

## Local Law Community Impact Statement – August 2020

Golden Plains Shire Council provides the following information to the community in respect of the Local Law review and development of Proposed Local Law No. 2 General Public Amenity 2021.

### Part A- General Comments

#### Background

Golden Plains Shire Council is conducting a review of its current Local Law No. 2 General Public Amenity 2017

This review and creation of the Local Law has been conducted in accordance with the Better Practice Guidelines 2010 published by Local Government Victoria.

The Local Law No. 2 General Public Amenity 2021 will replace Local Law No. 2 General Public Amenity 2017. The revised Local Law contains amendments to content and new content, which are detailed in Part C of this document.

The Local Law contains all of Council's Local Law requirements except those relating to meeting procedures. Those requirements are contained in the Governance Rules (previously called Local Law No.1).

The Local Law will be reviewed by Council's solicitors to ensure it complies with all regulatory requirements.

#### Objectives

The objectives of this Local Law are set out in the Local Law. The objectives of this Local Law are to:

- (a) Provide a safe and healthy environment in which the residents of the Shire are provided with an opportunity to enjoy a quality of life that enhances their well-being;
- (b) Prohibit, regulate and control activities that may be dangerous, unsafe or detrimental to quality of life or environment in the Shire;
- (c) Facilitate the provision of general public services, health and other community services, property services, recreational and cultural services and other services in a way that promotes equal opportunity and non-discriminatory practices and enhances the environment and quality of life in the Shire;

- (d) Control nuisances and other environmental hazards that may adversely affect the enjoyment of life, health, safety or welfare of people within the Shire;
- (e) Prohibit, regulate and control activities and events associated with:
  - (i) Unsightly land;
  - (ii) Burning of offensive materials;
  - (iii) Open air burning;
  - (iv) The use of Motorised Recreational Vehicles;
  - (v) Advertising and bill posting;
  - (vi) Camping;
  - (vii) Animals, including animal numbers and the keeping and control of animals;
  - (viii) The disposal of waste, including behaviour associated with Council’s transfer station;  
and
  - (ix) The administration of Council’s powers and functions in a way that is consistent with, and in furtherance of, the objectives specified in paragraphs (a) to (d) above.
- (f) Provide for the management of the physical features of roads and adjacent properties in a manner that is consistent with the safety and convenience of road users;
- (g) Control the use of various types of vehicles and animals for the safety and convenience of road users;
- (h) Provide for the preservation and protection of Council’s assets from damage that may be caused from extraordinary use of roads;
- (i) Control and regulate secondary activities on roads, including trading, the placing of goods and equipment, parties, festivals, processions, collections, and droving;
- (j) Facilitate free and safe access for people with sight and movement impairment or disabilities;
- (k) Provide for the management and control of parking to minimise disruption, danger or nuisance to the users of Council’s parking facilities;
- (l) Control the use of Council-operated standpipes;
- (m) Revoke Local Law No. 2 of 2017 TBC; and
- (n) Provide generally for the peace, order and good government of the Shire.

## Overview

The introduction of new laws is the outcome of comprehensive internal consultation, consultations with elected Councillors, community feedback from the last 3-4 years and in-depth analysis of other Victoria Councils' Local Laws.

Amendments made to the local laws include clearer phrasing, use of modern terminology, clearer processes for decision making and an improved consistency to ensure the laws are fair and applicable.

There have been a number of amendments to the Local Law, making it fairer for the community whilst balancing the disruption that some activities can cause neighbours and the community.

The Local Law No. 2 groups issues into one of five types:

- People and Property;
- Animals;
- Disposal of Waste;
- Matters Concerning General Activities Roads;
- Management of Parking;
- Livestock on Roads; and
- Standpipes

It amends clauses relating to the following issues:

- Unsightly Land
- Burning of Offensive Materials
- Motorbikes and Motorised Recreational Vehicles
- Boundary Fences (Barbed Wire and Electric Fences)
- Advertising and Bill Posting
- Camping on Privately Owned Vacant Land
- Caravan, Erected Tent and Motor Home Storage
- Shipping Containers
- Keeping of Animals
- Animal Enclosures and Agistment

- Restraint of Dogs in a Public Place
- Recyclable and Domestic Waste
- Use of Municipal Transfer Station
- Controls Applying to Road Reserves and Nature Strips
- Constructing, Removing or Altering a Vehicle Crossing
- Placing Bulk Containers
- Collections
- Impounding Unregistered or Abandoned Vehicles

