**MARIBYRNONG CITY COUNCIL**

**PROPOSED GENERAL PURPOSES LOCAL LAW 2015**

**COMMUNITY IMPACT STATEMENT**

**INTRODUCTION:**

The proposed General Purposes Local Law is based on the existing General Purposes Local Law which came into operation on 23 December 2005. The existing Local Law will expire in December 2015 because the **Local Government Act 1989** (the Act) limits the “life” of a local law to 10 years.

The ten year limit on the life of a local law imposed by the Act compels Council to undertake a review given that during the usual 10 year life of a local law things change. State legislation might be enacted that makes a provision in a local law inconsistent or unnecessary. Conversely, State legislation may be enacted where local laws supplement that legislation or are seen as a way of applying State government objectives adapted for local circumstances. Practical experience may highlight areas for improvement. Issues of concern may no longer be a concern or a different approach is needed. There may be new matters that emerge where the “force” of a local law control and a potential penalty is seen as a necessary deterrent.

The “new” Local Law results from extensive review and analysis of the General Purposes Local Law starting with the basic question of whether the controls in the Local Law are needed. For instance, State legislation has been enacted over the last 10 years that has legislated for many activities and uses previously dealt with at the “local” level and regulated by local government in local laws.

Other questions included whether circumstances have changed since the Local Laws were originally made and whether provisions could be improved to add to the clarity and enforceability of the controls.

How a Council makes or amends a Local Law is regulated by the **Local Government Act 1989** (the Act). The Act applies a number of restrictions and limitations on local laws made by a Council, specifically Schedule 8 which includes a number of matters that must be taken into consideration, such as not making usual or unexpected use of powers and a requirement that consideration be given to national competition policy principles. Importantly, a local law must not be inconsistent with any Act or regulation and is inoperative to the extent of any inconsistency. A local law cannot duplicate or be inconsistent with any Planning Scheme in operation in any municipal district.

Local Law Guidelines (the Guidelines) made by the Minister for Local Government contain guidance about the process to be followed and elaborate on the matters in Schedule 8 of the Act when making or reviewing existing local laws have been. These need to be taken into consideration in developing entirely new local laws or amending existing local laws.

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

**PROCESS:**

There is limited prescription in the Act and Guidelines about the actual processes to be applied to reviewing or making local laws. There is quite extensive prescription in the Act and Guidelines about the matters to be taken into consideration as the review and development process occurs. In addition to the statutory consultation process referred to later, there is an expectation in the Guidelines that there will be discussion and consultation with Councillors, community and certain groups that may have a specific interest in a proposed control under the Local Law.

Other matters considered for review purposes included:

* whether there is still a problem to address;
* whether the objectives of the Local Law are still being met;
* if the impacts of the Local Law are as expected;
* if the Local Law is still the most appropriate approach; and
* possible risks if the controls in the Local Law did not exist. (This is addressed in more detail in Appendix 3.)

Councillors were provided with a briefing on the Local Law review process at a Council meeting in February. Councillors were also offered individual briefings which 4 Councillors attended. A number of subjects, some of which could be dealt with at the local law level, were submitted by Councillors. These subjects are generally consistent with the complaints and reports received by Council officers. In the main, they relate to the look and image of the municipality (unsightly land, litter, graffiti, overgrown vegetation) and amenity (noise, smell, poultry).

A preliminary informal community consultation process was undertaken during May with 3 sessions being offered at the Maribyrnong library, Braybrook Community Hub and the Council Offices. Rather than approach the community with a proposed Local Law, the intention of these sessions was to provide an opportunity for community members to identify matters they thought should be in a local law or to identify existing Local Law controls that required change. No community members attended these sessions.

As a result of some of the proposed changes it was decided that direct consultation needed to occur with builders and with the major supermarkets to establish their views on the proposed additional controls in the Local Law.

The statutory consultation process under section 223 of the Act will occur after Council has approved the Local Law “in principle” for consultation purposes. Council remains responsible within the parameters established by the Act, for determining the final form of the Local Law and the policy decisions that underpin it.

**SUMMARY OF THE GENERAL PURPOSES LOCAL LAW:**

Council’s Authorised Officers who have primary responsibility for the administration and enforcement of the Local Law consider that on the whole, the current Local Law has served the community well. They did not consider that an entirely new Local Law is required. Nor did they consider that there needed to be significant change to the Local Law, except in relation to the areas discussed later in this paper. There are some requirements that appear a little dated, such as the requirement to obtain a permit to tap into Council drains, but the restriction continues to be necessary.

Apart from litter which is dealt with under the **Environment Protection Act 1970**, significant numbers of complaints continue to be received about abandoned vehicles, building sites, burning off in the open air, fire hazards, footpath and road obstructions including overhanging vegetation, shopping trolleys, noise, unsightly land and derelict buildings and rubbish skips (bulk rubbish containers) on roads. All of these matters are regulated under the current Local Law. With the exception of the provisions regulating building sites, controls applying to shopping trolleys and waste disposal, small changes have been made to either clarify or improve the operation of the relevant provisions.

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

The most obvious change between the existing and the proposed Local Law is that the new Local Law will be a more streamlined Local Law. A number of “like” themed controls have been consolidated into the one part. For instance in the current Local Law:

* in the current Local Law the impounding powers are repeated throughout. The impounding powers are now consolidated in the one section.
* In the current Local Law, Council reserves, parks and gardens, municipal recreation centres and Council land are treated separately. All the provisions deal with the same thing - behaviour, use and protection of Council assets. The new Local Law consolidates all of those provisions and treats them as “Council land”.
* some controls affecting roads – occupation of the road for works, spoil on roads, shopping trolleys, overhanging obstructions, obstructions on Councils roads and land have been consolidated into the part titled “Hazards on Roads”.

