

APPENDIX B

DAREBIN CITY COUNCIL PROPOSED GENERAL LOCAL LAW COMMUNITY IMPACT STATEMENT (DISCUSSION PAPER)

INTRODUCTION:

All Councils in Victoria have a form of local regulation called local laws. Councils' local law making powers come from the *Local Government Act 1989* (the Act). The original intention underpinning the capacity of Councils to make local laws was to provide ability for each Council to have controls that reflected the different circumstances and objectives of each Council and to provide a capacity for Councils to individually tailor requirements in response to how things were happening in their municipalities.

In Darebin's case, it has the General Local Law 2005, a broad based local law that regulates and controls certain activities in the municipal district, such as outdoor dining and other uses of the Council land and roads such as footpaths. It contains other measures intended to protect Council and community assets, such as requiring a permit for works on Council land or roads. Darebin's current General Local Law is quite different to the local laws of other Councils because it is broad based and not specific about every type of use and activity that it seeks to regulate.

Councils' local law making powers must comply with requirements in the Act which limits the life of a local law to 10 years, Darebin's General Local Law will cease to operate in mid-2015. This compels Council to undertake a review which is entirely appropriate given that during the usual 10 year life of a local law things change. The following changes may occur;

- State legislation might be enacted that makes a provision in a local law inconsistent or unnecessary.
- State legislation may be enacted where local laws supplement that legislation or are seen as a way of applying State government objectives adapted for local circumstances.
- Practical experience may highlight areas for improvement.
- Issues of concern may no longer be a concern or a different approach is needed.
- There may be new matters that emerge where the "force" of a local law control and a potential penalty is seen as a necessary deterrent.

PROCESS:

The proposed General Local Law results from extensive review and analysis of the General Local Law 2005 involving two key components – the requirements in the Act and community views. The review started with basic questions such as whether the controls in the Local Law are needed, what the risk to Council and the community could be if certain controls are not in place and whether relevant State legislation may be available to deal with the matter.

Act and Guideline Requirements

The Act sets out a number of restrictions and limitations on developing local laws such as a local law must not be inconsistent with any Act or regulation it cannot duplicate or be inconsistent with the Planning Scheme.

There are specific matters in Schedule 8 of the Act which must be taken into account when developing a local law. These include requirements that:

- a local law not make unusual or unexpected use of powers
- consideration be given to national competition policy principles
- demonstrate that competition is not restricted unless it can be shown that there are overriding community benefits
- the objectives of the local law can only be achieved by restricting competition.

The Act also requires Councils to have regard to any guidelines published by the Minister (for Local Government) about the preparation, content and format of local laws and information to be included in any explanatory documents prepared in relation to local laws. Guidelines were published by the Minister in 2010 and the matters raised in the Guidelines have been considered during the review and development of the proposed Local Law and this document.

In April 2014 consultation commenced internally to identify current issues associated with the enforcement of Council's existing local law. Council officers who work with the current Local Law on a daily basis have been involved in the preliminary stages of the review identifying areas that worked well, areas that did not work well, controls thought to be no longer needed and possible new controls that may be required over the life of the next Local Law.

Additionally, other matters considered for review purposes included:

- whether there is still a problem to address
- whether the objectives of Council are still being met
- if the impacts are as expected
- if the Local Law is still the most appropriate approach.

Several sessions were also held with officers, team leaders and coordinators from various Council departments that exercise functions under the current Local Law and their input obtained. This has helped address some functional areas where legislation enacted since the General Local Law 2005 was made, (e.g. the *Road Management Act 2006* which superimposed controls on a range of roads functions already exercised by Councils under the *Local Government Act*), and how such matters should be treated in a future local law.

There was also discussion and assessment of any new controls that might be needed or whether Council should become involved in some matters at all. For instance, the way in which noise complaints can be dealt with. The powers of local government in the relevant legislation are only specific in relation to domestic noise as it is defined in the *Environment Protection Act 1970* and the Environment Protection (Domestic Noise) Regulations. There are less clear powers provided to local government in relation to noise from other sources. Further, the (State) Government is often the subject matter expert and has the capacity and resources (testing equipment, standards etc.) to apply the law.

Another consideration is whether Council can meet expectations once controls are included in a Local Law. Other considerations include whether circumstances have changed since the Local Laws were originally made, whether there is sufficient resources available to adequately administer and enforce the Local Law and whether provisions could be improved to add to the clarity and enforceability of the controls.

There was analysis of complaints and concerns referred to Local Laws over the last three years, most of which were raised on behalf of community members. These were in relation to noise, waste control and litter from commercial properties. From the internal consultation, issues associated with the enforcement of Council's existing local law were raised.

From this preliminary analysis, the key changes proposed for Darebin's new Local Law are as follows:

- identifying all permits issued by Council and referenced in the local law
- aligning the definitions of the local law with other relevant legislation and policies
- aligning the local law with relevant policies or introduction of a procedures and protocol manual to be used in conjunction with the local law
- ensuring that trailers, boats and caravans can no longer be stored on Council roads and land
- improving the ability for Council to control behavioural issues in parks and public land
- treating nature strip consistently with unmade right of ways in the municipality
- introducing the ability to control activities on any land other than Council (including private land)
- introducing the maximum numbers of animal and birds that may be kept without a permit and animal litter – previously contained in Council's Animal Management Strategy
- improving the ability for Council to manage potential nuisance uses and activities from residential and commercial premises such as:
 - odour from wood fire heaters
 - noise
 - waste including litter
 - management of storm water
- introducing the ability for Council to place time restrictions for residential and commercial placement of bins out for collection
- introducing additional requirements for management of domestic and commercial waste
- introducing a scale of penalty units for offences under the local laws
- introducing general clauses for offences under the local law.

Community involvement

Community consultation and information sessions were provided during July, August and September 2014 seeking opinions on the value of the current controls and suggestions about what should be addressed in a new Darebin Local Law. On 9 September 2014, a dedicated session was held with Darebin businesses to ascertain opinions on existing controls and the direction that any new controls should take. This session considered current controls that apply to commercial activities such as outdoor dining, street trading, displaying goods for sale and advertising signs on footpaths.

Although attendances were low, the comments received were useful, feedback generally positive and supportive of the general approach a new local law.

An information session was also available to local neighbourhood houses and the following advisory committees that function under the auspices of Council on 30 September 2014.

- Active and Healthy Ageing Community Advisory Board
- Darebin Aboriginal Advisory Committee
- Darebin Anti-Racism Strategy Steering Committee
- Darebin Bicycle Advisory Committee
- Darebin Community and Kite Festival Reference Group
- Darebin Disability Advisory Committee
- Darebin Environmental Reference Group
- Darebin Health Steering Committee
- Darebin Housing Advisory Committee
- Darebin Interfaith Council
- Darebin Local Safety Committee
- Darebin Transport Advocacy Committee
- Edwardes Lake Park Reference Group
- Friends of Bundoora Park Advisory Committee
- Municipal Emergency Management Planning Committee
- Preston Business Advisory Committee

Information and feedback was also received from the following advisory committee groups through their regular meetings.

- Darebin Environmental Reference Group
- Darebin Health Steering Committee
- Darebin Bicycle Advisory Committee
- Darebin Disability Advisory Committee

Running concurrently with the consultation sessions, information on the local law review was advertised on Council's website, articles in Darebin's Community News and the Darebin Mayor's column of the local papers. Posters were also placed in all Customer Service areas and Real Estate Style bill boards were placed each ward along major roads and precincts within the Municipality.

In addition an online survey (66 completed surveys) was available on Council's website and also a preliminary – 2014 Annual Community 2nd Quarter survey (200 completed surveys) asking some basic questions about the Local Law. Hard copy surveys were also sent to all applicable permit holders.

Survey responses confirmed a number of the concerns identified through internal and community consultation. They are divided into five categories: roads and footpath activities, keeping pets, neighbourhood amenities, bins and commercial activities (see Appendix B4 for details of survey results).

The responses received from the consultation and surveys helped form the approaches to several matters now specifically dealt with in the proposed General Local Law 2015. There will be further public forums and the proposed Local Law 2015 will also be subject to the mandatory Section 223 submission process with the required public notices in accordance with the Act.

Following these sessions Council officers considered the comments on specific topics and other matters raised. The proposed Local Law 2015 results from consideration of all the viewpoints made during the initial process.

The Guidelines emphasize the need for Councillor and community involvement in the development of local laws and extend beyond the requirements of Section 223 of the Act. The process applied by the Council has exceeded the requirements in the Act.

Council remains responsible for determining the final form of the Local Law and the policy decisions that underpin it. This will be informed by any submissions made during the statutory process conducted under Section 223 of the Act.

Councils as a public authority under the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) must also ensure that a proposed local law is not incompatible with a human right or, in making a decision, fail to give proper consideration to a relevant human right. If a proposal restricts or interferes with a right, consideration needs to be given to determining whether the restrictions are reasonable and demonstrably justified under the Charter. This is addressed in further in this document.

SUMMARY OF THE PROPOSED DAREBIN GENERAL LOCAL LAW:

What are the differences between the existing and proposed Local Law?

The objectives that drive the Local Law remain substantially the same, building on existing objectives and including new ones having regard to the Council Plan. The controls are directed at achieving and regulating matters affecting community harmony, limiting impacts on amenity, the environment and public safety.

The current General Local Law 2005 is general broad based and not specific about uses and activities that it seeks to regulate. This has caused ambiguity and inconsistencies in interpretation and application of the current Local Law 2005. The matters currently regulated are:

- commercial activities on Council property
- protection of Council property and assets
- open air burning
- the condition (and appearance) of land
- the incorporation of the previous Animal Management Strategy
- numbering properties
- liquor control
- street parties, festivals and events on Council property.

When compared with the content and style of Local Laws of other Councils, the current Local Law could be viewed as being too broad, lacking clarity and not adequately addressing certain uses and activities such as works on a roads, the impact of building sites, waste management and more (passive) uses of Council land. It requires careful reading to understand its full scope. For example, the current clause 9 which is about the protection of Council property and assets requires a permit to commence or undertake any works on Council property. Works is not defined or examples provided in the Local Law so its ordinary meaning needs to be applied.

In implementing the 2010 State Government's Guidelines on Best Practice Local Law making, substantial changes have been made to the structure, content and style of the proposed Local Law. The new structure is based on the customer's perspective. Individual and community rights are also a priority, with clear expectations of appeal rights and fair and reasonable procedures.

These views and concerns have influenced the content and style of the proposed Local Law. The significant change in approach (that is, the detail and the contents) is thought to promote better community understanding of the laws that apply in the local area and will assist Council's authorised officers with the administration and enforcement of the proposed Local Law, particularly when challenged about their capacity to do so.

Other influences on the proposed Local Law result from a review of relevant State legislation that has been enacted since the General Local Law was made in 2005, different language and drafting styles now being used in legislation, an emphasis on achieving compliance with standards rather than total regulation by permit and other legislation that supports all legislation such as the *Interpretation of Legislation Act 1984*.

The proposed Local Law 2015 sets out the uses and activities regulated. Some uses and activities will require a permit; others must comply with requirements and standards in the Local Law or in policies or other documents incorporated into the Local Law, and some uses and activities will be prohibited.

Even though the proposed Local Law is far more detailed than the current Local Law, the majority of its provisions are based on the existing Local Law which the community has had in place in some form or another since the mid 90's. The following controls have been improved:

- general requirements applying to commercial premises
- the consumption and possession of alcohol in open containers in areas declared by the Council
- animal management in public places and on private land
- asset protection which includes the regulation of private building sites
- commercial uses of Council land, including use by recreation service providers and food trucks
- the use of Council land (previously Council property) and roads, which has been extended to include behaviour
- the condition and appearance of land and buildings
- planting and changing nature strips
- vehicles on Council land and roads
- works and obstructions on Council land and roads
- various administration and enforcement powers.

The following new controls have been introduced to regulate the following uses and activities:

- asbestos removal
- busking
- camping and caravans on Council land and roads and on private property
- maintenance of private drains and interference with Council drains
- fundraising, collections and market research
- external lighting of properties
- noise from a range of activities
- shopping trolleys
- smoke free areas
- waste management – domestic, hard waste and commercial.

These new controls result from the consultation undertaken and views about what matters could emerge during the life of the Local Law which the community may look to the Council to resolve.

During the preliminary review some topics were suggested for inclusion in the proposed Local Law, such as litter and parking restrictions but these are regulated by the *Environment Protection Act 1970*, the *Road Safety Road Rules 2009* and the *Road Safety Act 1986* respectively. It is not possible to include matters in the Local Law to the extent that they are dealt with in State legislation. Conversely, there was clear support from the community surveys for regulating smoking in outdoor dining areas. While relatively recent changes to the *Tobacco Act 1987* have introduced a prohibition in some areas, such as children's playgrounds, there are no current restrictions in other public places such as outdoor areas used by restaurants. The clear support for having such controls resulted in them being included in the proposed Local Law 2015 but in recognition that if the Government enacts legislation in the future the Local Law provisions could be inoperative.

Details of the changes and the factors that confirmed their inclusion in the proposed Local Law are listed further in this report.

APPLICATION OF THE LOCAL LAW:

Local Laws apply to all land in the Municipal district, irrespective of ownership.

STRUCTURE OF THE LOCAL LAW:

The Local Law falls into three parts, these being:

- preliminary
- uses and activities regulated by the Local Law
- administration and enforcement.