Creates clauses and / or offences relating to:

- Open Air Burning and Use of Incinerators
- Noxious Weeds and Pests
- Wastewater
- Disposal of Dead Livestock
- Lawful Directions on Signs
- Bees and Wasps
- Waste Collection, including location of bins and amount of time bin placed out for collection
- Public Litter
- Firewood Collection on Roadsides
- Fence/Gates Across Council Roads

Part B- Comments on Local Law No. 2 Overall

<p>Measures of success of Local Law No. 2</p>	<p>The main objective of the Local Law No. 2 is to protect the amenity of the Shire and the health and safety of the community.</p> <p>Council will measure the success of the Local Law as follows:</p> <ul style="list-style-type: none"> <li>• <i>The number of permits issued;</i></li> <li>• <i>The number, subject and outcome of complaints relating to Local Laws received;</i></li> <li>• <i>Monitoring and recording levels of non-compliance and compliance;</i></li> <li>• <i>Review of enforcement actions taken; and</i></li> <li>• <i>Cost to the community of fees when set by Council.</i></li> </ul> <p>Council will report annually to the community on the operation of the Local Law.</p>
<p>Existing legislation which might be used instead</p>	<p>The Local Law No. 2 will supplement existing state legislation administered and enforced by Council.</p>
<p>State legislation more appropriate</p>	<p>Council is of the view that each of the problems identified in relation to the Local Law No. 2 is a Council problem and that, accordingly, the provisions of the Local Law are an appropriate solution. Where Council has considered State Legislation is more appropriate to deal with particular issues, Council will utilise the appropriate legislation.</p>
<p>Overlap of existing legislation</p>	<p>Council believes that the provisions of the Local Law No. 2 supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>
<p>Overlap of planning scheme</p>	<p>Council does not believe any provision of the Local Law No. 2 overlaps, duplicates or creates any inconsistency with the Golden Plains Planning Scheme.</p>
<p>Risk assessment</p>	<p>Council has adopted a risk management approach to the review and development of the Local Law No. 2.</p>
<p>Legislative approach adopted</p>	<p>Council believes in the minimum imposition on the community with Local Laws. The Local Law No. 2 reflects this approach by providing for:</p> <ul style="list-style-type: none"> <li>• reasonable penalties;</li> <li>• minimum possible number of provisions which create offences;</li> <li>• where possible, provision for permits rather than prohibition of activities;</li> <li>• reasonable and appropriate permit conditions which in the main are set out in the Local Law No. 2; and</li> <li>• reasonable enforcement procedures including provision for the giving of warnings where appropriate, provision of an internal review process for infringement notices and refusal of permits.</li> </ul>

	<p>Council has ensured that the Local Law No. 2:</p> <ul style="list-style-type: none"> <li>• is expressed plainly and unambiguously and in a manner consistent with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria;</li> <li>• is not inconsistent with the principles, objectives or intent of the enabling Local Government Act 1989 (Act);</li> <li>• does not make unusual or unexpected use of the powers conferred by the Act under which the local law is made having regard to the general objectives, intention or principles of that Act;</li> <li>• does not embody principles of major substance or controversy or constrain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation;</li> <li>• does not unduly trespass on rights and liberties of the person previously established by law;</li> <li>• does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions;</li> <li>• is not inconsistent with principles of justice and fairness; and</li> <li>• does not overlap or conflict with other statutory rules or legislation.</li> </ul>
<p>Restriction of competition</p>	<p>Council has conducted a review of the Local Law in accordance with National Competition Principles.</p> <p>Competition will be restricted in some instances because:</p> <ul style="list-style-type: none"> <li>• the benefits of the restriction to the community outweigh the costs; and</li> <li>• the objectives of the Local Law No. 2 can only be achieved by restricting competition.</li> </ul>
<p>Penalties</p>	<p>The penalty amounts established in the Local Law No. 2 are designed as a deterrent and considered appropriate. They are in line with the State Government’s penalty regime, will be reviewed annually and are scaled to reflect the impact of the offence on the community.</p>
<p>Permits</p>	<p>A number of provisions in the Local Law require permits for various activities to be obtained.</p>
<p>Fees</p>	<p>The Local Law allows Council to set fees annually and this will be done as part of the annual budget process.</p> <p>Submissions in relation to fees can be made during budget submissions each year.</p>

