

Draft Amenity Local Law 2026

Comparative Analysis (current versus new draft)

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



	Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026	Key Change
Clause	Wording	Clause	Wording	
			Section A: Preliminary	
			Part 1: Preliminary, Objectives and Definitions	
1.1	Title This local law is called the “Amenity Local Law 2020”	1	Title This Local Law is called the “Amenity Local Law 2026”	New title.
1.2	What are the objectives of this local law? The objectives of this Local Law are to: (a) Provide for the peace, order and good government of the municipal district; (b) 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; and (c) Prevent and manage nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district and to achieve these objectives by: (d) Regulating and managing activities of people within the municipal district which	2	What are the objectives of this local law? The objectives of this Local Law are to: (a) Provide for the peace, order and good government of the municipal district; (b) 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; (c) Prevent and manage nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district; (d) Regulate and manage activities of people within the municipal district which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the municipal district;	Minor wording updates

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the municipal district; (e) Regulating and controlling the use and activity relating to Council land, roads and Council assets; and providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the municipal district.		(e) Regulate and control the use and activity relating to Council land, roads and Council assets; and (f) Provide standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the municipal district.	
1.3	What authorises this Local Law? This Local Law is made under section 111(1) of the Local Government Act 1989 and section 43 of the Domestic Animals Act 1994.	3	What authorises this Local Law? This Local Law is made under section 71 of the Local Government Act 2020 and section 43 of the Domestic Animals Act 1994.	Reference to Local Government Act 2020.
1.4	When does this local law commence? This Local Law commences on 1 July 2020.	4	When does this local law commence? This Local Law commences on TBD.	New Local Law operation date.
1.5	When does this Local Law end? Unless sooner revoked, in accordance with section 122 of the Local Government Act 1989, this Local Law is revoked on 1 July 2030.	5	When does this Local Law end? This Local Law ceases to operate on TBD, unless revoked sooner by Council.	New Local Law revocation date.
1.6	What does this local law replace?	6	What does this local law replace? On the commencement of this Local Law, the Amenity Local Law 2020 is revoked.	Repeal existing Local Law.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	On the commencement of this Local Law, the Knox City Council General Provisions Local Law 2010 is revoked.			
1.7 to 1.10	What does this local law apply to? This Local Law applies throughout the whole of the municipal district of the Knox City Council. This Local Law does not apply where any act or thing is authorised by or under any Act, Rule, Regulation or the Planning Scheme. Council may declare, by resolution, private land that is being used for public purposes as Council land. Any private land declared under clause 1.9 must be: (a) Advertised in a newspaper generally circulating within the municipality; and (b) Advised to the owner of the private land as shown on Council's rates records at the time of the declaration.	7	What does this local law apply to? (a) This Local Law applies throughout the whole of the municipal district of the Knox City Council. (b) This Local Law does not apply where any act or thing is authorised by or under any Act, Rule, Regulation or the Planning Scheme. (c) Council may determine, by resolution, private land that is being used for public purposes as Council land.	Minor wording updates

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
1.11.	Are there any exemptions from this local law? Council may, by resolution, determine specified persons, land or areas within the municipal district to be exempt from any provision of this Local Law for a specified time and on specified conditions.	8	Are there any exemptions from this local law? (a) Council may determine specified persons, land or areas within the municipal district to be exempt from any provision of this Local Law for a specified time and on specified conditions. (b) Where this Local Law prohibits any activity or other thing or provides that such activity can only take place or other thing can only be done or exist with a permit, that prohibition or provision will not apply to a person employed or engaged by Council while acting in the course of their official or authorised function.	Provides explicit appropriate exemptions for Council and Government organisations for transparency.
1.13	Where a word or phrase is given a particular meaning in the Local Law, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.	9	Interpreting this Local Law (a) Words and phrases, the meaning of which are defined in clause 10 of this Local Law or elsewhere in it, appear in bold type in the text. (b) Introductions to Parts, Headings and Notes are explanatory only and do not form part of this Local Law and are provided to assist understanding. (c) Where a word or phrase is defined in the Local Law, other parts of speech and grammatical forms of that word or phrase have, unless the	Updated to provide clarity.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			contrary intention appears, corresponding meanings.	
1.12	Definitions The Words identified in bold throughout this Local Law have the following meaning: Detailed definitions list available in Amenity Local Law 2020.	10	Definitions Detailed definitions list available in draft Amenity Local Law 2026.	All definitions have been reviewed, updated and cross-referenced against other legislation.
	Unightly means a state or condition of a property characterised by the opinion of an Authorised Officer as having the presence of one or more of the following features or similar features: (a) excessive waste; and/or (b) discarded, rejected, surplus or abandoned solid or liquid materials; and/or (c) an accumulation of building waste and materials; and/or (d) unregistered vehicles; and/or (e) disassembled or incomplete vehicles, excessive machinery, machinery parts or similar; and/or (f) excessive dead, diseased or dying vegetation; and/or (g) excessively long grass and/or weeds; and/or (h) a disused excavation; and/or (i) anything being built which is left incomplete or any other thing which is a detriment to the appearance of the surrounding area.		Definition – Unightly Unightly means a state or condition of a property having the presence of one or more of the following features or similar features: (a) unconstrained rubbish, litter or waste material; (b) discarded, rejected, surplus or abandoned solid or liquid materials; (c) unregistered vehicle(s) which is either unroadworthy, disassembled, incomplete, deteriorated or derelict; (d) disused or derelict machinery or vehicle parts; (e) dead, diseased or dying vegetation; (f) growth of vegetation and undergrowth exceeding a height of 300 millimetres; (g) a disused excavation;	Redrafted the definition to give clarity to the community and avoid any vagueness (e.g., excessiveness). Include graffiti and unregistered vehicles, but qualify that the aim of compliance is only for unregistered vehicle(s) which is either unroadworthy, disassembled, incomplete or deteriorated or derelict.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(h) a building or structure which is incomplete and not currently being constructed; or (i) graffiti on the exterior walls of a building or exterior fence.	
			Section B Neighbourhood Amenity and Your Property	
			Part 2: Private Land and Neighbourhood Amenity	
	Introduction This Part relates to the appearance and condition of private land and properties in the municipality, and includes properties that have been allowed to reach a dilapidated, unsightly or dangerous condition. This part also contains provisions to provide for clear signage of street numbers to assist in the management of the municipality and to assist emergency services.		Introduction This Part relates to the appearance and condition of private land and properties in the municipality and includes properties that have been allowed to reach a dilapidated, unsightly or dangerous condition. This part also contains provisions to provide for clear signage of street numbers to assist in the management of the municipality and to assist emergency services and regulate short stay rental accommodation.	
2.1 to 2.3 2.1	Condition of private land An owner or occupier of private land must not cause or allow that private land to be kept in a manner which is or is likely to constitute a danger to health or property.	11	Dangerous land (1) An owner or occupier or property manager of private land must not cause or allow that private land to be kept in a manner which is or is likely to constitute a danger to health, life or property.	Expand provisions associated with condition of private land to also include a property manager to include liability for rental properties.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
2.2 2.3	An owner or occupier of private land must not cause or allow that private land to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood in which it is located. An owner or occupier of private land must not cause or allow that private land to be used in a manner so as to be detrimental to the amenity of the immediate area.		(2) Clause 11(1) does not apply to any danger to health, life or property arising from the condition of vegetation, including trees, unless the vegetation or trees poses a risk to persons or property in a public place. (3) An owner or occupier or property manager of private land must not, without a permit, store or allow to be stored any matter, hazardous substance or thing which is dangerous or likely to cause danger to health, life or property on that land.	
	No Clause	12	Unsightly Land An owner or occupier or property manager of private land must not cause or allow that private land to be kept or used in a manner which is unsightly.	Expand provisions associated with condition of private land to include a property manager to include liability for rental properties. Unsightly land redefined to improve clarity and remove vagueness (see definitions)

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	No Clause	13	Land which is detrimental to the general amenity of the neighbourhood An owner or occupier or property manager of private land must not cause or allow that private land to be kept or used in a manner which is detrimental to the general amenity of the immediate neighbourhood in which the land is located.	Expand provisions associated with condition of private land to include a property manager to include liability for rental properties. Include a new definition of detrimental to provide clarity.
2.4 to 2.5	Obstructions from private land Without a permit, an owner or occupier of private land must not allow any vegetation, sign, fence, structure or other thing on that private land to: (a) encroach over any Council land or road to a height less than 2.5 metres; (b) encroach over any road comprising the road pavement for the traffic of vehicles to a height less than 5 metres; or (c) obstruct the clear view of traffic controls by a person on the adjacent road, or substantially interferes with vehicle or pedestrian use of any Council land or road or with street lighting.	14	Obstructions from private land (1) Without a permit, an owner or occupier or property manager of private land must not cause or allow any vegetation on that private land to: (a) encroach on or overhang over any Council land or road to a height less than 2.5 metres; (b) encroach on or over any road comprising the road pavement for the traffic of vehicles to a height less than 5 metres; or (c) obstruct the clear view of traffic controls by a person on the adjacent road or substantially interferes with vehicle or pedestrian use of any Council	Combined clauses 2.4 & 2.5 and expanded to include a property manager to include liability for rental properties & include a sign, fence, structure or other thing on private land encroaching on or over Council land.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	Without a permit , an owner or occupier of private land must not encroach, place or allow to be placed any obstruction or other thing on Council land or road .		land or road or with street lighting. (2) Without a permit, an owner or occupier or property manager of private land must not cause or allow any sign, fence, structure or other thing on that private land to encroach on or over any Council land or road. (3) Without a permit, an owner or occupier or property manager of private land must not place or allow to be placed, store or leave any obstruction or other thing on Council land or road.	
2.6 to 2.8 2.6 An owner or occupier of private land: (a) must not allow a building located on that private land to: (i) become dilapidated; or (ii) become dilapidated further; and (b) must not fail to maintain any building on that private land in a state of good repair. 2.7 The owner or occupier of private land on which there is a vacant dilapidated building must take all	Dilapidated Buildings	15	Dilapidated Buildings An owner or occupier or property manager of private land must: (a) not cause or allow a building located on that private land to: (i) become dilapidated; or (ii) become further dilapidated; (b) not fail to maintain any building on that private land in a state of good repair; (c) take all reasonable steps to secure the	Expanded to include a property manager to include liability for rental properties. Included: • Vermin • Graffiti Expand provision to put responsibility on the owner or occupier or property manager to take proactive & preventative steps to

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
2.8	reasonable steps to secure the private land from unauthorised access. For the purposes of sub-clause 2.6(a), a building is dilapidated if it is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance or misuse.		building and private land from unauthorised access by a person, including, if required, to install secure fencing, adequate locks and any other security options deemed necessary; (d) take reasonable steps to prevent or remedy the building and private land from being a haven for regular anti-social or unlawful behaviour by a person; (e) not allow any graffiti to remain on any building, exterior wall or exterior fence on that private land; and (f) remove any vermin inhabiting the building and private land.	ensure the property does not become or stay an adverse amenity issue.
2.9	Heavy and long vehicles on Private Land Without a permit, a person must not, on private land keep or do any work on a vehicle which is 7.5 metres or more in length or 4.5 tonne or more in gross vehicle mass.	16	Heavy and long vehicles on Private Land Without a permit, a person must not, on private land park, store, or repair or allow another person to park, store or repair a vehicle which is 7.5 metres or more in length or 4.5 tonne or more in gross vehicle mass.	Cosmetic change
2.10	Temporary accommodation/camping on Private Land	17	Camping on Private Land	Updated definition of camping (see definitions). Streamline the clause to

