COMMUNITY IMPACT STATEMENT
PROPOSED COMMUNITY AMENITY LOCAL LAW 2025

The following information is provided to the community in respect of the proposed Community Amenity Local Law 2025.

1. Introduction

Council is proposing to make Community Amenity Local Law 2025 to replace the current General Purposes Local Law 2015.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under *the Local Government Act 2020* (the Act).

2. Background

Local laws are a form of local regulation that enables councils to make legislative controls that reflect the different circumstances of each municipality. They provide the necessary framework within which to ensure that the actions of an individual or group do not have an adverse impact on the rest of the community. The local law-making power attributed to councils comes from the Act.

The General Purposes Local Law came into operation in 2015 and will cease to operate on 17 November 2025 and needs to be renewed and updated to incorporate changes in legislation and to reflect current issues within Maribyrnong.

Officers have identified certain matters that impact the effectiveness of the Local Law and that certain improvements will enhance the delivery of its objectives. As such a full review with a view to adopting a new Local Law has been undertaken.

3. Objectives and intended effect

The objectives and intended effect of the local law are set out in the proposed Community Amenity Local Law 2025.

The proposed Community Amenity Local Law 2025 is designed to respond to issues and needs within the municipality. The proposed local law seeks to complement responsibilities and enforcement powers granted to Council under State and Federal legislation and is primarily focused on protecting the amenity of the local area and regulating the use of Council land and assets.

The proposed Community Amenity Local Law 2025 proposes the following:

- amendments to existing definitions;
- insertion of new definitions;
- amendments to existing clauses;
- insertion of new clauses; and
- penalty amounts aligned under the new *Local Government Act 2020*.

4. Overview of the proposed Community Amenity Local Law 2025

The proposed Community Amenity Local Law 2025 incorporates a series of changes to language and structure that aim to simplify, modernise, and consolidate it and ensure alignment with State legislation. These changes do not seek to alter the overall intent but rather are focused on providing clarity.

Additionally, a range of safety and amenity issues were identified during an extensive review, research and consultation process which have resulted in several new, proposed clauses and provisions being included in the proposed Community Amenity Local Law 2025. The proposed Community Amenity Local Law 2025 also creates a few new offences. These changes are briefly summarised below:

Summary Changes – Proposed Community Amenity Local Law 2025		
Clause	**Title**	**Description**
22 23 24 25 27	Permitted quantity of animals Keeping of animals Animal waste Animal noise Wasps and bees	**Keeping animals** These clauses are about the number and type of animals that can be kept, animal housing (for example kennels or bird cages), waste and feeding of animals. Amended clauses to provide exemption for: • Dogs and cats under 12 weeks of age. • Land regulated under the Planning Scheme. • Assistance dog or assistance animal. • Registered bee hives. Stronger provisions to regulate how animals are housed.
26 (new)	Feeding of animals	New clause: • An Authorised Officer can direct a person to stop feeding an uncaged animal if there is a nuisance or damage.
9 11	Unsightly land Dangerous land	**Unsightly properties, dilapidated buildings and dangerous land** These clauses seek to protect neighbourhood safety and amenity. Strengthened and expanded existing provisions to address unsightly properties to include items such as machinery and vehicle parts, incomplete buildings, dangerous structures, excessive vegetation, noxious weeds and vermin. Provided clarity on what could constitute dangerous land (e.g. hazardous substances).
10 (new) 18 (new)	Dilapidated buildings Lighting	New clause: • Introduced new clause 'dilapidated buildings' to protect neighbourhood amenity and safety. • Introduced new clause 'lighting' to address concerns associated with nuisance lighting.

Summary Changes – Proposed Community Amenity Local Law 2025		
Clause	**Title**	**Description**
14 19 45 40 41 42 44 43 (new)	Vehicles on private land Recreational vehicles on private land Use of recreational vehicles in a public place Repair of vehicles Display of vehicles Heavy vehicles on Council land or roads Toy vehicles and bicycles Abandoned, derelict and unregistered vehicles	**<u>Vehicles</u>** These clauses are about vehicles on both private and Council land. Clearly defined maximum vehicle length and weight; and included provision for a registered motor home, caravan or boat trailer to be kept on private land. Introduced ability to seek a permit for display or repair of vehicles on Council land. Amended toy vehicle and bicycle clause to provide ability for Council to prohibit use in some areas. New clause: • To regulate the storage of abandoned, derelict, or unregistered vehicles on Council land and roads, including those parked on nature strips.
15 37	Camping and caravans on private land Camping on Council land or roads	**<u>Camping</u>** These clauses address requirements for camping on both private and Council land. Expanded definition of camping to include the use of a tent or similar structure, a caravan, camper van, mobile home, or any other moveable vehicle to provide accommodation. Provided clarity that the clause regulating camping on Council land is not intended to adversely affect individuals experiencing homelessness, and that Council respects the rights of people who are sleeping rough. Amendments for camping on private land include: • Introduce ability to camp on private land where there is a dwelling, for no more than 6 months in a 12-month period. • Requirement for appropriate sanitary facilities and no detrimental effect on the amenity of adjoining land. • Camping on vacant private land is prohibited.
20 38	Incinerators, fires and open air burning Restrictions on burning in the open air in public places and on Council land	**<u>Open air burning</u>** These clauses about open air burning on both private and Council land, to protect neighbourhood safety and amenity. Rewriting the existing provisions about open air burning to make it clear about what Council expects from community members. Clauses generally prohibit