Part 1 – Preliminary:

Clauses 1 - 8 set out legislated requirements that must be addressed in local laws such as the name of the local law, commencement date and the authority for making the Local Law.

Part 2 – Uses and Activities regulated by this Local Law:

Clauses 9 - 44 contain the substantive provisions regulating various uses and activities on land in the municipal district. The uses and activities are dealt with in alphabetical order based on the common description usually applied to them. This has been done to simplify the Local Law and for ease of reference.

Part 3 – Administration and enforcement:

Clauses 40 - 54 set out the processes about applying for permits and the various administrative requirements to guide the Council in the application of its local law. It allows for exemptions from permits in certain circumstances.

This Part also deals with enforcement of the Local Law. These provisions are not new. They exist in the current Local Law, but they have been modified to take into account other legislation such as the *Infringements Act 2006* which regulates the infringement notice (“on the spot” fine system). There are a range of measures that an authorised officer of the Council can use to ensure that the Local Law is being followed. These include a power to direct in urgent circumstances or for public safety reasons, a power to act in urgent circumstances and a power to impound. Other “tools” include a power to warn and a power to serve a “notice to comply” which puts a person on notice about a Local Law breach but gives them an opportunity to remedy the breach or to take the action prescribed in the notice to comply before any further action is taken.

Infringement notices can be issued for any contravention of the Local Law. The penalties for an infringement notice are usually approximately half of the maximum amount that can be imposed by a Magistrate if a matter goes to court.

The Local Law incorporates and applies Council Policy, Codes and Guidelines to some of the uses and activities in the Local Law, an approach supported by the Act. The Policy contains the detail and the standards that will apply to many activities. The Local Law makes it clear that additional matters may be applied by the incorporated Code or Policy and that in addition to penalties for failure to obtain a permit, penalties may be applied for failing to comply with any relevant parts of the Policy.

CONCLUSION:

The General Local Law 2015 results from an extensive review of the current Local Law. It proposes reasonable changes based on the existing General Local Law 2005 to achieve better amenity, safety and public health objectives for the community and to complement legislative measures enacted by the State Government.

This discussion paper has been prepared to assist further discussion and review by Councillors and staff about the proposed changes. It will also be used to inform and assist the community in the formal review of the proposed Local Law on some of the key matters that are fundamental to making local laws. Key matters that have been taken into consideration in the review and remaking of the General Local Law are addressed further in this report.

APPENDIX B1 - Key uses and activities regulated by the Local Law

1. Administration of Council's powers and functions

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| <p>The problem the local law intends to address</p> | <p>The General Local Law 2005 is seen to be too general, simplistic and difficult for authorised officers to navigate. It is considered that this makes it difficult for the public to understand what is required by the Local Law. The approach taken for the new Local Law is to enhance the existing General Local Law by including more detailed and specific requirements supported by new definitions, specific uses and activities rather than the current broad and general approach and better application of incorporated documents.</p> |
| <p>Action/change</p> | <p>The Local Law is divided into three key parts.</p> <p>The first is the preliminary part which contains new definitions and the objectives of the Local Law that are focussed on the following areas:</p> <ul style="list-style-type: none"> • community amenity • community safety • environment • protection of council • community assets. <p>This part also contains the statement of use of incorporated documents, other standard provisions that are required and where the local law applies – e.g. throughout the whole of the municipal district.</p> <p>The second part is the substantive section of the local law which lists in alphabetical order the uses and activities regulated by the Local Law including uses and activities that require a permit, uses that require compliance with the local law or standards prescribed in documents incorporated by reference and uses that are prohibited.</p> <p>The third part of the local law is the administration and enforcement provisions which provide more process around the permit system and better clarity around the powers of an authorised officer (see Part 1 of the proposed Local Law).</p> |
| <p>Perceived benefits</p> | <p>This is considered a better form of local law as it provides increased clarity and guidance to authorised officers and the community.</p> |
| <p>Perceived disadvantages</p> | <p>Removing the broad based approach may mean that controls are limited to those specifically mentioned in the Local Law. In relation to specific uses and activities it may be difficult to respond to new matters that might emerge which under the current Local Law could be treated as falling within its broad parameters.</p> |

2. Community amenity

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| <p>The problem the local law intends to address</p> | <p>Animal management & welfare in public places and on private land.</p> |
| <p>Action/change</p> | <p>More detailed provisions have been included that deal with animals in public places, controls around unleashed dogs and the clean-up of dog waste (faeces). Introduction of the maximum numbers of animal and birds that may be kept without a permit (previously contained in Council’s Animal Management Strategy).</p> <p>A prohibition has been inserted to ensure that dogs, cats and birds are not fed in public places.</p> <p>More detailed provisions have been inserted in relation to animal management on private land. Standards applying to animal shelters and distances from adjoining land have also been adapted from the former Domestic Animal Management Strategy.</p> <p>There is a clear prohibition on roosters whereby no new roosters will be permitted on land in the Municipal district after the Local Law comes into operation.</p> <p>New provisions have been inserted to try and reinforce the provisions in the Domestic Animals Act 1994 concerning responsible dog and cat breeding.</p> <p>(See clauses 12-14)</p> |
| <p>Perceived benefits</p> | <p>Inclusion of controls about unleashed dogs and cleaning up dog waste is a new requirement. It makes the Local Law consistent with the approach of other Councils. The prohibition on feeding animals in public places is also new. It is hoped that this will reduce the growing numbers of stray and feral cats in the Municipal district. In relation to the feeding of birds control, this is to reduce the congregation of birds to prevent noise and waste from droppings becoming a potential nuisance affecting neighbouring properties and public land.</p> <p>The Number and Types of Animals Permitted Table serves as a guide to the community and authorised officers about the number of animals that are considered to be a reasonable limit to be kept on land to minimise the prospect of nuisances occurring from animals.</p> <p>The standards about animal housing and how they may be kept on private land identifies measures that can be applied to minimise nuisances.</p> <p>The prohibition on nuisance roosters is in response to ongoing complaints received by Local Laws officers and should eliminate this nuisance source.</p> |

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| <p>Perceived disadvantages</p> | <p>Management of animals in both public and private situations remains one of the most emotional and controversial matters to enforce. The opposing views that were submitted to Council in relation to the controls (which were previously contained in the previous Animal Management Strategy made under the Domestic Animals Act) are testimony of these views.</p> <p>Enforcement of these matters is usually not straightforward and takes considerable time and negotiation to resolve.</p> <p>There is a contrary view that the prescription that limits number and types of animals that can be kept does not eliminate the problem of nuisance animals as one animal can cause a significant nuisance to an adjoining property.</p> |
| <p>The problem the local law intends to address</p> | <p>Commercial activities on Council land and roads - using footpaths for outdoor dining, displays of goods and fundraising are the most common uses and have been occurring for a while. Limited busking occurs in the City and it was suggested in community consultation that it needed to be promoted and supported by regulation.</p> <p>There are persisting complaints to Council about litter and general cleanliness, smell, noise and access as a consequence of these commercial activities.</p> <p>More recently, food trucks have been setting up in proximity to commercial zones and restaurants selling similar food. Commercial recreation service providers have been using Council parks and reserves to provide recreation services, often in competition and at the expense of other users. There is Council policy relating to the latter activity but no means of adequately enforcing any form of control.</p> |
| <p>Action/change</p> | <p>The current Local Law regulates the use of commercial activity on footpaths and nature strips and is supported by Darebin's Footpath Trading Policy which identifies where goods can be placed on the footpath, providing adequate pedestrian access. A permit is required to use Council land and roads for the purposes listed above which has been expanded to include all commercial uses and activities on Council land and roads.</p> <p>Stronger and specific requirements are included in the proposed Local Law requiring owners and occupiers to take steps to ensure that activities do not impact detrimentally on people or property in the neighbourhood because of unreasonable noise, smell and litter.</p> <p>The Local Law will regulate commercial recreation providers (including hot air balloon operators), food truck operators and buskers by designating areas where those activities can be conducted subject to obtaining a permit.</p> <p>(See clauses 18, 20 – 24 & 28)</p> |

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| <p>Perceived benefits</p> | <p>The new controls applied to commercial operators on Council land and roads is an attempt to balance the impacts of those activities on residents living in close proximity.</p> <p>It is recognised that food trucks and commercial recreation activities in parks and reserves provides a certain vibrancy and lifestyle opportunities in the Municipality. The regulation of commercial recreation providers and food truck operators by limiting them to designated areas is also an attempt to ensure they do not affect the operations and business of bricks and mortar businesses. Similar controls are applied by other councils in Melbourne. Fundraising and market research will also be limited to designated areas. This is intended to address a number of concerns raised in relation to fundraising and collections where the tactics used by people approaching residents at ATMs for example are considered to be intimidating, harassing and annoying.</p> <p>As private space becomes a premium, both in terms of access and affordability, commercial recreation service providers are offering outdoor recreation services. These providers are currently accessing Council land. Council is supportive of increasing use of its parks and reserves for outdoor activities but there is competing use for access to limited public space. Additionally, complaints have started to emerge about the consequences of these activities including noise, restricted access, competition for space and impacts of ancillary services on council land such as parking, showers, buildings and toilets. It is proposed that the Local Law will incorporate the Recreational Trades in Open Spaces policy that currently applies and to continue a permit system to be able to use Council land for such purposes. This will provide the scope to enforce permit conditions applying to the use.</p> |
| <p>Perceived disadvantages</p> | <p>While some commercial users of Council land are aware and abide by the Local Law and policy controls in place, there are others that do not comply due to the compliance costs associated with their activities and place extra strain on Council parks.</p> <p>The increased permit and hence monitoring requirements could increase the resources needed by Council to adequately enforce the requirements of the Local Law.</p> <p>In some cases, such as a dispute between a person and a commercial operator because of loss of amenity, the dispute is not able to be resolved quickly. The increased general requirements in the Local Law could create a perception that these matters are easily enforced and addressed.</p> |

3. Amenity

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| <p>The problem the local law intends to address</p> | <p>Appearance of land and buildings</p> |
| <p>Action/change</p> | <p>More detailed provisions are proposed in the proposed Local Law which expand on the existing provisions, to deal with the condition of land and buildings that may be unsightly and detrimental to the character neighbourhood or which could be a danger or risk to people or property in the vicinity.</p> <p>Shipping containers are increasingly available for purposes beyond their original function of high speed cargo handling and are a convenient form of temporary storage; however they can be an unsightly intrusion on neighbourhood amenity.</p> <p>(See clause 29)</p> |
| <p>Perceived benefits</p> | <p>These provisions guide the authorised officer to determine whether the condition of a land or building contravenes the Local Law, and also guides the community on the condition and appearance that will be treated as unsightly, detrimental or a risk. Such conditions include excessive vegetation, second hand and inoperable goods and machinery on land, graffiti on external walls and fences and other structures including shipping containers on the land.</p> |
| <p>Perceived disadvantages</p> | <p>In some cases, the resolution of unsightly land complaints is complex. The provision in the Local Law could be perceived as onerous and limiting the use of a person's land. It also provides a black and white solution for specific conditions and may not apply to other issues not considered.</p> |
| <p>The problem the local law intends to address</p> | <p>Noise from domestic and commercial premises.</p> <p>Improving the ability for Council to manage potential nuisance uses and activities from residential and commercial premises.</p> |
| <p>Action/change</p> | <p>Specific controls have been applied to try and minimise the noise from footpath activities, building sites and other domestic activities such as air conditioners, swimming pool pumps etc.</p> <p>In relation to footpath and outdoor dining activities, the proposed Local Law makes it an offence to cause unreasonable noise, specifically from the collection or delivery of goods, amplified music or patrons of the premises. The Local Law applies the habitable room test.</p> <p>Domestic noise controls will be based on EPA standards applying to a range of uses - e.g. air conditioners, swimming pool pumps, refrigeration units, deliveries to shops and public address systems that are dealt with in the EPA Noise Control Guidelines.</p> |

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| | <p>Noise from building sites will be regulated by prescribing times when building works cannot be done on building sites.</p> <p>(See clauses 16, 21& 24, 31)</p> |
| Perceived benefits | <p>These controls are similar to provisions of local laws of other councils experiencing the same problems. During consultations many people raised these issues, often commenting on their unresolved nature.</p> <p>Inclusion of the requirements in the Local Law sets clear parameters for the operators of commercial premises and builders, especially those in close proximity to established residential areas.</p> <p>The application of the EPA's Noise Control Guidelines provides an independent set of criteria developed by the noise experts that can be one of the tools used by authorised officers to determine whether an offence has been committed or not.</p> <p>Noise related controls have been incorporated to improve amenity and raise the desirability of living in the Municipality.</p> |
| Perceived disadvantages | <p>Noise complaints are one of the most commonly raised matters with Council health, planning, building and local laws officers. The substantive noise provisions are contained in the Environment Protection Act and Regulations. Council officers are given clear powers under that legislation in relation to residential noise but resolution and enforcement are not straightforward. Nor do Council officers necessarily have expertise in the area. This necessitates external assistance which can incur considerable costs to Council in trying to resolve a problem that may only be the problem of one person in the Municipality.</p> <p>Care has been taken in drafting this law so that casual or vexatious persons cannot use it to impede normal commercial, building or other activities.</p> |

