

7.9 Proposed Street Numbering Local Law

Abstract

The purpose of this report is for Council to consider commencing the statutory process to make the Boroondara City Council Street Numbering Local Law (SNLL 2020) to enforce the display of allocated legal street numbers on properties.

The current Street Numbering Local Law was originally adopted by Council 19 July 2010 and commenced on 6 August 2010. The current Street Numbering Local Law is due to expire (i.e. its 'sunset date') on 6 August 2020. After this date, the Local Law will cease to apply.

Officers consider the Street Numbering Local Law 2010 has been beneficial in enforcing the display of street numbers, where there has been a dispute regarding the street number allocated.

Although the current Street Numbering Local Law has been in operation for the past 10 years, it has not actually been necessary to issue any penalty notices under this Local Law.

The proposed SNLL 2020 is not intended as a revenue raising opportunity. Council officers will not be actively enforcing or monitoring compliance with SNLL 2020 if adopted by Council. The intent of SNLL 2020 is to provide Council with the necessary legal enforcement means when disputes over street numbering cannot be resolved during negotiation or when all other avenues have been exhausted.

Overall it is considered appropriate the new local law be generally consistent with the current Street Numbering Local Law and the proposed SNLL 2020 has been prepared on that basis.

Officers' recommendation

That Council resolve to:

1. Commence the statutory process in accordance with Part 5 of the *Local Government Act* 1989 to make the Boroondara City Council Street Numbering Local Law.
2. Endorse the proposed Boroondara City Council Street Numbering Local Law (as annexed to the Minutes) for the purposes of community consultation.

**Responsible officer: Phillip Storer
Chief Executive Officer**

1. Purpose

The purpose of this report is for Council to consider commencing the statutory process to make the Boroondara City Council Street Numbering Local Law (SNLL 2020).

2. Policy implications and relevance to community plan and council plan

This report is consistent with the Council Plan 2017-21, in particular strategy 7.2, which states “*Ensure transparent decision making through open governance processes*”.

It also supports Strategic Objective 7 of the Boroondara Community Plan 2017-27, to “*Ensure that ethical, financial and socially responsible decision making reflect community needs and are based on principles of accountability, transparency, responsiveness and consultation*”.

3. Background

The current Street Numbering Local Law was originally adopted by Council on 19 July 2010 and commenced on 6 August 2010. It was amended once by Council on 15 August 2011, to correct an administrative issue.

The current Street Numbering Local Law 2010 is due to expire (i.e. its ‘sunset date’) on 6 August 2020. After this date, the Local Law will cease to apply.

In order to comply with the requirements of the *Local Government Act 1989*, Council must make a new local law.

4. Outline of key issues/options

The existing Street Numbering Local Law has provided officers with the capacity to encourage the correct street number to be displayed where there is a reluctance by some owners to not do so.

Confusion from incorrectly displayed street numbers effect deliveries to both residential and commercial properties, taxi and shuttle services and more importantly timely responses from emergency services such as ambulance, police, State Emergency Service and fire brigade.

The proposed SNLL 2020 is not intended as a revenue raising opportunity. Council officers will not be actively enforcing or monitoring compliance with SNLL 2020 if made by Council. The intent of SNLL 2020 is to provide Council with necessary legal enforcement means when disputes over street numbering cannot be resolved during negotiation or when all other avenues have been exhausted.

Accordingly the proposed SNLL 2020 has been prepared based on the current Local Law, with amendments to:

- Clause 4 - Added - Revocation of Council's existing street numbering Local Law
- Clause 6 - Amended - Definitions - "Council controlled land", "permit" and "public notice" all deleted and "penalty unit" has been added
- Clause 9 (previously Clause 8) - Revised - Powers of Council
- Clause 10 (previously Clause 9)- Revised - Notice to comply
- Old Clause 12 Deleted - Power of Authorised Officer - Urgent Circumstances
- Clause 15 - Added - Infringement Notice
- Clause 16 (previously Clause 15)- Amended - Penalties
- Clause 19 (previously 18) - Deleted - Infringement Notices
- improve the structure, clarity and readability of the local law
- correct incidental formatting, numbering and/or typographical issues

The proposed SNLL 2020 is included at **Attachment 1** to this report and the track changes tool has been used to highlight the substantive amendments to the current Local Law. A clean copy of the proposed SNLL 2020 is at **Attachment 2**.

