p>The Local Law allows Council to set fees annually and this will be done as part of the annual budget process.</p>
<p>Performance standards or prescriptive</p>	<p>Where appropriate and possible, Council has adopted a performance-based approach to Local Law provisions.</p>
<p>Comparison with neighbouring and like Councils</p>	<p>Council has compared the General Local Law with the existing Local Laws of the Councils listed below. Comparisons have been made on: Scope of provisions, approach to enforcement, review procedures, fees, penalties and</p>

	<p>permit conditions.</p> <p>Comparison with Councils that surround Pyrenees:</p> <ul style="list-style-type: none"> <li>• Ararat</li> <li>• Northern Grampians</li> <li>• Central Goldfields</li> <li>• Hepburn</li> <li>• Corangamite</li> <li>• Golden Plains</li> <li>• Ballarat</li> </ul> <p>Comparison with Councils of similar size to Pyrenees:</p> <ul style="list-style-type: none"> <li>• West Wimmera</li> <li>• Hindmarsh</li> <li>• Towong</li> <li>• Buloke</li> <li>• Yarriambiack</li> <li>• Loddon</li> <li>• Mansfield</li> <li>• Strathbogie</li> <li>• Gannawarra</li> </ul> <p>The purpose of conducting this exercise was to assess the similarities and differences between the Councils to ensure a best practice approach was adopted in the drafting of the General Local Law.</p>
<p>Charter of Human Rights</p>	<p>Council has assessed the General Local Law for compatibility with the Charter of Human Rights and Responsibilities Act 2006 in the development of the General Local Law to ensure that the Local Law does not encroach upon a person's basic human rights, freedoms and responsibilities.</p> <p>As a public authority, Council appreciates its obligation to ensure that Local Laws are interpreted and applied consistently with human rights. Council has assessed the Local Law for compatibility with the Charter and has found no inconsistencies.</p> <p>Any limitations are legitimate, reasonable and proportionate to the objectives and values of a free and democratic society.</p>
<p>Consultation meetings</p>	<p>In the process of developing the General Local Law, Council held several meetings to consult with stakeholders.</p> <p>Input from consultation conducted as part of the Pyrenees Futures town planning project with the various Communities of the main townships was utilised to also gauge the community views about their expectations around local law issues such as amenity and safety. The community views are reflected in the draft General Local Law.</p> <p>Extensive internal consultation with Staff and Councillors, both before and</p>

	<p>after compiling the draft, is also reflected in the General Local Law.</p> <p>Further consultation before completing the General Local Law sought to inform Business and Industry groups and members of the community who could be affected by the changes.</p> <p>The Community has been informed of the General and amended local laws and invited to make submissions through the Section 223 process.</p>
Submissions	<p>A submission process was conducted in accordance with the legislative requirements prescribed under Section 223 of the Local Government Act 1989.</p> <p>In summary, that process required the council to publish a public notice calling for written submissions in relation to the General Local Law. Those submissions were then considered by the Council as part of the consultation process.</p>

Part C- Comments on Specific Parts or Provisions of the General Local Law

Specific clauses that have been significantly amended or newly created clauses in the General Local Law are broken down in the following tables.

The General Local Law aims to support and fulfil Council’s objectives as set out in the Pyrenees Shire Council Plan 2017-2021 and other strategic policies.

**1. Preliminary**

<b>Clause(s), section or part of Local Law</b>	<b>Part 1 Preliminary</b>
Description or heading(s)	<b>1.8 Definitions</b>
Description of the problem the provision is intended to address	Consistency and clarity to some Definitions.  Some words were not previously defined, others were unclear, in jargon, or were open to interpretation.
How does General Local Law provision help achieve objectives?	Various definitions have been added, amended and removed. Definitions are clear, consistent with other legislation and use modern English.

**2. Administration**

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 Administration of this Local Law</b>
Description or heading(s)	<b>2.1 Application for Permit</b> <b>2.2 Considering Applications</b> <b>2.3 Duration of Permits</b> <b>2.4 Correction of Permit</b> <b>2.5 Cancellation of Permits</b> <b>2.6 Setting Fees and Charges</b>
Description of the problem the provision is intended to address	Provide consistency and clarity to the procedures and processes that apply to administering the Local Law. The existing local laws have inconsistencies with the procedures for assessing and processing Local Law matters.
How does General Local Law provision help achieve objectives?	Clearer procedures and decision pathways have been developed.  The Enforcement and Penalties sections are now separated from the Administration section and listed at the end of the Local Law document.