The detailed requirements applying to some uses are found in stand alone Council Policies, Guidelines and Codes. For instance, there are detailed requirements that apply to the use of roads and footpaths for the display of goods, advertising signs and furniture (outdoor dining). These are in the Commercial Street Furniture Guidelines. Where relevant, the Local Law now specifically incorporates such Policies and Guidelines by reference and makes it clear that failure to comply with the requirements in those Policies and Guidelines will be an offence against the Local Law.

The General Local Law now contains footnotes to more clearly spell out Council’s intent or to aid interpretation of a provision.

As a Local Law cannot duplicate or be inconsistent with State legislation, the review considered that aspect but overall only minor modifications were required as a result of legislative changes that have occurred since the Local Law was originally made in 2005.

Different language and drafting styles now being used in legislation, an emphasis on achieving compliance with standards rather than total regulation by permit and other legislation that supports all legislation such as the **Interpretation of Legislation Act** have all been an influence on the proposed Local Law and how it now appears.

For the most part, all of the provisions come from the existing Local Law which the community has had in place in some form or another since the early 90’s. The requirements have been repeated in the proposed Local Law without much modification or they have been modified to address practical problems that have been raised in application, interpretation or enforcement.

Provisions regulating chimneys are the one totally new control in the Local Law.

Building site controls have been addressed in detail because the potential impact on amenity of residents and the potential damage to Council assets from uncontrolled building activities remains. There is a requirement in the current Local Law for advance notice to be given of proposed building works and for an Asset Protection Permit to be obtained. That requirement has been continued but given more emphasis by bringing the requirement, along with the requirement to pay a bond, up front in the provision. Two main changes have been made. Damage to Council infrastructure will be deemed to have occurred in certain circumstances and building site noise controls which prohibit building on Sundays, with exceptions.

Waste disposal requirements have been upgraded to reflect the waste services that Council provides to residents.

While complaints to Local Laws about animals has remained relatively static over the last 3 years, animal management has been reviewed on the basis of concerns that arose some time ago about animals, particularly poultry being kept in the front yard of properties. The changes (to be discussed in detail further) deal with how animals and poultry are kept on land.

Requirements applying to noise control have been modified to take into account changes to State legislation relating to residential and other noise. Complaints about noise continue to be high with 219 complaints requiring investigation being made in 2014. Mostly complaints about noise relate to music, equipment use, home businesses, alarms and rubbish removal. It is expected that as population density increases with new types of development in the City complaints about noise will increase. The changed requirements will enable Authorised Officers to apply controls that will complement State legislation.

Stronger requirements have been included in the Local Law to try and resolve the ongoing problem with shopping trolleys that are taken from a shopping area and left on streets and other public places. While this problem is not unique to Maribyrnong it persists despite different approaches applied by Council officers to achieve a resolution. The problem is further compounded by the fact that trolleys are not being collected by the store operator after they are impounded.

There are many minor changes to the Local Law which are small drafting or technical changes. The more substantive changes are addressed in Appendix 1.

**APPLICATION OF THE LOCAL LAW:**

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

The Local Law does not regulate anything regulated by the City of Maribyrnong Planning Scheme. If a permit is required under the Planning Scheme for a particular use or activity, that will negate the need for a Local Law permit.

**STRUCTURE OF THE LOCAL LAW:**

The Local Law falls into three main parts, these being:

**Part 1 - Preliminary**: Clauses 1 - 7 which set out legislated requirements that must be addressed in local laws such as the name of the local law, definitions, commencement date and the authority for making the Local Law.

**Parts 2 – 19 – Uses and activities regulated by the Local Law:** Clauses 8-63. These provisions regulate uses and activities, including on Council land and roads. Requirements to obtain a permit are continued in relation to the following activities:

* certain uses of Council land or roads, including flying remote controlled toy or model aeroplane, conducting events, collecting money or storing anything;
* camping;
* busking;
* consuming or possessing alcohol in an open container where Council has declared alcohol free zones;
* conducting circuses, carnivals and festivals;
* camping on private land;
* using the footpath for commercial activities such as outdoor dining, signs and displays of goods for sale;
* using Council roads for sale of goods, collections and spruiking;
* building works on building sites requiring an asset protection permit;
* carrying out works or leaving obstructions, including landscaping naturestrips, on Council roads;
* constructing a temporary or permanent vehicle crossing;
* keeping heavy vehicles in a residential zone or displaying vehicles for sale on a road;
* using a recreational vehicle on any land;
* keeping more than the number and type of animal than prescribed under the Local Law; and
* tapping into Council drains.

The Local Law also requires compliance with conditions or requirements for certain uses and activities. These include:

* general use of Council land or roads;
* the condition and appearance of land and buildings;
* measures to be implemented on building sites and the requirement to pay a bond;
* the standard of vehicle crossings;
* interfering with Council drains;
* leaving or parking unregistered or abandoned vehicles on roads;
* requirements to display property numbers where Council has allocated property numbers.
* how the waste collection services provided by Council are used;
* management of drains on private land;
* using bicycles and toy vehicles (skateboards, scooters etc) on a road or Council Land;
* animal shelters and animal noise;
* interfering with safe passage on a street or road; and
* audible intruder alarms.

The Local Law also includes prohibitions on certain uses and activities. These are:

* interfering with, causing damage or creating a risk on Council land or road.
* placing a clothing recycling bin on Council land or a road;
* allowing soil and other substances to drop from vehicles;
* repairing & maintaining vehicles on a road;
* lighting a fire in the open air, constructing, installing or using an incinerator and burning certain materials;
* allowing a chimney or similar structure to discharge smoke or other substances that are offensive to a person or dangerous to property;
* causing unreasonable or excessive noise in prescribed circumstances or noise from vehicle sound systems or excessive noise from certain uses and activities on land;
* leaving shopping trolleys in public places where there is no designated shopping trolley return area.