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	Without a permit , an owner or occupier of private land must not occupy or allow another person to occupy a caravan, vehicle , shed, tent or any other temporary, makeshift or like structure on private land .		Without a permit , an owner or occupier or property manager of private land must not camp on private land or allow another person to camp on private land .	rely on the definition of camp. Expanded to include a property manager to include liability for rental properties.
2.11 to 2.13	Property Numbers Council may allocate a property address to each property in the municipal district and, from time to time, may make changes to property addresses . For each property that has been allocated a property address under clause 2.11, the owner or occupier must mark the private land with the street number allocated, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the road which the private land fronts, under all normal lighting conditions. An owner or occupier must not use an address other than the property address for the private land .	18	Property Numbers (1) Council may allocate a property address to each property in the municipal district and, from time to time, may make changes to property addresses . (2) An owner or occupier or property manager of any property must ensure that the property is marked with the street number allocated, which must be: (a) of sufficient size; (b) in such a position; and (c) kept in such a state of repair as to be clearly readable during daylight hours from the road which the property fronts.	Streamlined the clause & expanded to include a property manager to include liability for rental properties.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
2.14	Intruder Alarms An owner or occupier of private land must not install or permit to be installed or cause to be retained in an active state; at or upon that private land, any alarm which emits a noise audible beyond the boundary of the land, unless the alarm is so constructed or regulated as to ensure that: (a) whenever a detection device is activated, the intruder alarm is automatically rendered inaudible beyond the boundary of the land within ten (10) minutes of it being activated; and (b) the intruder alarm cannot re-activate until the device has been re-set.	19	Intruder Alarms An owner or occupier or property manager of private land must not install or permit to be installed or cause to be retained in an active state at or upon that private land, any alarm which emits a noise audible beyond the boundary of the land, unless the alarm is so constructed or regulated as to ensure that: (a) whenever a detection device is activated, the intruder alarm is automatically rendered inaudible beyond the boundary of the land within ten (10) minutes of it being activated; and (b) the intruder alarm cannot re-activate until the device has been re-set.	No change, except to include a property manager expand liability for rental properties.
	No Clause	20	Lights (1) An owner or occupier or property manager of private land must not cause or allow the beam of a security or decorative light to penetrate beyond the property boundary. (2) An owner or occupier or property manager of private land must not cause or allow the beam of a security or decorative light to be excessive, offensive or cause a nuisance to any other person.	New clause to address nuisance lighting from private properties, Includes a property manager to expand liability for rental properties.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	No Clause	21	Short Stay Rental Accommodation An owner or occupier or property manager of private land who allows the private land to be used for short stay rental accommodation is guilty of an offence if, during any period of twelve (12) months, three (3) or more substantiated complaints are received by Council to the effect that: (a) a person on the private land has caused a nuisance; or (b) a person on the private land is demonstrating anti-social behaviour that has unduly interfered with the use and enjoyment of another residential premises.	New clause to address amenity issues that may arise from Short Stay Accommodation properties. Includes a property manager to expand liability for rental properties.
	No Clause	22	Shipping Containers Without a permit, an owner or occupier or property manager of private land must not keep, store, repair or in any other manner use a shipping container unless the Planning Scheme requires a planning permit for such use and a planning permit under the Planning Scheme has been issued.	New clause to address the placement of shipping containers on private land that is not covered under the Planning Scheme. Also includes a property manager to expand liability for rental properties.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			Part 3: Private Land and the Environment	
	Introduction This Part contains provisions which aim to preserve the environment in the municipality, for a range of matters that are not already regulated for by other legislation.		Introduction This Part contains provisions which aim to preserve the environment in the municipality, for a range of matters that are not already regulated for by other legislation.	
3.1 to 3.2 3.1 3.2	Environmental Weeds The Council may determine any type of vegetation to be an environmental weed to which this Local Law applies. An owner or occupier of private land of 2 hectares or less must not allow the private land to support the growth of any environmental weed as determined under clause 3.1.	23	Environmental Weeds (1) Council may determine any type of vegetation to be an environmental weed to which this Local Law applies. (2) The List of Environmental Weeds is incorporated into and forms part of this Local Law. (3) An owner or occupier or property manager of private land of two (2) hectares or less must not cause or allow any environmental weed under Clause 23(1) and (2) to be present on the private land.	Cosmetic change, and expand a property manager liability for rental properties. Incorporate the List of Environmental Weeds as Schedule 3 of the Local Law.
3.3 to 3.5 3.3	Tree and Vegetation Protection Without a permit, a person must not cut, trim, lop, prune or allow to be cut, trimmed, lopped or pruned on any private land a declared significant tree or declared significant vegetation.	24	Tree and Vegetation Protection (1) Without a permit, a person must not cut, trim, lop, prune or authorise or allow to be cut, trimmed, lopped or pruned on any private land a declared significant tree or declared significant vegetation.	Cosmetic change

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
3.4	Any person found guilty of an offence under clause 3.3 may be required by Council to provide restitution of vegetation based on a net gain principle.		(2) In addition to Clause 24 (1), Council may require a person to pay compensation to Council based on the net gain principle.	
3.5	Any person subject to a requirement under clause 3.4 must satisfy that requirement.		(3) A person must not fail to comply with the requirement under Clause 24 (2).	
3.11 to 3.14	Pests on Private Land An owner or occupier of private land must, upon becoming aware of the existence of an unmanaged honey bee swarm on that private land , take immediate steps to cause the hive or swarm to be removed.	25.	Vermin and pests on private land (1) An owner or occupier or property manager of private land must, upon becoming aware of the existence of an unmanaged honey bee swarm on that private land , immediately remove the hive or swarm.	Redrafted clause to combine as one & use correct legal terminology of vermin and not pests & includes a property manager to expand liability for rental properties; otherwise cosmetic changes.
3.11			(2) An owner or occupier or property manager of private land must, upon becoming aware of the existence of a wasp nest on that private land , immediately destroy the nest.	
3.12	An owner or occupier of private land must, upon becoming aware of the existence of a wasp nest on that private land , take immediate steps to cause the nest to be destroyed.		(3) An owner or occupier or property manager of private land must not cause or allow that private land to harbour vermin .	
3.13	An owner or occupier of private land must, upon becoming aware of the existence of rats or mice on that private land, take immediate steps to: (a) destroy any rats or mice on that private land; and/or (b) (b) remove or rectify any conditions on the private land which are conducive to the harbouring,		(4) An owner or occupier or property manager of private land must, upon becoming aware of the existence of	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
3.14	(c) breeding or feeding of rats and mice. Clause 3.13 does not apply to: (a) rats or mice bred or kept exclusively for research, scientific or educational purposes; or (b) rats or mice bred or kept exclusively as domestic pets.		vermin on that private land, immediately: (a) destroy any vermin on that private land; or (b) remove or rectify any conditions on the private land which are conducive to the harbouring, breeding or feeding of vermin. (5) Clause 25 (3) and (4) do not apply to: (a) rats or mice bred or kept exclusively for research, scientific or educational purposes; or (b) rats or mice bred or kept exclusively as domestic pets.	
		Part 4: Open Air Burning		
3.6 to 3.10	Opening Air Burning	25	Open air burning	Revoke the whole clause regulating Open Air Burning and 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
3.6	Without a permit , a person must not light a fire or allow a fire to remain alight in the open air .		Nothing in this Clause permits a person to light a fire during a declared Fire Danger Period (including a day of Total Fire Ban) or a Smog Alert Day declared by the Environment Protection Authority or any relevant statutory authority or otherwise in contravention of the Country Fire Authority Act 1958 or the Fire Rescue Victoria Act 1958. With the exception of Clause 26(4)(c), nothing in this Clause permits a	
3.7	Clause 3.6 does not apply to: (a) a tool of trade; (b) a barbeque or similar for the purposes of cooking food for human consumption;			

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
3.8	(c) a brazier, chiminea or small receptacle built for containing a fire for the purposes of personal heating; or (d) a person authorised to engage in an activity for or on behalf of a public authority, (e) providing that no nuisance is caused by the emission of smoke, soot, ash or odours.		person to light a fire during the months of June & July. In this Clause “Bushfire Management Overlay” (BMO) means a geographic overlay of the Planning Scheme that identifies areas at risk of bushfire, requiring specific planning controls for development to reduce risk to life and property.	(with conditions), and those outside the BMO can only burn with a permit.
3.9	A person who has lit or allowed a fire to remain alight contrary to clause 3.6 or any conditions in a permit , must extinguish the fire immediately on being directed to do so by an Authorised Officer .		A. Open Air Burning Categories (a) This Local Law divides the municipal district into two (2) open air burning categories: (i) Open Air Burning – private land located within the BMO ; and (ii) Open Air Burning – private land located outside the BMO .	Add in cultural burning to comply with the Charter of Human Rights and Responsibilities Act 2006 (Vic).
3.10	No permit to burn will be issued during a declared fire danger period. An owner or occupier of private land must not construct, erect, install, allow to remain, use or permit to be used an incinerator on any private land .		(b) Each property within the municipal district is within a category and the onus is on each owner or occupier of the private land to know to which category their private land belongs and to comply with the relevant open air burning restrictions set out in this	Add in extensive clauses with restrictions to provide clarity to the community.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			Local Law or any relevant legislation. Note: The location of private land and whether it is located within or outside the BMO is shown in the Planning Scheme or can be verified using the Victorian Government’s MapShare Tool: https://mapshare.vic.gov.au/vicplan/ The Planning Scheme and Maps is available online for inspection or at Council’s principal office. Notification of the burn must be registered with Fire Permits Victoria webpage: https://firepermits.vic.gov.au/ Note: The location of private land and whether it is located within or outside the BMO is shown in the Planning Scheme or can be verified using the Victorian	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			Government's MapShare Tool: https://mapshare.vic.gov.au/vicplan/ The Planning Scheme and Maps is available online for inspection or at Council's principal office. Notification of the burn must be registered with Fire Permits Victoria webpage: https://firepermits.vic.gov.au/ B. Regulation of Open Air Burning (1) Open Air Burning – Private land falling within the BMO A person may, without a permit, light or allow to be lit, a fire in the open air, if the private land is located within the BMO. (2) Open Air Burning – Private land falling outside the BMO (a) A person must not, without a permit, light or allow to be lit, a fire in the open air, if the	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			private land is located outside the BMO. (b) A person must comply with the conditions of the permit. (3) Permit may be issued Upon application by a person, Council or an Authorised Officer may issue a permit in accordance with Part 4 of this Local Law which allows the permit holder, subject to any conditions outlined in the permit, to have on any private land specified in the permit a fire in the open air that does not comply with any of the requirements of Clause 26(4)(a). (4) General Provisions (a) A person or owner or occupier of private land who has lit or allowed a fire to be lit in the open air on private land must ensure that: (i) the open air burning is only for fuel reduction for the purpose of fire prevention;	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(ii) only one fire can be lit respectively on a Thursday, Friday or Saturday during daylight hours; (iii) the fire must be completely extinguished by the end of that day's daylight hour; (iv) the fire must not exceed one cubic metre in size; (v) the distance from the outer extremity of the fire to any other fuel is at least three metres, including above the fire; (vi) the fire is supervised by an adult at all times who has the capacity and means to extinguish the fire; (vii) sufficient fire protection equipment	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			or an adequate water supply is readily available on site to control or extinguish the fire; (viii) at the site of the fire, the wind speed must not exceed 10 kilometres per hour; (ix) a notification of the fire in the open air is registered with Fire Permits Victoria or any relevant statutory authority prior to the commencement of the fire; and (x) the immediate surrounding neighbours are notified of the fire in the open air at least twenty four (24) hours beforehand. (b) A person or owner or occupier of private land, who has lit or allowed a fire to be lit or is in charge of a fire in the open air	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			on private land must before leaving the place of the fire: (i) completely extinguish the fire; or (ii) ensure that an adult person who has the capacity and means to extinguish the fire remains at all times in charge of the fire. (c) Without a permit, a person or owner or occupier of private land is allowed to light a fire in the open air on private land in the following circumstances: (i) a barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food; (ii) a fire in a brazier, fire pit or chimenea while it is being used for heating; (iii) a tool of trade while being used for the purpose for	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			which it was designed; (iv) a fire lit during the course of duty by a member of a fire and emergency services agency; or (v) a fire lit for the purpose of enjoying culture or practising religion. (5) Restrictions on Open Air Burning on private land (a) A person or owner or occupier of private land must not light or allow a fire to be lit in the open air on the private land that: (i) is offensive or a nuisance to another person in the vicinity, or beyond the property boundary; may cause a hazard to a person's health; (ii) has an adverse impact on visibility beyond the property boundary, including reducing the	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			visibility of motorists and other users of a road; or (iii) creates a hazard on, or near, a road. (b) A person or owner or occupier of private land must not light or allow a fire to be lit in the open air on the private land to burn: (i) green or wet vegetation; (ii) non timber based building materials; (iii) painted or treated timber; (iv) rubber or plastic, including plastic mulch, plant pots and packaging materials; (v) furnishings or carpet; (vi) manufactured chemicals or pressurised cans; (vii) petroleum or oil products; (viii) paint or any container in which paint is or was kept;	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(ix) food waste; (x) manure or straw; (xi) carcasses or dead animals, unless prescribed by the Department of Energy, Environment and Climate Action (DEECA) or any relevant statutory authority as the only means of disposal; or (xii) any other offensive, noxious, or toxic matter. (6) Restrictions on Open Air Burning in Public Places and on Council Land (a) A person must not, without a permit or the relevant land manager’s written consent, light or allow to be lit, a fire in the open air on: (i) a road; (ii) Council land; (iii) Crown land; or (iv) any public place	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			unless the fire is authorised by a sign erected in or on the land by Council. (b) The restrictions in Clause 26(5) apply to Clause 26(6). (7) Direction to Extinguish Fires A person who has lit or allowed a fire in the open air to be lit contrary to the provisions in this clause or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by: (a) an Authorised Officer; or (b) a member of Victoria Police or the Country Fire Authority or Fire Rescue Victoria. (8) Incinerators A person or owner or occupier of private land must not light or allow to be lit a fire in an incinerator.	
			Part 5: Waste Management	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
3.15 to 3.16	Council Waste Service The Use of Waste Collection Services Policy is incorporated into and forms part of this Local Law .	27	Council Waste Service (1) The <i>Use of Waste Collection Services Policy</i> is incorporated into and forms part of this Local Law . (2) A person must comply with the <i>Use of Waste Collection Services Policy</i> .	Cosmetic change
3.15 3.16	A person who contravenes the Use of Waste Collection Services Policy is guilty of an offence.			
3.17	Non-Council Waste Service Where an owner or occupier of private land uses a non- Council managed waste collection service in respect to that private land , the owner or occupier of that private land must ensure that the: (a) service provided be at a standard and frequency equivalent to that provided by Council; and (b) bin/receptacle be kept in a clean and sanitary condition; and (c) bin/receptacle not be stored or used in any manner so as to cause a nuisance or become detrimental to the amenity of the immediate area.	28	Non—Council Waste Service An owner or occupier of private land , who uses a non- Council managed waste collection service in respect to that private land , must ensure that the: (a) service provided be at a standard and frequency equivalent to that provided by Council; (b) bin be kept in a clean and sanitary condition; and (c) bin not be stored or used in any manner so as to cause a nuisance or become detrimental to the amenity of the immediate area.	Cosmetic change