5. Consultation/communication

The timelines to make the SNLL 2020 are necessarily tight due to the timing of Council elections and the sunset date of the local law.

The timeframe is considered adequate given the expectation the SNLL 2020 will generally be consistent with the current Local Law.

The timeline for making the Boroondara City Council Street Numbering Local Law is set out below:

22 June 2020	Council resolution to commence the process to make the local law.
25 June 2020	Public notice period commences with notice in Government Gazette and The Age newspaper.
24 July 2020	Conclusion of public notice period and closing date for public submissions.
24 August 2020	Consideration of public submissions (if any) by Council and resolution to adopt the local law.
27 August 2020	Notice of new local law in the Government Gazette and The Age newspaper.
28 August 2020	Commencement of new local law.

Preparation of the proposed SNLL 2020 has been based upon advice from Council's lawyers.

6. Financial and resource implications

The costs to make the SNLL 2020 will be met within the current operating budget of Revenue and Property Services and includes the cost of legal advice and the public notices.

The SNLL 2020 is not for the purpose of revenue raising. It is intended to ensure the safety and amenity of the community. Any enforcement action will be met within existing resource allocations.

7. Governance issues

Officers involved in the preparation of this report have no conflict of interest.

The list of prescribed human rights contained in the *Victorian Charter of Human Rights and Responsibilities* (the Charter) has been reviewed in accordance with Council's Human Rights Compatibility Assessment Tool and it is considered the proposed actions contained in this report represent no breaches of, or infringements upon, those prescribed rights.

A review of the proposed SNLL 2020 against the Charter has been undertaken and is set out in the Community Impact Statement (**Attachment 3**).

8. Social and environmental issues

A Street Numbering Local Law will enable Council to continue to ensure the allocated street numbers are displayed, thereby ensuring that properties can be readily identified by taxi and shuttle services and more importantly timely responses from emergency services such as ambulance, police, State Emergency Service and the fire brigade.

Manager: David Thompson, Governance

Report officer: John Lorkin, Coordinator Revenue and Property Services

Boroondara City Council Street Numbering Local Law



~~CITY OF BOROONDARA~~
BOROONDARA CITY COUNCIL
**STREET NUMBERING LOCAL
LAW**

~~As amended by the
Miscellaneous Amendments Local Law
gazetted on 1 September 2011.~~

Date Resolved By Council: ~~19 July 2010~~ ## 2020
Date Amended By Council ~~15 August 2011~~
Commencement Date: ~~6 August 2010~~ ## 2020

Boroondara City Council Street Numbering Local Law

Revocation Date: [6 August 2020## 2030](#)

Responsible Directorate: [Chief Executive Office/Customer Experience
and Business Transformation](#)~~Corporate Services~~

Boroondara City Council Street Numbering Local Law

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Boroondara City Council Street Numbering Local Law

STREET NUMBERING LOCAL LAW 2010

PART A – PRELIMINARY

1. Local Law

This Local Law is called the 'Boroondara City Council Street numbering Local Law' and is made under Part 5 of the *Local Government Act* 1989.

2. Objectives

The objectives of this Local Law are to provide for the:

2.1. Revocation of Council's existing Street Numbering Local Law 2010;

~~2.1.2.2.~~ The peace, order and good governance of the municipality;

~~2.3.~~ The protection and enhancement of the amenity and environment of the municipality through the uniform numbering of properties throughout the municipality

~~2.2.2.4.~~ display of street numbers that are of a style, size and colour so as to be clearly visible to occupants from vehicles on the nearest adjacent road; and

~~2.3.2.5.~~ The uniform and fair administration of this Local Law.

3. Commencement

This Local Law commences on the day following the notice of its making being published in the Victoria Government Gazette.