**Part 5 - Administration and enforcement: Clauses 50 - 64.** As the title suggests, this part sets out processes about applying for permits and sets out various administrative requirements to guide the Council in the application of its Local Law. It allows for exemptions from permits in certain circumstances.

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

Infringement notices can be issued for any contravention of the Local Law. The penalties for an

infringement notice are usually approximately half of the maximum amount that can be imposed by a Magistrate if a matter goes to court.

More detailed analysis of the more substantial provisions in the Local Law is contained in Appendix 2.

***CONCLUSION:***

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

This Paper has been prepared to assist further discussion and review by Councillors and staff about the proposed changes. It will also be used to inform and assist the community in the formal review of the proposed Local Law on some of the key matters that are fundamental to making local laws.

**APPENDIX 1**

**OTHER MATTERS TAKEN INTO CONSDERATION IN REVIEW AND DEVELOPMENT OF THE GENERAL PURPOSES LOCAL LAW**

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| **State legislation** | The **Local Government Act 1989** (the Act) gives Councils authority to make local laws in relation to their powers and functions. The Act also imposes limitations and restrictions on those local law making powers as mentioned in the first part of this Paper.  A local law cannot duplicate or be inconsistent with State legislation. Some State legislation provides power to Council officers as “authorised officers” to enforce that legislation. For instance, litter can be dealt with by authorised (Council) officers under the **Environment Protection Act 1970** and parking offences under the **Road Safety Act 1986** and related regulations. The proposed amendments have been reviewed to ensure that there is no duplication or overlapping with State legislation and to ensure that there is no inconsistency.  Some of the proposals have been drafted to complement State legislation where Councils are required to exercise functions and duties under that legislation and that legislation may only provide part of the powers that a Council requires to deal with a particular matter. For example, the Noise Control Guidelines published by the Environment Protection Authority have been applied to some uses and activities regulated by the Local Law.  The Local Law contains penalties for offences against the Local Law and allows infringement notices to be issued to offenders. **The Infringements Act 2006** applies in these circumstances. The relevant provisions in the Local Law have been reviewed and substituted to make sure that there is no inconsistency with the requirements of the Infringements Act. |
| **Objectives of the Local Law** | As part of the review process, the purposes (objectives) of the existing Local Law were reviewed and it was concluded that for the most part, they adequately reflect what the Council is trying to achieve for the City. The purposes have been revised into more general statements along the lines of the approach used in State legislation.  During development of the Local Law consideration was given to the Council Plan 2013 - 2017 which identifies a number of wellbeing outcomes that reflect Council and community views about what is wanted for the City. Consideration was also given to the Municipal Strategic Statement in the Maribyrnong Planning Scheme which aligns with the Council vision in the Council Plan.  The Council Plan talks about:   * providing safe and accessible public spaces, * improving the quality of life for all; * improving the look and image of the City; * monitoring and managing impacts from increased density; * improving the City’s amenity; and * having a clean and safe City.   The objectives of the General Purposes Local Law are essentially about achieving community amenity and environmental objectives as well public safety outcomes for the community. The objectives also have a broader focus in that they are directed at maintaining a healthy and safe environment not only for the community but for visitors, promoting community expectations about lifestyle and creating a sense of community pride in the municipality.  The Local Law is one way in which Council can seek to achieve its stated outcomes which are reinforced through the purposes statements in the proposed Local Law. |
| **Legislative approach** | Schedule 8 of the Act sets out what a local law must and must not do. One of the requirements is for a local law to be expressed consistently with the Act and in accordance with modern drafting standards applying in Victoria. The Local Law has been drafted taking into account the Schedule 8 requirements but acknowledging that some Authorised Officers consider that the language and style in the current Local Law continues to work well for them.  The Local Law sets out matters that are regulated by permit and matters that require compliance with standards in the Local Law. The Local Law refers to and incorporates other policies or guidelines that apply, an approach allowed by the Local Government Act. Where this occurs Council must ensure that those documents are kept up to date and available for inspection. Most Councils ensure that this happens by publishing additional documents along with the Local Law on the Council’s website.  The Local Law provides a system for administration and enforcement of the Local Law. |
| **Comparison with other councils** | For inner metropolitan municipalities amenity issues associated with unsightly or dangerous premises, building sites, the image of the municipality, open air burning, animal management, noise and waste disposal are routine. The controls in this Local Law can be found in the Local Laws of adjoining councils.  The prescription and detail associated with the controls usually vary depending on the extent of a problem within a municipality. The local laws of adjoining Councils contain more or less prescription of similar regulated activities and uses when compared to the proposed General Purposes Local Law. For instance, Maribyrnong continues to contend with the problem of shopping trolleys left abandoned all over the City. The proposed requirements in the Local Law differ from those of adjoining Councils by making the corporate entity owning the trolleys responsible for their collection, payment of fines and fees. Other Local Laws are directed at dealing with the problem at the local level, but in Maribyrnong’s experience, local level arrangements are only successful for short periods of time.  Amenity and environmental impacts associated with building sites in municipalities that are experiencing residential growth are emerging issues that are dealt with in the local laws of adjoining Councils, again the differences (albeit limited differences),resulting from the extent of the problems that are being experienced.  Increased residential density through multi residential developments creates new challenges for existing controls around topics such as animal management, noise and waste disposal. Maribyrnong’s proposed Local Law controls to tackle these problems are not significantly different from those in adjoining municipalities. |
| **Local Law performance** | Local Laws are as much a guide to the community about the appropriate use and behaviour and compliance with standards to achieve public safety and amenity outcomes for the community, as they are an enforcement tool of the Council. They are generally used as a last resort when a person fails to respond reasonably to a request to stop a breach or to implementing the measures prescribed in the more formal process when a notice to comply is issued.  Generally Council does not rely on enforcement of its Local Laws through issuing infringement notices. The approach, if a matter is not urgent or safety is not being compromised, is for a person breaching the Local Law to be advised and then given a warning or direction. In more serious cases and where a breach of the Local Law continues, a notice to comply may be issued providing an opportunity for a local law breach to be remedied.  Therefore, the success or otherwise of existing or proposed local law controls is not measurable by the number of infringement notices issued. As stated these are usually only issued as a last resort. The relevance and “success” of the Local Law will be monitored by the number and type of complaints received and observing compliance with conditions. This is an appropriate measure for Maribyrnong’s approach and circumstances. |