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
3.18 to 3.20	Commercial or Trade Waste	29	Commercial Waste	Combine clauses. Minor amendments to provide clarity around commercial waste bins - keeping, emptying and placement & align words and definitions with those in the Policy.
3.18	Without a permit , a person must not place out for collection a commercial or trade waste bin/container on a road or Council land .		(1) Without a permit , a person must not place out for collection a commercial waste bin on Council land a road .	
3.19	Where an owner or occupier of private land has or stores commercial or trade waste on that private land , the owner or occupier of that private land must ensure that the:		(2) Where an owner or occupier of private land has stored or stores commercial waste on that private land , the owner or occupier of that private land must ensure that the:	
	(a) bin/container and the surrounding area be kept in a clean and sanitary condition; and		(a) bin and the surrounding area are kept in a clean and sanitary condition;	
	(b) commercial waste be regularly removed, at the frequency required to ensure that the bin/container is not overflowing; and		(b) commercial waste is regularly removed, at the frequency required to ensure that the bin is not overflowing;	
	(c) bin/container be labelled with the address of the property, in accordance with any direction by an Authorised Officer ; and		(c) bin is labelled with the address of the property, in accordance with any direction by Council or an Authorised Officer ; and	
	(d) label on the bin/container be maintained and be clearly readable from		(d) label on the bin is maintained and is clearly readable from the road , which the private	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
3.20	the road, which the private land fronts, under all normal lighting conditions. A person must not place commercial or trade waste: (a) in a public litter bin; (b) in a public recycle bin; (c) on a hard-waste collection pile; (d) in a Council supplied bin that is for the purpose of residential collection; (e) in a Council supplied bin that is for commercial collection, for a property they do not own or occupy.	29	land fronts, under normal lighting conditions. (3) A person must not place commercial waste: (a) in a public litter bin; (b) in a public recycle bin; (c) on a hard-waste collection pile; (d) in a Council supplied bin that is for the purpose of residential collection; or (e) in a Council supplied bin that is for commercial collection, for a property they do not own or occupy. (4) If the owner or occupier of a commercial or industrial premises utilises a waste collection service other than, or in addition to, a waste collection service provided by Council: (a) the owner or occupier of a commercial or industrial premises must ensure that, for the purposes of that commercial waste collection service, the	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			commercial waste bin provided for the storage of commercial waste is: (i) constructed of impervious materials, watertight and pest proof; (ii) emptied before it overflows; (iii) removed from any public place immediately after it is emptied; (iv) maintained and kept in a clean condition and free from offensive odours; and (v) not placed on a nature strip or other part of a road, for the purpose of emptying of the commercial waste bin for longer than 48 hours; (b) a person or the owner or occupier of a commercial or	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			industrial premises must not place a waste bin from a commercial premises out for collection on a nature strip or other part of a road prior to 4.00pm prior to collection and must return that bin to the premises by 10.00am on the day of collection. (c) a person or the owner or occupier of a commercial or industrial premises, who places or allow to be placed a commercial waste bin on a nature strip or other part of a road to be emptied, must ensure that it does not cause any obstruction or danger to any person; and (d) a person or the owner or occupier of a commercial or industrial premises who has placed or allow to be placed a commercial waste bin on a nature strip or other part of a road, must repair any damage to the nature strip or road or any works in the	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			road , including a vehicle crossing, that results from placing the commercial waste bin on the nature strip or road or emptying it.	
			Section C Keeping of Animals	
			Part 6: Animals	
	Introduction This Part contains provisions which aim to ensure that any animals kept on private land do not cause a nuisance or adverse impact on the amenity of the area.		Introduction This Part contains provisions which aim to ensure that any animals kept on private land do not cause a nuisance or have an adverse impact on the amenity of the area.	
4.1 to 4.3 4.1	Limits on number of animals kept	30	Limits on number of animals kept (1) Without a permit, an owner or occupier of private land must not keep or allow to be kept on that private land any more in number for each animal than is set out in the following table:	Amend the land area for excess animal permits to include all land and not land less than or equal to 4,000sq meters. Animal numbers have been kept the same. Add a new provision that a person may have an assistance dog or assistance animal on land

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change																		
Clause	Wording	Clause	Wording																			
4.2	An owner or occupier of private land , the area of which is less than or equal to 4,000 square metres must not, without a permit , keep or allow to be kept on that private land any more in number for each animal than is set out in the following table:		<table><tr><th>Type of animal</th><th>Number¹</th></tr><tr><td>Dogs</td><td>Two (2)</td></tr><tr><td>Cats</td><td>Two (2)</td></tr><tr><td>Poultry</td><td>Five (5)</td></tr><tr><td>Small birds</td><td>Twenty Five (25)</td></tr><tr><td>Large Birds</td><td>Five (5)</td></tr><tr><td>Ferrets, Guinea Pigs, Rabbits or Rodents</td><td>Five (5)</td></tr><tr><td>Rooster</td><td>Nought (0)</td></tr><tr><td>Livestock</td><td>Nought (0) if private land is less than 4,000 sq metres.</td></tr></table>	Type of animal	Number ¹	Dogs	Two (2)	Cats	Two (2)	Poultry	Five (5)	Small birds	Twenty Five (25)	Large Birds	Five (5)	Ferrets, Guinea Pigs, Rabbits or Rodents	Five (5)	Rooster	Nought (0)	Livestock	Nought (0) if private land is less than 4,000 sq metres.	to comply with the Disability Discrimination Act 1992 (Cth) & Equal Opportunity Act 2010.
	Type of animal	Number ¹																				
Dogs	Two (2)																					
Cats	Two (2)																					
Poultry	Five (5)																					
Small birds	Twenty Five (25)																					
Large Birds	Five (5)																					
Ferrets, Guinea Pigs, Rabbits or Rodents	Five (5)																					
Rooster	Nought (0)																					
Livestock	Nought (0) if private land is less than 4,000 sq metres.																					
4.3	<table><tr><th>Type of animal</th><th>Number</th></tr><tr><td>Dogs</td><td>Two (2)</td></tr><tr><td>Cats</td><td>Two (2)</td></tr><tr><td>Poultry</td><td>Five (5)</td></tr><tr><td>Small birds</td><td>Twenty Five (25)</td></tr><tr><td>Large Birds</td><td>Five (5)</td></tr><tr><td>Ferrets, Guinea Pigs, Rabbits or Rodents</td><td>Five (5)</td></tr></table> Unless specifically permitted under a Planning Scheme applicable to the private land or an Act, a person must not, without a permit, keep livestock on any private land which is less than 4,000 square metres. Unless specifically permitted under a Planning Scheme applicable to the private land or any Act, a person must not keep a rooster on any private land.	Type of animal	Number	Dogs	Two (2)	Cats	Two (2)	Poultry	Five (5)	Small birds	Twenty Five (25)	Large Birds	Five (5)	Ferrets, Guinea Pigs, Rabbits or Rodents	Five (5)	(2) The limitations and restrictions in this Part do not prohibit the keeping of any animals for which a planning permit is required under the Planning Scheme and a planning permit has been issued for such keeping. (3) Council or an Authorised Officer may exempt any person or class of persons from the application of Clause 30(1). (4) Notwithstanding Clauses 30(1) and (2), a person is allowed to keep an assistance dog or assistance animal on private land, provided that the assistance dog or assistance animal is registered with Council or an appropriate body or Applicable Organisation, if required under legislation.						
Type of animal	Number																					
Dogs	Two (2)																					
Cats	Two (2)																					
Poultry	Five (5)																					
Small birds	Twenty Five (25)																					
Large Birds	Five (5)																					
Ferrets, Guinea Pigs, Rabbits or Rodents	Five (5)																					

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(5) Unless specifically permitted under a Planning Scheme applicable to the private land or any Act, a person must not keep a rooster on any private land. (6) Unless specifically permitted under a Planning Scheme applicable to the private land or any Act, a person must not keep livestock on any private land which is less than 4,000 square metres. ¹ For the purpose of calculating the maximum number of dogs and cats allowed to be kept on land, the progeny of any dog or cat lawfully kept on the land is not to be counted for twelve (12) weeks after their birth. An assistance dog or assistance animal is not included in the total number of animals allowed in the Table. ² Specific bodies accredited by state government (such as the Minister for Agriculture in Victoria under the Domestic Animals Act 1994) that are authorised to train and accredit assistance animals, e.g., Dogs Victoria.	
4.4 to 4.5 4.4.	Animal Housing The owner of an animal and the owner or occupier of the private land on which the animal is kept, must ensure that the animal housing: (a) is constructed or altered to the satisfaction of an Authorised Officer with adequate roofing, flooring and drainage;	31	Animal Housing (1) The owner of an animal and the owner or occupier of the private land on which an animal is kept, must ensure that the animal housing: (a) is constructed with adequate roofing, flooring and drainage; (b) is maintained in a clean and sanitary condition; (c) provides adequate shelter for the	Cosmetic change

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
4.5	(b) is maintained in a clean and sanitary condition; (c) provides adequate shelter for the number of and welfare needs of the animal; (d) is maintained in good repair so as to not cause nuisance to neighbouring properties; (e) is located at a distance from neighbouring properties and dwellings that is to the satisfaction of an Authorised Officer; (f) is kept clear of materials which may harbour vermin. The owner of an animal and the owner or occupier of the private land on which the animal is housed must ensure that animal food is stored as to prevent access by vermin or insects, to the satisfaction of an Authorised Officer.		number of and welfare needs of the animal; (d) is maintained in good repair so as to not cause a nuisance to neighbouring properties; (e) is located at a distance from neighbouring properties and dwellings that is to the satisfaction of an Authorised Officer; and (f) is kept clear of materials which may harbour vermin. (2) The owner of an animal and the owner or occupier of the private land on which the animal is housed must ensure that animal food is stored to prevent access by vermin.	
	No Clause	32	Private land adequately fenced (1) The owner of an animal and the owner or occupier of the private land on which the	New clause regulating fencing of animals (specifically dogs) on private land.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			animal is kept, must ensure that the private land is adequately fenced, and the fence is maintained to the satisfaction of Council or an Authorised Officer, so that any animal kept on the private land cannot escape from that private land; or (2) The owner of an animal and the owner or occupier of the private land on which the animal is kept can, as an alternative to adequate fencing, install and maintain an enclosure for the animal to be kept on the private land to prevent the animal from escaping. (3) In addition to Clause 32(2), the enclosure must comply with the applicable Code of Practice applicable to the animal under the <i>Prevention of Cruelty to Animals Act 1986</i> or the <i>Domestic Animals Act 1994</i> or any other relevant state legislation. (4) A failure to comply with Clause 32(1), (2) and (3) is an offence.	An alternative clause allowing owners to install an enclosure to address cost of living issues. Dogs escaping from their property and attacking people and other animals is a major issue and there is a need for regulation to ensure responsible ownership.
4.6 to 4.7	Removal of Animal Waste	33	Removal of Animal Waste	No change
			(1) A person in charge of an animal on Council land or on a road must carry a facility for the	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
4.6 4.7	A person in charge of an animal on Council land or on a road must carry a facility for the effective removal of any waste that may be deposited by that animal. A person in charge of an animal on Council land or on a road must collect from the Council land or road and appropriately dispose of any waste deposited by that animal.		effective removal of any waste that may be deposited by that animal. (2) A person in charge of an animal on Council land or on a road must collect from the Council land or road and appropriately dispose of any waste deposited by that animal.	
4.8 to 4.9 4.8 4.9	Animal Noise and Odour The owner of an animal and the owner or occupier of the private land on which the animal is kept must not allow noise or odour to emanate from the animal as to interfere with the amenity of the immediate area. Clause 4.8 does not apply to any class of animal where another Act or legislation applies.	34	Animal Noise and Odour (1) The owner of an animal and the owner or occupier of the private land on which the animal is kept must not allow noise or odour to emanate from the animal as to interfere with the amenity of the immediate area. (2) Clause 36(1) does not apply to any class of animal where another Act or legislation applies.	No change
4.10 to 4.11 4.10	Feeding of Animals and Birds If the feeding of an uncaged bird and/or animal by a person interferes with the amenity of the immediate	35	Feeding of Animals and Birds A person must not feed an uncaged bird or animal so as to interfere with the amenity of the immediate area or cause damage to any land.	Cosmetic change