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<p>Comparison with neighbouring and like Councils</p>	<p>Council has compared the Local Law No. 2 with the existing Local Laws of the Councils listed below. Comparisons have been made on: Scope of provisions, approach to enforcement, review procedures, fees, penalties and permit conditions.</p> <p>Comparison with Councils that surround Golden Plains:</p> <ul style="list-style-type: none"><li>• City of Greater Geelong</li><li>• City of Ballarat</li><li>• Pyrenees (Similar Size)</li><li>• Moorabool (Similar Size)</li><li>• Surf Coast (Similar Size)</li><li>• Corangamite (Similar Size)</li><li>• Colac Otway Shire</li></ul> <p>The purpose of conducting this exercise was to assess the similarities and differences between the Councils to ensure a best practice approach was adopted in the drafting of the Local Law No. 2.</p>
<p>Charter of Human Rights</p>	<p>Council has assessed the Local Law No. 2 for compatibility with the Charter of Human Rights and Responsibilities Act 2006 in the development of the Local Law No. 2 to ensure that the Local Law does not encroach upon a person's basic human rights, freedoms and responsibilities.</p> <p>As a public authority, Council appreciates its obligation to ensure that Local Laws are interpreted and applied consistently with human rights. Council has assessed the Local Law for compatibility with the Charter and has found no inconsistencies.</p> <p>Any limitations are legitimate, reasonable and proportionate to the objectives and values of a free and democratic society.</p>
<p>Consultation meetings</p>	<p>Extensive internal consultation with Staff and Councillors, both before and after compiling the draft, is also reflected in the Local Law No. 2.</p> <p>The Community is being informed of the proposed local laws and invited to make submissions through the Section 223 process of the Act.</p>
<p>Submissions</p>	<p>The submission process will be conducted in accordance with the legislative requirements prescribed under Section 223 of the Local Government Act 1989.</p> <p>In summary, this process requires Council to publish a public notice calling for written submissions in relation to the Local Law No. 2. These submissions will be considered by the Council as part of the consultation process.</p>

## Part C- Comments on Specific Parts or Provisions of the Local Law No. 2

Specific clauses that have been significantly amended or newly created clauses in the Local Law No. 2 are broken down in the following tables.

The Local Law No. 2 aims to support and fulfil Council’s objectives as set out in the Golden Plains Shire Council Plan 2017-2021 and other strategic policies.

### 1. Preliminary

Clause(s), section or part of Local Law	Part 1 Preliminary Section 5
Description or heading(s)	<b>Penalty Units</b>
Description of the problem the provision is intended to address	In the current Local Law No. 2 - the value of a Penalty Unit was listed at the end of the document. This has now been added to Page 6 of the Proposed Local Law  As per state government guidelines, 1 Penalty Unit in a Local Law equals \$100.
How does Local Law No. 2 provision help achieve objectives?	This addition makes it clearer for the community and residents of Golden Plains Shire to understand the penalty amount.

Clause(s), section or part of Local Law	Part 1 Preliminary Section 6
Description or heading(s)	<b>Definitions</b>
Description of the problem the provision is intended to address	Additional and amended definitions added. These include. <ul style="list-style-type: none"> <li>• Effective Control</li> <li>• Farming Zone</li> <li>• General Residential Zone</li> <li>• Low Density Residential Zone</li> <li>• Motor bike and Motorised Recreational Vehicles</li> <li>• Nature Strip</li> <li>• Restoration</li> <li>• Rural Activity Zone</li> <li>• Rural Conservation Zone</li> <li>• Rural Living Zone</li> <li>• Township Zone</li> <li>• Wastewater</li> </ul>
How does Local Law No. 2 provision help achieve objectives?	Provides information for the community, residents and users of the Local Law.