4. Revocation Dates

4.1 This Local Law ceases to operate on a date that is 10 years after its Commencement Date unless revoked earlier by Council.

4.2 Upon the commencement of this Local Law Council's Street Numbering Local Law 2010 is revoked.

4.5. Application of Local Law

This Local Law applies throughout the municipality unless specifically stated otherwise.

5.6. Definitions

Some of the words or terms in this Local Law are defined. They are identified in **bold** and have the following meanings in this Local Law:

Authorised Officer – means a person appointed by Council under section 224 of the *Local Government Act* 1989;

Council – means Boroondara City Council;

Council-controlled land – means any land which Council occupies, manages or otherwise controls;

municipality – means the municipal district of Council;

Boroondara City Council Street Numbering Local Law

notice to comply – means a notice to comply issued under this Local Law;

occupier – means the person who is for the time being in charge of land;

owner – means the person or persons for the time being entitled to be registered on Title as the owner of the land and where more than one person each of them jointly and severally;

permit – means a permit issued under this Local Law;

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penalty unit – has the same meaning as in the *Sentencing Act 1991*;

private land – means all land other than public land;

public land – means all land owned, leased, managed or occupied by a public body, including Council;

public notice – means a notice appearing in a newspaper generally circulating within the municipality;

residential area – means an area zoned as Residential under the Boroondara Planning Scheme and includes an area which is predominantly in a Residential Zone under that Planning Scheme; and

road – has the same meaning as in the *Local Government Act 1989*.

6.7. Conflict with Other Legislation

This Local Law does not apply where any act or thing is authorised by or under any legislative instrument or Planning Scheme.

PART B – STREET NUMBERING

7.8. Property Numbers to be displayed

7.1.8.1. The **owner** of **private land** that has been allocated a street number by **Council** must mark the **private land** with the allocated street number.

7.2.8.2. Where the **private land** is in a **residential area** the allocated street number must be:

7.2.1.8.2.1. _____ located on the front boundary alignment of the **private land**;

7.2.2.8.2.2. _____ located as near as practical to the driveway, ~~and/or~~ letterbox ~~and/or~~ entry gate; ~~and~~;

7.2.3.8.2.3. _____ of a style, size and colour so as to be clearly visible ~~from to~~ occupants ~~of from~~ vehicles, ~~including emergency vehicles and delivery vehicles~~, on the nearest adjacent **road**.

7.3.8.3. Where the **private land** is in any area other than a **residential area** and the premises are business premises or otherwise, the allocated street number must be:

7.3.1.8.3.1. _____ located on the front of the premises as near as practical to the entry ~~or~~ doorway; and

7.3.2.8.3.2. _____ of a style, size and colour so as to be clearly visible ~~by to~~ occupants ~~of from~~ vehicles, ~~including emergency vehicles and delivery vehicles~~, on the nearest adjacent **road**.

7.4.8.4. It is an offence to fail to mark the **private land** with the allocated street number or to mark the **private land** with a number other than the allocated street number.

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8.9. Powers of Council

Without affecting the operation of any particular provision of this Local Law, unless the contrary intention appears, everything that:

9.1 Council is capable of doing under this Local Law is also capable of being done by an **Authorised Officer**; and

9.2 An **Authorised Officer** is capable of doing under this Local Law is also capable of being done by **Council**.

~~Without affecting the operation of any particular provision of this Local Law, everything an **Authorised Officer** or any other specified person is capable of doing under this Local Law is also capable of being done by **Council** or its delegate.~~

9.10. Notice to Comply

10.1. Where **Council** or an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Council** or **Authorised Officer** may issue to the person a written **notice to comply** which:

10.1.1. requires the person to stop the conduct constituting the offence;

10.1.2. contains a direction indicating what action is required to stop the conduct constituting the offence;

10.1.3. contains direction indicating what action is required to achieve compliance with the Local Law; and/or

10.1.4. contains a direction to remedy any consequences arising from the conduct constituting the offence.