| **Risk assessment** | An assessment of the risk to the community if no local laws are in place was undertaken. It was concluded that overall, the likelihood and consequence of a risk to either the community or the Council if the revised controls do not proceed is in the low to moderate range. Clearer provisions or new provisions in the Local Law will plainly express to the community the Council’s standards about various uses and activities and will aid authorised officers with administration and enforcement.  The Local Law should result in an overall reduction of risk caused by activities on roads, the reduction of risk to others caused by certain activities such as burning in the open air, a reduction in damage caused to community assets and the complaints received about the condition and appearance of land and buildings in the municipality.  The Local Law contains ability for Council to apply appropriate conditions in a permit or a requirement to comply with the standards which are in effect “treatments” to minimise risk from the use or activity. |
| **Penalties** | The Local Law prescribes penalties for offences against the Local Law based on the limits in the Local Government Act, which sets the maximum penalty that can be imposed at 20 penalty units. The penalties are prescribed by reference to “penalty units” which under the **Sentencing Act 1991** are limited to $100 for each penalty unit.  The penalty amounts that have been prescribed in the Local Law reflect a view about what the more serious offences in the Local Law are. The penalties applicable for an offence that is dealt with in a court appear in each of the provisions of the Local Law. The penalty payable if a person receives an infringement notice and elects to pay the infringement amount rather than defend the matter in court appear in Schedule 3 of the Local Law. The highest penalty that can be imposed under the General Purposes Local Law by a Magistrate if a matter proceeds to court will be 20 penalty units. The highest infringement (“on the spot”) penalty in the Local Law will be 10 penalty units. Other infringement penalty amounts are in the 2 - 5 penalty unit range.  Penalties in the Local Laws of other councils that may be applied for contravention are similar to those proposed in the Local Law. |
| **Consultation and the review process** | Council staff involved in the administration and enforcement of the existing Local Law on a daily basis were asked to provide comments concerning their experience with it. Several sessions involving local laws personnel and Council staff with a particular knowledge or experience of specific subjects were held to obtain an understanding of the current situation with the effectiveness of local law controls and where improvements or new controls were needed.  Council officers also contributed information on “problem areas” that had been raised by Councillors over the life of the current Local Law. Councillors were also invited to attend briefing sessions and many areas of concern were raised. These areas of concern are generally consistent with those reported by officers.  Before going through the formal processes under section 223 of the Act, three community information sessions were provided to the community. |
| **Restriction on competition** | As part of the analysis of the Local Law, a review of the proposed amendments, in particular those where a permit is required, were reviewed during the process to determine whether they created a restriction on competition. Schedule 8 of the Local Government Act states that a local law must not restrict competition unless it can be demonstrated that-  (i) the benefits of the restriction to the community as a whole outweigh the costs; and  (ii) the objectives of the local law can only be achieved by restricting competition.  The uses and activities having a “competition” element were subjected to a competition review when the General Local Law was made in 2005. It was determined at that time that there was no restriction on competition which could not be justified on the basis of overall community benefit. Further, no alternative approach where the objectives of the local law could be met was identified. In that review, it was decided that on balance, even if it could be said that some provisions are a restriction on competition such as the costs of a permit, the overall benefit for the community outweighs the costs.  Having regard to the previous review the current Local Law review determined what amendments warranted a competition review. In those cases a more detailed analysis was undertaken. The matters reviewed were the building site requirements including those that limit construction times because of noise, the potentially more onerous requirements relating to the regulation of shopping trolleys and the impacts on waste collection providers because of the restricted times of collection.  In summary, it is unlikely that the amended requirements applying to builders will deter new businesses from entering the market. There is a remote possibility that the costs of some of the preventative measures required of builders could be a restriction on competition. However, the requirements are essentially the same that builders encounter across metropolitan Melbourne. They are an accepted cost of business. Arguably, the costs of preventative measures to be taken because of the requirements in the Local Law will reduce the potential for other costs to be incurred if for instance, enforcement action needed to be taken for litter, nuisance or other detrimental effects associated with building works.  It is possible that the costs of penalties for shopping trolley retrieval could be a restriction on competition. However, it has to be recognised that after many years of local laws enforcement, the prospect of penalties does not appear to have been an incentive for shopping trolley owners to take more effective steps in managing trolleys.  The requirement for shopping trolley owners to implement effective trolley management systems may be considered too costly. In a note relating to the shopping trolley requirement in the Local Law examples are provided of approaches considered to be effective management systems. Shopping trolley owners are not required to comply with a prescribed system. They can opt for a less costly approach such as sharing collection arrangements with other retailers or they can implement more costly measures such as boundary controls. Substantial Council resources are applied to managing shopping trolleys left abandoned in public places. The conclusion reached is that the prospect of sustaining a competition restriction argument is remote when the overall benefits of the “restriction” are taken into consideration  The proposed Local Law applies collection times to waste collection services as a means of minimising the impact of collections on residents. The times applied in the Local Law are intended to provide a balanced solution to the persistent noise complaint problem. As with the other measures referred to above, restrictions on collection times are not unique to Maribyrnong. The time restrictions in place across metropolitan Melbourne do not seem to be a deterrent to other providers from entering the market.  While it is acknowledged that earlier collection times suit service providers because of health and safety and access considerations, considerable Council resources are involved in managing noise complaints from this activity. It is expected that complaints will increase with the changing Maribyrnong demographic so the review of the Local Law provides an opportunity to introduce balanced controls to offset the impacts of this activity. It was concluded that on balance, even if it could be said that the provisions are a restriction on competition, the overall benefit for the community will outweigh the costs. |
| **Charter of Human Rights** | The rights prescribed under the Charter have been reviewed to determine whether the amending Local Law is incompatible with any of those rights. In summary, it was acknowledged during discussion that there is a remote possibility that some of the controls, such as those that have the effect of restricting people from working or living how they want to on their land, such as the restrictions on the condition and appearance of land, could be a restriction on property rights or restrictions on open air burning, which some may consider as incompatible with cultural rights expressed in the Charter.  While it was generally concluded that controls over various uses and activities are not interfering with or incompatible with a right under the Charter, for the purpose of the exercise the question whether such a restriction could be reasonably and demonstrably justified, was addressed. It was concluded that the ability to undertake a use or activity so long as certain standards were met or conditions complied with, the ability to apply for a permit or for alternative remedies to be found, (such as screening or fencing an unsightly property because the unsightly land could have the effect of devaluing adjoining properties or making them difficult to sell), was a reasonable justification of the controls.  Enforcement of the Local Laws has been designed around processes that have regard to procedural fairness. Generally unless a matter is urgent or could compromise public safety, the enforcement processes provide ample opportunities to a person to remedy a breach of the Local Law. In the final analysis, it was concluded that there are no proposals in the amending Local Law that are incompatible with a human right under the Charter. |