4. Amenity, public health and safety

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| The problem the local law intends to address | Appearance of land and buildings |
| Action/change | <p>New provisions have been inserted to make it clear that people must comply with any signs, conditions or entry or conditions of membership that apply to the use of Council land.</p> <p>There are also new requirements to identify acceptable standards of behaviour on Council land so that other people's enjoyment of that land is not interfered with.</p> <p>The proposed Local Law will continue the requirement that a permit be obtained to conduct a street party, festival or event.</p> <p>(See clauses 25 & 38)</p> |
| Perceived benefits | The new provisions will improve the ability for Council to control behavioural issues in parks, reserves and Council land by identifying what the applicable requirements are and the standards to be complied with. |
| Perceived disadvantages | The provision could increase expectations that Council has a capacity to regulate all activities on private land. |

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| The problem the local law intends to address | Smoking in public areas. |
| Action/change | <p>Council will be able to designate areas where it will be an offence to smoke in a designated smoke free area.</p> <p>The proprietors of commercial premises may be required by Council to erect "smoke free area" signs.</p> <p>(See clause 37)</p> |
| Perceived benefits | State legislation which came into operation in late 2013 went part of the way to regulating smoking around open air and recreation facilities where children under age are playing sport. It is clear from the preliminary surveys undertaken, that the community was very supportive of banning smoking in outdoor dining areas. |
| Perceived disadvantages | It is possible that as the State Government enacts further legislation, the provisions in the Local Law will become redundant. |

5. Amenity, public health and safety

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| The problem the local law intends to address | Nuisance from external lighting |
| Action/change | Requirement that outdoor lighting installed on land does not cause loss of amenity to any person or adjoining land or land in the vicinity. (See clause 30) |
| Perceived benefits | It is highly likely that this will become an increasing complaint to Council as land is redeveloped in close proximity to commercial and industrial uses where activities might be conducted 24/7 or security lighting is considered essential due to the nature of the business conducted on the land. The provision is intended to reduce another source of nuisance. |
| Perceived disadvantages | In some cases disputes may be difficult to resolve as lighting (such as lighting used for security purposes) may not be able to be installed satisfactorily to reduce its impact. |

6. Community health and safety

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| The problem the local law intends to address | Proliferation of advertising signs placed on Council land and roads which can cause access problems and be a potential risk to other users of Council land or roads by reduced visibility. There are areas within the Municipality where the number of signs is excessive and impacts on the visual amenity of the area. |
| Action/change | The Local Law will regulate signs up to 1.5 square metres which are placed on Council land and roads. (See clause 10) |
| Perceived benefits | The majority of advertising signs are covered under Council's Planning Scheme but there are some signs that are not captured (such as fingerboard/pointer signs) that are located on fences, medium strips and road reserves. The new provision will ensure that signs up to 1.5 sq. metres will be regulated by permit. This will enable Council to determine appropriate locations to reduce risk to pedestrians and drivers and prescribe times that the signs can be in place and removed. |
| Perceived disadvantages | The requirement could increase administration and enforcement costs. |

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| The problem the local law intends to address | The consumption and possession of alcohol in open containers in public places. |
| Action/change | The existing restrictions in the General Local Law 2005 whereby Council can designate areas and times where alcohol cannot be consumed or be in open containers will be retained in substantially the same form. (See clause 11) |
| Perceived benefits | This provision is enforced by Victoria Police and works efficiently. |
| Perceived disadvantages | There are no disadvantages from continuing the restriction which has been in operation for at least the last 10 years in the municipal district. |

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| The problem the local law intends to address | Asbestos removal and transport |
| Action/change | <p>This is a new provision directed at filling a gap which exists under current State legislation - <i>Occupational Health and Safety Regulations 2007</i> – which does not deal with asbestos below a specified amount. The new local law provision proposes to regulate asbestos removal and transport where the amount does not exceed more than 10 square metres.</p> <p>(See clause 15)</p> |
| Perceived benefits | It is considered that with the redevelopment of land, particularly residential buildings, that there is a likelihood of asbestos being present in those buildings and the application of additional controls seeks to limit potential impacts. |
| Perceived disadvantages | There could be some additional removal costs for residents undertaking home renovations. |

7. Amenity

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| <p>The problem the local law intends to address</p> | <p>Potential loss of amenity if camping and occupation of caravans on private land is not controlled.</p> |
| <p>Action/change</p> | <p>There are instances where caravans on private land are being used for permanent accommodation. This has the potential to impact residents in adjoining properties.</p> <p>Permit control will enable such matters as noise, litter and sanitation to be addressed by permit conditions.</p> <p>A permit will also be required to camp, which includes sleeping in tents or vehicles on private land.</p> <p>Camping or use of caravans on Council land will be prohibited unless it is within a caravan park.</p> <p>(See clause 19)</p> |
| <p>Perceived benefits</p> | <p>Generally the use of caravans as permanent accommodation is regulated by the <i>Residential Tenancies Act 2010</i>. This legislation does not apply to private land that is not a licensed caravan park.</p> <p>The proposed permit approach will help regulate these activities so that potential nuisance impacts on adjoining land is minimised.</p> |
| <p>Perceived disadvantages</p> | <p>It is possible that caravans are being used on private land as a cheap alternative form of accommodation. The requirements of the Local Law could impose additional compliance costs.</p> <p>As with many issues identified in relation to amenity, the <i>Charter of Human Rights and Responsibilities</i> was carefully considered and the limitation of the freedom of private property owners was offset against the community impact of some activities on private land which create issues of community amenity.</p> |

8. Amenity and public safety

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| <p>The problem the local law intends to address</p> | <p>Fires in the open air - improving the ability for Council to manage potential nuisance uses and activities from residential and commercial premises.</p> |
| <p>Action/change</p> | <p>Existing controls in the current local law have been expanded. The current local law prohibits incinerators and fires in the open air. The proposed Local Law will continue the prohibition but will extend to other open air fires and fires causing a nuisance because of smoke or odour. It is proposed that a person must not burn materials or substances in a wood fire oven or heater that is dangerous to the health and safety of the person or offensive to a person because of what is being burnt. For example, wet, treated or painted wood which emits thick smoke into neighbouring properties might constitute an offence.</p> <p>The provision also contains new restrictions on fires on Council land, such as parks and reserves.</p> <p>(See clause 27)</p> |
| <p>Perceived benefits</p> | <p>Nuisance smoke is one of the main areas of complaint to Council. Its effect on health complaints, such as asthma, is well documented. The expanded Local Law provisions should assist in reducing hazards to health and overall nuisances caused by smoke.</p> <p>The restrictions on fires on Council land should assist with reducing risk to people and the environment caused by fires not being properly extinguished when people leave a reserve or park.</p> |
| <p>Perceived disadvantages</p> | <p>The inclusion of expanded provisions in the Local Law will not necessarily prevent nuisances from occurring but will create an expectation that they can be eliminated. As with most nuisance uses and activities, the practicalities of enforcement and resolution of complaints can be expensive and is difficult and lengthy.</p> |

9. Public safety

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| The problem the local law intends to address | Property numbers – identification of properties |
| Action/change | The current local law has provisions requiring the property number to be displayed. These provisions are continued. (See clause 32) |
| Perceived benefits | It is essential, particularly for emergency services to quickly identify properties. |
| Perceived disadvantages | There are no perceived disadvantages. |
| The problem the local law intends to address | Shopping trolleys - increased numbers of shopping trolleys being dumped in public places. |
| Action/change | New and more onerous requirements have been inserted into the proposed Local Law 2015. The new provisions will make it an offence for the retailer to allow a shopping trolley to be removed from the retailer's land or to be left on any land road or public place unless a designated area has been set up for trolley return. (See clause 36) |
| Perceived benefits | It seems that for some retailers, it is easier and cheaper to replace the trolleys dumped on public roads and other public places than to collect them from Council's pound and pay the impounding fees. Discussions with retailers have mixed results where retailers are diligent for a while but the problem seems to return. |
| Perceived disadvantages | There will be increased costs to retailers for compliance with this requirement; however, new technology is becoming available which should help in reducing the problem. |

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| The problem the local law intends to address | Planting on nature strips |
| Action/change | <p>The proposed requirement to obtain a permit to plant trees and plants on the naturestrip expands on existing requirements in the General Local Law 2005.</p> <p>In 2013, Council adopted the GreenStreets Streetscape Strategy which contains requirements applying to nature strips. To give that Policy better enforcement capacity (to minimise risk) the Strategy has been incorporated into the Local Law and a permit will be required to landscape the nature strip or plant or remove nature strip or any item, or locate or fix any item or infrastructure on the nature strip. There will be provision for an exemption from the permit requirements if landscaping complies with the standards prescribed in the strategy.</p> <p>(See clause 39)</p> |
| Perceived benefits | There is an increasing trend for land owners/occupiers to either landscape or plant vegetable gardens on nature strips which come under Councils care and management. It is known that trips and falls on footpaths remain one of the largest insurance claims against council insurance policies. The permit requirement provides an opportunity for Council to be aware of locations where there could be increased hazards to pedestrians and to apply appropriate conditions and limitations on the activity. |
| Perceived disadvantages | Dealing with the permit requirement by exception means that Council is not always going to be in a position of knowing where landscaping works have been done on the naturestrip. As a result, Council accepts the potential risk from the activities of adjoining owners/occupiers. |

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| The problem the local law intends to address | Vehicles left on roads - ensuring that trailers, boats and caravans can no longer be stored on Council roads and land |
| Action/change | <p>Clearer provisions have been inserted to provide better scope for unregistered vehicles, abandoned & non-functional vehicles, trailers and motor-homes etc. being left on roads or on Council land.</p> <p>(See clause 40)</p> |
| Perceived benefits | These controls are intended to remove potential hazards and enhance pedestrian safety as well as maintain neighbourhood amenity. |
| Perceived disadvantages | There are no disadvantages from being able to regulate and enforce this requirement. |

10. Environment and Amenity

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| The problem the local law intends to address | Household waste & hard waste collection – the way in which bins are left for collection. |
| Action/change | <p>New controls will be included in the proposed Local Law 2015 applying a range of requirements relating to the use of domestic waste bins provided by the Council as part of its domestic waste management service. These include a requirement that the bins are not be placed out for collection more than 24 hours before collection day and returned to their property within 24 hours of collection.</p> <p>There are also provisions which will prohibit certain waste from being put into the domestic waste collection such as oil and oil filters, paints, solvents and hazardous waste.</p> <p>New requirements will apply to hard waste left for collection which must be in accordance with the hard waste conditions of collection and a prohibition on any person, other than an authorised person, removing hard waste left for collection.</p> <p>(See clauses 41, 42 & 43)</p> |
| Perceived benefits | <p>One of the biggest areas of complaint to Local Laws is litter and the management of bins left for collection. The new requirements applying to household waste collection will be a way in which Council will be able to tackle litter, bins and their contents spilling onto roads and unsuitable waste being sent to landfill.</p> |
| Perceived disadvantages | <p>There are no disadvantages from being able to regulate and enforce this requirement</p> |
| The problem the local law intends to address | Commercial waste – the way in which bins are left for collection, including on Council roads, odour and litter. |
| Action/change | <p>New requirements will apply to commercial waste bins to eliminate problems caused to access, odour and litter. There will be a permit requirement to leave a commercial waste bin on Council land or specific requirements must be complied with if there is no other option than for the commercial waste bin to be on Council land.</p> <p>Specific requirements include that the bins be identified with the address of the property that they are provided to and a requirement that the bins not be placed out for collection any earlier than 5pm before collection day and returned to their land no later than 10am on collection day.</p> <p>(See clause 44)</p> |

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| <p>Perceived benefits</p> | <p>Commercial waste arrangements may include provision of commercial waste bins from commercial providers or bins from the Council. Because of the nature of the Municipality it is often necessary for commercial waste bins to be placed out for collection on Council roads and other public places. The requirements are intended to address a significant number of complaints that are received about the difficulties caused to access, the type of litter being deposited outside of these bins and of the obstructions that they can cause on a public land and Council roads.</p> <p>The permit requirement will enable Council to be aware of bins located on Council land and roads and will enable better monitoring to reduce the associated risks.</p> |
| <p>Perceived disadvantages</p> | <p>There are no disadvantages from being able to regulate and enforce this requirement.</p> |

11. Protection of Council and community assets

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| The problem the local law intends to address | Building sites – impacts and damage caused to Council assets. |
| Action/change | <p>The proposed Local Law will continue the requirement for an Asset Protection Permit to be obtained prior to the commencement of building works on a building site.</p> <p>The Local Law will also contain requirements about the payment of security bond.</p> <p>Importantly there will be controls prescribed about the hours of operation to minimise the impact of construction noise on residents.</p> <p>There will also be powers in the Local Law enabling appropriate conditions to be placed on a permit to ensure that building works have limited effect on surrounding land including erection of perimeter fencing, disposal of litter, proper sanitary facilities and containment of storm water.</p> <p>(See clause 16)</p> |
| Perceived benefits | Clear and expanded requirements will enable Council to better regulate building sites to minimise impacts on adjoining land and on Council/community assets. It will enable Council to take preventative measures to limit damage to assets or to restore them to their previous condition without any cost to the Council/community. |
| Perceived disadvantages | There are no disadvantages from being able to regulate and enforce this requirement. |
| The problem the local law intends to address | <p>Works and obstructions on roads arising from bulk rubbish containers, shipping containers, road openings, fencing and excavations for services.</p> <p>Obstructions from private property impacting on Council land or roads.</p> |
| Action/change | <p>The proposed Local Law continues permit requirements for people undertaking works or placing obstructions on Council roads. Works affected by the new requirements include excavating a road occupying or fencing off part of a road or leaving a bulk rubbish container or building materials on a nature strip.</p> <p>The current Local Law 2005 contains requirements about obstruction caused to Council land or roads from overhanging branches, trees or shrubs etc. Those provisions are expanded to include verandahs or awnings overhanging above a road or an item affixed to the exterior of premises.</p> <p>(See clauses 33, 34 & 35)</p> |

