

Table of proposed changes

Comparing existing Local Law 17 with proposed Community Local Law 2024

This table is intended to highlight the changes between Local Law 17 and the proposed Cardinia Shire Council Community Local Law 2024. The order and structure of the existing law has been preserved, but clause numbering has altered, due to the redrafting. The following definitions are used to describe the impact of the proposed changes. For more information about the reasons underlying proposed changes, please refer to the accompanying Community Impact Statement.

Significant	"Significant change" is used to identify clauses that are substantially revised, or significantly change the obligation on the duty holder. Significant change is also used to identify where the infringement penalties is proposed to increase.
Moderate	"Moderate change" means that the proposed clause in the new Local Law will create or change an obligation on a person or business, but the new obligation is consistent with common behaviour already observed, and imposes minimal burden on the effected entity.
Minor	"Technical amendments only" means that the text has been changed as a result of legal advice to strengthen the effectiveness of the clause, but does not otherwise change the effect of the clause.
No change	"No change" indicates that the text of the clause is identical to the existing Local Law (except for clause numbering). No change is also used to denote clauses that have been edited, but the change has no impact on the effect of the clause - this typically occurs where dates, Act names or government entities have changed since Local Law 17 was made, or where grammatic, punctuation or spelling has been amended without changing the meaning of the text.
Removed	"Removed" is used to identify clauses that are proposed for removal from the Local Law. In respect of LL17 Clause 45 and 46 this is recommended on the basis that it is preferable that these obligations be created made by seperate Council resolution and order, pursuant to the power set out in the Domestic Animals Act, rather than the Local Law-making power in the Local Goverment Act. These resolutions will be proposed for simultaneous consideration if Council resolves to make the proposed Local Law. In one case, the removed clause has been superceded by the Environment Protection Act 2017.

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Part	Clause number (current) Local Law 17	Clause number (proposed) Community Local Law 2024	Title of clause	Impact of proposed change	Commentary
1 INTRODUCTIONS AND DEFINITIONS					
	1	1	Title	No change	
	2	2	Objectives	No change	
	3	3	the power to make this Local Law	No change	
	4	4	Commencement	No change	
	5	5	Revocation	No change	
	6	6	Cessation	No change	
	7	7	Application	No change	
	8	8	Exemptions from this Local Law	No change	
	9	9	Incorporated documents, codes and polices	Minor - technical amendments only	
	10	10	Definitions	Moderate	New/amended definitions of terms support other changes in the clauses of the proposed Local Law. The definitions themselves have minimal impact.
2 MUNICIPAL PLACES, RECREATION CENTRES AND RESERVES					
	11	11	Behaviour in municipal places	Minor	Removal of unnecessary clause that relies on proof of gender. Other clauses adequately address anti-social visitor behaviour.
	12	12	Access to municipal places	Moderate	Clarification of obligation to not enter or remain in a municipal place contrary to conditions of entry or restrictions determined by Council.

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13	13	Behaviour in municipal buildings	No change
14	14	Municipal recreation centres	No change
15	15	Activities prohibited in a municipal reserves	Minor - technical amendments only
16	16	Activities which may be permitted in municipal reserved	Minor - technical amendments only

3 BEHAVIOUR ON ROADS AND PUBLIC PLACES

17	17	Toy vehicles	Minor - technical amendments only	
18	18	Shopping trolleys	Moderate change	New clause creates obligation for the owner of shopping trolleys (typically supermarkets) to collect abandoned trolleys upon being notified of a dumped trolley belonging to them.
19	19	Charitable collections	Minor - technical amendments only	
20	20	Open air performances and busking	Minor - technical amendments only	
N/A	21	Hoon events	Significant change	New clause that creates an offence to participate in, encourage or attend a hoon event. It also creates an offence to park a motor vehicle in close proximity to a hoon event, without a lawful excuse.
21	22	Consumption or possession and busking	Minor - technical amendments only	
22	23	Signs, goods and furniture	Significant change	New clauses change the treatment of Real Estate pointer boards, limiting their use and removing the requirement for a permit (subject to compliance with requirements)
23	24	Bunting	No change	
24	25	Persons selling goods	No change	