**3. Environmental Amenity and Property**

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.1 Dangerous or Unsightly Land</b> <b>3.2 Dilapidated Buildings</b>
Description of the problem the provision is intended to address	Clearer guidelines and powers to aid enforcement around safety and amenity on properties.  Existing laws do not allow Council to properly enforce breaches in amenity.
How does General Local Law provision help achieve objectives?	Clearly defined amenity requirements supported by new guidelines and procedures. Commercial and Industrial land is also covered by this clause to help address amenity issues with these land use types along with all other privately owned land.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.3 Camping</b> <b>3.4 Temporary Dwellings</b>
Description of the problem the provision is intended to address	Camping on public or private land and temporary dwellings on private land.  Unregulated camping and temporary accommodation presents a risk to health and safety of the individual, community and the environment.
How does General Local Law provision help achieve objectives?	Clearer regulations and set rules around when a permit is required. Requirement for all permit applications of these types to meet set criteria before a permit will be issued.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.5 Shipping Containers</b>
Description of the problem the provision is intended to address	Placement of Shipping Containers on properties.  Unregulated placement of Shipping Containers not covered by the Building Act or Planning Scheme can detrimentally affect the amenity of the surrounding area.
How does General Local Law provision help achieve objectives?	The changes to this local law aim to achieve high standards of amenity as well as compliance with the Building Act and Planning Scheme. Clearly defined amenity requirements for temporary permits will be supported by new guidelines and procedures.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.6 Incinerators</b> <b>3.7 Open Air Burning</b>
Description of the problem the provision is intended to address	Regulating the use of Incinerators and fires in the open air. Unregulated burning activities can cause potential safety and nuisance issues, particularly in residential and commercial areas where it can lead to a significant reduction in local air quality and community amenity.
How does General Local Law provision help achieve objectives?	This is an amended Local Law that prohibits the use of Incinerators in all areas except Rural Living, Rural Conservation and Farming Zones and then only under certain conditions.  Open Air Burning now requires a permit in all areas except Rural Living, Rural Conservation and Farming Zones, and in some cases a permit will be required even within those excluded zones.  This amended law aims to improve the ability for Council to manage potential nuisance and public safety.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.9 Light Pollution</b>
Description of the problem the provision is intended to address	Outdoor lighting causing a loss of amenity to any person or adjoining land or land in the vicinity.  Excessive outdoor lighting and floodlights can detrimentally impact an individual's ability to enjoy their property and also impacts the community access to sky dark enough to be suitable for astronomy.
How does General Local Law provision help achieve objectives?	This is a new law that may require residents to install baffling to dim the impact of lighting and time restrictions where floodlighting should be turned off.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.10 Private Access to Reserves</b>
Description of the problem the provision is intended to address	Private Access to Reserves or Council land. Land owners or occupiers creating their own unregulated gateways or access points onto Council land creates a public safety risk and possible environmental amenity issues.
How does General Local Law provision help achieve objectives?	This is a new law that prohibits land owners or occupiers from creating private access gateways or other means of access to Council land other than a road. Land owners or occupiers found to have existing private access to Council land may be required to remove it.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.11 Control of Building and Construction Sites</b>
Description of the problem the provision is intended to address	<p>Safety and amenity issues surrounding building and construction sites.</p> <p>Not all building and construction activities within the Shire are conducted in a safe and controlled manner.</p> <p>Discharge or disbursement of contaminated water, produce, soils or other substances into stormwater systems, roads and other land.</p> <p>Contaminated water being discharged into Council’s stormwater system can potentially damage Council’s assets and private property.</p>
How does General Local Law provision help achieve objectives?	This is a new Local Law that will provide regulation around containment of waste, site identification, fencing requirements and stormwater protection relating to building and construction sites that may impact the environment, safety and amenity of an area.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.12 Spoil on Roads</b>
Description of the problem the provision is intended to address	Contaminated soils, produce, liquid waste, grease and other like substances onto roads and other property could potentially spread weeds, soil-borne diseases and other hazardous material.
How does General Local Law provision help achieve objectives?	<p>This is a new Local Law that provides better control to protect Council’s land and assets, and the overall environment, safety and amenity of the Shire.</p> <p>The new clause 3.12 has been added which may require any person with contaminated wheels and tyres to ensure they are free of soil, earth, clay or like substances.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.13 Emergency Water / Standpipes</b>
Description of the problem the provision is intended to address	<p>The unregulated use of Council’s Emergency Water Standpipes.</p> <p>The emergency water system is a valuable Council asset which is currently being used in an unregulated and unmonitored manner.</p>
How does General Local Law provision help achieve objectives?	This is a new local law that aims to provide better regulation and control over the use of the Emergency Water Standpipes throughout the Shire.