### APPENDIX 2

Assessment of major changes to the General Purposes Local Law.

1. **Amenity**

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| **Problem the local law intends to address** | Animal management on private land. |
| **Action/change** | More detailed provisions have been inserted about animal management on private land. These are:   * a prohibition on poultry being kept in the front yard of a property; * a prohibition on keeping roosters whereby no new roosters will be permitted on land in the municipal district after the Local Law comes into operation. * amended standards applying to animal shelters, specifically the distances from adjoining land.   (See clauses 44 & 46) |
| Reasons for change | The prohibition on nuisance roosters is in response to ongoing complaints received by Local Laws officers and should eliminate this nuisance source.  The prohibition on poultry being kept in the front yard of a property arises from concerns raised with Council about health and amenity (smell, odour etc) considerations. The same considerations are the reasons why the Local Law proposes distances from adjoining land for animals shelters but specifically for poultry. |
| **Arguments against change** | Management of animals in both public and private situations remains one of the most emotional and controversial matters that a Council can become involved in. Enforcement of these matters is usually not straightforward and takes considerable time and negotiation to resolve.  The inclusion of controls means that they will have to be enforced and that there will have to be adequate resources that can be applied to enforcement. |

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| **Problem the local law intends to address** | Sale of goods occurring on a road, Council land, vacant land or land not ordinarily occupied by a person is causing a nuisance to people living in proximity to the activity from excessive noise including noise from equipment used, litter and smells. There are persisting complaints to Council as a consequence of these activities.  (See clause 25) |
| **Action/change** | The Local Law includes a specific requirement that requires a person undertaking a use or activity under this provision to ensure that the use or activity does not impact detrimentally on people or property in the neighbourhood because of unreasonable or excessive noise, smell, litter or a general lack of cleanliness. |
| **Reasons for change** | The new controls applied to commercial operators on Council land and roads is an attempt to balance the impacts of those activities on residents living in close proximity.  It is recognised that food trucks and other mobile operations can provide a certain vibrancy and lifestyle opportunities in the municipality but they also have some drawbacks. |
| **Arguments against change** | While some commercial users of Council land are used to the Local Law and policy controls, including those in other municipalities that they may also be operating in, there are compliance costs that must be absorbed by the operator.  The increased permit and hence monitoring requirements could increase the resources needed by Council to adequately enforce the requirements of the Local Law.  In some cases, such as a dispute between a person and a commercial operator because of loss of amenity, the dispute is not able to be resolved quickly. The increased general requirements in the Local Law could create a perception that is different to that. |

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| **Problem the local law intends to address** | Standards applying to land and buildings |
| **Action/change** | The existing provisions have been expanded to require that a person not permit land which he or she owns or occupies to be a nuisance or to permit anything on the land to be a risk or a nuisance to adjoining land.  The current requirements prohibiting a building from being unsightly, ruinous or detrimental to the general amenity of the neighbourhood have also been expanded to include anything on the land or a fence that abuts a road to be subject to the requirement.  (See clause 16) |
| **Reason for change** | Unsightly land and derelict buildings continue to be amongst the highest number of complaints received by Local Laws. There is also some concern about the condition of fencing on some land, especially fencing abutting a footpath that is falling down or protruding onto a footpath, thereby preventing safe travel for pedestrians and other users of the road.  “Nuisance” has been added to the provision because there are complaints about problems where for instance, stormwater is flowing on to adjoining land and not to the legal point of discharge. “Nuisance” or a risk can also arise because of the condition that the land is in such as excessive vegetation or materials stored on the land.  The Council Plan refers to a desire to improve the look and the image of the City. |
| **Arguments against change** | In some cases, the resolution of unsightly land complaints is complex. The provision in the Local Law could raise expectations about the ability to address and resolve all situations that arise. More often than not a black and white solution is not available in the circumstances and takes some time to resolve. |