**2. People and Property**

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 7</b>
Description or heading(s)	<b>Unsightly Land</b>
Description of the problem the provision is intended to address	<p>Clearer guidelines and powers to aid enforcement around safety and amenity on properties is required.</p> <p>The existing local law does not take into account owners and residents having a vehicle on their property for a short time for the purposes of:</p> <ul style="list-style-type: none"> <li>• Parts</li> <li>• Restoration</li> </ul> <p>The existing local law does not take into account people who use an old historic vehicle for landscaping.</p> <p>The existing local law does not take into account disused agriculture machinery stored on a farm.</p> <p>The existing law does not specify the responsibility of maintaining a nature strip.</p>
How does Local Law No. 2 provision help achieve objectives?	<p>Allows the community and residents more flexibility, especially relating to excess vehicles on their property.</p> <p>Gives clearer directions to officers when complaints are received about excess vehicles and excess agriculture equipment.</p> <p>States that nature strip adjacent to the property is to be maintained by the owner or occupier.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 10</b>
Description or heading(s)	<b>Burning of Offensive Materials</b>
Description of the problem the provision is intended to address	<p>At the end of the Fire Danger Period, Council receives questions from the community as to what they can and can't burn.</p> <p>The following has been added as offensive and better reflects the complaints Council receive from the community:</p> <ul style="list-style-type: none"> <li>• Tyres (was previously classed as rubber)</li> <li>• Textiles, fabrics included, mattresses added.</li> <li>• Food waste and fish added.</li> </ul>
How does Local Law No. 2 provision help achieve objectives?	<p>Clearer definitions for the community and residents to view. This will help residents know what they can and can't burn off.</p>

<p><b>Clause(s), section or part of Local Law</b></p>	<p><b>Part 2 People and Property Section 11</b></p>
<p>Description or heading(s)</p>	<p><b>Open Air Burning</b></p>
<p>Description of the problem the provision is intended to address</p>	<p>Council receives significant number of complaints relating to burning off. The complaints are generally from nearby neighbours. Unregulated burning activities can cause potential safety and nuisance issues, particularly in residential areas where it can lead to a significant reduction in local air quality and community amenity.</p> <p>This proposed local law will assist residents in residential areas from being affected by smoke on a regular basis.</p> <p>There is currently no local law relating to open air burning.</p> <p>The proposed local law would prohibit open area burning in General Residential Zones.</p> <p>The proposed local law would allow a resident in Township Zone, Low Density Residential Zone and Rural Living Zone to burn off twice a week without a permit as long as the heap is less than 3sqm.</p> <p>The proposed local law would make it an offence for burning off to cause a nuisance to another person.</p> <p>The proposed local law would make it an offence to not extinguish the fire when requested by an Authorised Officer, a CFA member or a member of Victoria Police.</p> <p>The use of a BBQ, pizza oven or other properly constructed appliance used for cooking food is exempt.</p> <p>The use of a properly constructed or commercially available fire pit that is constructed of stone, metal, concrete or any other non-flammable material so as to contain the perimeter of the fire is exempt is also exempt.</p>
<p>How does Local Law No. 2 provision help achieve objectives?</p>	<p>This amended law aims to improve the ability for Council to manage potential nuisance and public safety relating to burning off.</p>

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<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 12</b>
<b>Description or heading(s)</b>	<b>Noxious Weeds</b>
Description of the problem the provision is intended to address	There a number of noxious weeds within Golden Plains Shire. These weeds can impact the amenity of residential areas, for example serrated tussock blowing into residential properties.
How does Local Law No. 2 provision help achieve objectives?	This local law is proposed to move from Unsightly Land to its own section. Officers have used this provision a number of times over recent years by issuing Notices to Comply to offending land owners.

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 13</b>
Description or heading(s)	<b>Motorbikes and Motorised Recreational Vehicles</b>
Description of the problem the provision is intended to address	<p>Council receives a large number of complaints relating to motorbike use on private land, the most out of all of the local laws.</p> <p>The complaints relate to the noise made by the motorbikes and the amount of time they are being used.</p> <p>As of right, if there is a dwelling on the property, a resident can use a motorbike on their land however in 2017, a local law was introduced so residents were not riding all day long, affecting the amenity of the area.</p> <p>The proposed local law allows residents in Low Density Residential Zones and Township Zones to use a motorbike for one hour per day without a permit.</p> <p>The proposed local law allows residents in Rural and Farming Zones to use a motorbike for recreation purposes for up to two hours without a permit. This does not relate to farming activities where there is no restriction.</p> <p>Council has received feedback that families want to teach kids how to ride and the inclusion of this local law allows for this use. Feedback also received states that residents want to enjoy their land without noise.</p> <p>This change to the local laws allows for families who want their children riding a small motorbike and assist in their riding ability. This local law also prevents residents riding bikes for hours and hours on end and possibly disrupting their neighbours.</p> <p>The local law proposes that a motorbike or motorised recreational vehicle must be used between the hours of 10.00a.m. and 6.00p.m.</p> <p>If a resident applies for a permit to exceed the permitted hours or permitted times, written consent from adjoining landholders will need to be supplied to Council.</p> <p>This section of the local law does not apply when covenants on the land restrict the use of motorbikes or motorised recreational vehicle.</p>
How does Local Law No. 2 provision help achieve objectives?	This is an amended Local Law that allows for families to enjoy their land by operating a motorbike or motorised recreational vehicle whilst balancing the needs of a community who may not want a motorbike operating for large sections of the day.