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Environmental Amenity and Property</b>
Description or heading(s)	<b>3.14 Storage of Vehicles</b>
Description of the problem the provision is intended to address	Safety and amenity issues surrounding the storage of vehicles (registered or unregistered).
How does General Local Law provision help achieve objectives?	This is a new Local Law that will provide provision for a permit to be obtained for the storage of vehicles under certain conditions.

#### 4. Animals

<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Animals</b>
Description or heading(s)	<b>4.1 Animal Keeping</b>
Description of the problem the provision is intended to address	Provide control around the number and type of animals kept at properties within the Shire.  Previous laws around animal keeping numbers were confusing and allowed certain types of animals to be kept where they were not appropriate to the area or land size.
How does General Local Law provision help achieve objectives?	This amended local law provides clearer regulations around what is considered a domestic pet and what is considered Livestock and restricts the number and type of animals on properties on the basis of their Planning Scheme zoning.  There are also clauses for providing adequate housing and fencing, and a requirement for animals not to be kept in a way that is detrimental to the amenity of the surrounding area.

<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Animals</b>
Description or heading(s)	<b>4.3 Droving Livestock</b> <b>4.4 Roadside Grazing</b> <b>4.7 Livestock Fencing and Confinement</b>
Description of the problem the provision is intended to address	Control the droving and grazing of livestock on Council roads and require adequate fencing for livestock on private property.  Clearer guidelines were required to enable an Authorised Officer to make a decision about the granting of a permit for droving in regard to the safety of the animals and the general public.  Provision for roadside grazing was a new issue that was identified as needing addressing with a local law.  Livestock Fencing is covered under the Livestock Act but a provision to include as a local law allows for faster resolution and infringement procedure.
How does General Local Law provision help achieve objectives?	The amended local law clause 4.3 has been re-written to provide clearer provisions and will be supported by decision guidelines and procedures.  A new local law clause 4.4 has been included to allow permits for Roadside Grazing.  An amended local law clause 4.7 Livestock Fencing has been re-written and will allow and Authorised Officer to enforce breaches in the requirement for Livestock to be adequately fenced.

<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Animals</b>
Description or heading(s)	<b>4.6 Wasps</b>
Description of the problem the provision is intended to address	Wasp and bee nests that are allowed to develop, particularly in residential areas are a hazard to the safety of residents.
How does General Local Law provision help achieve objectives?	This is a new local law that will protect the safety and amenity residents and visitors by requiring the control of wasps and bees on land.

### 5. Waste and Recycling

<b>Clause(s), section or part of Local Law</b>	<b>Part 5 Waste and Recycling</b>
Description or heading(s)	<b>5.1 Roadside Collection</b> <b>5.2 Trade Waste and Waste Bins</b> <b>5.5 Use of Municipal Transfer Stations</b>
Description of the problem the provision is intended to address	Disposal of household waste and recycling, trade waste and the use of transfer stations.
How does General Local Law provision help achieve objectives?	Amendments have been made to these clauses making them clearer and amalgamating the details of related clauses. These Local Laws require that standards around the placement and use of bins, cleanliness and storage of bins, the emptying of bins and depositing waste must be complied with in regard to domestic waste and recycling, trade waste and transfer stations.

<b>Clause(s), section or part of Local Law</b>	<b>Part 5 Waste and Recycling</b>
Description or heading(s)	<b>5.3 Public Litter and Recycling Bins</b> <b>5.4 Hard Waste Collections</b>
Description of the problem the provision is intended to address	People using public litter and recycling bins for general household waste.  People leaving hard waste out in a manner that is unsafe or when there is no hard waste collection scheduled.
How does General Local Law provision help achieve objectives?	Two new local laws have been included to cover the use of public litter and recycling bins and hard waste collections.