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| Perceived benefits | <p>The permit requirement allows Council to be aware of and monitor works and obstructions on roads. It enables appropriate conditions to be applied to minimise risk to public safety and damage to Council assets. The permit requirements facilitate the consent required under the Road Management Act 2006 for some of the activities dealt with in the provision.</p> <p>The provisions applying to obstructions on roads will allow Council to eliminate risks to users or Council roads or land from various obstructions.</p> |
| Perceived disadvantages | There are no disadvantages from being able to regulate and enforce this requirement. |

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| The problem the local law intends to address | Vehicle crossings – installation, damage and maintenance. |
| Action/change | <p>The permit requirements in the existing Local Law 2005 for new vehicle crossings will be expanded and clarified. Further, a permit will be required to alter a vehicle crossing. People using a vehicle crossing to access their property will be required to maintain the crossing.</p> <p>Council will be able to require that vehicle crossings be repaired or reinstated if necessary.</p> <p>(See clause 17)</p> |
| Perceived benefits | The permit requirement allows Council to control what happens to the infrastructure on its roads. |
| Perceived disadvantages | There are no disadvantages from being able to regulate and enforce this requirement. |

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| The problem the local law intends to address | Drains – care and maintenance, nuisance, interference with Council assets |
| Action/change | <p>Specific provisions have been included in the proposed Local Law 2015 requiring a permit where a person is proposing to undertake any works in a council drain or to construct anything that might result in an obstruction to a council drain. The Local Law also clarifies that the maintenance and discharge of the drain to a legal point of discharge is the land owners' responsibility.</p> <p>(See clause 26)</p> |
| Perceived benefits | The amended provisions will provide increased clarity to Council officers and landowners. The existing Local Law 2005 is ambiguous in the application of requirements to storm water drains on private land and their impact on council infrastructure. |
| Perceived disadvantages | There are no disadvantages from being able to regulate and enforce this requirement. |

12. Administration and Enforcement

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| <p>The problem the local law intends to address</p> | <p>Expansion and clarification of the administration and enforcement powers under the Local Law.</p> |
| <p>Action/change</p> | <p>Substantive provisions are included that apply a range of administrative processes on Council and clearly set out the enforcement powers of authorised officers. In addition to the prescription of new forms where items have been impounded and a Notice to Comply, Schedule 3 sets out the infringement penalties applicable where infringement notices are issued for offences against the Local Law.</p> <p>There are new provisions that provide for a permit holder to make a submission in relation to a proposed amendment or cancelation of a permit. Time limits are imposed on both the permit holder and the Council in such circumstances.</p> <p>(See Part 3 & Schedules 1-3)</p> |
| <p>Perceived benefits</p> | <p>The new provisions bring the Council's Local Law into line with other Local Laws in Victoria. It reinforces that issuing an infringement notice under the Local Law is a last resort measure by outlining other measures that can be applied to achieve compliance with the Local Law. It provides far more certainty for authorised officers as to how they can exercise their powers.</p> <p>The capacity for a person to make submissions in relation to a permit cancellation or amendment is consistent with the legal concept of procedural fairness.</p> |
| <p>Perceived disadvantages</p> | <p>There are no disadvantages from being able to regulate and enforce this requirement.</p> |

APPENDIX B2

OTHER MATTERS TAKEN INTO CONSIDERATION IN REVIEW AND DEVELOPMENT OF THE GENERAL LOCAL LAW

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| State Legislation | <p>The <i>Local Government Act 1989</i> (the Act) gives Councils the authority to make local laws in relation to their powers and functions. The Act also imposes limitations and restrictions on those local law making powers as mentioned in the first part of this Paper.</p> <p>A local law cannot duplicate or be inconsistent with State legislation. Some State legislation provides power to Council officers as authorised officers to enforce that legislation. For instance, litter can be dealt with by authorised (Council) officers under the <i>Environment Protection Act 1970</i> and parking controls can be enforced under the <i>Road Safety Act 1986</i> and related Road Rules. The proposed amendments have been reviewed to ensure that there is no duplication or overlapping with State legislation and to ensure that there is no inconsistency. Some of the proposals have been drafted to complement State legislation where Councils are required to exercise functions and duties under that legislation. For instance, the smoke free areas provisions in the Local Law. In the absence of certainty about the direction of such initiatives in State Government smoking is still allowed in outdoor dining areas. The controls in the Local Law were considered appropriate recognising that it is possible that some provisions of the Local Law could become inoperative in the future if the State Government decides to regulate this activity.</p> <p>Some provisions have been included in the proposed Local Law 2015 recognising that some State legislation is under review such as the EPA's Noise Control Guidelines.</p> <p>The Local Law contains penalties for offences against the Local Law and allows infringement notices to be issued to offenders. The requirements and the processes and procedures, including review of an infringement notice issued, are dealt with under the <i>Infringements Act 2006</i>. The relevant provisions in the Local Law have been reviewed to make sure that there is no inconsistency with the requirements of the <i>Infringements Act</i>.</p> |
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| <p>Objectives of the Local Law</p> | <p>As part of the General Local Law review process, the objectives of the existing Local Laws were reviewed. This involved an assessment against the goals in the Darebin City Council Plan 2013 – 2017. Key goals relevant to the proposed Local Law are:</p> <ul style="list-style-type: none"> • Vibrant City and Innovative Economy • Healthy and Connected Community • Sustainable and Resilient Neighbourhoods • Thriving and Creative Culture. <p>The objectives of the proposed Local Law have been expanded to reflect the outcomes that the Council wants for the community.</p> <p>The objectives of Local Laws are generally the same across municipalities. They are concerned with achieving community amenity and environmental objectives as well as neighbourhood harmony and public safety outcomes for the community. The objectives also have a broader focus in that they are directed at maintaining a healthy and safe environment, promoting community expectations about lifestyle and creating a sense of community pride in the Municipality as a place to live and do business.</p> |
| <p>Legislative approach</p> | <p>Schedule 8 of the Act sets out what a local law must and must not do. One of the requirements is for a local law to be expressly consistently with the Act and in accordance with modern drafting standards applying in Victoria. Taking into account “personal” styles, the Local Law has been drafted having regard to the Schedule 8 requirements.</p> <p>The Local Law sets out matters that are regulated by permit, matters that require compliance with requirements in the proposed Local Law 2015 or with Council policy or standards incorporated by reference in the Local Law. This is an approach which is allowed by the <i>Local Government Act</i>. Where this occurs Council must ensure that those documents are kept up to date and available for inspection. The proposed Local Law 2015 identifies activities and uses that are prohibited.</p> <p>The Local Law provides a system for administration and enforcement of the Local Law. It identifies a series of steps that can be taken to achieve compliance with the requirements of the Local Laws. Infringement notices can be issued as an alternative to prosecution if the other measures have not achieved compliance. The enforcement of the Local Law is based on achieving the objectives.</p> |

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| <p>Comparison with other Councils</p> | <p>Most of the controls set out in the proposed Local Law 2015 can be found in the local laws of adjoining Councils.</p> <p>The prescription and detail associated with particular uses and activities in local laws will vary depending on the extent of a problem within a municipality and the extent to which that detail is perceived as necessary.</p> <p>The local laws of adjoining Councils contain more or less prescription of similar regulated activities and uses when compared to the proposed General Local Law. For instance, some Councils may have particular problems with amenity and environmental matters created by what is being done on building sites. For others this could be caused by the noise coming from building sites so an emphasis will be placed on controls to eliminate that problem. For others, the experience could arise from damage to Council roads and other assets so there will be provisions that are directed at reducing that impact and ensuring that those who cause the damage are responsible for reinstating the asset to its pre-existing condition.</p> <p>When compared to adjoining Councils, there are no unusual provisions in the proposed General Local Law 2015.</p> |
| <p>Local Law performance</p> | <p>Local Laws are as much a guide to the community about appropriate use and behaviour associated with certain uses and activities on Council land and private land as they are an enforcement tool of the Council.</p> <p>While there are some permit activities and uses and compliance standards to be observed, enforcement powers in the Local Law are generally used as a last resort when a person fails to respond reasonably to a request to stop a breach or fail to implement remedial measures prescribed when a Notice to Comply is issued.</p> <p>Generally Darebin does not rely on enforcement of its Local Laws through issuing infringement notices. The approach, if a matter is not urgent or safety is not being compromised, is for a person breaching the Local Law to be advised and given a warning or direction. In more serious cases and where a breach of the Local Law continues, a Notice to Comply and then an infringement notice may be issued.</p> <ul style="list-style-type: none"> • 1/1/2010 – 31/12/2010 = 682 • 1/1/2011 – 31/12/2011 = 636 • 1/1/2012 – 31/12/2012 = 607 • 1/1/2013 – 31/12/2013 = 552 • 1/1/2014 – 31/12/2014 = 662 <p>It can be seen from the figures above that the number of infringements issued over the past five years has remained relatively consistent which reinforces the notion that officers use infringements as a last resort and officers prefer to use other methods such as education to resolve offense and gain compliance on issues that relate to the local law.</p> <p>As a practical measure, which is appropriate for Darebin's approach and circumstances, the relevance and success of the Local Law will be monitored by the number and type of complaints received and compliance with requirements in the Local Law.</p> |

Risk assessment

As each activity or use was raised for discussion during the development of the proposed Local Law 2015, consideration was given to the risk to the Council and the community if no local laws were in place or if particular requirements were not included in the Local Law. Clearer provisions or new provisions in the Local Law highlight to the community the Council's standards about various uses and activities and will aid authorised officers with administration and enforcement. It was concluded that overall, the likelihood and consequence of a risk to either the community or the Council if the revised controls did not proceed was in the low to moderate range.

The Local Law should result in an overall reduction of risk caused by activities on roads, especially in relation to various amenity and nuisance type complaints received about the operation of commercial premises. It should also minimise risk by applying an appropriate level of control, (which in turn requires monitoring), in relation to other activities on Council roads such as landscaping the naturestrip, placing shipping containers or bulk rubbish containers on roads or works on roads. All of these uses and activities have the potential to expose others to risk.

The Local Law contains either ability for Council to apply appropriate conditions in a permit or a requirement to comply with the standards and requirements which are in effect "treatments" to minimise risk from the use or activity.

In some cases, the Local Law will help with Council's compliance risk. For instance, Councils have an obligation under State and Federal disability legislation to ensure that discrimination against people with a disability does not occur because of barriers to access goods and services. This arguably could occur if there was unregulated use and activity on the footpath making it difficult for a sight impaired person or a person in a wheelchair to move along the footpath or to access shops and offices adjoining the footpath.

Appendix B3 contains a table that broadly summarises an assessment of risk based on uses and activities regulated by the proposed Local Law 2015 and using the risk analysis template commonly used in local government. This template addresses the likelihood of the identified risk occurring (categorised as Almost Certain, Likely, Possible, Unlikely and Rare) and the consequences of the identified risk occurring (categorised as Catastrophic, Major, Moderate, Minor and Negligible). Appendix B3 has not assessed the risk or otherwise of matters dealt with in Part 3 of the Local Law as they are administration and enforcement functions.

Penalties

The Local Law prescribes penalties for offences against the Local Law based on the limits in the Local Government Act, which sets the maximum penalty that can be imposed at 20 penalty units. The penalties are prescribed by reference to penalty units which under the Sentencing Act 1991 are limited to \$100 for each penalty unit.

In the current General Local Law 2005 penalties for offences have been treated generally. That is, all offences irrespective of the type of offence, can attract a penalty of up to 10 penalty units for a first offence and 20 penalty units for a second or subsequent offence. All infringement penalty amounts are in most cases, limited to 2 penalty units.

Penalties have been treated differently in the proposed General Local Law 2015 in that the penalties applicable for an offence that is dealt with in a court appear at the footer of each provision of the Local Law. The court has discretion to impose a penalty up to the amount at the footer of each provision in the Local Law. The penalty payable if a person receives an infringement notice and elects to pay the infringement amount rather than defend the matter in court appear in Schedule 3 of the proposed Local Law.

In most cases, the infringement notice penalties are half of the applicable penalty that could be imposed by a Court. With the exception of the following offences, the Local Law penalties have not been significantly increased from the existing penalties:

- matters relating to building sites, such as the failure to obtain an Asset Protection Permit prior to commencing building works, allowing building works to be carried out contrary to prescribed times and failing to comply with the conditions on a permit
- matters relating to commercial use of roads and Council land such as failing to obtain a permit, failing to ensure that a use or activity on a road or Council land does not impact detrimentally or failing to comply with the conditions of a permit or the related Council policy
- lighting a fire in the open air or burning substances contrary to the Local Law
- causing unreasonable or excessive noise.

The penalty amounts that have been prescribed in the Local Law reflect the Council's view about what the more serious Local Law offences are. These are the activities that require the most attention from Council and quite often involve the highest level of difficulty in trying to achieve a resolution or a satisfactory outcome.

Penalties in the local laws of other Councils with similar characteristics to Darebin that may be applied for contravention are similar to those proposed in the Local Law.

Consultation and the review process

Rather than commence the Local Law review with any firm ideas about what a local law should regulate and what it should look like, a clean slate approach was used.