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 14</b>
Description or heading(s)	<b>Boundary Fences</b>
Description of the problem the provision is intended to address	The current local law relating to boundary fences only relates to barbed wire fences in a Township or General Residential Zone.  This proposed local law seeks to add electric fences as well as barbed wire fences.
How does Local Law No. 2 provision help achieve objectives?	This local law assists in the safety of the community, in particular children, from coming in contact with barbed wire and electric fences in built up areas.

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 15</b>
Description or heading(s)	<b>Wastewater</b>
Description of the problem the provision is intended to address	Council receives regular complaints about wastewater, whether it fails to remain within a property boundary or flows into waterways, dams, lake, creeks, rivers, reservoirs, estuaries or wetlands.
How does Local Law No. 2 provision help achieve objectives?	This proposed local law assists Council’s Environmental Health team with complaints about wastewater and allows Council to issue a Notice to Comply to rectify the issue.

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 16</b>
Description or heading(s)	<b>Advertising and Bill Posting</b>
Description of the problem the provision is intended to address	The proposed local law adds a clause to prevent election signage being placed on council land and also requires an election or candidate sign to be removed seven days after an election.
How does Local Law No. 2 provision help achieve objectives?	This is a new clause that prohibits election and candidate signs on Council land. A clause is also added that requires election or candidate signage to be removed seven days after an election on other land.

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 19</b>
Description or heading(s)	<b>Camping on Privately Owned Vacant Land</b>
Description of the problem the provision is intended to address	<p>It has been identified that 60 days camping without a permit was not enough. This proposed change allows for 120 days a year camping on your land. As per the previous local law, this proposal does not allow for camping on vacant land in residential areas.</p> <p>Addition of a clause that if the conditions allowing the use cannot be met, than a permit can be applied for and that the permit is for a maximum period of 12 months. A disposal of wastewater provision is also included.</p> <p>If a resident unfortunately is a victim of an emergency event, including a fire, flood or wind event, there was no provision for them to remain at the property in a caravan or similar. A clause has been added to allow the resident to remain on their land in a suitable caravan, tent, motorhome whilst their house is being rebuilt, provided that wastewater can be disposed of to the satisfaction of an Authorised Officer.</p>
How does Local Law No. 2 provision help achieve objectives?	<p>Changes the clause from 60 days to 120 days.</p> <p>Addition of a clause allowing the resident to remain on their land in a suitable caravan, tent, motorhome whilst their house is being rebuilt.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 21</b>
Description or heading(s)	<b>Caravan, Erected Tent and Motorhome Storage</b>
Description of the problem the provision is intended to address	Council receives enquiries from neighbours about how many caravans or motorhomes residents can keep on their property. Complaints Council have received include that the numerous caravans at a property make it look like a storage facility.
How does Local Law No. 2 provision help achieve objectives?	This is a new clause allowing no more than two caravans, erected tents or motorhomes to be stored in a residential zone.

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 22</b>
Description or heading(s)	<b>Shipping Containers</b>
Description of the problem the provision is intended to address	<p>Council receives a large number of enquiries and complaints about shipping containers.</p> <p>The use of a shipping container (over 10 sqm) for storage requires a building permit. It is classified as a Class 10 A building. This is state government legislation and a building permit can be obtained by a Private Building Surveyor. This does not relate to temporary shipping containers during construction.</p> <p>Depending on where the container is situated, it may require a planning permit.</p> <p>Council receives complaints relating to how they look on the land.</p> <p>There are also a number of estates that have covenants restricting their use. In these situations, a permit cannot be issued.</p>
How does Local Law No. 2 provision help achieve objectives?	<p>This clause has been amended. For a shipping container to remain on the land indefinitely, the applicant must have obtained a building permit and a planning permit or written advice stating a planning permit is not required. The applicant must paint the shipping container in muted tones to minimise the effect on neighbouring properties.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 23</b>
Description or heading(s)	<b>Disposal of Dead Livestock</b>
Description of the problem the provision is intended to address	Nuisance by smell, visual amenity and potential health implications of leaving dead animals to rot.
How does Local Law No. 2 provision help achieve objectives?	This is a new Local Law that will provide Council with an option regarding the complaints about dead livestock being left to cause a nuisance to neighbours or being detrimental to the health of the community.

