



**COMMUNITY AMENITY (AMENDMENT) LOCAL LAW
2023**

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CONTENTS

PART 1 - PRELIMINARY	3
1.1 Title	3
1.2 Purpose	3
1.3 Authorising Provision	3
1.4 Commencement, Revocation and Area of Operation	3
1.5 Other Legislation.....	3
1.6 Human Rights and Responsibilities and Gender Equality	3
1.7 Definitions	3
PART 2 – AMENDMENTS TO THE PRINCIPAL LOCAL LAW	5
2.1 Clauses or words to be deleted	5
2.2 Clauses or words to be inserted or amended	5
2.3 Clauses or words to be substituted.....	7

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PART 1 - PRELIMINARY

1.1 Title

This Local Law is titled Community Amenity (Amendment) Local Law 2023.

1.2 Purpose

The purpose of this Local Law is to amend Council's Community Amenity Local Law 2021.

1.3 Authorising Provision

This Local Law is made under section 71(1) of the *Local Government Act 2020*.

1.4 Commencement, Revocation and Area of Operation

This Local Law:

- (a) commences on [XX Month 2023];
- (b) unless sooner revoked, ceases to operate on the day on which Council's Community Amenity Local Law 2021 ceases to operate;
- (c) operates throughout the municipal district; and
- (d) applies to activity on land in the Great Ocean Road coast and parks, and the Great Ocean Road scenic landscapes area within the municipal district.

1.5 Other Legislation

Anything allowed under any Act, Regulation or Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.

1.6 Human Rights and Responsibilities and Gender Equality

This Local Law was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006* and the *Gender Equality Act 2020*.

1.7 Definitions

In this Local Law, words which are not defined will adopt their ordinary meaning, and unless the contrary intention appears, the following words have the meaning ascribed:

“Act” - means the *Local Government Act 2020*;

“Council” - means the Surf Coast Shire Council;

“Municipal district” – means the municipal district of the Council;

“Planning Scheme” - means the Surf Coast Planning Scheme;

“Principal Local Law”- means the Council’s Community Amenity Local Law 2021;

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PART 2 – AMENDMENTS TO THE PRINCIPAL LOCAL LAW

2.1 Clauses or words to be deleted

1. In clause 2.1 of the Principal Local Law (Behaviour in Municipal Buildings), delete sub-clause 2.1(j) which reads:

“except for a child under the age of six (6) years in a the care of a responsible person, and for a carer providing assistance to a person with a disability, enter or use any dressing room, shower, convenience or other area in a Municipal Building which has been appropriated for persons of the opposite gender”

2. In clause 4.10 of the Principal Local Law (Smoke Free Areas), delete the words *‘a cigarette, cigar, pipe or like tobacco substance.’*
3. In clause 5.2 of the Principal Local Law (Trespassing Animals), delete the words *‘other than a dog or a cat.’*
4. In clause 9.3 of the Principal Local Law (Infringement Notices) delete sub-clause 9.3(4) which reads:

“Where an infringement notice is directed to a person who is the owner or occupier of land or the proprietor of a vehicle and that person’s name is not known, the notice issued under this Local Law may be addressed to “the owner”, “the occupier” or the “person in control.”

2.2 Clauses or words to be inserted or amended

1. In clause 1.4(d) of the Principal Local Law (Commencement, Revocation and Area of Operation), immediately after the word ‘area’, insert the following: ‘within the Surf Coast Shire’.
2. In clause 1.7 of the Principal Local Law, (Charter of Human Rights and Responsibilities) replace the heading to read ‘Human Rights and Responsibilities and Gender Equality’ and in the clause, immediately after the word ‘2006’, insert the following: ‘and the *Gender Equality Act 2020*’.
3. In clause 1.8 of the Principal Local Law (Definitions), immediately after the definition of ‘road’ insert:

*““smoke” has the same definition as that within the *Tobacco Act 1987*;”*.

4. In clause 1.8 of the Principal Local Law (Definitions), delete the words ‘Council controlled standpipe’ and substitute it with the following: ‘Council-operated standpipe’.

5. Immediately after clause 1.8 of the Principal Local Law (Definitions) insert:

1.9 Incorporated Documents

Council's '*Residential Nature Strip Guidelines*', as amended from time to time, are incorporated into and form part of this Local Law.