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
4.11	area or causes damage to property, an Authorised Officer may direct the person to cease feeding the bird and/or animal. Any person who is given a direction under clause 4.10 must comply with that direction.			
			Section D: Use of Council Land and Roads	
			Part 7: Use of Council Land and Road	
	Introduction Introduction: This Part contains provisions to protect the amenity of Council land or roads through controls prohibiting persons from causing damage to, or acting in a socially unacceptable manner on Council land or roads.		Introduction Introduction: This Part contains provisions to protect the amenity of Council land or roads through controls prohibiting persons from causing damage to, or acting in a socially unacceptable manner on Council land or roads.	
5.1 to 5.3	Behaviour on Council Land and Roads	36	Behaviour on Council Land (including municipal place) and Roads	Revoke old clause and replace with an expanded extensive clause dealing with behavioural issues to ensure the safety of the community and Council staff.
5.1	A person must not behave, on Council land or on a road in such a manner as to interfere with another person's reasonable use of that Council land or road .		A person must not:	
5.2			(1) create a nuisance on Council land or a road; (2) act in a manner that is likely to interfere with the reasonable use and enjoyment of a Council land or a road by other persons;	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
5.3	A person must not behave, on Council land or on a road in such a manner as to endanger or be likely to endanger a person's health or life, property, or an animal. A person must comply with any sign erected on Council land or road by Council.		(3) act in a manner which endangers any other person on a Council land or a road; (4) use indecent, insulting, offensive or abusive language on a Council land or a road; (5) behave in an indecent, offensive, insulting, or riotous manner on a Council land or a road; (6) bring onto Council land any substance, liquid or powder which may: (a) be dangerous or injurious to health; (b) have the potential to foul, pollute or soil any part of the Council land; or (c) cause discomfort to any person. (7) organise, conduct, or hold any function or event on a road or Council land without the consent of Council or an Authorised Officer or a Council staff member; (8) act contrary to any restriction, prohibition or direction contained on a sign on Council land or a road; (9) erect, operate or cause to be erected or operated any amusement, without a permit, on Council land or a road;	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(10) obstruct, hinder, or interfere with a Council staff member in the performance of their duties on Council land or a road; (11) act contrary to any reasonable direction of an Authorised Officer or Council staff member given on Council land or a road, including, without limitation, a direction to leave the Council land or the road, whether or not a fee for admission has been paid; (12) make any wager for money or engage in any form of gambling, without a permit, on Council land or a road; (13) remain in a municipal place while under the influence of alcohol or any prohibited drug; or (14) remain on Council land or a road after being directed to leave by an Authorised Officer or a Council staff member.	
	No Clause	37	Council's power on Council Land (including municipal places) (1) Under this Local Law the Council or an Authorised	New provisions to better regulate behaviour on council land and access to council buildings and land.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			Officer or a Council staff member may do any of the following in relation to any Council land: (a) restrict access to all or part of Council land to any person; (b) close Council land or any part of it to the public; (c) determine the hours Council land or any part of it is open to the public; (d) establish conditions of entry to Council land or any part of it; (e) establish conditions for the use or hire of Council land or any part of it; (f) set and collect fees or charges for admission to or the hire of or the use of Council land or any part of it, including variation in fees or charges depending upon multiple use, period of time or any other basis; and (g) set and collect fees or charges for the hire or use of any Council property or asset in connection with Council land or any part of it. (2) A person must not act contrary to any restriction,	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			closure, condition, fee, charge, agreement or authorised instruction in relation to Council land unless authorised by Council or an Authorised Officer or a Council staff member to do so.	
	No Clause	38	Access to a Municipal Place (1) A person must not, without the consent of Council or an Authorised Officer or Council staff member: (a) act contrary to any conditions of entry or membership applicable to a municipal place; (b) enter or remain in a municipal place after being directed to leave by an Authorised Officer or a Council staff member; (c) enter or remain in a municipal place during hours when the municipal place is not open to the public; (d) bring any animal into, or allow any animal under their control to remain in a municipal place, except for an assistance dog being used by that person; or	New provisions to better regulate access to council buildings and land.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(e) bring any vehicle or wheeled recreational device or wheeled toy into a municipal place, except for: (i) a pram or pusher being used by a child; or (ii) a wheelchair or motorised disability scooter or similar being used by a person with disabilities. (2) A person must not act contrary to any reasonable direction of an Authorised Officer or Council staff member given in a municipal place.	
5.4	Camping on Council Land Without a permit, a person must not camp in or on any Council land or road.	39	Camping on Council Land or road or public place Without a permit, a person must not camp in or on any Council land or road or public place.	Add in a public place.
5.5	Obstructions on Roads and Council Land Without a permit, a person must not place or permit to be placed or allow to remain on a road or Council land: (a) a bulk rubbish container; or (b) a shipping container; or (c) a donation bin; or (d) any other thing.	40	Obstructions on Roads and Council Land Without a permit, a person must not place or permit to be placed or allow to remain on Council land or a road: (a) a bulk rubbish container; (b) a shipping container; (c) a donation bin; or (d) any other thing.	No change

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
5.6 to 5.8 5.6 5.7 5.8	Shopping Trolleys A person must not leave a shopping trolley on a road or Council land, except in an area designated for the leaving of shopping trolleys. The owner of a shopping trolley must ensure that their name and trading name are clearly marked on the shopping trolley. The owner of a shopping trolley must not allow the shopping trolley to be left on a road or Council land, except in an area designated for the leaving of shopping trolleys.	41	Shopping Trolleys (1) A person must not leave a shopping trolley on Council land or a road, except in an area designated for the leaving of shopping trolleys. (2) The owner of a shopping trolley must ensure that their name and trading name are clearly marked on the shopping trolley. (3) The owner of a shopping trolley must not leave or allow to be left a shopping trolley on Council land or a road, except in an area designated for the leaving of shopping trolleys.	No change
5.9 to 5.10 5.9 5.10	Use of Toy Vehicles or Aircraft A person must not use or allow to be used a wheeled toy, wheeled recreational device, motorised toy vehicle or model aircraft on a road or Council land so as to endanger, intimidate or unduly obstruct any other person or vehicle lawfully using or intending to use the same area, or damage property.	42	Use of Toy Vehicles or Aircraft (1) A person must not use or allow to be used a wheeled toy, wheeled recreational device, motorised toy vehicle or model aircraft on Council land or a road so as to: (a) endanger or intimidate or unduly obstruct or cause annoyance to any other person or vehicle lawfully using or intending to use the same area; or (b) damage property. (2) Council may determine any Council land or a road,	Cosmetic change, however deleted the word “drone” from the definition of “model aircraft” as drones are regulated by CASA (state government).

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	The Council may determine a road or Council land in which the use of a wheeled toy, wheeled recreational device, motorised toy vehicle or model aircraft is prohibited, where it considers that the use of these items is reasonably likely to cause physical damage to infrastructure, or would prevent the free passage of other users of the road or Council land , or damage property, or Council assets .		where a wheeled toy, wheeled recreational device, motorised toy vehicle or model aircraft is used or can be used, to be prohibited, if the use of these items is reasonably likely to endanger, intimidate or unduly obstruct any other person or vehicle lawfully using or intending to use the same area or damage property to Council land or a road or a Council asset .	
5.11	Fireworks on Council Land and Roads Without a permit , a person must not discharge or cause or allow to be discharged any fireworks on a road or Council land .	43	Fireworks on Council Land and Roads Without a permit , a person must not discharge or cause or allow to be discharged any fireworks on Council land or a road .	No change
			Part 8: Vehicles on Council Land or Roads	
	Introduction This Part contains provisions regarding the placement of vehicles on Council land or roads , for matters that are not already regulated for by other legislation.		Introduction This Part contains provisions regarding the placement of vehicles on Council land or roads , for matters that are not already regulated for by other legislation.	
6.1	Vehicles on Council Land and Roads	44	Vehicles on Council Land and Roads	No change