<b>Clause(s), section or part of Local Law</b>	<b>Part 2 People and Property Section 24</b>
Description or heading(s)	<b>Lawful Direction on Signs</b>
Description of the problem the provision is intended to address	<p>A number of issues may be identified during the life of a local law that require signage and potential enforcement by Council.</p> <p>This may include the banning of glass at a playground and the use of fires within camping grounds. In early 2020, the local CFA and Police asked Council to erect signs prohibiting any type of open fire during Fire Danger Period. Even though the signs were installed, due to no local law, Council were unable to enforce the signs.</p>
How does Local Law No. 2 provision help achieve objectives?	This is a new Local Law that will provide Council with an option of installing a sign to prevent certain activities occurring on municipal land. If required, these signs will be legally erected.

**3. Animals**

<b>Clause(s), section or part of Local Law</b>	<b>Part 3 Animals Section</b>
Description or heading(s)	<b>Animal Keeping</b>
Description of the problem the provision is intended to address	<p>Provide control around the number and type of animals kept at properties within the Shire.</p> <p>Previous laws around animal keeping numbers were confusing and allowed certain types of animals to be kept where they were not appropriate to the area or land size.</p> <p>Council receives complaints in relation to the keeping of animals on certain sized land. When large animals (eg horses) are kept within Low Density Residential Zones and Rural Living Zones, there is sometimes not enough room for the animals to be kept. When you take out the space for a driveway, house, shed and outdoor entertaining area, on some occasions, it does not leave enough space for the animals and for the land to regenerate. In these situations, a minimum of 1000 sqm will be required per horse, donkey and/or cattle.</p> <p>Bees were not excluded from the previous definition of an animal. This was an issue with apiarists in the region.</p>
How does Local Law No. 2 provision help achieve objectives?	<p>This amended local law provides clearer regulations around what is considered a smaller sized animal and what is considered livestock or larger sized animal and restricts the number and type of animals on properties on the basis of their Planning Scheme zoning.</p> <p>There are also clauses for providing adequate housing and fencing, and a requirement for animals not to be kept in a way that is detrimental to the amenity of the surrounding area.</p> <p>It includes a clause that Bees are not included in the definition of animal. Bees are included in a separate section.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Animals Section 28</b>
Description or heading(s)	<b>Restraint of Dogs in a Public Place (Municipal Land)</b>
Description of the problem the provision is intended to address	<p>This section of the local law relates to where dogs can and can't be off lead in municipal areas.</p> <p>Schedule 4 shows on lead areas within the shire. This has not changed.</p> <p>Dogs are required to be under effective control however this was not defined.</p>
How does Local Law No. 2 provision help achieve objectives?	The definition of effective control has been added to both the definitions and to section 27.

<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Animals Section 30</b>
Description or heading(s)	<b>Bees and Wasps</b>
Description of the problem the provision is intended to address	<p>Bee hives for recreational purposes are a common sight within the shire. The amount of bee hives permitted is regulated by the Planning Scheme, utilising the Apiarists Code of Practice.</p> <p>As bees are animals, apiarists were concerned that they would have the number of bees limited and are unable to house them within the property boundaries.</p>
How does Local Law No. 2 provision help achieve objectives?	This is a new local law that will assist apiarists and Council officers when enforcing complaints about bees.

**4. Waste and Recycling**

<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Disposal of Waste Section 31</b>
Description or heading(s)	<b>Recyclable and Domestic Waste</b>
Description of the problem the provision is intended to address	<p>There was no definition of what items can be placed in a Council collected mobile bin.</p> <p>Council had received complaints in relation to medical waste being disposed of in Council bins.</p> <p>There was no limit as to how long a bin can be left out. In the past, Council has received complaints when residents leave their bins out all week, when empty or light, they have a potential to blow over, causing a traffic hazard.</p> <p>There was no regulation as to the placement of the bin. This includes being too close to a tree or a car, making it difficult for Council’s contractors to collect.</p> <p>There was no regulation as to the weight of the bin.</p>
How does Local Law No. 2 provision help achieve objectives?	<p>Waste not permitted to be placed in the bin has been defined in section 30 (1).</p> <p>A proposed local law has been included to address the limit of time the bin can be placed out for, the location of where it is placed and the weight of the bin.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Disposal of Waste Section 32</b>
Description or heading(s)	<b>Public Litter</b>
Description of the problem the provision is intended to address	A large number of Councils have a local law prohibiting the dumping of rubbish on municipal land. In the past Council have used EPA legislation however a local law for this purpose is proposed.
How does Local Law No. 2 provision help achieve objectives?	Assists in the prosecution of people who are found to be dumping rubbish on municipal land.