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| **The problem the local law intends to address** | Noise from various uses and activities. |
| **Action/change** | In addition to amended requirements concerning noise from waste collections, deliveries to shops, supermarkets etc, there are new requirements making it an offence to cause or allow excessive noise to emanate from a use or activity being undertaken on land. A new requirement limits the times deliveries can be made to residential premises. New requirements require that certain uses and activities, such as industrial waste collection and deliveries to shops, supermarkets and service stations be done in the times and in the manner prescribed in the EPA’s Noise Control Guidelines.  Noise from building sites will be regulated by prescribing the times when building works cannot be done on building sites. Exemptions are provided for owners or occupiers undertaking work on premises that they are living in.  (See clauses 30, 60 - 63) |
| **Reason for change** | Varying noise complaints to Council persist and it is expected that complaints will continue to rise as a result of ongoing development, the type of development occurring, some of which will increase residential density and the use of land (eg: home occupations where deliveries are being made to residential properties). More than 200 complaints have been received by Council each year since 2012. Examples of the types of complaints received are mentioned earlier in this paper. In addition to residential noise complaints other categories of noise complaints that feature prominently include deliveries to shops, noise from factories and container yards halls and entertainment venues and road works.  The changes are intended to improve the ability of Council to better manage noise complaints. These controls are similar to provisions of local laws of other councils experiencing the same problems.  The application of the EPA’s Noise Control Guidelines provides an independent set of criteria developed by the noise “experts” that can be one of the tools used by authorised officers to determine whether an offence against the Local Law has been committed or not.  The expanded controls in the Local Law make it clear what Council “tolerances” are on matters that affect amenity because of noise. The controls are directed at may improving amenity and raise community harmony. |
| **Arguments against change** | Noise complaints are one of the most commonly raised matters with Council health, planning, building and local laws officers. The substantive residential noise provisions are contained in the **Environment Protection Act 1970** and Regulations. Council officers are given clear powers under that legislation in relation to residential noise but resolution and enforcement are not straightforward. Nor do Council officers necessarily have expertise in the area. This often necessitates external assistance which can incur considerable costs to Council in trying to resolve a problem that may only be the problem of one person in the municipality. |

**2. Amenity, public health and safety**

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| **Problem the local law intends to address** | Use of Council Land |
| **Action/change** | New provisions have been inserted to make it clear that people must comply with any signs, conditions or entry or conditions of membership that apply to the use of Council land. This approach is consistent with access and use of private premises that are open to the public.  There are also new requirements to identify acceptable standards of behaviour on Council land so that other people’s enjoyment of that land is not interfered with or Council assets are not damaged from misuse, such as parking in non parking areas. An adjusted requirement will attempt to limit risks and potential impacts caused by the use of drones and other remote controlled “toys”.  The proposed Local Law will continue requirements that a permit be obtained to conduct a street party, festival or event.  (See clause 9) |
| Reason for change | The new provisions will improve the ability for Council to control behavioural issues in parks, reserves and Council land by identifying what the applicable requirements, which are more aligned with how private premises that are open to the public operate, and the standards to be complied with.  The new provisions will also enable Council to better manage impacts on Council and community assets from misuse, including from adjoining land. |
| **Arguments against change** | There could be a view that Council land is community land that should be available for use by the community without restrictions.  The provision could increase expectations that Council has a capacity to regulate all activities on Council land from impacting on private land. |

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| **Problem the local law intends to address** | Fires in the open air. |
| **Action/change** | Existing controls have been expanded with the intention of improving the ability for Council to manage potential nuisance smoke and odour from fires in the open air. The current Local Law prohibits incinerators and fires in the open air. The proposed Local Law will increase the restrictions by identifying substances that must not be burnt and requiring that an owner or occupier of land not allow a chimney or similar structure (including a chimnea) to be offensive to another person or dangerous to property.  (See clauses 56 - 59) |
| **Reason for change** | Nuisance smoke is one of the main areas of complaint to Council. It’s effect on health complaints, such as asthma, is well documented. The expanded Local Law provisions should assist in reducing hazards to health and overall nuisances caused by smoke.  The restrictions can be used to regulate what seems to be the increasing practice of burning large tracts of land before redevelopment. |
| **Arguments against change** | The inclusion of expanded provisions in the Local Law will not necessarily prevent nuisances from occurring but will create an expectation that they can be eliminated. As with most nuisance uses and activities, the practicalities of enforcement and resolution of complaints can be expensive, difficult and lengthy. |

**3. Public safety**

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| **Problem the Local Law intends to address** | Shopping Trolleys |
| **Action/change** | New and more onerous requirements have been inserted into the Local Law. The new provisions will make it a requirement for a retailer who provides more than 15 shopping trolleys to either implement effective trolley management systems designed to ensure that trolleys are not taken from the retailer’s land or, if that requirement cannot be complied with, to identify on each trolley the name of the corporate body that the trolley belongs to and the address of the store that has provided it for use by customers.  If a shopping trolley is impounded, the corporate body (not the local store), will be considered the owner for the purposes of serving an impounding notice. If the trolley has not been collected within 10 days, Council may, in addition to the fee to be paid for the release of each trolley, issue an infringement notice for each trolley that has been impounded.  (See clause 35) |
| **Reasons for change** | The number of shopping trolleys being dumped in public places including on roads, continues to rise. The current power to impound the trolleys collected by Council does not seem to provide enough incentive for the trolley owners to collect them. It seems that for some local retailers, it is easier and cheaper to replace the trolleys dumped on public roads and other public places than to collect them from Council’s pound and pay the impounding fees. Discussions with local retailers have mixed results where retailers are diligent for a while but the problem seems to return.  Complaints from residents continue to be received.  This is not a problem unique to Maribyrnong and it seems to be problem encountered in most metropolitan Councils and interstate.  The proposed Local Law encourages retailers to implement effective trolley management systems and as new technology becomes available, various measures should help in reducing the problem. Effective trolley management systems might include coin or token operated trolleys, radio signal technology on trolleys, electronic controls around property boundaries or collection services shared by retailers in the municipality. |
| **Arguments against change** | It will not be possible to prevent all trolleys from being removed from retailer’s land. The requirements imposed are onerous and there will be increased costs to retailers, passed on to consumers, for compliance with this requirement. |
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| **Problem the local law intends to address** | Planting on nature strips |
| **Action/change** | The proposed requirement to obtain a permit to plant trees and vegetation on the naturestrip transfers existing requirements in a Landscape Policy to the General Local Law. As with all permits issued under the Local Law, the permit will expire after 12 months.  The Local Law will incorporate the Landscape Policy to be referenced. The Policy applies a range of requirements to planting the naturestrip. The Local Law will require compliance with the Policy and failure to comply will be an offence against the Local Law.  (See clause 37) |
| **Reason for change** | There is an increasing trend for land owners/occupiers to either landscape or plant vegetable gardens on nature strips which come under Council’s care and management. It is known that trips and falls on footpaths remain one of the largest insurance claims against council insurance policies. The permit requirement provides an opportunity for Council to be aware of locations where there could be increased hazards to pedestrians and to apply appropriate conditions and limitations on the activity. |
| **Arguments against change** | Allowing naturestrips to be landscaped means that Council accepts the potential risk from the activities of adjoining owners/occupiers. The activity will be difficult to manage and monitor. |