At the commencement of the process, Local Laws staff who work with the existing General Local Law on a daily basis were asked to identify matters/topics that should be addressed in a new local law. Later sessions enabled officers across the various Council departments to provide comments concerning their experience with the General Local Law. Several sessions involving Council staff with a particular knowledge or experience of specific subjects were held to obtain an understanding of the current situation as well as the effectiveness of current local law controls and where improvements or new controls were needed.

The clean slate approach was also applied to early consultation and information sessions with the community. Four sessions were provided across the Municipality, one of which was specifically dedicated to businesses, to ascertain views about what a local law should deal with and also to hear about experiences with the current Local Law. This involved discussion about the related Footpath Activity Policy which is also being reviewed.

Information and consultation opportunities were also provided to Council's Advisory Committees.

A number of methods were applied to gauge wider community views. These were specific questions asked during the 2nd Quarter Community Survey and an online survey. In this case the specific complaints raised by Councillors and residents through Pathway formed the basis for the survey questions. While some responses related to matters outside local law "jurisdiction" such as parking controls, traffic and "hoons", trucks, graffiti, planning, security and policing, other matters fitted into local law controls, such as control of smoking in public areas, noise from commercial activities, food trucks and pet management. Again the Footpath Activities Policy was part of the overall discussion. The responses were consistent with the type of complaints logged through Pathway, reinforcing where the Local Law needed to pitch its stronger requirements.

The Local Law is yet to go through the formal consultation required by Section 223 of the Local Government Act. Comments made during that process will inform Council before a position is adopted on the final form of the Local Law. Any written comments received will be attached to this document at the conclusion of the process.

Restriction on competition

Schedule 8 of the Local Government Act provides that a local law must not restrict competition unless it can be demonstrated that –

- (i) *the benefits of the restriction to the community as a whole outweigh the costs; and*
- (ii) *the objectives of the Local Law can only be achieved by restricting competition.*

The requirements come from an agreement reached between the Commonwealth and State and Territory governments in the mid-nineties, which were directed at removing unnecessary (bureaucratic) restrictions that added to the costs of doing business and levelling out any particular competitive advantage or benefit a government entity may have had because of its public sector status.

For the most part, the continuing activities and uses in the proposed Local Law were subjected to a competition review when the Local Law was made in 2005 and it was determined at that time that there was no restriction on competition which could not be justified on the basis of overall community benefit or an alternative approach identified where the objectives of the local law could be met.

As part of the analysis of the proposed Local Law, a review of the additional requirements applied to existing uses and activities and new provisions, in particular those where a permit is required or there are increased compliance requirements, was undertaken to determine whether they created a restriction on competition (business). The provisions addressed included:

- the general requirement that a commercial use or a activity on any road or Council land obtain a permit
- the regulation of building sites
- commercial uses of Council land, including use by commercial recreation service providers and food trucks
- busking
- fundraising, collections and market research
- waste management and bulk rubbish containers.

The potential for increased costs on both business, permit costs, permit condition compliance such as those involving necessary actions to offset for example, noise, litter and other nuisance consequences of the commercial use, and, Council costs incurred for increased administration, investigation of complaints, monitoring were considered. So too were alternative approaches to dealing with the particular use or activity. It was concluded that there are no viable alternatives for regulating the uses and activities listed above. Overall, permit control and permit condition compliance remain as one of the most efficient ways to limit the impacts of commercial use of Council land and roads on people living in close proximity those uses.

The potential restriction on competition resulting from stronger requirements applying to the use of Council roads for storing bulk rubbish containers and commercial waste bins was considered, in particular any additional steps that may have to be taken to ensure that smell, litter and general cleanliness requirements are complied with. It was concluded that any additional costs are negligible and that further detailed examination was not warranted.

In conclusion it was determined that on balance, even if it could be said that the provisions are a restriction on competition such as the costs of a permit, the overall benefit for the community outweighs the costs. This position will be even more valid as increased density in parts of the City will result in increased amenity and nuisance concerns being raised with the Council. The requirements in the proposed Local Law puts the Council

Charter of Human Rights

As required by the *Charter of Human Rights and Responsibilities Act 2006* a review of the proposed Local Law as subordinate legislation was undertaken to identify whether any proposal in the proposed Local Law raised any human rights as identified and applied by the Charter.

It was acknowledged during the review that there is a remote possibility that some of the controls, such as those that have the effect of restricting people from working or living how they want to on their land (such as the restrictions on the condition and appearance of land, storage of machinery and second-hand goods) could be a restriction on property rights expressed in the Charter. More detailed examination, including identification of the rationale and benefits for such controls, led to the conclusion that those provisions in the Local Law are not incompatible with the Charter. The ability to undertake a use or activity so long as certain standards are met or conditions complied with, the ability to apply for a permit or for alternative remedies to be found, such as screening or fencing an unsightly property because the unsightly land could have the effect of devaluing properties in the vicinity or making them difficult to sell, was a reasonable balance and the outcomes an appropriate justification for the controls.

It is considered that overall the proposed General Local Law 2015 enhances certain human rights. The expanded Local Law clearly identifies the uses and activities that require a permit and states Council's objectives, which are directed at achieving outcomes in the best interests of the community as a whole.

New provisions provide a capacity for any person affected by an application for a permit to make a submission or if the Council proposes to amend or cancel a permit, provides a capacity for the permit holder to make a submission in support of their position. Appropriate time limits are imposed on both the permit holder and Council in those circumstances.

In the final analysis, it was concluded that there are no proposals in the amending Local Law that are incompatible with a human right under the Charter.

APPENDIX B3

RISK ASSESSMENT OF MAJOR OR NEW ACTIVITIES TO BE REGULATED BY THE GENERAL LOCAL LAW

Council's Risk Management Policy and Framework, based on AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines, describes, amongst other matters, how Council manages its risks across Council business. It details the minimum standards of risk assessment, management and reporting and provides tools to assist with the total process from undertaking a risk assessment through to reporting and treatment of risks that have been identified.

In reviewing and developing the General Local Law 2015 the proposed controls were reviewed using the process provided in the Risk Management Policy and Framework. This provided an understanding of each risk, its consequences and the likelihood of those risks occurring. It also assisted with determining an appropriate risk treatment within the Local Law context such as permit control, compliance with standards and prohibition.

The tools applied during this process are provided below.

Risk Management Assessment Tool

Risk Assessment – Harm – Impact/Consequences

Note: The following Table does not identify *amenity* as an organisational risk. From a Local Law perspective, *amenity* regulation and management is a key driver for many of the provisions in the Local Law. For the purposes of the exercise, *amenity* risks have been included under *environmental*.

| HARM | Insignificant | Minor Harm | Moderate Harm | Major Harm | Extreme Harm |
|-----------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Performance Level | 1 | 2 | 3 | 4 | 5 |
| Obligations / compliance | Negligible consequences | Minor requirements not met. Short-term impact on the achievement of objectives. | Moderate requirements not met. May affect the achievement of some objectives. | Major requirements not met. Major incident that would threaten the achievement of Council objectives. | Fundamental requirements not met. Cannot function for an extended period thereby affecting the achievement of Council's Business Plan. |
| Environmental | Negligible consequences | Substantial damage to a small area or number of assets. Quick recovery or harmful effect of impacts less than 1 year. | Substantial damage to a moderate area or number of assets. Recovery or harmful effect of impacts 1 to 3 years. | Substantial damage to a large area or number of individuals or assets. Recovery or harmful effect of impacts 3 to 10 years | Substantial damage to a very large area or number of individuals or assets. Recovery or harmful effect of impacts greater than 10 years |
| Environmental AS4360 | Negligible consequences | Contained. Short-term impact. | Contained. Matter resolved within existing resources and budget. | Major incident. Possible threat to staff/community safety. Reputation consequences. | Major incident. Community severely impacted. Serious threat to safety. Severe reputation consequences. |
| Financial / assets / property damage | Cost <\$500k | Cost from \$500k to \$5m | Cost from \$5m to \$15m; mitigated by review of LTFP | Cost from \$15m to \$30m; mitigated by review of LTFP | Cost greater than \$30 million; leads to Council insolvency |
| Political | Negligible consequences | Non-delivery of minor political commitments | Non-delivery of moderate political commitments | Non-delivery of major political commitments | Non-delivery of large-scale political commitments |
| Reputation / complaints / legal action | Issues kept in house | Minor complaints from clients | Major community concerns/regulatory notices | Council investigated / legal action / officer liability | Council suspended / dismissed / criminal proceedings |
| People / staff | Handled at Team Leader level. | Minor loss of satisfaction. Can be handled at Manager level. | Moderate loss of satisfaction. Can be handled at Directorate level. | Major loss of satisfaction. Requires intervention by senior managers. | Extreme loss of satisfaction. Staff cannot meet their work commitments. |
| Relationships | | Minor deterioration of stakeholder relationships | Moderate deterioration of stakeholder relationships | Major deterioration of stakeholder relationships | Extreme deterioration of stakeholder relationships |
| Intelligence / business service interruption | <1 hours | From 2 to 4 hours | Up to 12 hours | From 1 to 5 days | > 1 week |
| Public Safety / OHS | First Aid | Medical Treatment | Lost Time Incident (LTI) | Hospitalised overnight or longer. Implied threat to staff safety. | Fatality or serious injuries. Overt or serious threat to staff safety. |

Qualitative Likelihood Scale

This scale was used as a guide on how to rate the likelihood of a risk eventuating with the foreseeable impacts/consequences above.

| Level | Descriptor | Basis |
|-------|----------------|----------------------------------------------------------------|
| A | Almost certain | Is expected to occur in most circumstances (several each year) |
| B | Likely | Will probably occur in most circumstances (1 year event) |
| C | Moderate | Could occur at any time, but infrequent (3 year event) |
| D | Unlikely | Probably won't occur, but will sometime (10 year event) |
| E | Rare | May occur, have heard of similar events (30 years) |

The overall risk is based on a combination of the impact/consequences as well as likelihood as illustrated in the Tables below.

Qualitative risk level rating

| | | IMPACT / CONSEQUENCES  | | | | |
|-------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------|----------------|-------------------|----------------|------------------|
| Likelihood  | | Insignificant harm (1) | Minor harm (2) | Moderate harm (3) | Major harm (4) | Extreme harm (5) |
| | Almost certain (A) | MODERATE | MODERATE | HIGH | EXTREME | EXTREME |
| | Likely (B) | Low | MODERATE | HIGH | HIGH | EXTREME |
| | Moderate (C) | Low | MODERATE | MODERATE | HIGH | HIGH |
| | Unlikely (D) | Low | Low | MODERATE | MODERATE | MODERATE |
| | Rare (E) | Low | Low | Low | Low | MODERATE |

Legend, Priority, Responsibility,

| Risk Level | Risk Priority | Action |
|------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EXTREME | A | Top priority – immediate escalation to EMT. EMT to assign a Risk Owner who will be responsible for monitoring the risk and ensuring that the risk is actively managed. |
| HIGH | B | Managed within a directorate. Led by an EMT Member who will actively manage and reduce the risk where possible. |
| MODERATE | C | Managed at the Program Manager level with an individual responsible for on-going management of the risk. Treatment plan to be updated where appropriate. |
| Low | D | Managed by an individual Project Manager and can be managed within existing controls. |

The outcomes applied for the purposes of the General Local Law by using these tools are summarised on the following pages.

APPENDIX B3 CONTINUED

SPECIFIC LOCAL LAW CONTROLS – ASSESSED FOR RISK

| LOCAL LAW CONTROL | RISK - HARM | IMPACT / CONSEQUENCES | LIKELIHOOD | HOW RISK IS ADDRESSED IN THE LOCAL LAW |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advertising signs on roads and Council land | Public Safety and Environmental Small signs not regulated under the Planning Scheme can be placed anywhere - reduced safety, visual amenity. | Minor | B - Likely | Permit requirement/conditions compliance/compliance with Footpath Trading Policy. |
| Animal Management – in public places & on private land | Environmental/Amenity/complaints Odour etc., noise | Minor | A – Almost certain | Requirements applied to animals in public places and standards applied for the numbers of animals & types of animals that can be kept without a permit, standards prescribed for animal housing. |
| Asbestos management | Environmental/Public Safety Amounts of 10,000sq m or more of asbestos are regulated under State law. Amounts of less than 10,000sq m are regulated by the proposed Local Law. It is possible that as sites are redeveloped many buildings will have asbestos in them. | Moderate | C - Moderate | Requirements to be observed by a person removing small amounts of asbestos. |
| Building works | Assets/Complaints/Environmental Impacts on adjoining land from amenity problems (noise, litter etc.) occurring on building sites & protection of Council assets & infrastructure in the road. | Minor | B – likely | Asset Protection Permit & vehicle crossing permit requirement/conditions compliance/policy compliance |