~~9.1. Where an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised Officer** may issue to the person a written **notice to comply**, requiring that person to stop committing the offence.~~

~~9.2.10.2. A **notice to comply** must include information about:~~

~~9.2.1.10.2.1. the name of the alleged offender (if known);~~

~~9.2.2.10.2.2. the offence, and the provision of this Local Law it infringes;~~

~~9.2.3.10.2.3. the action required to stop committing the offence;~~

~~9.2.4.10.2.4. the time for compliance;~~

~~9.2.5.10.2.5. the date on which it was issued; and~~

~~9.2.6.10.2.6. the name and signature of the **Authorised Officer** or member of Council staff, as the case may be.~~

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40.11. Reasonable time to comply

The time required by a **notice to comply** served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take the following into account if applicable:

- 40.1.11.1. the amount of work involved;
- 40.2.11.2. the degree of difficulty;
- 40.3.11.3. the availability of necessary materials or other necessary items;
- 40.4.11.4. climatic conditions;
- 40.5.11.5. the degree of risk or potential risk; and
- 40.6.11.6. any other relevant factor.

41.12. Failure to adhere to a notice to comply

41.1.12.1. Any person served with a **notice to comply** under this Local Law who fails or refuses to comply with the requirements of the **notice to comply** within the time specified in it is guilty of an offence against this Local Law.

41.2.12.2. If a person on whom a **notice to comply** is served fails to comply with the requirements of that **notice to comply**, **Council** or an **Authorised Officer** or any employee or any other person authorised in writing by **Council**, may enter upon any **private land** on which there is any such failure to comply and do all such acts, matters or things that are required to comply with the **notice to comply**.

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~~11.3.12.3.~~ All costs and expenses incurred by **Council** in carrying out any acts, matters or things described in sub-clause ~~11.12.2~~ are a debt due to **Council** from the person on whom the **notice to comply** was served.

12. Power of Authorised Officer – Urgent Circumstances

~~Council or an Authorised Officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or which Council or the Authorised Officer considers necessary to prevent any danger to the environment or any nuisance arising, without serving a notice to comply, provided that:~~

~~12.1. the circumstance arises out of a person's use of Council-controlled land, a reserve, a municipal building or a road or failure to comply with a provision of this Local Law;~~

~~12.2. Council or the Authorised Officer considers the circumstance to be sufficiently urgent and that the time necessary to serve, or the potential difficulty in serving a notice to comply may place the person's life, health or property, or the animal, or the environment at risk or in danger of substantial detriment;~~

~~12.3. the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and~~

~~12.4. the person on whom a notice to comply under clause 13 would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.~~

13. Appeals

13.1. A person may request **Council** or an **Authorised Officer** to review an order, direction or notice issued in relation to him or her under a Local Law.

13.2. Where a request for review has been made under clause ~~14.13.1~~, the person requesting the review must do everything practicable to cooperate in the prompt ~~and speedy~~ review of the order, direction or notice.

PART C – ENFORCEMENT

14. Offences

A person is guilty of an offence if the person:

14.1. does something which a provision of this Local Law prohibits to be done or makes an offence;

14.2. fails to do something which a provision of this Local Law requires to be done; or

14.3. fails to comply with a **notice to comply** or a direction of an **Authorised Officer** under this Local Law.

Boroondara City Council Street Numbering Local Law

15. Infringement Notice

15.1 Where an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised Officer** may issue to that person an infringement notice, as an alternative to a prosecution for the offence.

15.2 A person to whom an infringement notice has been issued must pay to **Council** the amount specified in the infringement notice within 28 days.

15.3 The infringement notice must contain:

15.3.1 the name and address of the offender;

15.3.2 the nature of the offence in general terms;

15.3.3 the date, time and place of the offence;

15.3.4 the amount of the fixed penalty, being one **penalty unit** or, in the case of a second or subsequent offence, **three penalty units**;

15.3.5 the clause of this Local Law of the offence;

15.3.6 the time within which the penalty must be paid to avoid prosecution, and the place at which it can be paid; and

15.3.7 that the offender is entitled to disregard the infringement notice and defend the prosecution in Court.

15.4 To avoid prosecution a person to whom an infringement notice is issued must pay to **Council** the amount set out in the infringement notice within 28 days.

