



**LOCAL LAW COMMUNITY IMPACT**  
**STATEMENT**

**LOCAL LAW NO. 2 - ENVIRONMENTAL**

**2020**

**COMMUNITY IMPACT STATEMENT**  
Proposed Local Law No. 2 - Environmental

<b>VERSION NUMBER:</b>	1
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<b>APPROVED BY:</b>	Director, Planning and Corporate Services
<b>DEPARTMENT:</b>	Planning and Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Director, Planning and Corporate Services
<b>RELATED RECORDS:</b>	Draft Local Law 2: Environmental

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## Indigo Shire Council – Proposed Local Law No. 2

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Council provides the following information to the community in respect of the proposed Local Law.

### Part A – General comments

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Section 111 (1) of the Local Government Act 1989 gives Council the authority to create a local law to put controls in place that reflect the changing environmental circumstances and objectives of Indigo Shire.

Indigo Shire Council's current Local Law No. 2 expires 10 August 2020 and Council has determined that the existing local law be re-adopted for a further period of two years, to allow for a fully consultative review to be carried out to ensure that the local law remains relevant to Council's continued growth, changing infrastructure and amenities.

### Part B – Overview of proposed Local Law

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The proposed Local Law, known as the Indigo Shire Council Local Law No. 2, is being re-adopted under section 111(1) of the Act and will operate throughout Council's municipal district.

The proposed Local Law will commence on the day of its adoption at an ordinary meeting of Council and will expire two (2) years after commencement, unless it is revoked earlier.

The objectives of this Local Law provide to:

1. address activities that affect the amenity of the municipality
2. ensure a safe and healthy environment for the municipal residents by regulating or controlling activities which may be dangerous or unsafe or be a nuisance; and
3. be consistent with, and further to the objective specified in 7.1, to prohibit, regulate and control activities and circumstances;
4. provide for peace, order and good government of the municipal district; and
5. provide for the uniform and fair administration of the Local Law

The statutory consultation period will run from Saturday 9 May 2020 days and close on Tuesday 9 June 2020.

Anyone who makes a written submission can request to be heard in support of their submission at the Ordinary Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

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**Part C – Main changes to the Local Law**

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No changes have been made to Local Law No. 2.

**Part D – Comments on proposed Local Law overall**

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<p>Measures of success of proposed Local Law</p>	<p>The success of Local Law No. 2 will be measured by:</p> <ul style="list-style-type: none"> <li>• Improvement to areas that are currently highlighted as areas of concern</li> <li>• The level of community satisfaction with community health, safety and amenity</li> <li>• The ability to deal effectively with justified complaints from the public that cannot be dealt with under other legislation</li> </ul> <p>Council will measure that success as follows:</p> <ul style="list-style-type: none"> <li>• Review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions</li> <li>• Volume of complaints</li> </ul>
<p>Existing legislation which might be used instead</p>	<p>Where Council has considered the State legislation to be more appropriate to deal with particular issues, the provisions of the Local Law will supplement any existing State legislation administered and enforced by Council. Council will continue to rely on the provisions of the:</p> <ul style="list-style-type: none"> <li>• <b>Environment Protection Act 1970</b> – for the control of commercial and industrial noise</li> <li>• <b>Public Health and Wellbeing Act 2008</b> – for the control of nuisances where an activity does not require a permit</li> <li>• <b>Domestic Animals Act 1994</b> – for the control of animal welfare, responsible pet ownership and protection of the environment and community</li> <li>• <b>Road Management Act 2004</b> – for the control of the use of, and safety within, a road reserve</li> </ul>
<p>State legislation more appropriate</p>	<p>In circumstances where Council has considered State legislation is more appropriate to deal with particular issues, clauses of the existing Local Law have not been replicated in the proposed Local Law in favour of relying on the State legislation.</p>
<p>Overlap of existing legislation OR legislative approach adopted</p>	<ul style="list-style-type: none"> <li>• The provisions of the proposed Local Law will operate in conjunction with the requirements of the <i>Local Government Act</i> with the Act taking precedence where there may be any inconsistency or conflict.</li> <li>• No other legislation can be used instead of the proposed Local Law.</li> <li>• Council has created the proposed law in compliance with Section 111 (1) of the <i>Local Government Act 1989</i>;</li> <li>• The proposed Local Law does not overlap, duplicate or create any inconsistency with any existing legislation.</li> </ul>
<p>Overlap of Planning Scheme</p>	<p>The proposed Local Law does not overlap, duplicate or create any inconsistency with the Indigo Shire Council Planning Scheme</p>