| LOCAL LAW CONTROL | RISK - HARM | IMPACT / CONSEQUENCES | LIKELIHOOD | HOW RISK IS ADDRESSED IN THE LOCAL LAW |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------|-----------------------------------------------------------------------------------|
| Commercial uses of Council land and roads – outdoor dining, display of goods, food trucks, busking, sales, fundraising activities and market research | <p>Assets/Public Safety/ Environmental/Complaints</p> <p>Managing access on roads etc., fair, equitable and safe use of space, impacts on existing businesses in established premises, amenity impacts on residents in close proximity and harassment of pedestrians.</p> | Moderate | A - Almost certain | Permit requirement/conditions compliance/compliance with Footpath Trading Policy. |
| Commercial uses – general requirements relating to noise, smell, litter etc | <p>Environmental/Complaints</p> <p>Amenity problems from noise from the collection or delivery of goods, music or patrons of premises, smell, litter and general cleanliness.</p> | Moderate | A - Almost certain | Permit requirement/conditions compliance/compliance with Footpath Trading Policy. |
| Commercial uses – commercial recreation providers | <p>Environmental/ Assets</p> <p>Amenity impacts on people living in close proximity and competition for access to space on Council land, maintaining Council land in a safe condition.</p> | Moderate | A - Almost certain | Permit requirement/conditions compliance/compliance with current policy. |
| Using Council land – general and specific activities such as festivals and events | <p>Environmental/ Assets</p> <p>Amenity impacts on people living in close proximity, competition for access to space on Council land, maintaining Council land/roads in a safe condition and minimising impact on Council infrastructure.</p> | Moderate | A - Almost certain | Permit requirement/conditions compliance/compliance with current Policy. |

| LOCAL LAW CONTROL | RISK - HARM | IMPACT / CONSEQUENCES | LIKELIHOOD | HOW RISK IS ADDRESSED IN THE LOCAL LAW |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fires in the open air | <p>Environmental/Public safety/Complaints</p> <p>Impacts from smoke on people, risk from fire and coals left alight on Council land and impacts of odour.</p> | Moderate | A - Almost certain | Prohibition on fires in the open air and types of fuel being burnt and restrictions on fires on Council land. |
| Noise & external lighting | <p>Environmental/Complaints Amenity</p> <p>Impacts on people on adjoining land or land in proximity.</p> | <p>Moderate – for noise</p> <p>Minor - for lighting</p> | <p>A - Almost certain – for noise</p> <p>C – Moderate – for lighting</p> | <p>Prohibition on causing unreasonable noise and application of the Noise Control Guidelines as independent means of assessment for noise for which Councils have no specific powers under the EPA.</p> <p>Requirement to ensure that amenity of a person on adjoining land is not impacted by external land.</p> |
| Roads – works, interfering with, obstructions including from private land, bulk rubbish & shipping containers and building materials | <p>Public Safety</p> <p>Hazards to pedestrians/drivers of the road from openings, obstructions, protrusions, large containers and building materials placed on nature strips.</p> | Moderate | B - Likely | Permit requirement/conditions compliance/compliance with current policy. |
| Shopping trolleys | <p>Public Safety/ Environmental</p> <p>Risk to pedestrians or vehicles if left on roads and increased dumping.</p> | Minor | B - Likely | Imposed requirements on both the retailer who provides the trolley and on the user to return to designated areas. |

| LOCAL LAW CONTROL | RISK - HARM | IMPACT / CONSEQUENCES | LIKELIHOOD | HOW RISK IS ADDRESSED IN THE LOCAL LAW |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Smoke free areas | <p>Public Safety/ Environmental</p> <p>Impacts of second hand smoke and loss of amenity in public places.</p> | Minor | B - Likely | Ability for Council to designate “smoke free areas” and impose penalties for failure to comply. |
| Vehicle crossings | <p>Assets</p> <p>Damage to Council roads and infrastructure from vehicles</p> | Minor | B - Likely | Permit requirement/conditions compliance/compliance with current policy. Requirement to maintain vehicle crossing. |
| Vehicles on roads | Range of vehicles, including trailers, motorhomes and unregistered/non-functional vehicles left on roads causing safety and amenity impacts. | Moderate | B - Likely | Prohibition on abandoned or non-functional and unregistered vehicles being left on roads and other vehicles parked for longer than prescribed times. |
| Waste collection – domestic, hard waste and commercial | <p>Public Safety/ Environmental</p> <p>Domestic bins left on roads for long periods of time causing hazards to users of the road and litter issues. Hard waste causing litter or not appropriate for hard waste collection. Commercial bins causing odour and additional litter, left on roads beyond reasonable periods/ left on roads because there is no space on private land without compromising other regulations such as food safety.</p> | Moderate | C - Moderate | Compliance requirements applied to domestic and commercial bins with appropriate penalties. Permit requirement for commercial bins that can only be stored on Council land or roads. |

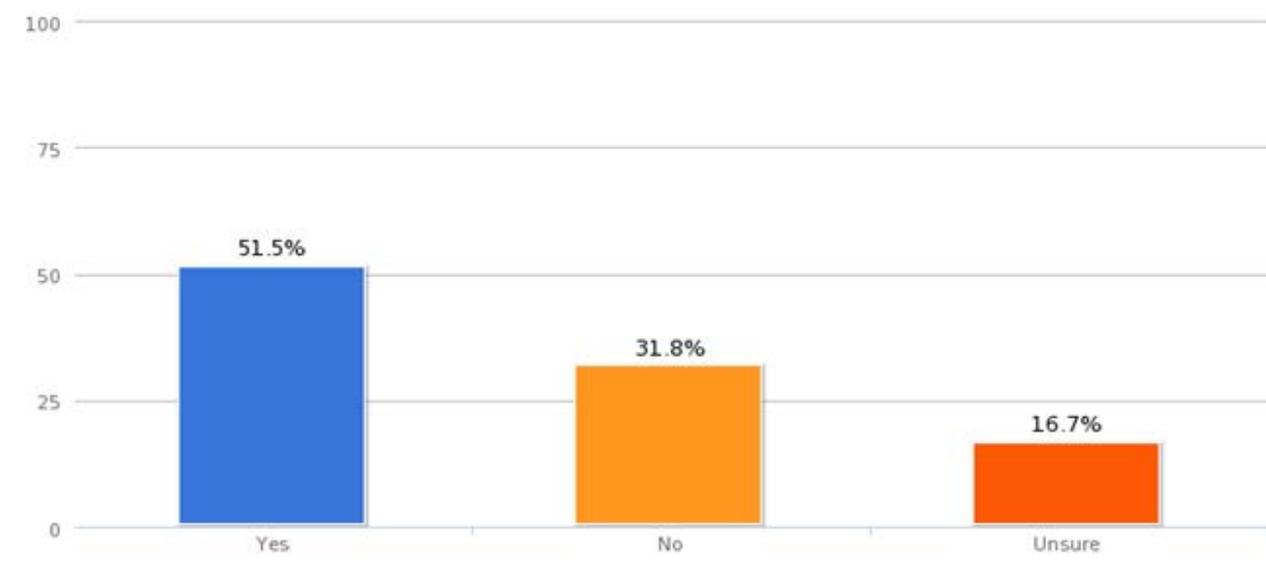
APPENDIX B4

SURVEY RESULTS OF ONLINE AND 2014 COMMUNITY SURVEY 2ND QUARTER IN RELATION TO THE DEVELOPMENT OF THE NEW LOCAL LAW.

An online survey was available during 10 July 2014 to 30 September 2014 - 66 surveys were completed. Survey responses are divided into five categories: roads and footpath activities, keeping pets, neighbourhood amenities, bins and commercial activities. An additional preliminary survey was conducted with a sample population of 200 residents through Council's 2014 Annual Community 2nd Quarter Survey asking some basic questions about the existing local law. The results of these surveys are provided below.

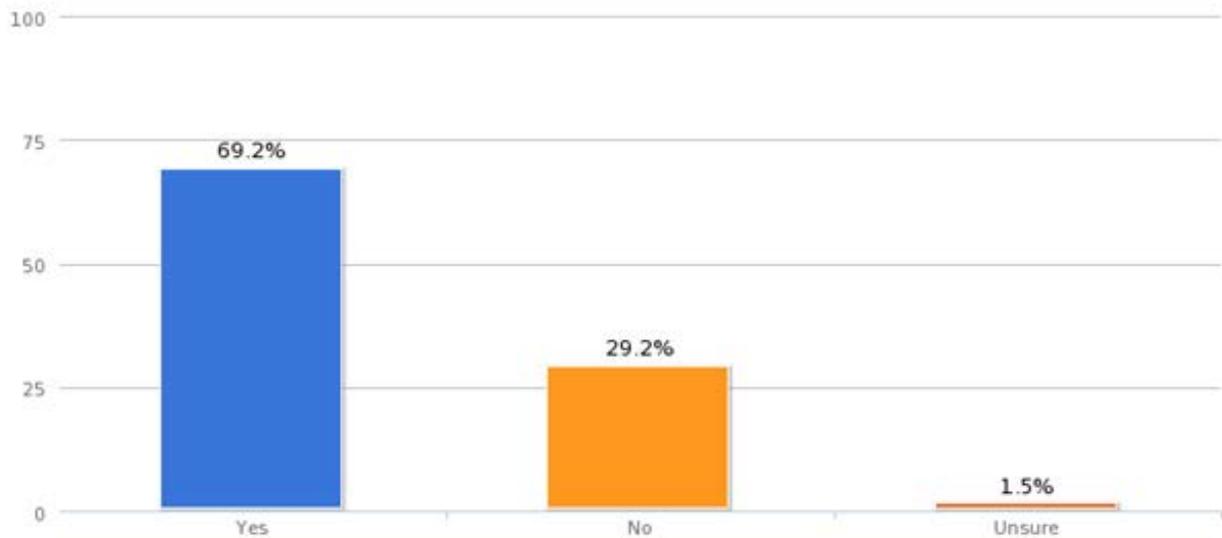
1. Road and footpath activities

Should Council introduce controls around the type of goods displayed for sale on footpaths?



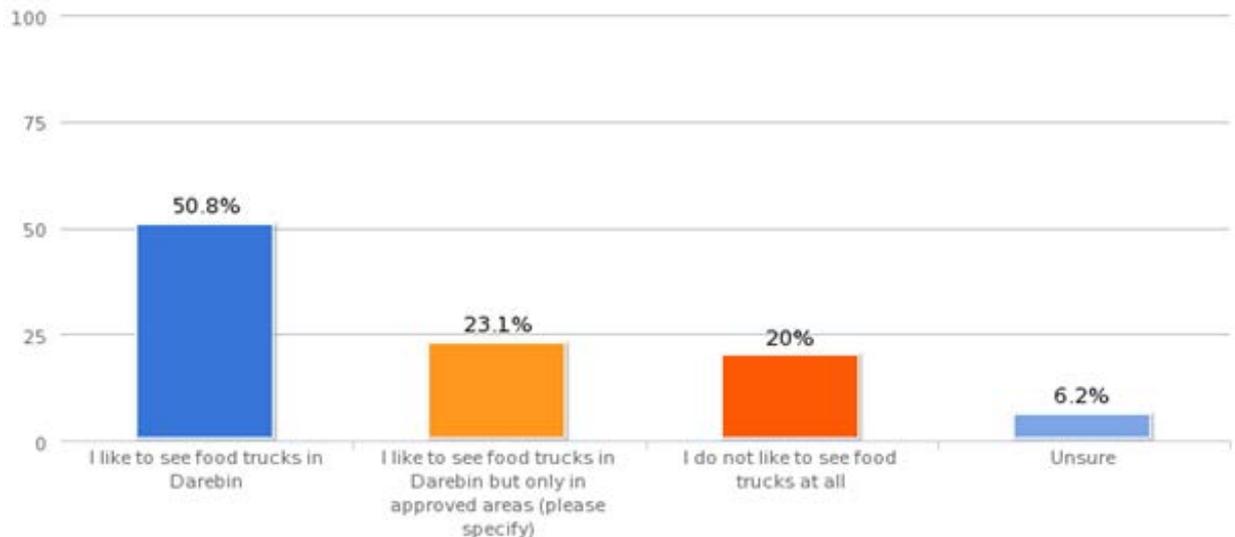
The majority of survey respondents (51.5%) indicated that Council should introduce controls around the type of goods displayed for sale on footpaths, half of respondent's disagreed (31.8%) and 16.7% were unsure.

Should Council ban smoking in outdoor dining areas on footpaths?



The majority of survey respondents (69.2%) indicated that Council should ban smoking in outdoor dining areas on footpaths, a third of the respondents disagreed (29.2%) and 1.5% were unsure. **Respondents of the 2014 Community Survey 2nd Quarter also strongly agreed (78.4%) that Council should ban smoking in outdoor dining areas.**

Do you like to see food trucks selling food in Darebin?

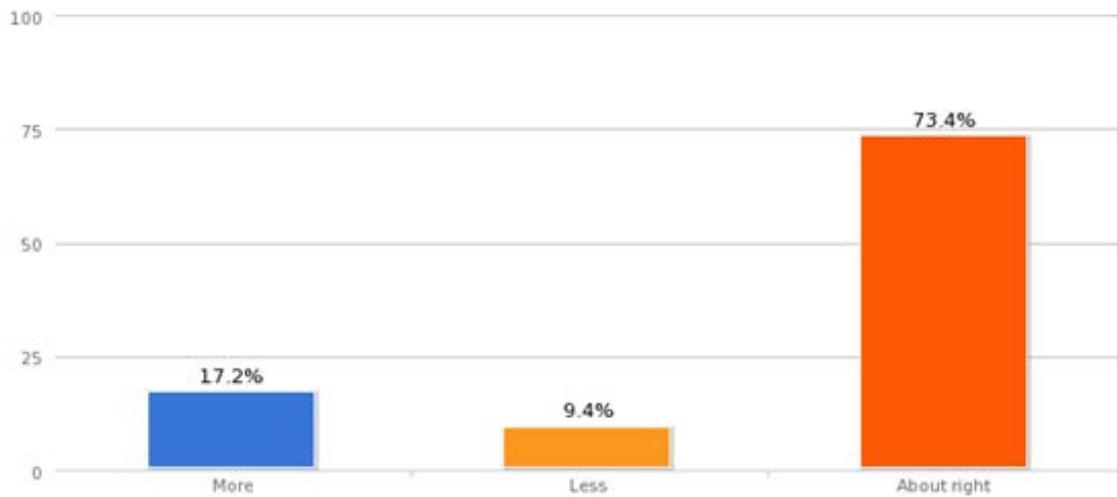


Half of survey respondents (50.8%) indicated they liked to see food trucks selling food in Darebin, a quarter of the respondents like them being in approved areas (23.1%), a quarter of the respondents disagreed (20%) and 6.2% were unsure.