16. Penalties

If no penalty is specifically provided for in a provision of this Local Law, a person found guilty of an offence under this Local Law is ~~liable to a penalty not exceeding~~subject to the following penalties:

- First offence – not more than 3 penalty units; and
- Second or subsequent offence – not more than 10 penalty units.

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- (a) ~~3 penalty units for a first offence; and~~
- (b) ~~10 penalty units for each second or subsequent offence.~~

17. Additional Penalty

In addition to any penalty imposed pursuant to this Local Law, a penalty not exceeding 2 penalty units ~~will will~~ apply for each day after conviction for an offence during which a contravention of this Local Law continues.

18. Costs Incurred by Council

A person who is guilty of an offence under this Local Law must pay to Council all reasonable costs incurred by **Council** in remedying the offence.

19. Infringement Notices

- ~~18.1 Where an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised Officer** may issue and serve on that person an infringement notice as an alternative to a prosecution for the offence.~~
- ~~18.2 The penalty fixed for an infringement notice under this Local Law is 2 penalty units for each offence.~~

The Common Seal of the Boroondara City Council was hereunto affixed in the presence of:)
)
)

..... Councillor

..... Chief Executive Officer

..... Date

Boroondara City Council Street Numbering Local Law

ENDNOTES:

~~This document does not bear Council's Common Seal as it is a version of the Street Numbering Local Law, incorporating amendments made by the Miscellaneous Amendments Local Law.~~

~~The Street Numbering Local Law was originally adopted by Council on 19 July 2010 and commenced on 6 August 2010.~~

~~The Miscellaneous Amendments Local Law was adopted by Council on 15 August 2011 and commenced on 2 September 2011 and made amendments to:~~

~~Clause 15~~

~~Clause 16~~

~~Clause 17~~

~~Clause 18~~

~~Copies of the original Local Laws can be obtained by contacting the Governance Department on 9278 4471.~~

Boroondara City Council Street Numbering Local Law



**BOROONDARA CITY COUNCIL
STREET NUMBERING LOCAL LAW**

Date Resolved By Council: ## 2020
Commencement Date: ## 2020
Revocation Date: ## 2030
Responsible Directorate: Chief Executive Office/Customer Experience and Business Transformation

[8192530: 26993941_1]

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Boroondara City Council Street Numbering Local Law

PART A – PRELIMINARY

1. Local Law

This Local Law is called the 'Boroondara City Council Street Numbering Local Law' and is made under Part 5 of the *Local Government Act 1989*.

2. Objectives

The objectives of this Local Law are to provide for the:

- 2.1. revocation of Council's existing Street Numbering Local Law 2010;
- 2.2. peace, order and good governance of the municipality;
- 2.3. protection and enhancement of the amenity and environment of the municipality through the uniform numbering of properties throughout the municipality;
- 2.4. display of street numbers that are of a style, size and colour as to be clearly visible to occupants from vehicles on the nearest adjacent road; and
- 2.5. uniform and fair administration of this Local Law.

3. Commencement

This Local Law commences on the day following the notice of its making being published in the *Victoria Government Gazette*.

4. Revocation Dates

- 4.1 This Local Law ceases to operate on a date that is 10 years after its commencement unless revoked earlier by Council.
- 4.2 Upon the commencement of this Local Law **Council's** Street Numbering Local Law 2010 is revoked.

5. Application of Local Law

This Local Law applies throughout the municipality unless specifically stated otherwise.

6. Definitions

Some of the words or terms in this Local Law are defined. They are identified in **bold** and have the following meanings in this Local Law:

Boroondara City Council Street Numbering Local Law

Authorised Officer – means a person appointed by Council under section 224 of the *Local Government Act 1989*;

Council – means Boroondara City Council;

municipality – means the municipal district of Council;

notice to comply – means a notice to comply issued under this Local Law;

occupier – means the person who is for the time being in charge of land;

owner – means the person or persons for the time being entitled to be registered on Title as the owner of the land and where more than one person each of them jointly and severally;

penalty unit – has the same meaning as in the *Sentencing Act 1991*;

private land – means all land other than public land;

public land – means all land owned, leased, managed or occupied by a public body, including Council;

residential area – means an area zoned as Residential under the Boroondara Planning Scheme and includes an area which is predominantly in a Residential Zone under that Planning Scheme; and

road – has the same meaning as in the *Local Government Act 1989*.