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<b>Clause(s), section or part of Local Law</b>	<b>Part 4 Disposal of Waste Section 35</b>
Description or heading(s)	<b>Use of Municipal Transfer Station</b>
Description of the problem the provision is intended to address	Current local law states that the use of the Rokewood Transfer Station is for the use of Golden Plains Shire residents only. This clause is not required. The proposed local law removes this.
How does Local Law No. 2 provision help achieve objectives?	Any person can use the Rokewood Transfer Station when the appropriate fee is paid.

**5. Matters Concerning General Activities on Roads and Roadsides**

<b>Clause(s), section or part of Local Law</b>	<b>Part 5 Matters Concerning General Activities on Roads and Roadsides Section 37</b>
Description or heading(s)	<b>Firewood Collection</b>
Description of the problem the provision is intended to address	<p>For a number of years, Council has prohibited firewood collection on roadsides and municipal land. The removal of native vegetation is controlled by the Planning and Environment Act however there has not been a local law prohibiting it occurring.</p> <p>Council has prohibited collection of firewood for a number of reasons including road side safety and liability in case someone is injured undertaking work on council's roadside.</p> <p>Council receives complaints throughout the year in relation to the removal of vegetation from roadsides.</p>
How does Local Law No. 2 provision help achieve objectives?	This proposed local law will allow officers further powers in relation to keeping road users safe, safeguarding council against liability concerns and protecting the natural environment.

<b>Clause(s), section or part of Local Law</b>	<b>Part 5 Matters Concerning General Activities on Roads and Roadsides Section 39</b>
Description or heading(s)	<b>Controls Applying to Road Reserves and Nature Strips</b>
Description of the problem the provision is intended to address	<p>Over the past year, Council has received a number of complaints regarding residents placing a fence and gate across Council roads and using them as their own private driveway.</p> <p>Council also receives requests in relation to residents wanting to upgrade and re-plant within the nature strip adjacent to their house.</p>
How does Local Law No. 2 provision help achieve objectives?	<p>This proposed local law prohibits a person from erecting, installing, constructing or allowing to remain any fence or gate that crosses a Council managed road or road reserve.</p> <p>A clause has also been added to allow people to undertake landscaping works within guidelines set by Council.</p>

<b>Clause(s), section or part of Local Law</b>	<b>Part 5 Matters Concerning General Activities on Roads and Roadsides Section 43</b>
Description or heading(s)	<b>Constructing, Removing or Altering a Vehicle Crossing</b>
Description of the problem the provision is intended to address	Defining the installation of subsequent vehicle crossings.
How does Local Law No. 2 provision help achieve objectives?	The proposed local law makes it clearer as to what residents and contactors can do when constructing crossovers

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<b>Clause(s), section or part of Local Law</b>	<b>Part 5 Matters Concerning General Activities on Roads and Roadsides Section 56</b>
Description or heading(s)	<b>Collections</b>
Description of the problem the provision is intended to address	In relation to organisations collecting money in public places, Council requires a permit. Council has never imposed a fee for Registered Charity Organisations however this was not documented in the local law.
How does Local Law No. 2 provision help achieve objectives?	Clause added stating that no fee will be charged to Registered Charity Organisations.

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**6. Management of Parking**

<b>Clause(s), section or part of Local Law</b>	<b>Part 6 Management of Parking Section 59</b>
Description or heading(s)	<b>Impounding Unregistered or Abandoned Vehicles</b>
Description of the problem the provision is intended to address	Unregistered or abandoned vehicles being left on roadsides. Current local law states Council are unable to move an abandoned registered vehicle unless it has been abandoned for 2 months. The proposed local law reduces 2 months to 30 days, as 2 months can be a long time for an abandoned vehicle to be parked out the front of a property.
How does Local Law No. 2 provision help achieve objectives?	Reduces the time an abandoned car is parked on the roadside or in any Council controlled area.