Respondents of the 2014 Community Survey 2nd Quarter also agreed that restrictions should be in place in relation to where mobile food trucks can operate from.

2. Keeping pets

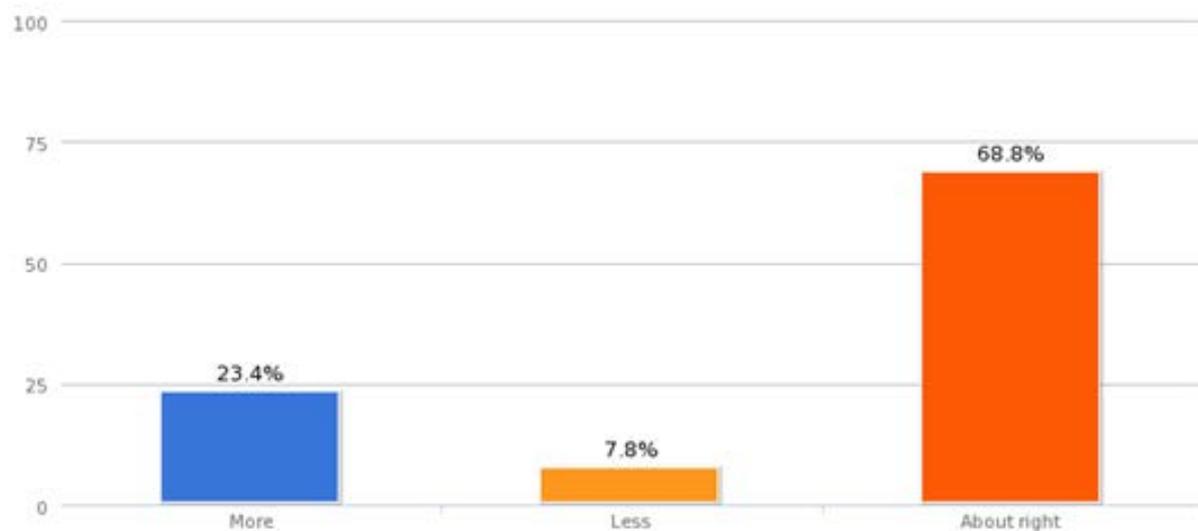
Currently residents can have 2 dogs or 2 cats without a permit. Do you think this is the right number of dogs that should be allowed?



The majority of respondents (73.4%) indicated this was about the right number, some (17.2%) reported residents should be able to have more dogs on a property without a Council permit and some (9.4%) reported residents should be required to get a permit for less than two dogs.

Respondents (64.8%) of the 2014 Community Survey 2nd Quarter also agreed that the number of animals kept on a property must be restricted.

Currently residents can have 2 dogs or 2 cats without a permit. Do you think this is the right number of cats that should be allowed?

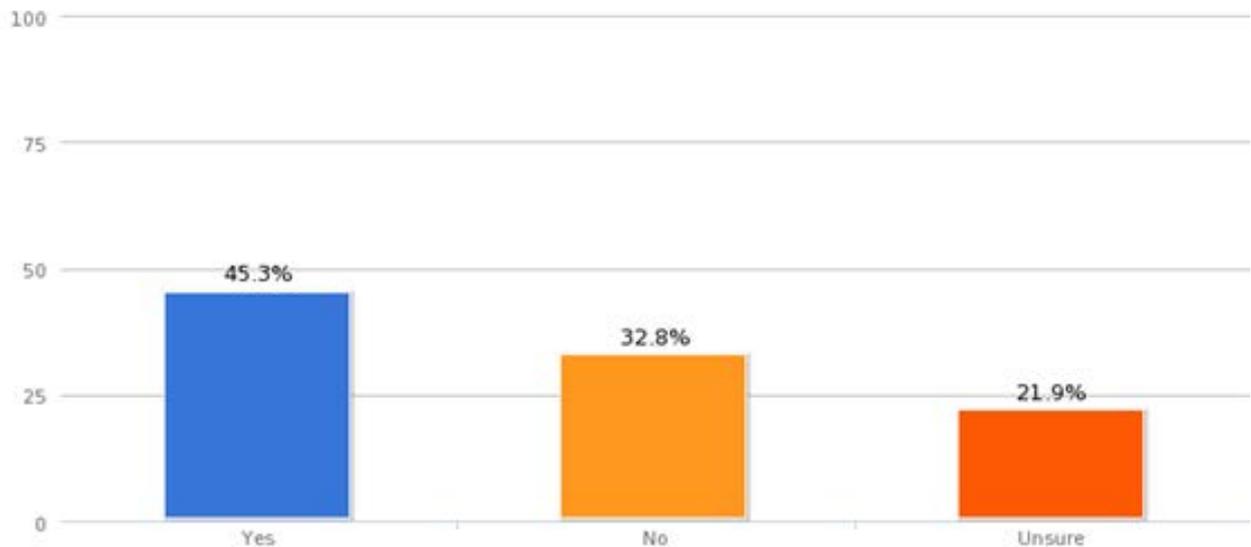


The majority of respondents (68.8%) indicated this was about the right number, some (23.4%) reported residents should be able to have more cats on a property without a Council permit and some (7.8%) reported residents should be required to get a permit for less than two cats.

Respondents (64.8%) of the 2014 Community Survey 2nd Quarter also agreed that the number of animals kept on a property must be restricted.

3. Neighbourhood Amenities

Should Council increase controls in relation to unreasonable noise from the use of air conditioners after 10pm?



Approximately half of respondents (45.3%) indicated that Council should introduce controls in relation to unreasonable noise from the use of air conditioners after 10pm, half of respondents disagreed (32.8%) and 21.9% were unsure.

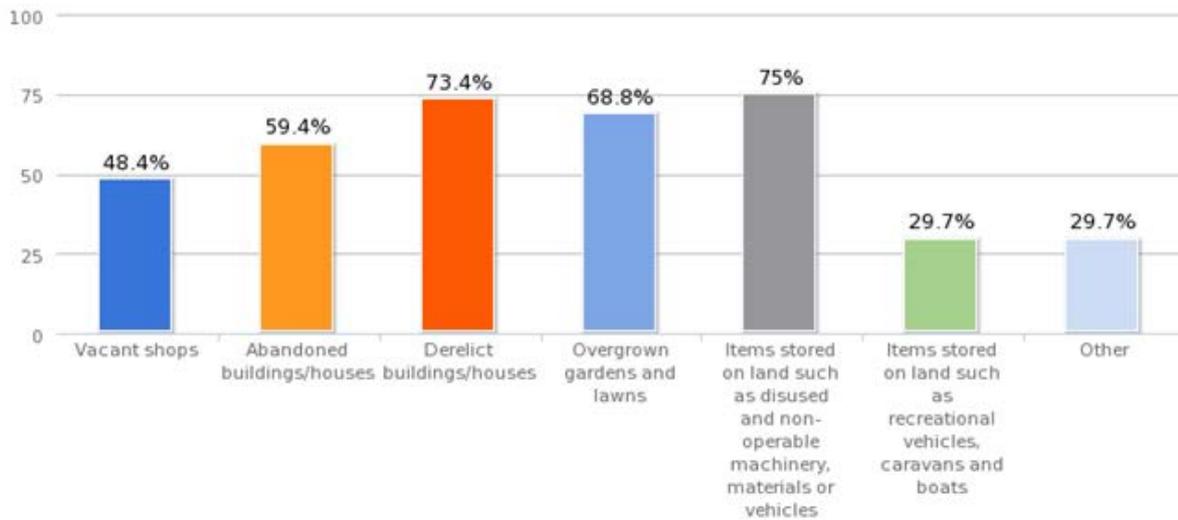
Respondents (56.5%) of the 2014 Community Survey 2nd Quarter also agreed that Council should prohibit unreasonable noise from the use of air conditioners after 10pm.

Should Council place controls and penalties for wood fire burning?

| Yes | No | Unsure | Responses |
|-------|-------|--------|-----------|
| 35.9% | 37.5% | 26.6% | 64 |
| 23 | 24 | 17 | |

A third of respondents (35.9%) indicated that Council should introduce controls in relation to wood fire burning, a third of respondents disagreed (37.5%) and 26.6% were unsure.

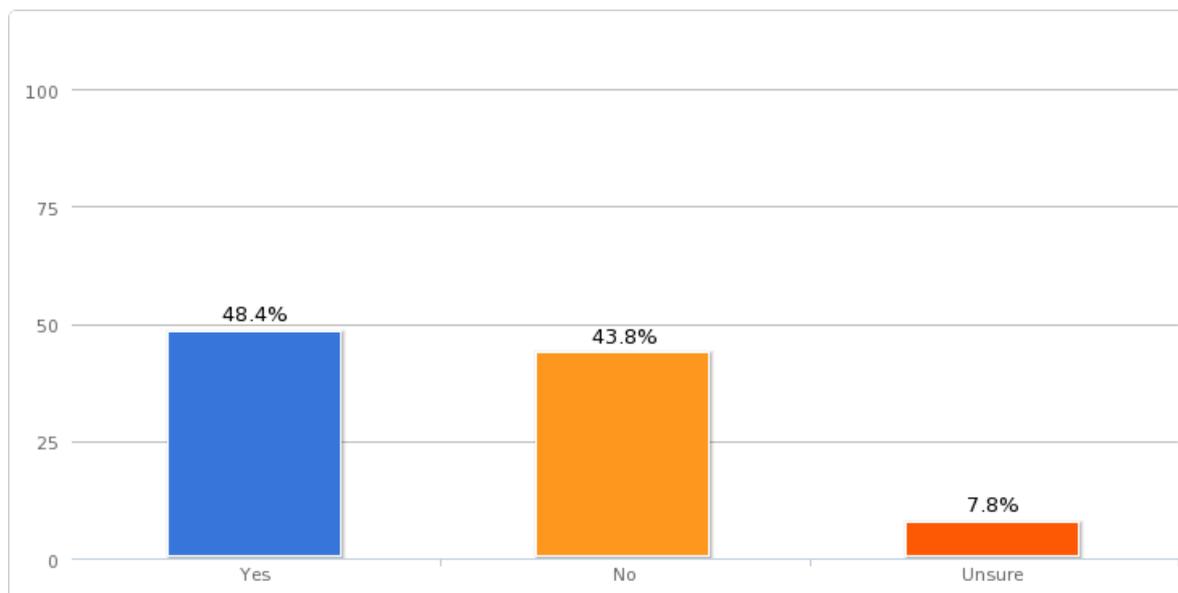
Which of the following do you consider makes land 'detrimental to the visual amenity of the neighbourhood'?



The highest proportion of respondents (75%) considered items stored on land such as non operable machinery, materials or vehicles as detrimental to the visual amenity of the neighbourhood. This was closely followed by derelict buildings (73.4%), overgrown gardens (68.8%) abandoned buildings (59.4%) and vacant shops (48.4%).

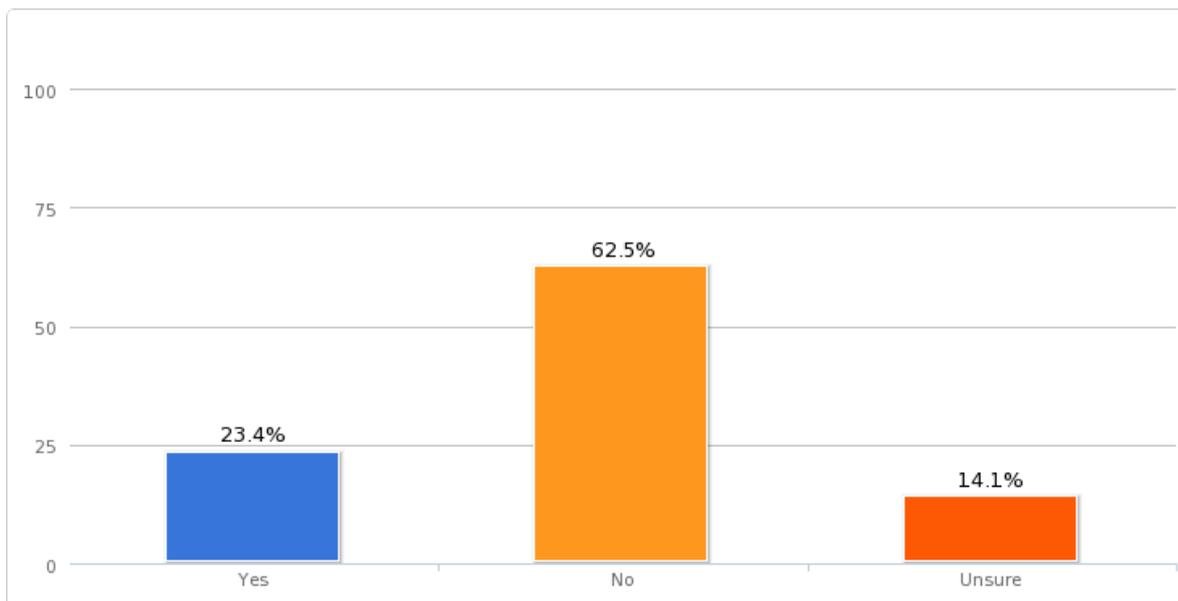
4. Bins

Should residents and businesses have time restrictions on placing bins out and removing after collection?