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	Without a permit , a person must not use, or allow to remain, any vehicle on any Council land or road unless set aside for vehicle parking or is a designated roadway.		Without a permit , a person must not use, or allow to remain, any vehicle on any Council land or road unless set aside for vehicle parking or is a designated roadway.	
6.2 to 6.3	Repairing Vehicles Subject to clause 6.3, a person must not paint, service, carry out maintenance on, dismantle or repair a vehicle on a road or Council land . 6.3 Clause 6.2 does not apply to a minor repair being undertaken by a motoring assistance organisation to enable the immediate removal of the vehicle .	45	Repairing or displaying vehicles (1) A person must not dismantle, paint, service, carry out maintenance on, repair or dismantle a vehicle on Council land or a road , or allow or authorise another person to do so, except in an emergency breakdown for the purpose of removing it. (2) Without a permit , a person must not display a vehicle for sale on Council land or a road .	Redrafted clause and streamlined. Delete definition of “ motoring assistance organisation ” and replaced with broad exemption for an emergency.
	No Clause	46	Abandoned, Derelict and Unregistered Vehicles A person must not abandon or leave a derelict or unregistered vehicle , or cause or allow such a vehicle to be parked or left standing, on Council land or a road or a public place .	New clause to address abandoned, derelict and unregistered vehicles to fill the gap as Council have powers to impound these vehicles under the LGA 1989.
			Part 9: Trading, fundraising and promotional activities on Council Land or Roads	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	Introduction This Part contains provisions relating to commercial, fundraising and promotional activities on Council land and roads. It establishes a permit system to regulate these activities, and aims to enhance the appearance and safety of streets and public places by controlling the placement of items on Council land and roads. It contains provisions which aim to manage and facilitate responsible trading, entertainment and promotional activities on Council land and roads - to ensure the free passage and use of these areas by all users of these areas, and to maintain the amenity of the neighbourhood.		Introduction This Part contains provisions relating to commercial, fundraising and promotional activities on Council land and roads. It establishes a permit system to regulate these activities and aims to enhance the appearance and safety of streets and public places by controlling the placement of items on Council land and roads. It contains provisions which aim to manage and facilitate responsible trading, entertainment and promotional activities on Council land and roads - to ensure the free passage and use of these areas by all users of these areas, and to maintain the amenity of the neighbourhood.	
7.1	Activities on Council Land or Roads Without a permit, a person must not, or cause or authorise another person to, on or above a road or Council land: (a) display or sell any goods or services; (b) place out, or affix to anything, any sign; (c) place any street furniture or associated items;	47	Activities on Council Land or Roads Without a permit, a person must not on Council land or a road cause or authorise another person to: (1) sell, barter, exchange, display or offer for sale any goods or services; (2) place any street furniture or associated items; or (3) place any structure for the purpose of selling, promoting or offering to sell any	Streamlined the clause.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(d) place any structure for the purpose of selling, promoting or offering to sell any goods or services; (e) sell or trade, or offer for sale or trade, or display to give away, any: (i) vehicle; or (ii) goods or services carried about or placed on the person or any other movable thing.		goods or services.	
	Election signage 7.2 Without a permit, a person must not place a sign promoting a candidate or political party associated with a local, state or federal election on a road or Council land. Maximum Penalty: 15 Penalty Units 7.3 Election signs subject to clause 7.2 will be considered in accordance with the following criteria: (a) signs are placed in accordance with the conditions and at pre-approved locations determined by Council;	48	Signs (1) Without a permit or an appropriate licence agreement, a person must not place or allow to be placed, or affix to anything, a sign on Council land or a road or in or on a municipal place. (2) A person must, in addition to Clause 48(1), comply with any conditions in a permit or licence agreement. (3) If, after making all reasonable enquiries, an Authorised Officer is unable to identify or locate the person who placed or allowed the sign to be	Revoke Election signage clause and replaced with generic signage clause to align with other councils and add in a clause to ensure culpability for a person who placed a sign on Council land or a road.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(b) signs are not to be placed at prohibited locations as determined by Council; and (c) signs at other locations not included in clause 7.3(a) are subject to site-specific review and approval by an Authorised Officer. 7.4 The placement of election signage must not: (a) create a danger to any person or property or damage Council land or road; or (b) interfere with a person's reasonable use or obstruct Council land or road. Maximum Penalty: 15 Penalty Units Note: The placement of election signage must comply with all relevant State and Federal laws. Non compliant signage may be impounded or directed to be removed by an Authorised Officer under section 11 of this Local Law. Election signage may include information about a candidate for an election.		placed on Council land or a road in contravention of Clause 48(1), the Authorised Officer may serve a Notice to Comply on the person who in the Authorised Officer's opinion benefits from the sign directing that person to remove the sign by the time and date specified in the Notice to Comply. (4) A person must comply with any sign on Council land or road or in or on a municipal place.	
7.5 to 7.7	Appeals and Collections Without a permit, a person must not or authorise another person to solicit or collect on any road or Council land any money, items or subscriptions for any purpose. 7.5 Without a permit, a person must not or authorise another person to hand out or distribute any handbill, 7.6	49	Appeals and Collections (1) Without a permit, a person must not solicit or collect or authorise another person to solicit or collect on any Council land or road any money, items or subscriptions for any purpose. (2) Without a permit, a person must not hand out or distribute or authorise another person to hand out or distribute any handbill, placard, notice,	Cosmetic change.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
7.7	placard, notice, pamphlet, book, paper, advertising material or similar thing, on any road or Council land. Without a permit, a person must not or authorise another person to erect or place on any road or Council land any vehicle, caravan, trailer, table, stall or similar structure for the purpose of selling or offering for sale any goods or services or conducting a raffle or lottery.		pamphlet, book, paper, advertising material or similar thing, on any Council land or road. (3) Without a permit, a person must not erect or place or authorise another person to erect or place on any Council land or road any vehicle, caravan, trailer, table, stall or similar structure for the purpose of selling or offering for sale any goods or services or conducting a raffle or lottery.	
7.8	Commercial and Filming and Photography on Council Land Without a permit, a person must not conduct any filming or photography for commercial purposes, public exhibition or purposes associated with formal study, which involves the placement or use of a tripod, other equipment or items or vehicles on any Council land or a road. Note: The Council will take into account the <i>Filming Approval Act 2014</i> in considering an application for a permit under clause 7.8.	50	Commercial and Filming and Photography on Council Land Without a permit, a person must not conduct any filming or photography for commercial purposes, public exhibition or purposes associated with formal study, which involves the placement or use of tripod, other equipment or items or vehicles on any Council land or a road. Note: Council will take into account the <i>Filming Approval Act 2014</i> in considering an application for a permit under Clause 52.	No change.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
7.9	Event on Council Land Without a permit, a person must not conduct a function, event, busking or entertainment on any road or Council land that: (a) substantially occupies the road or Council land; or (b) encroaches or impacts or is likely to encroach or impacts, on another person's use and enjoyment of the road or Council land.	51	Event and Busking on Council Land Without a permit, a person must not hold or allow to be held a function, event, busking or entertainment on Council land or a road.	Streamlined the clause.
			Part 10: Alcohol and Smoking on Council Land and Roads	
	Introduction This Part provides controls, related to the smoking of tobacco and consumption of alcohol, to achieve responsible management of Council land or roads so as to enhance the enjoyment of these areas by the community.		Introduction This Part provides controls, related to the smoking of tobacco and consumption of alcohol, to achieve responsible management of Council land or roads so as to enhance the enjoyment of these areas by the community.	
8.1 to 8.3	Alcohol Without a permit, a person must not consume alcohol or have in their possession alcohol in an open	52	Alcohol (1) Without a permit, a person must not consume alcohol or have in their possession alcohol in an open container in or on Council land or road or	Add in a public place to expand and ensure compliance with a sign.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
8.2	container in or on Council land or road , except at the times and in the places determined by Council .		public place , except at the times and in the places determined by Council or in accordance with a sign erected in or on Council land or road or public place .	
8.3	Where an Authorised Officer or Victoria Police Officer reasonably believes that a person has contravened or is contravening clause 8.1, the Authorised Officer or Victoria Police Officer may direct that person to: (a) empty any open container containing alcohol or reseal that open container; or (b) surrender any open container containing alcohol to the Authorised Officer or Victoria Police officer. Clause 8.1 does not apply to a person who consumes alcohol in a licenced premises or authorised premises or any other place where the consumption of alcohol is permitted under the <i>Liquor Control Reform Act 1998</i> .		(2) Where an Authorised Officer or Victoria Police Officer reasonably believes that a person has contravened or is contravening Clause 54(1), the Authorised Officer or Victoria Police Officer may direct that person to: (a) empty any open container containing alcohol or reseal that open container; or (b) surrender any open container containing alcohol to the Authorised Officer or Victoria Police Officer. (3) A person who is given a direction under Clause 54(2) must comply with that direction.	
8.4 to 8.7	Smoking in a smoke free area A person must not smoke a tobacco product in a smoke free area . Note: Smoke in relation to clause 8.4 has the same meaning as in the <i>Tobacco Act 1987</i> .	53	Smoking in a smoke free area (1) A person must not smoke a tobacco product in a smoke free area . (2) Where an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened Clause 53(1), the Authorised	Cosmetic change. Add in definition of “smoke”.
8.5				

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
8.6	Where an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened clause 8.4, the Authorised Officer may direct the person to extinguish and then dispose of the tobacco product .		Officer may direct the person to extinguish and then dispose of the tobacco product .	
8.7	Any person who is given a direction under clause 8.5 must comply with that direction. In addition to the smoke-free areas identified in Schedule 2 of this Local Law , the Council may determine , by resolution, any other area within the municipality to be a smoke free area .		(3) A person who is given a direction under Clause 53(2) must comply with that direction. (4) In addition to the smoke-free areas identified in Schedule 2 of this Local Law, the Council may determine , by resolution, any other area within the municipality to be a smoke free area .	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			Section E: Protection of Council Land and Assets	
			Part 11: Council assets, trees and regulating building sites	
	Introduction This Part protects Council land and assets, including drains, vehicle crossings and Council trees and plants. These provisions establish a system of asset protection approvals, as a means of regulating building work which has potential to damage Council land or assets.		Introduction This Part protects Council land and assets, including drains, vehicle crossings and Council trees and plants. These provisions establish a system of asset protection approvals, as a means of regulating building work which has potential to damage Council land or assets.	
9.1 to 9.2 9.1 9.2	Building Management Asset Protection approval Prior to commencing or causing or allowing building work on private land, the owner or occupier of private land must not commence or cause or allow building work on that private land without obtaining an asset protection approval. An asset protection approval will require the payment of an asset protection fee and may, if required by Council, contain conditions that:	54	Asset Protection (1) An owner or occupier of private land or the person in charge of building work must: (a) obtain an asset protection permit prior to the commencement of any building work on that private land; and (b) comply with any conditions of the asset protection permit issued by the Council. (2) An asset protection permit may be subject	Redrafted whole clause; combined and streamlined.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(a) require works to be done on or around the building site to protect any Council asset, the health and safety of the public, the environment and the amenity of the area, or to be in accordance with the relevant legislative framework; and/or (b) require entry to and exit from the building site only at designated locations; and/or (c) address any other matter referred to in this Part.		to such conditions as Council or an Authorised Officer determines, including the following conditions: (a) requiring the payment of an asset protection permit fee; (b) requiring the payment of a security bond; (c) require works to be done on or around the building site to protect any Council asset, the health and safety of the public, the environment and the amenity of the area, or to be in accordance with the relevant legislative framework; (d) require entry to and exit from the building site only at designated locations; and (e) address any other matter referred to in this Part. (3) Clause 54 (1) does not apply where minor building work is being undertaken.	
9.3	Notification upon completion of building work	55	Notification upon completion of building work	Cosmetic change.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	The owner or occupier or person in charge of building work must advise Council within 7 days of completion of all building work covered by the asset protection approval that such works are complete and ready for inspection by an Authorised Officer , to enable a final inspection by Council and assessment of any damage to any Council asset that has occurred while the asset protection approval is in place.		An owner or occupier of private land or the person in charge of building work must notify Council in writing within seven (7) days of completion of the building work covered by the asset protection permit that such works are complete and ready for inspection by an Authorised Officer , to enable a final inspection by Council and assessment of any damage to any Council asset .	
9.4 to 9.7	Inspection of Council Assets As soon as practicable after receiving notice of completion of the building work , Council will undertake an inspection of Council assets to determine any damage to Council assets that has been caused as a result of the execution of the building works the subject of the asset protection approval 9.5 If, as a result of any inspection under Clause 9.3 and 9.4 damage has been caused to any Council asset as a result of the execution of the building work the subject of the asset protection approval , Council may:	56	Inspection of Council assets and recovery of cost (1) Council or an Authorised Officer may inspect a building site at any reasonable time. (2) An Authorised Officer may undertake an inspection of Council assets to determine if any Council asset has been damaged, altered, compromised or interfered with in connection with the building works the subject of the asset protection permit . (3) If damage has been caused to any Council asset as a result of the execution of the building work , Council or an Authorised Officer may: (a) direct the owner or occupier of private land or the person in charge of the building	Redrafted clause – combined and streamlined. Strengthened provisions to provide Council assets protection (e.g. protection from damage caused by building works).

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
9.6	(a) direct the owner or occupier or person in charge of building work of the building site to repair the damage at the owner or occupier's cost, to the satisfaction of Council and within a period of not more than twenty eight (28) days; and/or (b) if repair of any damaged Council asset is required under Clause 9.5(a), the owner must carry out the repairs to the satisfaction of, and within the timeframe specified by Council. A person in charge of building work must ensure and provide the following: (a) an onsite and functioning toilet facility; (b) access for the emptying and collection of temporary toilet facilities; (c) a maintenance program so that there are no offensive odours or any adverse visual impact on neighbouring properties from the toilet facility;		work to repair the damage at the cost of the owner or occupier or the person in charge of the building work, to the satisfaction of Council or an Authorised Officer and within a specified period; or (b) Council or an Authorised Officer may approve the carrying out of work by another person, or carry out the work itself where: (i) damage, alteration, compromise or interference has occurred as a result of building work; or (ii) there is a danger to life, safety, property, or the environment; and (c) Where Council or another person carries out the work on behalf of Council, Council may recover the cost of the work from the owner or occupier of private land or the person in charge of the building work. (4) Council or an Authorised Officer may retain all or part of the security bond to offset the costs for Council to repair any damage, or any costs associated with carrying out the repairs caused by the damage.	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(d) waste produced as a result of building work on the building site is: (i) contained entirely within the building site; 19 (ii) stored in a manner that does not attract the depositing of waste from sources other than the site; (iii) stored in a manner that does not cause detriment to the visual amenity of the area in which the building site is located; and (iv) disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge. (e) a litter container with lid of sufficient size; (f) emergency contact details clearly displayed; (g) a temporary or permanent fence to a minimum height of 1.8 metres that is fully contained within the private land, that secures the private land and is to the satisfaction of Council; and		(5) Council or an Authorised Officer must refund the security bond to the person who lodged it, upon satisfaction that no damage has been caused, or that any damage caused has been repaired to the satisfaction of Council or an Authorised Officer. (6) For any works undertaken by Council and where the cost is less than the amount of the security bond, Council must refund the unused portion of the security bond to the person who paid it to Council. (7) Council or an Authorised Officer may determine the cost of repairs to Council assets.	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
9.7	(h) a temporary or permanent fence where gates or access points in the fence open onto the private land; and (i) the building site is provided with clearly legible and clean site identification. A person in charge of building work must also: (a) undertake all approved building work on the building site unless otherwise directed by Council; (b) store all building related material on the building site; (c) place all litter capable of being blown from the building site in a suitable litter container; (d) prevent any sediment, mud, erosion, potential stormwater pollutants or other site run off from leaving the building site; (e) manage any dust or air pollutants from the building site to minimise nuisance;			

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(f) ensure vehicle access to the building site is via a vehicle crossing or a temporary vehicle crossing; (g) ensure that for the duration of the building work the vehicle crossing or temporary vehicle crossing is maintained in a clean and safe manner for vehicles and pedestrians; (h) not allow any vehicle to deposit any mud, sediment, slurry or similar material from the building site in any public place; and (i) ensure that building work on the building site does not render pedestrian or vehicular traffic in the immediate area unsafe.			
9.8	Soil Stockpiles The owner or occupier of a building site or the person in charge of building work must ensure that soil that is stripped from the building site is stockpiled on the building site for re-use or is transported to a legal place of disposal.	57	Obligations during building work An owner or occupier of private land or the person in charge of building work must provide and ensure the following: (1) an onsite and functioning toilet facility; (2) access for the emptying and collection of	Redrafted clause – combined and streamlined and strengthened provisions to provide Council assets protection (e.g. protection from damage caused by building works).