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25	26	Aerosol spray paint containers	No change
26	27	Clothing recycle bins	No change
27	28	Repair and display of vehicles	Minor - technical amendments only
28	29	Abandoned vehicles	Minor - technical amendments only
29	30	Heavy or long vehicles	No change

4 WASTE DISPOSAL

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30	31	Domestic waste collection, and recycleable materials	Significant change	All previous clauses have been reviewed and amended, to reflect the current service. The effect of the section is that: persons supplied with bins by Council must comply with the Council guidelines relating to waste services. The clauses are reworted to make household waste, green waste and recycled waste collection streams clear, and introduces an infringeable offence for placing prohibited materials in a bin that are not permitted. Educational activities and approaches will not be effected.
N/A	32	Hard Rubbish	Minor	This clause is updated to reflect the "bookable" hard waste service and guidelines. The obligations arer equivalent to the previous hard waste rules.
N/A	33	Interference with waste	moderate	New clause that prohibits interference with waste placed out for collection, except with Council's consent.
N/A	34	Trade waste hoppers	moderate	New clause that makes explicit the requirement for a commercial entity to have adequate, nuisance-free commercial waste removal, and established noise-based times when collections are prohibited.
N/A	35	Screening of bins or trade waste hoppers	Moderate	New clause which allows Council to direct that bins and trade waste be screened from public view where the waste is unsightly, dangerous or detrimental to the amenity of the neighbourhood.
31	36	Transportation of waste	No change	
32	37	Use of municipal landfill and transfer station	No change	

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33	38	Dumping of refrigerators, trunks or similar containers	No change	
5 LAND USE AND AMENITY ISSUES				
34	39	Numbering of allotments	No change	
35	40	Obstruction to visibility	No change	
36	41	Overhanging and encroaching vegetation	No change	
37	42	Obstructions to roads, footpaths and road reserves	No change	
38	43	Camping	Minor - technical amendments only	
39	44	Caravans, moveable and temporary dwellings	No change	
40	45	Keeping animals, birds and livestock	Minor - technical amendments only	
41	46	Keeping animals must not cause a nuisance	No change	
42	47	Animal buildings and cleanliness	No change	
43	48	Animal noise	No change	
44	49	Animal waste	Minor	Expanded from dogs only, to other animals.
45	N/A	Dogs to be on leads	removed	The clause is proposed to be removed from the Local Law, and re-enacted as an Order of Council made pursuant to Section 26 of the Domestic Animals Act. The terms and obligations of this order will be equivalent to the current Local Law.

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46	N/A	Cats to be desexed	removed	The clause is proposed to be removed from the Local Law, and re-enacted as a resolution of Council made pursuant to Section 10A of the Domestic Animals Act. The terms of the resolution will lower the age of required desexing to 3 months, in line with peak veterinary and RSPCA advise.
N/A	50	Adequate animal fencing	Minor - technical amendments only	This clause is reworded to require all kept animals to be adequately fenced to prevent the escape of animals from their land.
47	51	Livestock on roads	Minor - technical amendments only	
48	52	Defence to charge of Livestock on roads	Minor - technical amendments only	
49	53	Use of recreational vehicles	Minor - technical amendments only	
50	54	Noise	No change	
N/A	55	Noisy vehicles	Significant change	New clause that specifically addresses noisy vehicle use that is an "unreasonable noise" in residential areas. Such "unreasonable noise" may include prolonged and unnecessary idling of heavy vehicles in early morning or late at night, or the excessive revving of engines while undertaking vehicle servicing.
N/A	56	Audible intruder alarms	Significant change	New clause that prohibits audible alarms from operating persistently without turning off.
51	57	Fireworks	No change	
<i>Clause 52 & 53 of Local Law 17 were revoked in 2018</i>				
54	58	Fire prevention and fire hazards	No change	