**4. Environment and amenity**

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| **Problem the local law intends to address** | Waste Disposal |
| **Action/change** | New controls will be included in the Local Law applying a range of requirements relating to the use of Council’s waste collection service which consists of bins provided for household waste, green waste and recyclable materials. The provisions are designed to encourage waste being put into the correct bin to eliminate contamination. There are requirements about when bins can be placed out for collection (not more than 24 hours before collection day) and returned to the property to which they have been allocated (within 24 hours of collection).  The definition of waste from the existing Local Law is retained as it excludes certain waste from being put into the bins provided for collection such as oil and oil filters, paints, solvents, hazardous waste, carcass of dead animals and hot ash or embers.  New requirements will apply to hard waste left for collection which must be in accordance with the hard waste conditions of collection and a prohibition on any person, other than an authorised person, removing hard waste left for collection.  A range of other new requirements are intended to prevent misuse of Council’s service including the creation of offences for depositing household, commercial or industrial waste in public bins and for depositing waste in the bin of another person.  (See clauses 49, 50 & 52) |
| **Reasons for change** | The current Local Law requirements applying to waste do not reflect the type of service currently being provided by Council. The new requirements applying to household and hard waste collection will be a way in which Council will be able to tackle litter and unsuitable waste being sent to landfill. |
| **Arguments against change** | There are no disadvantages from being able to regulate and enforce this requirement. |

1. **Protection of Council and community assets**

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| **Problem the local law intends to address** | Building sites – impacts and damage caused to Council assets. |
| **Action/change** | The proposed Local Law will continue the requirement for prior notice to be given before commencing building works, an Asset Protection Permit to be obtained prior to the commencement of building works and the payment of a bond if required. To reinforce the importance of this prior notice (which is not always observed by builders), a new provision where if a builder fails to obtain an Asset Protection Permit, deems that there was no prior damage to any part of the adjoining road, Council land or infrastructure before building works commenced on the land. This means that any damage to Council’s assets will be reinstated and paid for under the bond.  The Local Law identifies some of the matters that will be addressed in an Asset Protection Permit and applies a range of additional requirements. Some of these already exist in the current Local Law but have been expanded to ensure that matters such as litter containment, appropriate sanitary facilities exist and that suitable measures are applied to ensure that dust, building materials or run off the site do not escape from the site.  Importantly there will be controls prescribed about the hours of operation to minimise the impact of construction noise on residents. (These have been mentioned earlier.)  (See clauses 28 - 32) |
| **Reasons for change** | Clear and expanded requirements will enable Council to better regulate building sites to minimise impacts on residents, adjoining land and on Council/community assets. It will enable Council to take preventative measures to limit damage to assets or to restore them to their previous condition without any cost to the Council/community. |
| **Arguments against change** | There are no disadvantages from being able to apply proper and reasonable controls on building activities that have the potential to have impacts across a number of areas. Some builders may argue that it adds to the costs of building but such controls are now common across most metropolitan or urban Councils so the costs of compliance would not be an unbudgeted cost in the building process. |

**Appendix 3**

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

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

In reviewing and developing the proposed General Local Law the proposed new controls (other than those that are minor drafting or technical changes) were reviewed using the process provided in the Risk Management Policy and Framework. That provided an understanding of each risk, its consequences and the likelihood of those risks occurring. It also assisted with determining an appropriate risk treatment within the Local Law context – eg: permit control, compliance with standards, prohibition.

The tools applied during this process are provided below.