### 6. Community Safety and Public Places

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.1 Consumption of Alcohol</b>
Description of the problem the provision is intended to address	The consumption and possession of alcohol in unsealed containers in public places.
How does General Local Law provision help achieve objectives?	The existing local law has been amended and now restricts alcohol in a Public Place not just on a road or road reserve, unless permitted under a Liquor License or in a Public Place designated by Council.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.2 Smoking in Public Places</b>
Description of the problem the provision is intended to address	Smoking in Public Places.  No smoking areas in public places are becoming increasingly expected by the community.
How does General Local Law provision help achieve objectives?	Council will be able to designate areas where it will be an offence to smoke in a designated smoke free area.  This supports State legislation that already regulates smoking around open air and recreation facilities where children play, outdoor dining areas and various other areas where smoking is now banned.  As the State Government enacts further legislation under the Tobacco Act there is a possibility that these provisions in the Local Law will become redundant.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.3 Street Parties, Festivals, Events and Commercial Activities</b>
Description of the problem the provision is intended to address	Unregulated occurrence of street parties, festivals and events on land controlled by Council.  Unless properly regulated, these events held on land controlled by Council may impact on the general amenity of a local area, damage assets, and/or present a risk to the health and safety of the general public.  Commercial use of our public spaces can impact the safety, access and amenity of the surrounding area.
How does General Local Law provision help achieve objectives?	This amended clause will require anyone organising a street party, festival or event, which does not require a Planning Permit, to ensure they allow adequate time to get a local law permit (now 60 days before event), have public liability insurance and make considerations for risk management.  This local law now also aims to regulate the use of Public Places by requiring a permit for commercial use of a Public Place to ensure that commercial use of a Public Place does not detrimentally impact the safety of other users, cause a hazard to pedestrians or vehicles, disturb adjacent property owners, destroy vegetation or Council assets.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.4 Entertainment, Busking and Promotion</b> <b>6.5 Collections and Fundraising</b> <b>6.10 Advertising and Bill Posting</b>
Description of the problem the provision is intended to address	Activities in a Public Place that can impact and cause a nuisance to individuals, businesses and the general community.
How does General Local Law provision help achieve objectives?	<p>An amended clause for Entertainment, Busking and Promotion (previously noise in a public place and noise from business and industry) requires a permit to conduct such activities unless permitted as part of an approved event.</p> <p>An amended clause for Collections and Fundraising has been made clearer and requires a permit and certain conditions to be met.</p> <p>An amended clause for Advertising and Bill posting has been modernised and made more relevant.</p> <p>These amended clauses aim to ensure activities are conducted in a manner that maintains public safety and does not create a nuisance.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.7 Roadside and Itinerant Trading</b>
Description of the problem the provision is intended to address	Roadside and Itinerant Trading activities can adversely impact other businesses by reducing trade to fixed premises where similar activities are conducted. They can also put pedestrians and other road users at risk if the location of trading activities is not regulated.
How does General Local Law provision help achieve objectives?	<p>Minor changes to this clause have been made to ensure that it reflects current times. When considering whether to grant a permit, consideration will be given to things such as type of business, trading times, location, the safety of other road users, pedestrian access and compliance with other regulations.</p> <p>Additional decision guidelines will be contained within a Council policy.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.6 Display and Sale of Goods</b> <b>6.8 Outdoor Eating Facilities</b>
Description of the problem the provision is intended to address	Restrictions required by the Disability and Discrimination Act and the Building Act require a minimum fixed pedestrian zone to be left accessible.
How does General Local Law provision help achieve objectives?	Amended clauses for the use of footpaths will require businesses to use footpaths in a way that provides for a fixed pedestrian zone, trading zone and kerbside zone.  A permit will be required to use the trading zone section of a footpath for placing goods for sale and outdoor eating facilities.  Additional decision guidelines will be contained within a Council policy.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.9 Advertising Signs</b>
Description of the problem the provision is intended to address	Advertising signs placed on Council land and roads can cause access problems and be a potential risk to other users of Council land or roads by reduced visibility. There are also areas within the Shire where the number of signs is excessive and impacts on the visual amenity of the area.
How does General Local Law provision help achieve objectives?	There will be an amended local law relating to Advertising Signs. In cases where advertising signs are not covered under the Council's Planning Scheme, there will be new regulations to ensure that the placement of advertising signs on Council land and trees, roads and road reserves is appropriate and safe.  A permit will be required to place advertising signs on Council land, including in the trading zone section of a footpath.  This aims to reduce the risk to pedestrians and drivers and permits may prescribe times that the signs can be in place and removed. It also aims to regulate signs in a way that is fair to business and industry.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.11 Display of Vehicles for Sale</b>
Description of the problem the provision is intended to address	Vehicles placed on road reserves and nature strips with for sale signs cause a distraction to other road users and impact the amenity of the surrounding area.
How does General Local Law provision help achieve objectives?	A new local law prohibiting the sale of vehicles in a public place has been created for similar reasons, to reduce the risk to pedestrians and drivers and to maintain the visual amenity of the area.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.12 Damage to Council Assets</b>
Description of the problem the provision is intended to address	Where works are conducted on Council land there are occasions where damage occurs that impacts Council Assets.  There are also issues at times where vegetation such as tree roots from private property can cause damage to Council assets such as footpaths and drains.
How does General Local Law provision help achieve objectives?	A new local law has been created to allow Council to require a person who has created damage to a Council asset to be responsible for the cost incurred by Council to reinstate and repair damage.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.13 Charity Collection Bins</b> <b>6.14 Shopping Trolleys</b>
Description of the problem the provision is intended to address	Charity Collection bins can become a hazard to public safety and affect the amenity of the surrounding area.  Abandoned shopping trolleys create amenity issues. Whilst not a major problem within the Shire now it has potential to become an issue as the populations of our major towns increase.
How does General Local Law provision help achieve objectives?	A new local law has been created to regulate the placement of Charity Collection bins.  The new Local Law for Shopping Trolleys will make it an offence for the retailer/owner to allow a shopping trolley to be left on any land road or public place unless a designated area has been set up for trolley return.