6. In sub-clause 3.8(1)(a) of the Principal Local Law (Managing Building Sites) immediately after the word 'obtain' insert the following: ', and maintain throughout the course of construction,'

7. In clause 4.7 of the Principal Local Law (Camping and Temporary Accommodation), insert a new clause 4.7(3) which reads:

"The 28 day limit imposed in sub-clause 4.7(2) may be extended if the temporary accommodation is being used for the purpose of assisting individuals who are displaced by family violence, provided all other conditions within sub-clause 4.7(2) are met. Requests for an extension under this section must be made in writing to Council, and officers may request supporting documentation when assessing the request. The length of the extension will be assessed on a case by case basis by officers."

8. In sub-clause 4.7(3) of the Principal Local Law (Camping and Temporary Accommodation) amend that clause number to read sub-clause 4.7(4).

9. In sub-clause 5.1(2) of the Principal Local Law (Keeping of Animals), immediately after the word 'area' insert the following: 'whether housed indoors or outdoors'.

10. In clause 5.1 of the Principal Local Law (Keeping of Animals), immediately after sub-clause 5.1(8) insert following sub-clause 5.1(9) which reads:

"The maximum amount of animals to be kept on a premises may be increased if the animals are being kept for the purpose of assisting individuals who are displaced by family violence. Requests for a temporary increase to the number of animals kept on a premises under this section must be made in writing to Council, and officers may request supporting documentation when assessing the request. The length of the extension will be assessed on a case by case basis by officers."

11. In clause 6.5 of the Principal Local Law (Using or Altering Council Land and/or a Road (including a Nature Strip), insert sub-clause 6.5(4)(c) which reads:

“activities permitted under, and carried out in accordance with, the Residential Nature Strip Guidelines which are incorporated into this Local Law.”

12. In clause 6.5 of the Principal Local Law (Using or Altering Council Land and/or a Road (including a Nature Strip)), insert sub-clause 6.5(5) which reads:

“When considering an application for a permit under this clause, Council will have regard to the Residential Nature Strip Guidelines.”

13. In Schedule 1 (Penalties Fixed for Infringement Notice Purposes), directly below the offence of ‘Using or altering Council land or a road (including a nature strip)’, insert the words ‘6.5(6)’ under the ‘provision’ column, and under the offence column insert the following words: ‘Failure to comply with Council’s ‘Residential Nature Strip Guidelines’’. In the ‘penalty units’ column, insert ‘3’.

2.3 Clauses or words to be substituted

1. In clause 1.8 of the Principal Local Law (Definitions), substitute the following: **“clothing recycling bin”** - a bulk container designed for receiving donations of clothes which can only be lifted with mechanical assistance’ with the words:

“donation bin” - means a bulk container designed for receiving donations of clothing and household items which can only be lifted with mechanical assistance’.

2. In clause 1.8 of the Principal Local Law (Definitions), substitute the definition of **“premises”** which means “has the same definition as that within the *Graffiti Prevention Act 2007*” with the words:

“premises”- means the structures and land that make up a parcel of property’.

3. In clause 1.8 of the Principal Local Law (Definitions), replace the words ‘*Road Safety Rules 2009*’ with the words ‘*Road Safety Road Rules 2017*’.

4. In clause 4.8 of the Principal Local Law (Clothing Recycling Bins), replace the name of that clause with the words ‘Donation Bins’.

5. In sub-clause 5.1(1) of the Principal Local Law (Keeping of Animals), delete the words ‘in a dwelling’ and substitute it with the following:

‘on a property, whether housed indoors or outdoors’

6. In sub-clause 6.6(2) of the Principal Local Law, replace that sub-clause with the following words:

'A person must not move a vehicle which has been identified by Council as left standing continuously in contravention of sub-clause 6.6(1) to another public place to immediately commence a further seven day period(s).

Note that 'public place' or 'places' in this clause does not include nature strips which are covered separately under state legislation which prohibits parking on nature strips.'

7. In Schedule 1 (Penalties Fixed for Infringement Notice Purposes), in the offence described with provision 4.9, replace the words 'clothing recycling bins' with 'donation bins'.

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