**Risk Management Assessment Tool**

Consequences Descriptors

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Code** | **1** | **2** | **3** | **4** | **5** |
| **Description** | **Minor** | **Moderate** | **Significant** | **Major** | **Catastrophic** |
| **Service Delivery**  **SD** | Negligible effect on business processes. | Failure to deliver non-essential Council service objectives in business plans/policies.  Failure to meet some statutory requirements | Widespread failure to deliver minor Council Policy outcomes/service level objectives in business plan.  Failure to meet a range of statutory requirements | Widespread failure to deliver major Council Policy outcomes/ service level objectives in business plan.  Widespread failure to meet major statutory requirements | Failure to deliver sustainable outcomes that ensure the Council remains an effective and viable business entity. |
| **People**  **(physical, social, and/or**  **mental wellbeing) P** | Reversible injury requiring medical treatment or some lost work time | Reversible injury/ impairment. Incapacitated from normal activity for a continuous period of 1 month/affects more than one person. | Multiple irreversible injuries. | Significant irreversible injuries. | Fatality |
| **Financial including Fraud $** | Up to $10k loss | $10k to $150k loss | $150k to $2m loss | $2m to $20m to loss | Above $20m loss |
| Fraudulent and/or Corrupt Activity, up to $1m | Fraudulent and/or Corrupt Activity, up to $5m | Fraudulent and/or Corrupt Activity, more than $5m |
| **Environmental**  **E** | Negligible effect on biological or physical environment. | Some short term effects but not affecting ecosystem functions. | Significant environmental effects for more than 5 years. | Widespread environmental impairment of ecosystem functions, taking greater than 20 years to recover. | Catastrophic and irreversible environmental impairment of ecosystem functions. |
| **Legal/**  **Regulatory L** | Breach of Industry guidelines or Standards | Legal or regulatory action and investigation against Council with potential fines. | Significant legal or regulatory action against Council.  Liability implications and heavy financial penalties for Executive Officers and Managers. | Major legal or regulatory action against Council.  Executive Officers may be prosecuted for indictable offences. | Official Government Inquiry into serious misconduct of the Council with possible incarceration of Executive Officers. |
| **Reputation/ Image R** | Complaint with minimal impact on reputation. | Minor adverse media attention, manageable through public relations/ strength of public image. | Significant adverse local attention by media, public, or NGO.  Short term loss of public support. | Prolonged national media coverage with adverse attention on Council.  Long term loss of public support. | Ministerial intervention of the Council and removal of the Council and Executive Officers. |
| **Assets A** | Damage to Council asset, no disruption to services. | Damage to council asset, leading to minor delays in service delivery. | Damage to council asset, causing relocation of service to another location.  Activation of BCP | Damage to council asset, causing temporary suspension of services, relocation of service to another location.  Activation of BCP. | Destruction of Council Town Hall or Works Centre.  Significant disruption of Services.  Activation of BCP. |
| **Projects PR** | No impact on project, or dependencies external to the project.  Costs < 1% project budget to rectify | Minor impact to tasks,  No impact on dependencies external to the project,  Costs <10% project budget to rectify | Minor rework of project required,  Impact on dependant tasks,  May affect works schedule,  Costs <20% project budget to rectify | Major review required, including project scope, resources and costs.  End date delayed,  Costs > 30% project budget to rectify. | Project unable to proceed, objectives cannot be met, remediation not possible. |

Qualitative Likelihood Scale

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

Qualitative Likelihood Scale

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

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

Qualitative risk level rating

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

Legend, Priority, Responsibility,

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

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

**LOCAL LAW CONTROL**

**SPECIFIC LOCAL LAW CONTROLS – ASSESSED FOR RISK**

| **LOCAL LAW CONTROL** | **RISK - HARM** | **IMPACT/CONSEQUENCES** | **LIKELIHOOD** | **HOW RISK IS ADDRESSED IN THE LOCAL LAW** |
| --- | --- | --- | --- | --- |
| Animal Management | Noise, odour, potential health problems and amenity considerations | Minor | **A** – Almost certain | Requirements applied to keeping animals including prohibitions on where animals can be kept, limits applied to the numbers of animals & types of animals that can be kept without a permit, standards prescribed for animal housing. |
| Building works | **Assets/ Environmental**  Impacts on adjoining land from amenity problems (noise, litter etc) occurring on building sites & protection of Council assets & infrastructure in the road. | Moderate | **B** – likely | Asset Protection Permit, general conditions applying to building sites, restrictions to minimise noise impacts & vehicle crossing permit requirement/conditions compliance/ Policy compliance. |
| Sale of goods on roads, Council land or vacant land | **Environmental**  Amenity problems from noise from the collection or delivery of goods, music or patrons of premises, smell, litter and general cleanliness. | Moderate | **A** - Almost certain | Permit requirement/conditions plus new offence for failing to ensure use or activity does not impact detrimentally. |
| Fires in the open air | **Environmental**  Impacts from nuisance smoke on people, impacts of odour. | Moderate | **A** - Almost certain | Permit requirement for fires in the open air and types of materials and substances being burnt. Requirement that chimneys and similar structures are not offensive or dangerous. |
| Noise | **Environmental**  Impacts of noise on people on adjoining land or land in proximity as a result of various uses and activities. | Moderate – for noise | **A** - Almost certain | Prohibition on causing unreasonable or excessive noise, prescription of times and application of the Noise Control Guidelines as independent means of assessment for noise for which Councils have no specific powers under the EPA.  Requirement to ensure that amenity of a person on adjoining land is not impacted by external land. |
| Shopping trolleys | **Environmental**  Risk to pedestrians or vehicles if left on roads, increased dumping impacting visually on City. | Moderate | **B** - Likely | Increased requirements on both the retailer who provides the trolley and on the user to return to designated areas. |
| Waste disposal | **Environmental**  Allocated bins for specific purposes are not being used for intended purpose and causing contamination of waste. Domestic bins left on roads for long periods of time causing hazards to users of the road & litter. Interference with hard waste, public litter bins and other people’s bins. | Moderate | **C** - Moderate | Amended requirements to reflect the waste service provided by Council. Increased compliance requirements applied to allocated Council bins. Increased penalties for interference with hard waste left for collection and for use of public bins. |
| Standards applying to land & buildings | **Environmental**  Loss of amenity, nuisance and risk incurred as a result of land and buildings being unsightly or because of conditions on land, including those that escape from land. | Moderate | **B - Likely** | The controls have been strengthened and now address land or anything on the land considered to be a nuisance or risk. |
| Use of Council land | **Environmental/ Assets**  At times there is inappropriate use of Council land resulting in damage to Council assets, nuisance to others using Council facilities or living in proximity and potential interference or damage from adjoining land. | Minor | **C - Moderate** | New requirements will make it clear that use of Council land is subject to conditions of entry, including on signs, terms of use and to directions from a person in charge of a facility. New offence provisions have been provided. |
| Planting on naturestrips | **Environmental/ Assets**  Landscaping naturestrips appears to have been sanctioned in a Council policy with permit control and enforcement etc done under the General Local Law. As there is an increasing trend to using naturestrips including for community gardens there is a need to ensure that the right controls are in place. | Moderate | **C - Moderate** | A specific requirement has been included in the Local Law for a permit to landscape naturestrips to be obtained. There is a specific requirement to comply with any of the conditions or requirements in the Landscape Policy. This will enable appropriate conditions to be applied, including removal in some circumstances. |