

COMMUNITY IMPACT STATEMENT AMENITY LOCAL LAW 2026

The following information is provided to the community in respect of the proposed Amenity Local Law 2026.

1. Introduction

Council is proposing to make Amenity Local Law 2026 to replace the current Amenity Local Law 2020.

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 Amenity Local Law came into operation in 2020 and will cease to operate on 1 July 2030, unless revoked earlier. 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 Amenity Local Law 2026.

The proposed Amenity Local Law 2026 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 Amenity Local Law 2026 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 Amenity Local Law 2026

The proposed Amenity Local Law 2026 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 a number of new, proposed clauses and provisions being included in the proposed Amenity Local Law 2026. The proposed Amenity Local Law 2026 also creates a few new offences. These changes are briefly summarised below:

Summary Main Changes – Proposed Amenity Local Law 2026		
Clause	Title	Description
11 12 13 20	Dangerous land Unightly land Land which is detrimental to the general amenity of the neighbourhood Lights	<u>Private land and neighbourhood amenity</u> Unightly and dangerous land • Redrafted the current clause and propose to replace with 3 clauses dealing with dangerous land, unsightly land and land which is detrimental to the general amenity of the neighbourhood. • There is a new proposed definition of ‘unsightly land’ to make it clear and transparent for the community and to eliminate any vagueness. • Includes a property manager to include liability for rental property managers to support compliance. Lights • A new clause to address nuisance lighting from private properties. • Includes a property manager to include liability for rental property managers to support compliance.

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Clause	Title	Description
26	Open air burning	<u>Open air burning</u> - The purpose of the proposed clause regulating open air burning is to divide the municipality into two areas, namely private land located within the Bushfire Management Overlay (BMO) and private land located outside the BMO. - Land within the BMO can burn without a permit (subject to conditions), and those outside the BMO can only burn with a permit. - The proposed clause is to achieve a greater balance between managing fire risk and addressing environmental and health concerns. - Add in provision for cultural burning to comply with the Charter of Human Rights and Responsibilities Act 2006 (Vic).
30 31	Limits on number of animals kept Animal housing	<u>Animal Management</u> Animal numbers - Amend the land area for excess animal permits to include all land and not land less than or equal to 4,000sq meters. The numbers of animals have been kept the same. - A new clause that a person may have an assistance dog or assistance animal on land to comply with the <i>Disability Discrimination Act 1992 (Cth)</i> & <i>Equal Opportunity Act 2010</i>. Animal housing - A new clause regulating fencing of animals (specifically dogs) on private land, and as an alternative, due to cost of living, allow for enclosures.
36	Behaviour on Council land	<u>Council-managed land and roads</u>

Summary Main Changes – Proposed Amenity Local Law 2026		
Clause	Title	Description
37 38	(including a municipal place) and roads Council's power on Council land (including municipal places) Access to a municipal place	These clauses regulate behaviour on Council land and access to Council buildings. 3 new clauses to replace the current clause to extensively address aggressive, insulting and offensive behaviour and activities on Council land and access to Council buildings.
54 55 56 57 58 59 60 61 62 63 64	Asset protection Notification upon completion of building work Inspection of Council assets and recovery of costs Obligations during building works Hours of building works Drains Spoil on roads Occupation of roads Vehicle crossings Defacing / damaging Council land and assets Trees and plants on Council land and roads	<u>Council assets, trees and regulating building sites</u> - A series of changes designed to better protect Council's assets, generally when building works take place. - A new clause to regulate building times to align with the same time of noise nuisances as per the <i>Environment Protection Act 2017</i>. Minor building works (defined) are excluded from these restrictions. Therefore, minor renovations will be excluded from these restrictions.
75 76 77 78	Offences Offences by corporations Operator onus offences Penalties	<u>Compliance and enforcement</u> - Simplified provisions to clearly articulate what constitutes an offence. - Penalties updated in accordance with the Local Government Act 2020. - New Schedule 1 Penalties

Summary Main Changes – Proposed Amenity Local Law 2026		
Clause	Title	Description
79	Infringement notices	New clause to address operator onus in relation to motor vehicles.
80	Notice to Comply and directions	A new clause to comply with Due Process under the Charter of Human Rights and Responsibilities Act 2006 (Vic) providing an offender with an opportunity to ask for a review of any legal notice.

Deleted Clause		
7.2 to 7.4	Election signage	Deleted from new draft Local Law as legal advice provides that the clause is not consistent with the local law requirements of the LGA 2020.

5. Evaluation of the proposed Amenity Local Law 2026

Issue	Evaluation
Measures of success of the proposed local law	Council will measure the success of the proposed Amenity Local Law 2026 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 Amenity Local Law 2026 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 Amenity Local Law 2026 supplements State legislation without duplicating, overlapping or creating any inconsistencies.

Issue	Evaluation
Overlap with Planning Scheme	The proposed Amenity Local Law 2026 does not overlap with the Knox Planning Scheme.
Risk assessment	Council does not believe there are any risks associated with the proposed Amenity Local Law 2026. 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.
Legislative approach adopted	The proposed Amenity Local Law 2026 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 Amenity Local Law 2026.
Offences and penalties	All offences created under the proposed Amenity Local Law 2026 attract a penalty of 20 penalty units, should the matter be prosecuted in court, with varying infringement penalties prescribed in Schedule 1. The proposed amenity Local Law 2026 differentiates between a natural person and a corporation. 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	Clauses 65 to 74 of the proposed Amenity Local Law 2026 were amended to provide a consistent approach to Council permits. These clauses were redrafted to combine and streamline how permits may be applied for, granted, refused, amended or cancelled; and includes provision for appeals and exemptions.

Issue	Evaluation
Fees	The proposed Amenity Local Law 2026 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 Amenity Local Law 2026 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 Amenity Local Law 2026 have been assessed by Council as compatible with the requirements of the <i>Charter of Human Rights and Responsibilities Act 2006</i>. To the extent that any provisions engage rights, the limitations imposed are demonstrably justifiable, such that no incompatibility arises.
Gender impact assessment	The proposed Amenity Local Law 2026 has been considered with regard to the requirements of the <i>Gender Equality Act 2020</i>. A primary objective of the proposed Amenity Local Law 2026 is to promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community. This document will have a positive impact on the local municipality irrespective of gender, religion, age, disability or cultural identity.
Comparison with other Councils	In drafting the proposed Amenity Local Law 2026, 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 Amenity Local Law 2026 has been developed in consultation with the community, Councillors, Council staff and Council's external legal advisors.

Issue	Evaluation
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 <i>Local Government Act 2020</i> .

For further information on the proposed Amenity Local Law 2026, please contact Council on (03) 9298 8000 or at LocalLawReview@knox.vic.gov.au