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<p>Risk assessment</p>	<ul style="list-style-type: none"> <li>• Council adopted a risk management approach to the review and development of the proposed Local Law;</li> <li>• Council will seek public comment prior to deciding whether or not to adopt the proposed Local Law. This may result in changes to the Local Law.</li> </ul>
<p>Restriction of Competition</p>	<p>Council has conducted a review of the proposed Local Law in accordance with the National Competition Principles and believes that, because of the nature and content of the proposed Local Law, and particularly the ability to obtain permits to conduct activities that would otherwise be prohibited, there is no restriction of competition.</p> <p>Even if competition is restricted in some instances, the benefit of any restrictions to the community as a whole, outweigh the restriction. The objectives of the proposed Local Law cannot be achieved without a degree of restriction.</p>
<p>Penalties</p>	<p>The proposed new Local Law No. 2 – Environmental outlines a number of offences and penalties for a breach of the Local Law.</p> <p>The penalties range from 1 Penalty Unit to 10 Penalty Units.</p> <p>Benchmarking indicates the penalties prescribed, are within reasonable ranges when compared with equivalent Local Laws of other municipalities</p>
<p>Permits</p>	<p>A number of provisions in the proposed Local Law require Permits to be obtained for a variety of different activities.</p> <p>The Permits are for a variety of reasons including the protection of Council Assets, the management of Council Land and the protection of the local amenity.</p>
<p>Fees</p>	<p>The proposed Local Law allows Council to set fees annually and this will be done as part of the budget process.</p>
<p>Performance or Prescriptive Standards</p>	<p>Council has adopted a mix of both prescriptive and performance standards in its approach to the proposed Local Law.</p> <p>Where prescriptive standards are used in this Local Law they provide certainty for the municipality and for Council’s enforcement powers.</p>
<p>Comparison with Neighbouring and like Councils</p>	<p>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.</p> <p>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 whilst also reflecting the seriousness of those offences.</p>
<p>Charter of Human Rights</p>	<p>The provisions of this Local Law have been assessed against the <i>Victorian Charter of Human Rights and Responsibilities Act 2006</i> (“the Charter”) for compatibility with the Charter and Council has found no inconsistencies.</p> <p>The limitations are legitimate, reasonable and proportionate to the objectives and values of a free and democratic society.</p>
<p>Consultation Meetings</p>	<p>The proposed Local Law has been developed in consultation with Councillors, Council and Council’s external legal advisors.</p>

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	<p>A community consultation process will be undertaken to gather public input into the Local Law.</p> <p>Submissions will be taken into consideration by Council prior to the final adoption of the Local Law.</p>
<p><b>Submissions</b></p>	<p>A submission process, which includes public consultation, will be conducted in accordance with the legislative requirements prescribed under <i>Section 223 of the Local Government Act 1989</i>.</p> <p>Anyone interested in making a submission may do so, in accordance with <i>the Act</i>, including the right to be heard by Council if desired.</p>