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
9.9 to 9.10			temporary toilet facilities;	
9.9	Amenity Controls		(3) a maintenance program so that there are no offensive odours or any adverse visual impact on neighbouring properties from the toilet facility;	
9.10	The owner or occupier or person in charge of building work must ensure that activities on the building site (including building work) do not damage or cause detriment to the natural or built environment in which the building site is located. An owner or occupier or person in charge of building work must manage any dust or air pollutants from the building site to minimise detriment to the amenity of the area.		(4) that waste produced as a result of building work on the building site is: (a) contained entirely within the building site; (b) stored in a manner that does not attract the depositing of waste from sources other than the site; (c) stored in a manner that does not cause detriment to the visual amenity of the area in which the building site is located; and (d) disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge. (5) a litter container with lid of sufficient size; (6) emergency contact details clearly displayed;	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(7) a temporary or permanent fence to a minimum height of 1.8 metres that is fully contained within the private land, that secures the private land and is to the satisfaction of an Authorised Officer; (8) the building site is provided with clearly legible and clear site identification; (9) undertake all approved building work on the building site unless otherwise directed by an Authorised Officer; (10)store all building related material on the building site; (11)place all litter capable of being blown from the building site in a suitable litter container; (12)prevent any sediment, mud, erosion, potential stormwater pollutants or other site run off from leaving the building site; (13)ensure that the building site is provided with sediment or fencing barriers that ensure the retention of silt and soil on site and/or the retention of other waterborne particles and pollutants for later transportation to a legal place of disposal;	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(14)ensure that soil that is stripped from the building site is stockpiled on the building site for re-use or is transported to a legal place of disposal. (15)manage any dust or air pollutants from the building site to minimise nuisance; (16)ensure vehicle access to the building site is via a vehicle crossing or a temporary vehicle crossing; (17)ensure that for the duration of the building work the vehicle crossing or temporary vehicle crossing is maintained in a clean and safe manner for vehicles and pedestrians; (18)not allow any vehicle to deposit any mud, sediment, slurry or similar material from the building site in any public place; and (19)ensure that building work on the building site does not render pedestrian or vehicular traffic in the immediate area unsafe.	
	No Clause	58	Hours of building work	Noise is regulated under the Environment

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(1) A person must not, without a permit, carry out or allow to be carried out, building work: (a) before 7am or after 6pm on any day or days between Monday to Friday (inclusive); (b) before 9am or after 3pm on a Saturday; (c) on a Sunday; or (d) on Anzac Day, Good Friday, Christmas Day, or the Monday after Christmas Day when Christmas Day is a Saturday or the Tuesday after Christmas Day when Christmas Day is a Sunday. (2) Clause 58 (1) does not apply where minor building work is being undertaken.	Protection Act 2017, but this new clause will regulate construction during certain times. The purpose of this new clause is to fill the gap between noise nuisance and construction nuisance. It is important to note that minor building works are excluded.
9.11 to 9.13	Drains The owner or occupier or person in charge of building work must ensure that building work on the building site does not cause detriment to any Council asset.	59	Drains (1) The owner or occupier of private land or property manager must ensure that any drain on the private land is maintained in a condition that is not: (a) dangerous to health;	Strengthened provisions to provide Council assets protection (e.g. protection from damage caused by building works).

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
9.13	For the purposes of Clause 9.11 detriment to a Council asset occurs if: (a) material, equipment, litter, waste, mud, silt, sand or another product emanating from building work enters or interferes with the Council asset; or (b) there is any alteration to or interference with a Council asset for which a permit has not been issued. The owner or occupier or person in charge of building work must ensure that the building site is provided with sediment/fencing barriers that ensure the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal.		(b) unsightly; (c) a nuisance; or (d) hindering, obstructing, or interfering with the operation of the drain. (2) A person must not discharge or cause to be discharged any substance or material into a drain or watercourse, which is vested in or under the control of Council, except for the discharge of stormwater. (3) A person must not damage, obstruct or interfere or cause or allow to cause damage, obstruction, or interference with a drain, which is vested in or under the control of Council. (4) A person must not, without a permit, tap into any drain, culvert or sewer vested in or under the control of Council.	
	No clause	60	Spoil on Road (1) A person must not cause or allow any soil, earth, mud, clay, cement slurry, liquid waste, or	New clause to provide Council assets protection (e.g. protection from damage at all instances and

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			other litter to fall or escape from a vehicle onto a road in the course of any trade, industry, or commercial undertaking. (2) A person must not cause or allow any fuel, grease, oil, mud, clay, cement slurry, paint, detergents, or other litter to run from a vehicle whilst being cleaned and to be deposited onto a road, or into a drain. (3) If the person driving or in charge of a vehicle that is used in the commission of an offence under Clause 60 (1) or (2), cannot be identified the owner or occupier of the private land where the vehicle is likely to have been soiled, is guilty of an offence under Clause 60(1) or (2). (4) An owner or occupier or property manager of private land must not cause or allow any soil, earth, mud, clay, cement slurry, liquid waste, or other litter to be discharged from that land onto Council land or a road.	not just when building work happens.
	No clause	61	Occupation of Roads	New clause to provide Council assets protection.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(1) Without a permit or written consent under the <i>Road Management Act 2004</i>, a person must not occupy (whether wholly or partially) a road for: (a) any works that involve: (i) fencing off part of a road; (ii) erecting a hoarding, scaffolding or overhead protective awning; (iii) using a mobile crane or travel tower; (iv) making a hole or excavation; (v) reinstating a hole or excavation; (vi) leaving or storing any building, paving or other construction materials or any tools, machinery, plant, or equipment; or (b) any other non-road purpose which does not involve a special event. (2) Clause 63(1) does not apply to the works or activities of an utility.	
9.14 to 9.18	Vehicle Crossings Without a permit, an owner or occupier of private land must not install, construct, alter or reconstruct a	62	Vehicle Crossings (1) Without a permit, an owner or occupier or property manager of private land must not install, construct, alter or reconstruct a vehicle	Redrafted clause – combined and streamlined -Strengthened provisions to provide Council assets protection (e.g. protection

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
9.15	vehicle crossing, whether permanent or temporary, or authorise another person to do so. Each point of vehicle access from any private land to a road must have a properly constructed and maintained vehicle crossing approved by Council.		crossing, whether permanent or temporary, or authorise another person to do so. (2) An owner or occupier or property manager of private land must ensure that each point of vehicle access from any private land to a road must have a properly constructed and maintained vehicle crossing approved by an Authorised Officer.	from damage caused by building works).
9.16	Without a permit, an owner or occupier of private land must not allow any vehicle to enter or leave any private land except in accordance with clause 9.15.		(3) An Authorised Officer may direct: (a) the construction of a temporary vehicle crossing or vehicle crossing; (b) the repair or reconstruction of a temporary vehicle crossing or vehicle crossing; (c) the removal of a redundant temporary vehicle crossing or vehicle crossing, and the reinstatement of any kerb, channel, footpath or other area to the satisfaction of Council by the owner or occupier of any adjacent land at his or her own cost.	
9.17	Council or an Authorised Officer may direct: (a) the construction of a temporary vehicle crossing or vehicle crossing; or (b) the repair or reconstruction of a temporary vehicle crossing or vehicle crossing; or (c) the removal of a redundant temporary vehicle crossing or vehicle crossing, and the reinstatement of any kerb, channel, footpath or other area to the satisfaction of Council by the owner or occupier of any adjacent land at his or her own cost.		(3) An Authorised Officer may direct: (a) the construction of a temporary vehicle crossing or vehicle crossing; (b) the repair or reconstruction of a temporary vehicle crossing or vehicle crossing; (c) the removal of a redundant temporary vehicle crossing or vehicle crossing; or (d) the reinstatement of any kerb, channel, footpath or other area to the satisfaction of an Authorised Officer by the owner or	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
9.18	An owner or occupier of private land to whom a direction is given under clause 9.17 must comply with that direction.		occupier of any adjacent land at their own cost. (4) An owner or occupier or property manager of private land to whom a direction is given under Clause 64(3) must comply with that direction.	
9.19 to 9.20	Defacing/Damaging Council Land and Assets Without a permit , a person must not destroy, damage, deface, remove or interfere with: (a) Council land or road ; (b) any building , structure or infrastructure or any other thing on Council land or road ; (c) anything belonging to Council on Council land or road or in a public place unless allowed by Council , whether under this Local Law or otherwise; and (d) any Council property or Council assets located on or in any Council land or private land .	63	Defacing/Damaging Council Land and Assets (1) Without a permit , a person must not destroy, damage, deface, remove or interfere with: (a) Council land or road ; (b) any building , structure or infrastructure or any other thing on Council land or road ; or (c) any Council asset . (2) A person must not authorise or engage or allow another person to undertake any of the activities in Clause 65(1).	Streamlined wording to provide clarity.
9.20	A person must not authorise or engage any other person to undertake any of the activities in clause 9.19.			
9.21	Trees and Plants on Council Land and Roads	64	Trees and Plants on Council Land and Roads Without a permit , a person must not remove, lop, destroy, damage or interfere with any tree or plant on a	Cosmetic change.

Knox City Council

Page 72 of 100

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	This Part outlines the process for obtaining and retaining permits under the Local Law . This part also provides for the requiring a security bond if required by Council .		also provides for the requiring a security bond if required by Council .	
10.1	When is a permit required under this Local Law? Where in this Local Law a person is prohibited from doing a thing “without a permit”, a person who does the thing which is prohibited to be done without first obtaining a permit from the Council under this Part, is guilty of an offence.	65	When is a permit required under this Local Law? Where in this Local Law a person is prohibited from doing a thing “without a permit”, a person who does the thing which is prohibited to be done without first obtaining a permit from the Council, is guilty of an offence.	Permit clauses redrafted and streamlined to provide improved guidance as to how permits may be applied for, granted, refused, amended or cancelled. Includes provision for appeal and exemptions.
10.2 to 10.5	Permit Application and fees An application for a permit or renewal of a permit under this Local Law must be in a form approved by Council and accompanied by any fee fixed by Council in accordance with clause 10.6.	66	Permit Application and fees (1) An application for a permit or renewal of a permit under this Local Law must be in a form approved by Council or an Authorised Officer and accompanied by any fee determined by Council in accordance with Clause 67(1). (2) Council or an Authorised Officer may require the applicant to give notice of the application for a permit or renewal of a permit, in the manner determined	Combined clauses. Permit clauses redrafted and streamlined to provide improved guidance as to how permits may be applied for, granted, refused, amended or cancelled. Includes provision for appeal and exemptions.
10.2	The Council may require the applicant to give notice of the application for a permit or renewal of a permit , in the manner determined by the Council .			