7. Conflict with Other Legislation

This Local Law does not apply where any act or thing is authorised by or under any legislative instrument or Planning Scheme.

PART B – STREET NUMBERING

8. Property Numbers to be displayed

- 8.1. The **owner** of **private land** that has been allocated a street number by **Council** must mark the **private land** with the allocated street number.
- 8.2. Where the **private land** is in a **residential area** the allocated street number must be:
 - 8.2.1. located on the front boundary alignment of the **private land**;
 - 8.2.2. located as near as practicable to the driveway, letterbox or entry gate; and

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- 8.2.3. of a style, size and colour so as to be clearly visible to occupants from vehicles on the nearest adjacent **road**.
- 8.3. Where the **private land** is in any area other than a **residential area** and the premises are business premises or otherwise, the allocated street number must be:
 - 8.3.1. located on the front of the premises as near as practicable to the entry or doorway; and
 - 8.3.2. of a style, size and colour so as to be clearly visible to occupants from vehicles on the nearest adjacent **road**.
- 8.4. It is an offence to fail to mark the **private land** with the allocated street number or to mark the **private land** with a number other than the allocated street number.

9. Powers of Council

Without affecting the operation of any particular provision of this Local Law, unless the contrary intention appears, everything that:

- 9.1. **Council** is capable of doing under this Local Law is also capable of being done by an **Authorised Officer**; and
- 9.2. An **Authorised Officer** is capable of doing under this Local Law is also capable of being done by **Council**.

10. Notice to Comply

- 10.1. Where **Council** or an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Council** or **Authorised Officer** may issue to the person a written **notice to comply** which:
 - 10.1.1. requires the person to stop the conduct constituting the offence;
 - 10.1.2. contains a direction indicating what action is required to stop the conduct constituting the offence;
 - 10.1.3. contains direction indicating what action is required to achieve compliance with the Local Law; and/or
 - 10.1.4. contains a direction to remedy any consequences arising from the conduct constituting the offence.
- 10.2. A **notice to comply** must include information about:
 - 10.2.1. the name of the alleged offender (if known);

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- 10.2.2. the offence, and the provision of this Local Law it infringes;
- 10.2.3. the action required to stop committing the offence;
- 10.2.4. the time for compliance;
- 10.2.5. the date on which it was issued; and
- 10.2.6. the name and signature of the **Authorised Officer** or member of Council staff, as the case may be.

11. Reasonable time to comply

The time required by a **notice to comply** served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take the following into account if applicable:

- 11.1. the amount of work involved;
- 11.2. the degree of difficulty;
- 11.3. the availability of necessary materials or other necessary items;
- 11.4. climatic conditions;
- 11.5. the degree of risk or potential risk; and
- 11.6. any other relevant factor.

12. Failure to adhere to a notice to comply

- 12.1. Any person served with a **notice to comply** under this Local Law who fails or refuses to comply with the requirements of the **notice to comply** within the time specified in it is guilty of an offence against this Local Law.
- 12.2. If a person on whom a **notice to comply** is served fails to comply with the requirements of that **notice to comply**, **Council** or an **Authorised Officer** or any employee or any other person authorised in writing by **Council**, may enter upon any **private land** on which there is any such failure to comply and do all such acts, matters or things that are required to comply with the **notice to comply**.
- 12.3. All costs and expenses incurred by **Council** in carrying out any acts, matters or things described in sub-clause 12.2 are a debt due to **Council** from the person on whom the **notice to comply** was served.

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13. Appeals

- 13.1. A person may request **Council** or an **Authorised Officer** to review an order, direction or notice issued in relation to him or her under a Local Law.
- 13.2. Where a request for review has been made under clause 13.1, the person requesting the review must do everything practicable to cooperate in the prompt review of the order, direction or notice.