Summary Changes – Proposed Community Amenity Local Law 2025		
Clause	**Title**	**Description**
		burning to protect the amenity of neighbouring properties and reduce hazards. Exemptions are provided for special events or cultural ceremonies; however, a permit is required. General exemptions are provided for: • Any Aboriginal person to undertake a community smoking event. • Cooking food in a barbeque, pizza oven or other properly constructed appliance while it is being used for cooking food. • A fire in a brazier, fire pit or chimenea while it is being used for heating.
21 (new)	Direction to extinguish fires	<u>New clause</u>: • An Authorised Officer can direct a person to extinguish a fire immediately.
56 57 59 54	Domestic waste Hard waste collection Bulk rubbish containers Donation bins on Council land	**<u>Waste management</u>** These clauses address requirements for disposing of domestic, trade and commercial waste. Updated to reference Council's Waste Management Policy, which is to become an incorporated document – thus future-proofing the Local Law in the case of new innovations and changing requirements for waste management. Introduced requirement for waste to be deposited only in the approved bin to prevent contamination. Bins must be kept clean / in an inoffensive condition. Domestic (household) waste must not be deposited in street litter bins. Defined hard waste and strengthened provisions to regulate placement of hard waste on the nature strip, including prohibiting the removal without occupier consent. Updated provisions for donation bins on Council land - prohibit items being left outside a donation bin on Council land.
58 (new)	Trade and commercial waste	<u>New clauses</u>: • A detailed clause designed to regulate trade and commercial waste bins and provide guidance on keeping, emptying and placement. This is to address the growing number of bins stored on Council land and roads. The aim is to improve safety for all residents by ensuring bins are stored properly and maintained in a clean and sanitary

Summary Changes – Proposed Community Amenity Local Law 2025		
Clause	**Title**	**Description**
13 (new)	Donation bins on private land.	condition, preventing obstructions on footpaths, and maintaining safe and clean public spaces. • A permit is required to keep a donation bin on private land.
46 47 48 49 50 51 53 55 52 (new)	Advertising signage Street furniture and display of goods Trading activities Street collection and distribution Spruiking Busking, fundraising and community awareness activities Circuses, carnivals, festivals or events Shopping trolleys Commercial filming	**<u>Businesses and trade</u>** These clauses regulate trading and business activities on Council land. The following will become incorporated documents: • Commercial Street Furniture Guidelines • Parklet Guidelines Redrafted provisions regulating street furniture and display of goods to more clearly describe what the Council expects of businesses. Updated to include 'events' in clause 54, and a definition of events. Strengthened shopping trolley provisions to minimise obstructions in public places and impact on neighbourhood amenity. <u>New clause</u>: • A permit is required for commercial filming on Council land.
32 33	Smoking in a smoke free area Smoking on Council land	**<u>Smoking</u>** We have introduced two new clauses to support public health and help create cleaner, more welcoming spaces. <u>New clauses</u>: • Allow Council to declare Council land, certain locations and events smoke-free.
28 29 30 31 39 (new)	Behaviour on roads or Council land Access to a municipal place Tree and vegetation protection on Council land Nature strip planting Shipping containers on Council land	**<u>Protecting Council assets</u>** A series of changes relating to behaviour, defacing or damaging a municipal place, damaging trees or vegetation in a municipal place, and obstructions in a municipal place. We have removed the current permit requirement for Nature Strip Planting, instead introducing a requirement to comply with the Nature Strip Landscape Policy and Guidelines. These Guidelines will become an incorporated document. <u>New clause:</u> • Introduced new clause shipping containers on Council land.