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
10.4 10.5	The Council may require an applicant to provide it with more information before it deals with the application for a permit or renewal of a permit. A permit issued under this Local Law is non-transferrable to any other person. If a business changes ownership, the permit will cease and an application for a new permit will be required.		by Council or an Authorised Officer. (3) Council or an Authorised Officer may require an applicant to provide additional information before it proceeds with the application for a permit or renewal of a permit. (4) A permit issued under this Local Law is non-transferrable to any other person. If a business changes ownership, the permit will cease and an application for a new permit will be required.	
10.6 to 10.8 10.6 10.7	Fees and Charges Council may, from time to time, by resolution, determine: (a) the quantum of any permit fee, asset protection fee, charges, guarantee or bond to apply under this Local Law; and (b) an administrative, inspection or processing fee or charge in addition to any fee, charge, guarantee or bond applying under this Local Law.	67	Fees and Charges (1) Council may determine: (a) the quantum of any permit fee, asset protection fee, charges, guarantee or bond to apply under this Local Law; and (b) an administrative, inspection or processing fee or charge in addition to any fee, charge, guarantee or bond applying under this Local Law.	Combined clauses. Updated to provide clarity.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
10.8	In determining a fee or charge, Council may establish a system or schedule of fees and charges, including a minimum or maximum fee of charge, if it considers it appropriate to do so. Council may waive, reduce, alter or refund, in whole or in part, any fee, charge, bond or guarantee with or without conditions.		(2) In determining a fee or charge, Council may establish a system or schedule of fees and charges, including a minimum or maximum fee or charge, if it considers it appropriate to do so. (3) Council may waive, reduce, alter or refund, in whole or in part, any fee, charge, bond or guarantee with or without conditions.	
10.9	Duration of Permit Except where expressly stated in this Local Law or in a permit, a permit operates from the date it is issued and expires one year after the date of issue.	68	Duration of Permit (1) Except where expressly stated in this Local Law or in a permit, a permit operates from the date it is issued and expires one year after the date of issue. (2) A permit holder has no automatic right to have a new permit issued once the original permit has expired or has been cancelled.	Clause redrafted and streamlined.
10.10 to 10.11	Correction of Permits The Council may correct a permit if that permit contains: (a) an unintentional error or an omission; or	69	Correction of Permits (1) Council or an Authorised Officer may correct a permit if that permit contains: (a) an unintentional error or an	Clauses combined and redrafted and streamlined to provide improved guidance as to how permits may be corrected.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
10.11	(b) a material miscalculation or a material mistake in the description of a person, thing or property. The Council must notify a permit holder in writing of any correction under clause 10.10.		omission; or (b) a material miscalculation or a material mistake in the description of a person, thing or property. (2) Council or an Authorised Officer must notify a permit holder in writing of any correction under Clause 69(1).	
10.12 to 10.16	Council may decide to: (a) issue a permit; or (b) issue a permit subject to conditions; or (c) refuse to issue a permit. Where a permit has been issued subject to conditions under clause 10.12(b), a person who does not comply with the conditions of the permit is guilty of an offence.	70	Granting and refusal of a permit (1) Council or an Authorised Officer may decide to: (a) issue a permit; or (b) issue a permit subject to conditions; or (c) refuse to issue a permit. (2) In determining whether to issue a permit and, if a permit is to be issued, the scope and conditions that will apply to it, Council or an Authorised Officer may take into account any of the following where relevant:	Permit clauses combined, redrafted and streamlined to provide improved guidance as to how permits may be applied for, granted, refused, amended or cancelled. Includes provision for appeal.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
10.15	In determining whether to issue a permit and, if a permit is to be issued, the scope and conditions that will apply to it, Council may take into account any of the following where relevant: (a) the health and safety of the public; (b) the amenity of the municipal district; (c) the impacts on other persons or their property; (d) the extent to which the granting of the permit might affect the activities or enjoyment of another person or group; (e) the need to protect Council or Service Authority assets or infrastructure from damage; (f) legislative and policy directives of the Commonwealth and State Governments; (g) the need for work to occur which is authorised by Commonwealth or State Government legislation, or by Council or a Service Authority;		(a) the health and safety of the public; (b) the amenity of the municipal district; (c) the impacts on other persons or their property; (d) the extent to which the granting of the permit might affect the activities or enjoyment of another person or group; (e) the need to protect assets or infrastructure of Council or an Utility from damage; (f) legislative and policy directives of the Commonwealth and State Governments; (g) the need for work to occur which is authorised by Commonwealth or State Government legislation, or by Council or an Utility; (h) any relevant Council policies and guidelines; (i) any policies, codes of	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
10.16	(h) any relevant Council policies and guidelines; (i) any policies, codes of practice, standards or guidelines used as reference by Council; and (j) any submission or comments that may be received in respect of the application. Where Council has refused to issue a permit under clause 10.12(c) of this Local Law, the person seeking the permit has twenty-eight (28) days from the date of Council's notice of refusal of permit under clause 10.12(c), to provide written reasons to Council as to why the permit should not be refused. If a written submission is received by Council under clause 10.15 within the twenty-eight (28) days, the information provided shall be considered, and if applicable the person seeking the permit will be given an opportunity to be heard by Council or Council's delegate and any such verbal submissions have also been considered.		practice, standards or guidelines used as reference by Council; (j) any other relevant matter; and (k) any submission or comments that may be received in respect of the application. (3) Council or an Authorised Officer may, during the currency of a permit, amend the conditions or the scope of the permit if the conditions of the permit changes. (4) Before Council or an Authorised Officer amends a permit under Clause 70(3) of this Local Law, Council or an Authorised Officer must provide the permit holder an opportunity to make written submissions on the proposed amendment, who has fourteen (14) days from the date of Council's notice of intention to amend the permit to provide written submissions to Council or an Authorised Officer as to why the permit should not be amended.	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(5) A permit holder must comply with the conditions of the permit. (6) A person must not make a false representation or declaration or intentionally omit material information in an application for a permit.	
10.17 to 10.19 10.17	Cancellation of a Permit Council may cancel a permit if it considers that: (a) there has been a serious or ongoing breach of any of the conditions of the permit; or (b) a Notice to Comply has been issued, but not complied with after the time specified in the Notice to Comply; or (c) there was a significant error or misrepresentation in the application for the permit; or (d) in the circumstances, the permit should be cancelled.	71	Cancellation of a Permit (1) Council or an Authorised Officer may cancel a permit if it considers that: (a) there has been a serious or ongoing breach of any of the conditions of the permit; (b) a Notice to Comply has been issued, but not complied with after the time specified in the Notice to Comply; (c) there was a significant error or misrepresentation in the application for the permit; or (d) there has been a material change of circumstances which has occurred	Permit clauses combined, redrafted, and streamlined to provide improved guidance as to how permits may be cancelled. Includes provision for appeals.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
10.18	Where Council has cancelled a permit under clause 10.17 of this Local Law , the permit holder has twenty eight (28) days from the date of Council's notice of cancellation of permit under clause 10.17, to provide written reasons to Council as to why the permit should not be cancelled.		since the issue of the permit. (2) Before Council or an Authorised Officer cancels a permit under Clause 71(1) of this Local Law , Council or an Authorised Officer must provide the permit holder an opportunity to make written submissions on the proposed cancellation, who has fourteen (14) days from the date of Council's notice of intention to cancel the permit to provide written submissions to Council or an Authorised Officer as to why the permit should not be cancelled.	
10.19	If a written submission is received by Council under clause 10.18 within the twenty-eight (28) days, the information provided shall be considered, and if applicable the person seeking the permit will be given an opportunity to be heard by Council or Council's delegate and any such verbal submissions shall also be considered.			
	No clause	72	Exemptions (1) Council or an Authorised Officer may, by written notice, exempt any person or class of person from the need to obtain a permit and such exemption may be subject to conditions, may be amended and may be cancelled. (2) Council or an Authorised Officer may, by written notice, exempt any person or class of person from the need to pay any permit fee.	Includes provision for exemptions.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
10.20 to 10.23	Security Bonds In deciding to grant a permit, Council may require the applicant to lodge with Council a security bond in such amount and in such a manner as Council determines. In the event of a breach of any permit condition in respect of which a security bond is paid under this Local Law, Council may retain an amount of the security bond as is necessary to remedy that breach and/or repair any damage caused by that breach. Upon expiry of a permit, Council must release any remaining security bond to the person who paid it. If after 12 months from the date that the security bond would be released under clause 10.20, Council cannot locate a person entitled to the release of any security bond or remaining security bond, Council may	73	Security Bonds (1) In deciding to grant a permit, Council or an Authorised Officer may require the person who applied for the permit to lodge with Council a security bond in such amount and in such a manner as Council determines. (2) In the event of a breach of any permit condition in respect of which a security bond is paid under this Local Law, Council may retain an amount of the security bond as is necessary to remedy that breach or repair any damage caused by that breach. (3) Upon expiry of a permit, Council must release any remaining security bond to the person who paid it. (4) If, after twelve (12) months from the date that the security bond would have been released under Clause 75(3), Council cannot locate the person entitled to the release of any security	Combined clauses and redrafted and streamlined.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	retain the security bond or remaining security bond and pay the money into its general revenue.		bond or remaining security bond, Council may retain the security bond or remaining security bond and pay the money into its general revenue.	
	No Clause	74	Register of Permits (1) A register of permits issued by the Council for the purposes of this Local Law must be maintained by the Council. Any cancellations or corrections of permits which have been issued under this Local Law are also to be recorded in the register.	New transparent clause.
			Section G: Enforcement	
			Part 13: Compliance and enforcement of the Local Law	
	Introduction This Part provides a means for enforcing this Local Law and powers to impound and serve Notices to Comply to seek compliance.		Introduction This Part provides a means for enforcing this Local Law and powers to impound and serve Notices to Comply to seek compliance.	
11.1	Offences A person who: (a) fails to comply with this Local Law; or	75	Offences A person who: (1) contravenes or fails to comply with any provision of this Local Law;	Simplified provisions to clearly articulate what constitutes an offence.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(b) fails to comply with a condition of a permit; or (c) fails to do anything directed to be done under this Local Law; or (d) fails to comply with a Notice to Comply; (e) knowingly provides erroneous, inaccurate or misleading information in an application for a permit; or (f) refuses or fails to obey directions of an Authorised Officer to leave the Council land or road where in the opinion of that Authorised Officer the person has failed to comply or is failing to comply with this Local Law; or (g) fails to comply with a sign erected by the Council, is guilty of an offence.		(2) contravenes or fails to comply with any condition contained in a permit issued under this Local Law or any requirements in the Council policy applicable to that permit; or (3) contravenes or fails to comply with a direction or a Notice to Comply by the date specified in the direction or Notice to Comply - is guilty of an offence.	
11.2 to 11.3	Offences by Corporations If a person charged with an offence against this Local Law is a corporation, any person who is concerned or	76	Offences by Corporations (1) If a person charged with an offence against this Local Law is a corporation, any person who is concerned or takes part in the management of	Revised wording to provide clarity and use correct legal terminology.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
11.3	takes part in the management of that corporation may be charged with the same offence. If the corporation is convicted of an offence against this Local Law, a person charged under clause 11.2 with the same offence may also be convicted of the offence and is liable to the penalty for that offence unless that person proves that the Act or omission constituting the offence took place without his or her knowledge or consent.		that corporation may be charged with the same offence. (2) If the corporation is found guilty of an offence against this Local Law, a person charged under Clause 76(1) with the same offence may also be found guilty of the offence and is liable to the penalty for that offence. (3) It is a defence if it is proved that the person charged under Clause 76(1) with the same offence as the corporation took all reasonable precautions and exercised all due diligence to prevent the commission of the offence by the corporation or by another person under the corporation's control.	
	No clause	77	Operator Onus Offence If the person driving or in charge of a vehicle that is used in the commission of an offence under this Local Law cannot be identified the registered owner of that vehicle, is guilty of that offence.	New clause to address operator onus offence in relation to motor vehicles.
11.4	Penalties A person guilty of an offence against this Local Law is liable to a penalty: (a) not exceeding 20 penalty units; and	78	Penalties A person guilty of an offence against this Local Law is liable to a penalty: (1) not exceeding twenty (20) penalty units; and	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

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(b) in the case of a contravention which continues after a finding of guilt or conviction the penalty is 2 penalty units for each day after the finding of guilt or conviction for the offence during which the contravention continues.		(2) in the case of a contravention which continues after a finding of guilt or conviction the penalty is two (2) penalty units for each day after the finding of guilt or conviction for the offence during which the contravention continues.	Government, which is currently \$203.51. We have reviewed the effect this change has on penalty amounts in the local law. The new Schedule 1 Penalties for lists the penalty for each type of infringement. Penalties differentiate between a natural person and a corporation regarding penalties
11.5 to 11.6	Infringement Notices Where an Authorised Officer reasonably believes that a person has committed an offence under this Local Law, the Authorised Officer may serve on that person an infringement notice. The fixed penalty in respect of an infringement notice is the amount set out in Schedule 1 to this Local Law. For offences not specified in Schedule 1, the infringement penalty for that offence will be 20% of the	79	Infringement Notices (1) Where an Authorised Officer reasonably believes that a person has committed an offence under this Local Law, the Authorised Officer may serve on that person an infringement notice. (2) The fixed penalty in respect of an infringement notice is the amount set out in Schedule 1 to this Local Law. (3) The fixed penalty in respect of an infringement notice can differentiate between a natural	Revised to provide clarity. Penalties differentiate between a natural person and a corporation regarding penalties

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	maximum penalty for that offence.		person and a Corporation as set out in Schedule 1 to this Local Law .	
11.7 to 11.13	Notice to Comply and Directions A person who fails to comply with any direction given by an Authorised Officer in connection with any matter under this Local Law is guilty of an offence. An Authorised Officer may serve a Notice to Comply under this clause on a person who the Authorised Officer reasonably suspects to be in breach of this Local Law. A Notice to Comply under clause 11.8 must be in writing and in a form approved by the Council. A Notice to Comply under clause 11.8 may do one or more of the following things: (a) direct the person to comply with this Local Law;	80	Notice of Comply and Directions (1) An Authorised Officer, who reasonably believes that a person has contravened any provision of this Local Law, may give a verbal direction to and/or serve a Notice to Comply on a person to do or not do a thing or carry out work to remedy the thing, which constitutes a contravention under this Local Law. (2) A Notice to Comply under Clause 80(1) must be in writing. (3) A Notice to Comply or a verbal direction under Clause 80(1) may do one or more of the following things: (a) direct the person to comply with this Local Law; (b) direct the person to stop the conduct which constitutes the breach of this Local Law;	Combined and redrafted clauses to includes provision for an Authorised Officer to provide verbal direction. Includes provision for an appeal.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
11.11	(b) direct the person to stop the conduct which constitutes the breach of this Local Law; (c) direct the person to deliver up to the Authorised Officer or to some specified person or some specified location any item or property of the person which constitutes the breach of this Local Law; (d) direct the person to remove or cause to be removed any item, goods, equipment or other thing that constitutes a breach of this Local Law; (e) direct the person to leave an area within the time specified in the notice that constitutes a breach of this Local Law.		(c) direct the person to deliver up to the Authorised Officer or to some specified person or some specified location any item or property of the person which constitutes the breach of this Local Law; (d) direct the person to remove or cause to be removed any item, goods, equipment or other thing that constitutes a breach of this Local Law; (e) direct the person to leave an area within the time specified in the notice or direction that constitutes a breach of this Local Law. (4) A Notice to Comply or a verbal direction under Clause 80(1) must specify the date by which the person specified in the Notice to Comply or verbal direction is required to comply with the directions stipulated in the Notice to Comply or verbal direction. (5) The period of time required by a Notice to Comply or verbal direction under Clause 80(1) must be reasonable in the circumstances having regard to: (a) the amount of work involved; and (b) the degree of difficulty; and	
11.12	A Notice to Comply under clause 11.8 must specify the date by which the person specified in the Notice to Comply is required to comply with the directions stipulated in the Notice to Comply.			