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55	59	Unsightly land and graffiti	Significant change	The clause has been extended to include explicit reference to dilapidated buildings, and to provide for penalties to potentially be applied for each day after a finding of guilt where an offence continues.
56	60	Shipping containers	No change	
57	61	Dangerous land	Minor - technical amendments only	
58	62	Weeds and pest animals	No change	
59	63	Interference with vegetation	Minor - technical amendments only	
60	N/A	Septic tank connection	removed	This clause has been superceded by amendments to the Environmental Protection Act 2017

6 PROTECTION AND MANAGEMENT OF COUNCIL ASSETS AND INFRASTRUCTURE

61	64	Maintanance of drains	Minor	New clause to clarify obligation of land owners with groundwater pumps to maintain them to Council satsifaction, upon request
62	65	Protection of drains	No change	
63	66	Protection of roads	No change	
64	67	Protection of assets and land	Minor - technical amendments only	
65	68	Vehicle crossings	Minor - technical amendments only	
66	69	Spoil on roads	Minor	This clause has been broadened in definition to apply to any vehicle or equipment used in a trade, industry or commercial undertaking.

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67	70	Asset protection permits	Significant change	These clauses have been substantially re-written to provide for the more efficient and effective protection of Council assets. The clauses make the requirements of builders more strict, by strengthening the obligation to document the state of assets prior to the build, and also to notify Council swiftly when the build is completed. Both of these amendments will improve the capacity of Council and the builders to identify damage for which they are (and are not) responsible. The infringement penalties for failing to obtain an Asset Protection Permit are proposed to increase significantly, to 8 penalty units (approx \$1530) to adequately deter builders from refusing to obtain permits.
68	71	Identifying damage to Council assets	Moderate change	These clauses have been re-drafted to make the process of identifying and requiring repairs to be swifter and more efficient. The redrafting also makes the Notice to Comply process consistent with other notices issued under the Local Law.

7 REQUIREMENTS OF BUILDING SITES

69	72	Stormwater protection	Significant change	All building site amenity infringement penalty amounts are proposed to increase to 5 penalty units (approx \$960)
70	73	Containment of refuse	Significant change	<i>as per the comment above</i>

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71	74	Disposal of builders' refuse	Significant change	<i>as per the comment above</i>
72	75	Removal of builders' refuse	Significant change	<i>as per the comment above</i>
73	76	Building site fencing	Significant change	<i>as per the comment above</i>
74	77	Sanitary facilities on building sites	Significant change	<i>as per the comment above</i>
75	78	Identification of building sites	Significant change	<i>as per the comment above</i>
N/A	79	Building site work hours	Significant change	This clause introduces building site work hours outside of which work requires a permit. These hours are consistent with the existing EPA construction noise provisions, but apply more broadly than just the generate of noise.

8 COUNCIL MAY ISSUE PERMITS

76	80	Council may issue permits	Minor - technical amendments only
77	81	Considering applications for permits	Minor - technical amendments only
78	82	Correction of permit	No change
79	83	Grounds for cancellation of or amendment of permits	Minor - technical amendments only

9 ENFORCING THESE LOCAL LAWS

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80	84	Service of documents	No change	
81	85	Impounding and disposal of items	Minor - technical amendments only	
N/A	86	Impounding and disposal of animals	Minor - technical amendments only	This clause is new, but has been added for clarity only. The power to impound animals already existed in Local Law 17, but it is considered preferable to have a specific clause that relates to animals.
82	87	Notices to comply	Minor - technical amendments only	
83	88	Failure to comply with this Local Law, a permit or a notice to comply	Minor - technical amendments only	
84	89	Discretionary powers	Minor - technical amendments only	
85	90	Power to act in urgent circumstances	Minor - technical amendments only	
86	91	Infringement notices	Minor - technical amendments only	

10 Administration

N/A	92	Determining fees and charges	Minor - technical amendments only	
N/A	93	Delegation	Minor - technical amendments only	
N/A	94	Guidelines	Minor - technical amendments only	

Schedules

1	1	Infringement Notice penalties	Significant change	All changes to infringement penalty units are described in this schedule, and specified above.
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