Approximately half of respondents (48.4%) indicated that Council should introduce restrictions on placing bins out and removing after collection half of respondent's disagreed (43.8%) and 7.8% were unsure.

Do you have an issue with construction site bins/skips being stored on nature strips?

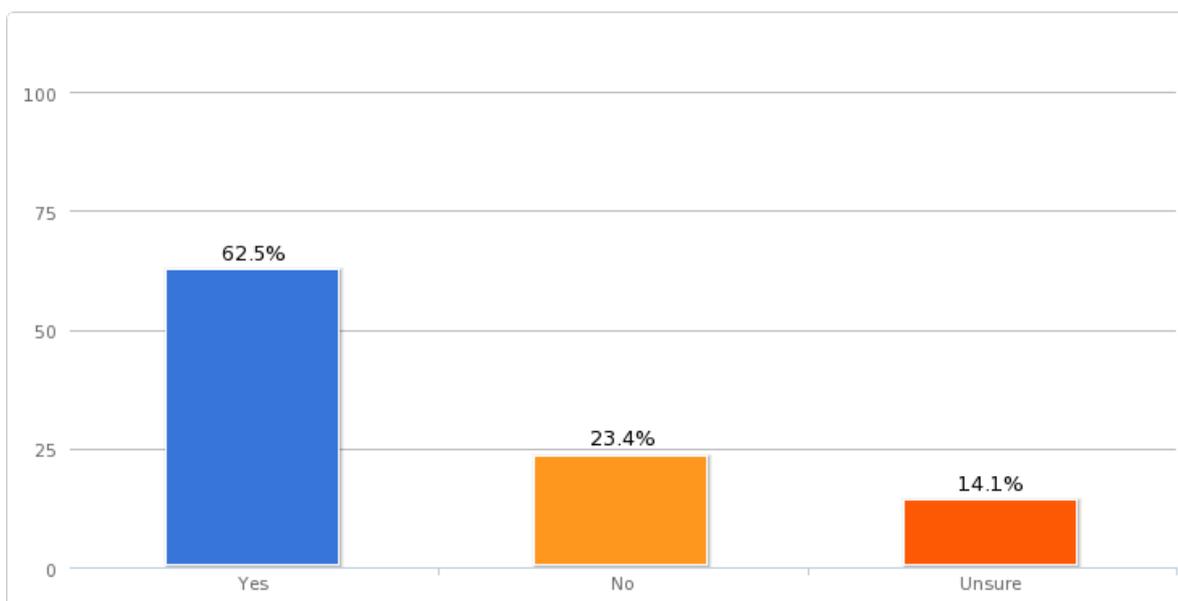


The majority of survey respondents (62.5%) indicated that they didn't have an issue with construction site bins/skips being stored on nature strips, a third of the respondents reported to have had an issue with bins stored on nature strips (23.4%) and 14.1% were unsure.

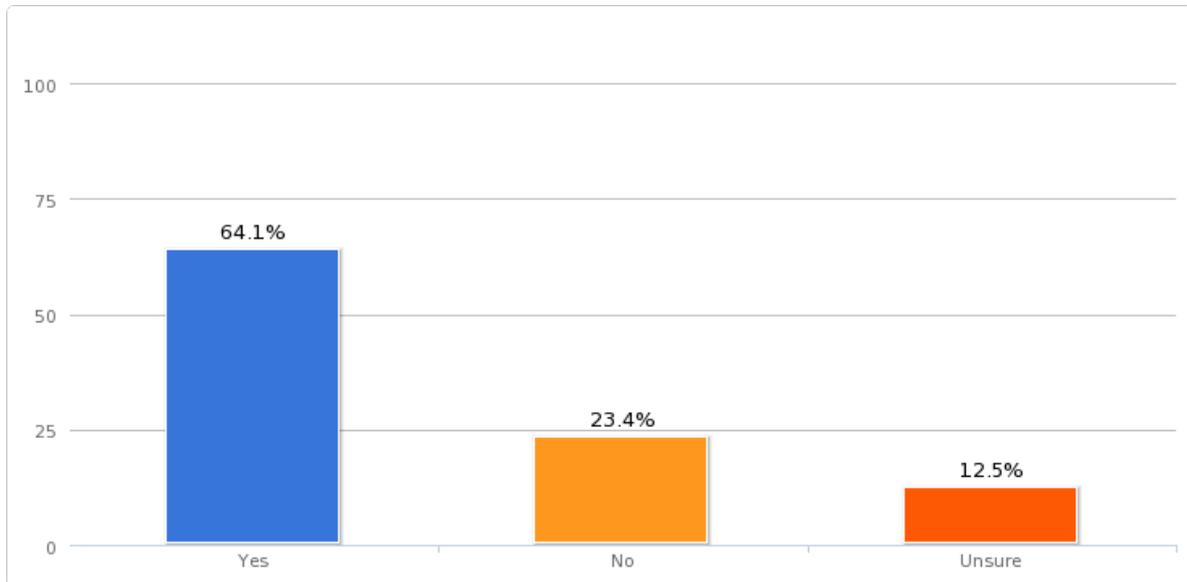
5. Commercial activities

Should Council increase controls and penalties of commercial activities in relation to the following:

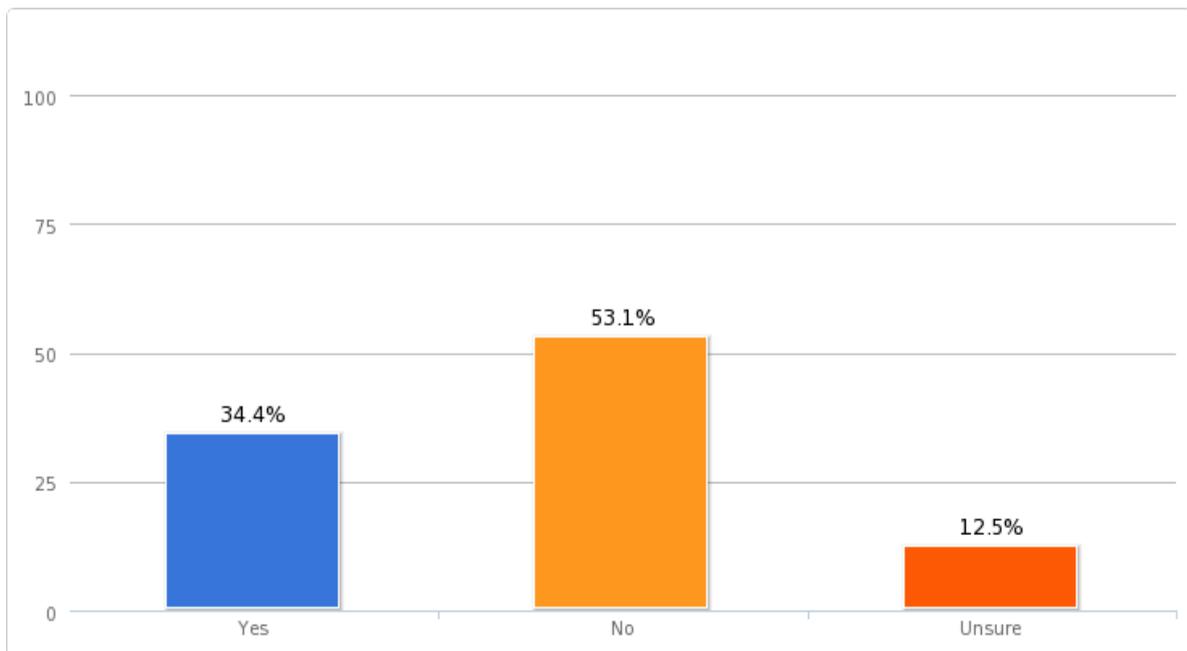
- Noise from patrons between 11pm and 6am



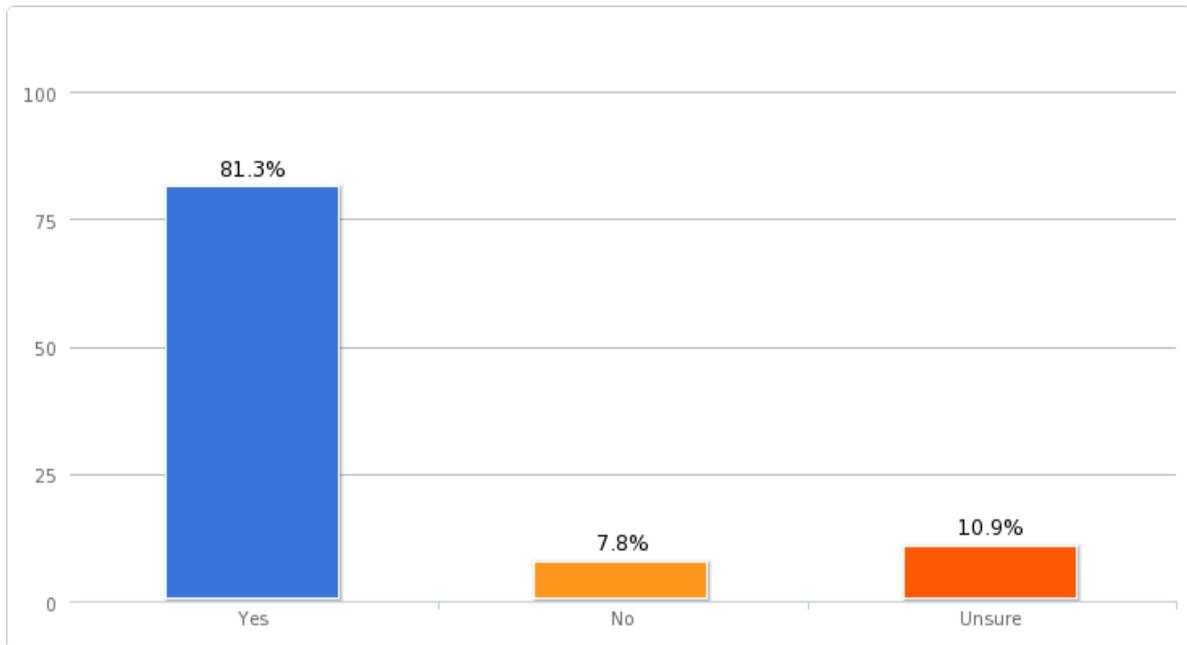
- Noise from amplified music between 11pm-6am



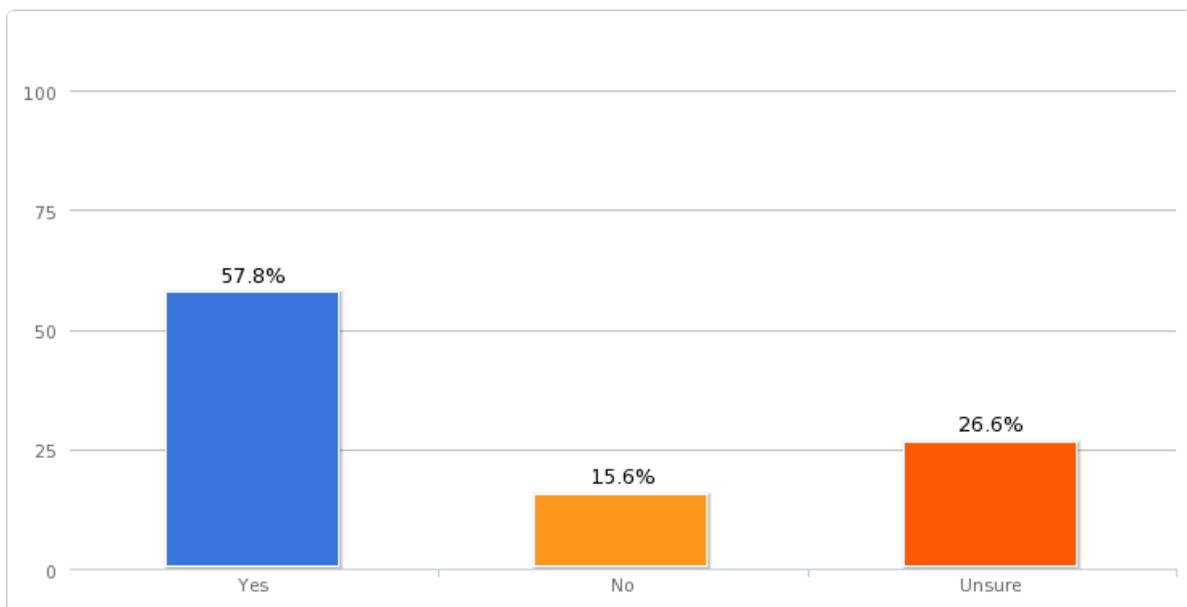
- Noise from rubbish collections



- Litter and rubbish



- Patrons with possession and/or consumption of liquor on land surrounding a business



A higher proportion of respondents indicated they wanted controls to be introduced in relation to commercial activities and noise from patrons and amplified music but not as many were as concerned about noise from waste collections.

A high proportion of respondents indicated they wanted increase in controls in relation to litter and rubbish from commercial activities along with patron possession and/or consumption of liquor on land surrounding a business.