

[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
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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</i> (Charter) 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