**Part E – Comments on specific parts or provisions of the proposed Local Law**

<p><b>Clause(s), section or part of the Local Law</b></p>	<p>The Local Law is setup in sections as follows:</p> <ol style="list-style-type: none"> <li>1 Power to make this Local Law</li> <li>2 Commencement</li> <li>3 Cessation of operation of this Local Law</li> <li>4 Scope of this Local Law</li> <li>5 Definitions</li> <li>6 Title</li> <li>7 Objectives</li> <li>8 Fire hazards</li> <li>9 Dangerous land</li> <li>10 Nature strips</li> <li>11 Unsightly land</li> <li>12 Drainage</li> <li>13 Chimneys</li> <li>14 Fires in the open air</li> <li>15 Burning of offensive materials</li> <li>16 Recreational vehicle</li> <li>17 Advertising, bill posting and junk mail</li> <li>18 Noise in a public place</li> <li>19 Audible intruder alarms</li> <li>20 Audible bird scaring devices (gas guns, electronic bird scarers or other similar devices)</li> <li>21 Camping</li> <li>22 Camping on roads and Council land</li> <li>23 Circuses and carnivals</li> <li>24 Keeping animals</li> <li>25 Animal housing</li> <li>26 Animal excrement</li> <li>27 Poultry</li> <li>28 Keeping of beehives</li> <li>29 Wasps’ nests to be removed</li> <li>30 Removing or interfering with refuse or recyclable material</li> <li>31 Domestic waste</li> </ol>
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	<p>32 Hard garbage and green organics collection</p> <p>33 Damage to or loss of a mobile garbage, recyclable bin or green waste bin</p> <p>34 Trade waste and bulk waste containers</p> <p>35 Transportation of waste</p> <p>36 Use of transfer station</p> <p>37 Depositing of waste recyclables and green waste at transfer stations</p> <p>38 Dumping of ice chests, trunks or similar containers</p> <p>39 Removal of material from transfer stations</p> <p>40 Comply with signs</p> <p>41 Public places where alcohol beverages may not be consumed</p> <p>42 Consumption and possession of alcohol on public reserves</p> <p>43 Exemptions</p> <p>44 Behaviour in municipal places</p> <p>45 Prohibited behaviour</p> <p>46 Behaviour in municipal buildings</p> <p>47 Municipal swimming pools</p> <p>48 Lost and found articles</p> <p>49 Activities prohibited in reserves</p> <p>50 Activities which may not be permitted</p> <p>51 Applying for a permit</p> <p>52 Fees</p> <p>53 Issue of permits</p> <p>54 Duration of permits</p> <p>55 Conditional permits</p> <p>56 Cancellation of a permit</p> <p>57 Correction of permits</p> <p>58 Registers</p> <p>59 Service authorities</p> <p>60 Exemptions</p> <p>61 False representation or omission in application</p> <p>62 Offences</p> <p>63 Delegation</p> <p>64 Power of Authorised Officers to direct Notice to Comply</p> <p>65 Time to comply</p> <p>66 Failure to comply with a Notice to Comply</p> <p>67 Power of Authorised Officer to act in urgent circumstances</p> <p>68 Power of Authorised Officer to impound</p> <p>69 Infringement Notices</p> <p>70 Payment of penalty</p> <p>71 Liability for Loss</p>
<b>Description or heading(s)</b>	<p>The proposed Local Law uses headings and explanatory notes to assist with interpretation.</p> <p>The proposed Local Law has a table of contents identifying the content of each Part/Division and has an index to allow quick reference.</p> <p>The proposed Local Law includes a table of Definitions.</p>
<b>The problem the Local Law is intended to address</b>	<p>The ability to deal effectively with justified complaints from the public that cannot be dealt with under other legislation</p>
<b>Council objective</b>	<p>Council's primary objective is to ensure a safe and healthy environment for the municipal residents by regulating or controlling activities which may be dangerous or unsafe or be a nuisance.</p>

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	<p>By placing reasonable limitations and obligations on animal owners and persons in charge of an animal/s the Local Law enhances community safety and enjoyment of public places. It will also protect and enhance the amenity and environment within the municipality.</p> <p>By placing reasonable limitations and obligations on the owners and occupiers of land the Local Law enhances community safety and amenity.</p>
<p>Where is Council's objective set out?</p>	<p>Council's objectives for the proposed Local Law are set out in Part 1, Clause 7.</p> <p>These objectives are informed by Council's long-term policies and strategies, including the four-year Council Plan.</p>
<p>How does the proposed Local Law provision help achieve objectives?</p>	<p>The proposed Local Law achieves the above objective as it clearly articulates the provisions in efficient, effective and easy to read language, and provides for the administration of the Council's powers and functions.</p>