



WHITEHORSE CITY COUNCIL LOCAL LAW COMMUNITY IMPACT STATEMENT

Community Local Law 2014

PART A – GENERAL COMMENTS

Community Local Law No.1 2006 came into effect on 10 September 2006. Since that time, Council has successfully relied upon the Local Law to regulate activities within the municipality and enforce breaches of the Local Law where necessary.

The objectives of the proposed replacement Local Law are to –

- (a) provide for the peace, order and good government of the municipal district;
- (b) regulate activities related to, and ensure the protection of, Council assets;
- (c) protect the health and safety of persons who reside or work in, or visit, the municipal district;
- (d) regulate the management of animals on land and in municipal places;
- (e) protect, maintain and enhance the natural environment of municipal district; and
- (g) provide uniform and fair administration of this Local Law.

PART B – COMMENTS ON PROPOSED LOCAL LAW

Measuring Success	<p>Council will measure the success of the Local Law by -</p> <ul style="list-style-type: none"> • monitoring the level of compliance; • comparing the level of compliance with the previous year's monitoring; and • assessing the resources required to administer and enforce the local law. <p>Council will report annually to the community on the operation of the Local Law.</p>
Existing Legislation	The local law will supplement existing state legislation administered and enforced by Council.
State Legislation	In circumstances where Council has considered State legislation is more appropriate to deal with particular issues, such clauses of the current local law

	have been removed in favour of relying on State legislation.
Overlap of existing legislation	Council does not consider that any provision of the proposed Local Law overlaps with existing State legislation.
Overlap of Planning Scheme	Council does not consider any provision of the proposed Local Law overlaps, duplicates or creates an inconsistency with Council's Planning Scheme.
Risk Assessment	Council has adopted a risk management approach to the review and development of the proposed Local Law.
Legislative approach adopted	<p>Council believes in the minimum imposition on the community with Local Laws.</p> <p>The proposed Local Law reflects this approach by providing for:</p> <ul style="list-style-type: none"> • reasonable penalties; • minimum possible number of provisions which create offences; • where possible, provision for permits rather than prohibition of activities; • reasonable and appropriate permit conditions which will be relied on if a decision is made to issue a permit under the local law; and • reasonable enforcement procedures including provision for the giving of warnings where appropriate, provision of an internal review process for infringement notices and refusal of permit applications. <p>Council has ensured that the proposed Local Law –</p> <ul style="list-style-type: none"> • is expressed plainly and unambiguously and in a manner which is consistent with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria; • is not inconsistent with the principles, objectives or intent of the enabling <i>Local Government Act 1989 (Act)</i>; • 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; • does not embody principles of major substance or controversy or contain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation; • does not unduly trespass on rights and liberties of the person previously established by law; • does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions; • is not inconsistent with principles of justice and fairness; and • does not overlap or conflict with other statutory rules or legislation.
Restriction of Competition	<p>Council has conducted a review of the proposed 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"> • The benefits of the restriction to the community as a whole outweigh the costs; and • The objectives of the proposed local law can only be achieved by restricting competition.
Penalties	The penalty amounts established in the Community Local Law 2014 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>Upon adoption of the Community Local Law 2014, the penalty for offences under the following sections is \$250:</p> <ul style="list-style-type: none"> • Section 2.1 through to, 2.4 inclusive; • Section 4.1 through to 4.26 inclusive; • Section 5.1 through to 5.7 inclusive; and • Section 7.4 and 7.5. <p>The penalty for offences under section 7.3 is \$500.</p> <p>The penalty for offences under following sections is \$1250:</p> <ul style="list-style-type: none"> • Sections 3.1 through to 3.6 inclusive; and • Section 4.27. <p>The penalty amounts will be reviewed annually through the budget process</p>
Permits	A number of provisions in the proposed Local Law require permits for various activities to be obtained.
Fees	The proposed Local Law allows Council to set fees annually and this will be done as part of the budget process.
Performance Standards or prescription	Where appropriate and possible, Council has adopted a performance-based approach to Local Law provisions.
Comparison with neighbouring Councils	<p>In drafting the proposed Local Law, Council examined the local laws of the following neighbouring Council's – Maroondah City Council, Manningham City Council, Monash City Council, Stonnington City Council and Knox City Council.</p> <p>The purpose of conducting this exercise was to assess the similarities and differences between the Councils so as to ensure a best practice approach was adopted in the drafting of Council's proposed Local Law.</p>
Charter of Human Rights & Responsibilities	<p>Council considered the relevant provisions of the <i>Victorian Charter of Human Rights and Responsibilities Act 2006</i> in the development of the Community Local Law 2014 to ensure that 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 proposed local law for compatibility with the Charter and has found no inconsistencies.</p> <p>The limitations are legitimate, reasonable and proportionate to the objectives and values of a free and democratic society</p>
Submissions	<p>A submission process will be conducted in accordance with the legislative requirements prescribed under section 223 of the <i>Local Government Act 1989</i>.</p> <p>In summary, that process requires Council to publish a public notice calling for written submissions in relation to the proposed local law. Those submissions are then considered by the Council as part of the consultation process.</p>
Topical Provisions	Council does not regard the proposed Local Law as containing any new provisions that may cause concern or controversy within the local community.