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
11.13	The period of time required by a Notice to Comply under clause 11.11 must be reasonable in the circumstances having regard to: (a) the amount of work involved; and (b) the degree of difficulty; and (c) the availability of necessary materials or other necessary items; and (d) climatic conditions; and (e) the degree of risk or potential risk; and (f) any other relevant factor. Any person to whom a Notice to Comply is directed under this Local Law, who fails or refuses to comply with it is guilty of an offence.		(c) the availability of necessary materials or other necessary items; and (d) climatic conditions; and (e) the degree of risk or potential risk; and (f) any other relevant factor. (6) A person must comply with a Notice to Comply or a verbal direction under Clause 80(1). (7) If a person, who was given a verbal direction or served with a Notice to Comply, fails to carry out any work or remedy anything stipulated in the verbal direction or Notice to Comply, Council or the Authorised Officer may approve the carrying out of the work or the remedying of the thing by another person or carry out the work itself and recover the cost of performing the work or remedying the thing from the person who failed to comply with the verbal direction or Notice to Comply. (8) A person may make written representations, within fourteen (14) days after being given a verbal direction or served with a Notice to Comply, to Council or an Authorised Officer about matters contained in the verbal direction or Notice to Comply, but nothing in this right or the exercise of this right relieves the person from complying with the verbal direction or	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			Notice to Comply , unless the Authorised Officer who issued the verbal direction or Notice to Comply otherwise directs.	
11.14 to 11.15	Power of Authorised Officer to Act in Urgent Circumstances Any Authorised Officer may, in urgent circumstances arising as a result of a failure to comply with this Local Law, take action to remove, remedy or rectify a situation provided: (a) he or she considered the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply, may place a person, animal, property or thing at risk or in danger; and (b) details of the circumstances and remedying action are forwarded as soon as practicable to the person on whose behalf the action was taken; The action taken by an Authorised Officer under clause must not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger present.	81	Power of Authorised Officer to Act in Urgent Circumstances (1) An Authorised Officer may, in urgent circumstances arising as a result of a failure to comply with this Local Law, take action to remove, remedy or rectify a situation provided: (a) the Authorised Officer considered the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply, may place a person, animal, property or thing at risk or in danger; (b) details of the circumstances and remedying action are forwarded as soon as practicable to the person on whose behalf the action was taken; and (c) the Chief Executive Officer of Council or their delegate, not being the Authorised Officer administering this clause, approves of the proposed action.	Combined and redrafted to provide clarity, including new provision to seek cost recovery and power vested only with CEO or delegate (align with other councils).

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			(2) Action taken by an Authorised Officer under this clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger. (3) Where Council undertakes work in accordance with this clause, it may recover the cost of performing the work from the person who has contravened or who is likely to contravene this Local Law.	
11.16 to 11.20 11.16	Power of Authorised Officer to confiscate and impound Where a person who owns or is responsible for any item including goods, equipment, a bicycle, or other property or thing has: (a) failed to obtain a permit where a permit in respect of the item is required under this Local Law; or (b) placed the item at or on any place in breach of this Local Law or in breach of a permit condition; or (c) ignored a direction from an Authorised Officer to remove the item; or	82	Power of Authorised Officer to confiscate and impound (1) Where a person who owns or is responsible for a thing, including goods, equipment, a bicycle, animal or other property or similar has: (a) failed to obtain a permit where a permit in respect of the thing is required under this Local Law; (b) placed the item at or on any place in breach of this Local Law or in breach of a permit condition; (c) failed to comply with a direction from an Authorised Officer to remove the item;	Redrafted to simplify and strengthen provisions and provide clarity around how Council will impound an item.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(d) the item is in breach of this Local Law, the item may be confiscated and impounded by an Authorised Officer.		(d) the thing is in breach of this Local Law the thing may be confiscated and impounded by an Authorised Officer.	
11.17	If an Authorised Officer has confiscated anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge determined by the Council for its release has been paid to the Council.		(2) An impounded thing must be surrendered to –	
11.18	If the owner or the person responsible for a confiscated item can be identified, as soon as it is reasonably practicable to do so, the Authorised Officer must serve a written notice in a form that is determined by the Council from time to time on the owner or person responsible for the confiscated item setting out the fees and charges payable and time by which the item must be retrieved.		(a) its owner; or (b) a person acting on behalf of its owner who provides evidence to the satisfaction of an Authorised Officer of their authority from the owner; and – on:	
11.19	If the owner or person responsible for a confiscated item is unknown, the Authorised Officer must take		(i) evidence to the satisfaction of the Authorised Officer being provided of the owner's right to the thing; and (ii) payment of any fee and reasonable costs of impounding determined by Council or an Authorised Officer.	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
11.20	reasonable steps to ascertain the identity of the owner or person responsible for the item prior to exercising the powers in clause 11.20. If after the time required in a notice, a confiscated item is not retrieved, or if a notice referred to in clause 11.18 is unable to be served, an Authorised Officer may take action to dispose of the confiscated item according to the following principles: (a) where the item has no saleable value, it may be disposed of in the most economical way; and (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in sub-clause (a); (c) where the owner has advised the Council in writing that the Council may dispose of the item because he or she does not intend to retrieve it, the Council.		(3) If the owner of a confiscated thing can be identified, Council or an Authorised Officer must serve personally or by registered mail a written notice within fourteen (14) days on the owner of the confiscated thing setting out the fees, costs and charges payable and time by which the thing must be retrieved. (4) If the owner or person responsible for a confiscated thing is unknown, the Authorised Officer must take reasonable steps to ascertain the identity of the owner or person responsible for the thing prior to exercising the powers in Clause 83.	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
		83	Disposal (1) If, after the time required in a notice, a confiscated thing is not retrieved, or if a notice referred to in Clause 82(3) is unable to be served, an Authorised Officer may take action to dispose of the confiscated thing according to the following principles: (a) where the thing has no saleable value, it may be disposed of in the most economical way; and (b) where the thing has some saleable value, the thing may be disposed of either by tender, public auction or private sale but failing sale may be treated as in Clause 83(1)(a); (c) where the owner of a confiscated thing has advised the Council in writing that Council may dispose of the thing because the owner does not intend to retrieve it, Council may dispose of the thing by either of the methods identified in Clause 83(1) (a)	Redrafted to clarify provisions / steps in disposal.

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
			and (b). (2) If the impounded thing is perishable and will not survive the period specified in Clause 83(1), the Authorised Officer may dispose of the thing sooner. (3) Council is entitled to retain the proceeds of sale of any impounded thing towards its reasonable costs incurred in impounding, keeping, and selling the thing.	
			Part 14: Delegations	
12.1 to 12.2	Delegations The Council may by instrument of delegation delegate any of its powers, functions and duties under this Local Law to a member of its staff. 12.1 12.2 A reference in an instrument of delegation to a delegate by way of the delegate's position with the Council includes: (a) a person authorised to carry out the powers, duties and functions of that position at the Council;	84	Delegations Council may by instrument of delegation delegate any of its powers, functions and duties under this Local Law to a member of its staff. A reference in an instrument of delegation to a delegate by way of the delegate's position with the Council includes: (a) a person authorised to carry out the powers, duties and functions of that position at the Council;	No change.
		85		

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Old – Amenity Local Law 2020		New – DRAFT Amenity Local Law 2026		Key Change
Clause	Wording	Clause	Wording	
	(b) a person acting in that capacity; or (c) if that position at the Council ceases to exist, any person exercising any power, duty or function which was previously a power, duty or function of the previous position.		(b) a person acting in that capacity; or (c) if that position at the Council ceases to exist, any person exercising any power, duty or function which was previously a power, duty or function of the previous position.	

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Schedule 1 Penalties

Clause	Offence	Old – Amenity Local Law 2020		New – Draft Amenity Local Law 2026	
		Infringement Notice Penalty Units	Maximum Penalty Units	Infringement Notice Penalty Units for a natural person	Infringement Notice Penalty Units for a corporation
11	Dangerous land	10	20	5	10
12	Unsightly land	3	15	3	10
13	Land which is detrimental to the general amenity of the neighbourhood	3	15	3	10
14	Obstructions from private land	3	15	3	5
15	Dilapidated buildings	5	20	5	10
16	Heavy and long vehicles on private land	3	15	5	10
17	Camping on Private Land		15	3	5
18	Property numbers	1	10	1	3
19	Intruder alarms	3	15	1	5
20	Lights	–	–	1	5
21	Short Stay Rental Accommodation	–	–	5	10
22	Shipping containers	–	–	5	10
23	Environmental weeds	3	15	3	10
24	Tree and vegetation protection	10	20	3	10
25	Vermin and pests on private land	3	15	3	10

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Clause	Offence	Old – Amenity Local Law 2020		New – Draft Amenity Local Law 2026	
		Infringement Notice Penalty Units	Maximum Penalty Units	Infringement Notice Penalty Units for a natural person	Infringement Notice Penalty Units for a corporation
26	Open air burning	5	20	5	10
27	Council waste services	3	15	2	5
28	Non-Council waste services	3	15	2	5
29	Commercial waste	5	20	5	10
30	Limits on number of animals kept	3	15	3	5
31	Animal housing	3	15	3	5
32	Private land adequately fenced	–	–	3	10
33	Removal of animal waste	1	10	1	N/A
34	Animal noise and odour	3	15	2	5
35	Feeding of animals and birds	5	20	1	N/A
36	Behaviour on Council land and roads	10	20	1	5
37	Act contrary to any restriction, closure, condition, fee, charge, hire agreement or authorised instruction in relation to a Council land and municipal place	–	–	3	5
38	Access to a municipal place	–	–	3	5
39	Camping on Council land or road or public place	3	15	3	N/A
40	Obstructions on roads and Council land	5	20	3	10
41(1)	Leaving a shopping trolley	3	15	1	N/A
41(2)&(3)	Shopping trolleys	3	15	3	5
42	Use of toy vehicles or aircraft	3	15	3	5

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Clause	Offence	Old – Amenity Local Law 2020		New – Draft Amenity Local Law 2026	
		Infringement Notice Penalty Units	Maximum Penalty Units	Infringement Notice Penalty Units for a natural person	Infringement Notice Penalty Units for a corporation
43	Fireworks on Council land and roads	10	20	10	15
44	Vehicles on Council land and roads	3	15	2	5
45	Repairing or displaying vehicles	3	15	3	10
46	Abandoned, derelict and unregistered vehicles	–	–	3	10
47	Activities on Council land or roads	3	15	3	10
48	Signs	–	–	5	10
49	Appeals and Collections	3	15	3	10
50	Commercial filming and photography on Council land	3	15	5	10
51	Event and busking on Council land	3	15	3	10
52	Alcohol	3	15	3	10
53	Smoking	3	15	1	N/A
54	Asset protection	10	20	5	15
55	Notification upon completion of building work	10	20	3	10
56(3)	Failure to comply with direction or carry out works	10	20	5	15
57	Obligations during building work	10	20	5	15
58	Hours of building work	–	–	5	15
59	Drains	10	20	5	15

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)



Clause	Offence	Old – Amenity Local Law 2020		New – Draft Amenity Local Law 2026	
		Infringement Notice Penalty Units	Maximum Penalty Units	Infringement Notice Penalty Units for a natural person	Infringement Notice Penalty Units for a corporation
60	Spoil on roads	–	--	5	15
61	Occupation of roads	–	--	5	15
62	Vehicle crossing	10	20	5	15
63	Defacing/damaging Council land and assets	5	20	5	15
64	Trees and plants on Council land and roads	5	20	5	15

Draft Amenity Local Law 2026 – Comparative Analysis (current versus new draft)

Schedule 2: Smoke Free Areas

Part A: Smoke Free Areas

1. within **Council** owned facilities and/or on **Council land**;
2. at **Council** operated festivals and **events**;
3. any children's playground;
4. any parcel of land on which a **child care centre** is located; and
5. any parcel of land as **determined** by the **Council**.

Part B – Guidelines for determining a Smoke Free Area

When considering whether to **determine** a **smoke free area** for the purposes of clause 8.6 of this **Local Law**, the

Council must have regard to the following factors:

1. the size of the proposed **smoke free area**;
2. the opinions of any **person** who is the **owner** or **occupier** of any part of the proposed **smoke free area** or the area immediately adjoining the proposed **smoke free area**;
3. the proximity of the proposed **smoke free area** to a **public place**, part or all of which is not in a **smoke free area**;
4. the extent and outcome of any public consultation on the proposed **smoke free area**;
5. any benefits to the community which would be achieved by the **Council determining** the proposed **smoke free area**; and
6. any detriments to the community which would be caused by the **Council determining** the proposed **smoke free area**.