PART C – ENFORCEMENT

14. Offences

A person is guilty of an offence if the person:

- 14.1. does something which a provision of this Local Law prohibits to be done or makes an offence;
- 14.2. fails to do something which a provision of this Local Law requires to be done; or
- 14.3. fails to comply with a **notice to comply** or a direction of an **Authorised Officer** under this Local Law.

15. Infringement Notice

- 15.1. Where an **Authorised Officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised Officer** may issue to that person an infringement notice, as an alternative to a prosecution for the offence.
- 15.2. A person to whom an infringement notice has been issued must pay to **Council** the amount specified in the infringement notice within 28 days.
- 15.3. The infringement notice must contain:
 - 15.3.1. the name and address of the offender;
 - 15.3.2. the nature of the offence in general terms;
 - 15.3.3. the date, time and place of the offence;
 - 15.3.4. the amount of the fixed penalty, being one **penalty unit** or, in the case of a second or subsequent offence, three **penalty units**;
 - 15.3.5. the clause of this Local Law of the offence;

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15.3.6. the time within which the penalty must be paid to avoid prosecution, and the place at which it can be paid; and

15.3.7. that the offender is entitled to disregard the infringement notice and defend the prosecution in Court.

15.4. To avoid prosecution a person to whom an infringement notice is issued must pay to **Council** the amount set out in the infringement notice within 28 days.

16. Penalties

If no penalty is specifically provided for in a provision in this Local Law, a person found guilty of an offence under this Local Law is subject to the following penalties:

- First offence – not more than 3 **penalty units**; and
- Second or subsequent offence – not more than 10 **penalty units**.

17. Additional Penalty

In addition to any penalty imposed pursuant to this Local Law, a penalty not exceeding 2 **penalty units** will apply for each day after conviction for an offence during which a contravention of this Local Law continues.

18. Costs Incurred by Council

A person who is guilty of an offence under this Local Law must pay to **Council** all reasonable costs incurred by **Council** in remedying the offence.

The Common Seal of the Boroondara City Council was hereunto affixed in the presence of:)
)
)

..... Councillor

..... Chief Executive Officer

..... Date

[Local Law Community Impact Statement (LLCIS)]

Boroondara City Council Street Numbering Local Law

Council provides the following information to the community in respect of the proposed Local Law.

1. INTRODUCTION

Council is proposing to update its Street Numbering Local Law, adopted in 2010 (**current Local Law**).

The proposed new Street numbering Local Law (**proposed Local Law**) will supersede and replace the current Local Law.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989 (Act)*.

2. BACKGROUND

Local Laws are a form of local regulation that enables councils to make legislative controls that reflect the different circumstances of each municipality. The Local Law-making power attributed to councils comes from the Act.

The current Local Law was made by Council resolution on 19 July 2010 and amended 15 August 2011.

The current Local Law regulates street numbering constancy throughout the municipality.

The current Local Law is due to expire on 6 August 2020 and needs to be renewed and updated to incorporate changes in legislation and to reflect current issues within the municipality.

3. OVERVIEW OF PROPOSED LOCAL LAW

The proposed Local Law is being made under s 111(1) of the Act and will operate throughout Council's municipal district.

The proposed Local Law, to be known as the Boroondara City Council Street Numbering Local Law, will commence on the day following notice of its making being published in the Victoria Government Gazette and, unless it is revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current Local Law will be revoked.

The objectives of the proposed Local Law are to provide for:

1. the peace, order and good government of the municipality;
2. a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;

3. the safe and equitable use and enjoyment of public places;
4. the protection and enhancement of the amenity and environment of the municipality;
5. the fair and reasonable use and enjoyment of private land; and
6. the uniform and fair administration of this Local Law.

Under s 223 of the Act, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 25 June 2020 to 24 July 2020.

Anyone who makes a written submission can request to be heard in support of their submission at the Services Special Committee of Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

The proposed Local Law has been reviewed by Council's lawyers who confirm that it complies with all regulatory requirements.

A copy of the proposed Local Law is attached (**Attachment 1**) to this Community Impact Statement.