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Community Safety and Public Places</b>
Description or heading(s)	<b>6.16 Recreation Vehicles in a Public Place</b> <b>6.17 Use of Scooters, Skateboards or Other Wheeled Recreational Devices</b>
The problem the provision is intended to address Description of the problem	Recreational vehicles operated on Council land can be a general nuisance due to noise and potential damage to assets and the environment.  The use of scooters, skateboards and other wheeled recreation devices can also cause a nuisance and public safety issues.
How does General Local Law provision help achieve objectives?	An amended Local Law requires a permit for the use of recreational vehicles on Council land, unless the land is designated by Council for that purpose.  An amended Local Law for wheeled recreation devices (previously referred to as toy vehicles), allows Council to designate an area where they must not be used. This clause also requires the use of these devices to ensure  These laws aim to achieve higher standards of community safety and amenity.

## 7. Management of Streets and Roads

<b>Clause(s), section or part of Local Law</b>	<b>Part 7 Management of Streets and Roads</b>
Description or heading(s)	<b>7.1 Trees and Plants not to Obstruct or Obscure</b> <b>7.2 Vehicle Crossovers</b> <b>7.3 Display of Property Numbers</b> <b>7.5 Heavy Vehicles</b> <b>7.6 Working on Vehicles in Public Place</b> <b>7.7 Occupation of Roads, Footpaths and Council Land</b> <b>7.8 Unregistered or Abandoned Vehicles</b> <b>7.9 Removing and Impounding of Unlawfully Parking Vehicles</b>
Description of the problem the provision is intended to address	Control obstructions from private property impacting on Council land or roads, the installation and maintenance of vehicle crossovers/road openings.  Control of works and obstructions on roads, heavy vehicle parking in built-up areas, and unregistered, abandoned or unlawfully parked vehicles.  Problems associated with property numbers not properly displayed.
How does General Local Law provision help achieve objectives?	The above clauses have undergone minor amendments to ensure they reflect current situations, protect Council’s assets, maintain community safety and preserve the amenity of the surrounding areas.  Provisions have been added to ensure that the cost of any damage to Council’s assets is the responsibility of the person or persons who created the damage.

<b>Clause(s), section or part of Local Law</b>	<b>Part 7 Management of Streets and Roads</b>
Description or heading(s)	<b>7.4 Development of Road Reserves and Nature Strips</b>
Description of the problem the provision is intended to address	Planting trees and vegetation, and/or landscaping on nature strips and road reserves.
How does General Local Law provision help achieve objectives?	This amended Local Law expands on the provisions from the existing laws and aims to ensure any development on nature strips and road reserves does not impact Council assets, affect the safety pedestrians or road users, and impact the amenity of the surrounding area.

<b>Clause(s), section or part of Local Law</b>	<b>Part 7 Management of Streets and Roads</b>
Description or heading(s)	<b>7.10 Cattle Grids</b> <b>7.11 Collecting Firewood on Roadsides.</b>
Description of the problem the provision is intended to address	Control the construction and maintenance of cattle grids.  Control the collection of firewood on Council’s roadsides.
How does General Local Law provision help achieve objectives?	A new Local Law has been created to require anyone constructing a cattle grid to first obtain a road excavation permit. There are also provisions for Council to require the removal of any cattle grid and reinstatement of a road if it is not properly constructed or redundant.  A new Local Law has been created to allow residents to collect firewood on Council roadside provided they obtain a permit and adhere to any conditions set out on the permit.