Summary Changes – Proposed Community Amenity Local Law 2025		
Clause	**Title**	**Description**
60 to 68 69 to 76	Part 7 – Council Asset Protection and Building Site Amenity • Division 1 – Council asset protection • Division 2 – Building site amenity	A series of changes designed to better protect Council's assets, the environment and neighbourhood amenity - generally when building works take place. Examples include containing and removing builders' waste, site fencing, road and stormwater protection, hours of operation). Permit conditions and processes will sit outside the Local Law.
78 79 80 77 (New)	Impounding Disposal Permits – general Exercise of discretion	**Administration** Amendments to provide clarity about how Council will impound and dispose of an item. Permits provisions redrafted to combine and streamline how permits may be applied for, granted, refused, amended or cancelled; and includes provision for appeals and exemptions. New clause: • Provides a framework for exercising discretion in the application of the Local Law.
81 82 83 86 84 (new) 85 (new)	Notice to comply and verbal direction Power to act in urgent circumstances Offences and penalties Infringement notices Offences by corporations Operator onus offence	**Enforcement** These clauses regulate enforcement activities including notice to comply and verbal direction, offences and penalties and infringement notices. Simplified provisions to clearly articulate what constitutes an offence. Penalties updated in accordance with the Local Government Act 2020. The new Local Government Act 2020 has amended the penalty unit amount for local law offences from \$100 to the amount that is set every year by the State Government, which is currently \$197.59. We have reviewed the effect this change has on penalty amounts in the proposed Local Law. The new Schedule 1 Penalties for Infringement Notices lists the penalty for each type of infringement. Includes new provisions for: • An Authorised Officer to provide verbal direction. • An appeal. • Council to undertake works or remedial action in urgent circumstances and recover costs. New clauses to: • Address offences by corporations. • Address operator onus in relation to motor vehicles.

Deleted Clauses		
20	Camping – responsibility of a camper	Covered in new camping clauses and definitions.
43	Application (as it relates to animals and birds)	Incorporated where relevant into new keeping of animals clauses.
55	Application (as it relates to open air burning and incinerators)	Incorporated where relevant into new open air burning clauses.
69	Chimneys	Covered by other legislation.
62	Noise from vehicle sound equipment	Covered by other legislation.
63	Noise from Deliveries and Other Uses and Activities	Covered by other legislation.

5. Evaluation of the proposed Community Amenity Local Law 2025

Issue	Evaluation
Measures of success of the proposed local law	Council will measure the success of the proposed Community Amenity Local Law 2025 as follows: • recording levels of compliance/non-compliance using inspection data; • review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and • volume of complaints.
Existing legislation which might be used instead	In preparing the proposed Community Amenity Local Law 2025 care was taken to ensure that no clauses are included that relate to matters addressed under existing State or Federal legislation.
Overlap with existing legislation	It is believed that the proposed Community Amenity Local Law 2025 supplements State legislation without duplicating, overlapping or creating any inconsistencies.
Overlap with Planning Scheme	The proposed Community Amenity Local Law 2025 does not overlap with the Maribyrnong Planning Scheme.
Risk assessment	Council does not believe there are any risks associated with the proposed Community Amenity Local Law 2025. In reaching this view, Council considered the absence of such a local law and the lack of controls Council would have over its assets and the environment, as a consequence.

Issue	Evaluation
Legislative approach adopted	The proposed Community Amenity Local Law 2025 seeks to place the minimum imposition on the community. This is evidenced by: 1. reasonable penalties; and 2. minimum possible number of provisions creating offences. Council has also, as far as possible, adopted a performance based, rather than prescriptive, approach in the proposed Community Amenity Local Law 2025.
Offences and penalties	All offences created under the proposed Community Amenity Local Law 2025 attract a penalty of 20 penalty units, should the matter be prosecuted in court, with varying infringement penalties prescribed in Schedule 1 as being no more than one quarter of the maximum penalty for an offence. Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils. Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.
Permits	Clause 80 of the proposed Community Amenity Local Law 2025 was amended to provide a consistent approach to Council permits. The new clause was redrafted to combine and streamline how permits may be applied for, granted, refused, amended or cancelled; and includes provision for appeals and exemptions.
Fees	The proposed Community Amenity Local Law 2025 provides for Council to determine the fees and charges that will apply at any time. These fees and charges are set through the Council's Council Plan and Budget processes and are subject to separate community consultation.
Restriction of competition	The proposed Community Amenity Local Law 2025 has been reviewed against National Competition Policy principles and is considered to be consistent with these.
Charter of Human Rights	The implications of the proposed Community Amenity Local Law 2025 have been assessed by Council as compatible with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*. To the extent that any provisions engage rights, the limitations imposed are demonstrably justifiable, such that no incompatibility arises.
Gender impact assessment	The proposed Community Amenity Local Law 2025 has been considered with regard to the requirements of the *Gender Equality Act 2020*. A primary objective of the proposed Community Amenity Local Law 2025 is to provide a safe and healthy environment so that the community within the municipal district can enjoy a quality of life that meets its general expectations. This document will have a positive

Issue	Evaluation
	impact on the local municipality irrespective of gender, religion, age, disability or cultural identity.
Comparison with other Councils	In drafting the proposed Community Amenity Local Law 2025, Council examined Local Laws from a number of like and neighbouring councils to assess similarities and differences and ensure a reasonable degree of consistency in content, approach and penalties.
Consultation	The proposed Community Amenity Local Law 2025 has been developed in consultation with the community, Councillors, Council staff and Council's external legal advisors.
Submissions	Public consultation will be undertaken as part of the process of making the proposed local law and anyone interested in making a submission may do so, in accordance with section 73 of the *Local Government Act 2020*.

For further information on the proposed Community Amenity Local Law 2025, please contact Council on (03) 9688 0200 or email LocalLaw.Review2025@maribyrnong.vic.gov.av