4. MAIN CHANGES TO THE LOCAL LAW

All provisions of the current Local Law have been reviewed. Substantive changes are outlined in the following paragraphs. When reference is made to a clause being amended or otherwise modified, reference is being made to the substantive change to a clause in the current Local Law brought about by the proposed Local Law.¹

The Act and section under which the Local law is made under is Part 5 of the *Local Government Act 1989*.

The following have been added, amended or removed:

- Clause 4 - Added - Revocation of Council's existing street numbering Local Law
- Clause 6 - Amended - Definitions - "Council controlled land", "permit" and "public notice" all deleted and "penalty unit" has been added
- Clause 9 (previously Clause 8) - Revised - Powers of Council
- Clause 10 (previously Clause 9)- Revised - Notice to comply
- Old Clause 12 Deleted - Power of Authorised Officer - Urgent Circumstances
- Clause 15 - Added - Infringement Notice
- Clause 16 (previously Clause 15)- Amended - Penalties
- Clause 19 (previously 18) - Deleted - Infringement Notices
- improved the structure, clarity and readability of the local law
- corrected incidental formatting, numbering and/or typographical issues

5. EVALUATION OF LOCAL LAW

In accordance with Guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined in the following Table.

Issue	Evaluation
Objectives	<p>The objectives of the proposed Local Law are to provide for:</p> <ul style="list-style-type: none"> • revocation of Council's existing Street Numbering Local Law 2010; • peace, order and good governance of the municipality • protection and enhancement of the amenity and environment of the municipality through the uniform numbering of properties throughout the municipality; • display of street numbers that are of a style, size and colour as to be visual to occupants of vehicles on the nearest adjacent road; and • the uniform and fair administration of this Local Law.
Legislative Framework	<p>The Act gives councils broad powers to make local laws with respect to any function or power of the council.</p> <p>The proposed Local Law addresses matters within Council's broad functions and powers.</p>
Overlap with existing legislation	<p>Council is satisfied that the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>
Planning Scheme	<p>Council does not believe that any clause of the proposed Local Law overlaps with, duplicates or creates any inconsistency with the Boroondara Planning Scheme.</p>
Legislative Approach	<p>The proposed Local Law adopts a medium impact regulatory approach, in as much as it prescribes with a level of detail the conduct and behaviour of members of the public within Council's municipality.</p> <p>This approach is considered appropriate to:</p> <ul style="list-style-type: none"> • facilitate the orderly and efficient access to and use of municipal places and roads; and • provide for the protection of Council assets under specified circumstances. <p>All provisions of the proposed Local Law are open to public scrutiny and comment.</p>

Issue	Evaluation
Performance Standards or Prescriptive Details	Council has, where appropriate and possible, adopted a performance-based approach to the proposed Local Law.
Risk Assessment	<p>No formal risk assessment has been undertaken.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Measures of Success	<p>Council will measure the success of the proposed Local Law as follows:</p> <ul style="list-style-type: none"> • recording levels of compliance/non-compliance using inspection data; • review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and • volume of complaints.
Penalties	<p>Offences created under the proposed Local Law attract a maximum of 10 penalty units.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils.</p> <p>Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>
Restriction of competition	Council has conducted a review of the proposed Local Law in accordance with National Competition Principles and believes that, because of the nature and content of the proposed Local Law, and particularly the ability to obtain permits to conduct activities that would otherwise be prohibited, there is no restriction of competition.
Comparison with other Councils	In drafting the proposed Local Law, Council examined Local Laws from a number of like and neighbouring councils to assess similarities and differences and ensure a reasonable degree of consistency in content, approach and penalties.
Charter of Human Rights	<p>The <i>Charter of Human Rights and Responsibilities Act 2006 (Charter)</i> contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver services.</p> <p>The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter.</p>

Issue	Evaluation
Community Consultation	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council staff and Council's legal advisers.</p> <p>A community consultation process will be conducted in accordance with sections 119(2) and 223 of the Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of his/her submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>

6. ATTACHMENTS

- **Attachment 1** - Proposed Local Law