
STRATEGY AND POLICY REVIEW COMMITTEE
5 NOVEMBER 2008 **POLICY AND PLANNING**

A1 **AMENDMENT TO LOCAL LAW NO 3 –
CONSIDERATION OF SUBMISSIONS**

LOCATION/ADDRESS:

RESPONSIBLE EXECUTIVE DIRECTOR: **GEOFF OULTON, EXECUTIVE
DIRECTOR, COMMUNITY
DEVELOPMENT AND PLANNING**

AUTHOR: **KIRSTEN HUGHES, COORDINATOR
LOCAL LAWS**

FILE NO.: **16/07/47**

ATTACHMENTS:

- 1. PROPOSED COMMUNITY AMENITY
(AMENDMENT) LOCAL LAW NO 2 OF
2008.**
- 2. PUBLIC NOTICE REGARDING
AMENDMENTS TO THE LOCAL LAW.**

1. EXECUTIVE SUMMARY

- 1.1. Council's Alcohol Action Plan was a policy document adopted on 22 September 2008. To implement aspects of that plan, the Community Amenity Local Law No 3 requirements pertaining to alcohol consumption in public places were reviewed. Council at its September meeting also resolved to give public notice of the proposal to amend Clause 45 of the community Amenity Local Law No. 3. The making of Community Amenity (Amendment) Local Law No 2 of 2008 will achieve those amendments.
- 1.2. Notice of the intention to create a Local Law was published in the Government Gazette on 2 October 2008 and in the Emerald Hill Weekly on 1 October 2008. No submissions were received.

2. BACKGROUND AND CONTEXT

- 2.1. Council's Alcohol Action Plan identified the restrictions of alcohol consumption covered under the Community as requiring review. In that light the Community Amenity Local Law No 3, Clause 45(3) is proposed to be amended to increase hours banning the consumption of alcohol in public places from 8pm until 9am the following day.
- 2.2. Further, clause 45(1A) and (1B) are to be included to ban the possession of alcohol (including alcohol in a sealed container) on the foreshore on New Year's Eve, from 12.01am and midnight and from midnight until 9am on New Years Day.

3. RECOMMENDED OPTION

- 3.1. As no submissions have been received, it is recommended that Council make the amendments to the Local Law as described in its public notice.

3.2. Criterion for recommendation

- S119(2) of the Local Government Act 1989 requires that council consider submissions in relation to the proposed Local Law amendments.
- The basis for the recommendation is that this local law amendment will support the City of Port Phillip's previously adopted Alcohol Action Plan (2008-2013), and that no submissions have been received.
- It is recommended that the proposed amendments to the Local Law are adopted without further alteration, as no submissions have been received.

3.3. Sustainability assessment

SOCIAL EQUITY

Social Pillar	Proceeding with the Local Law amendments in their current form, without any alterations, provide a practical amendment that supports City of Port Phillip's Alcohol Action Plan (2008-2013).
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ECONOMIC VIABILITY

Economic Pillar	As a result of reduced hours for alcohol consumption in public space, there should be reduced clean up costs. The maintenance of strong, financially viable entertainment precincts is supported as the image and perceptions of safety improve.
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ENVIRONMENTAL RESPONSIBILITY

Environmental Pillar	Reduction of ability to consume alcohol in public space will reduce alcohol related harm, resulting in the reduction of demand on alcohol related damage and vandalism, and reduction in noise pollution.
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CULTURAL VITALITY

Cultural Pillar	As a result of the amendment to the Local Law there is potential for reduction in the incidence of alcohol related violence in the community, improved safety for people in public areas, improved amenity for residents, and the reduction of drink driving incidents. Cultural vitality is supported by promotion of more responsible consumption of alcohol.
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3.4. Policy and legislative implications

The proposed local law amendment supports the objectives of the Alcohol Action Plan (2008-2013).

It was necessary to advertise amendments to the Local Law and then consider submissions, pursuant to s223 of the Local Government Act 1989. These provisions have been complied with.

It is considered appropriate and prudent to consider this matter within the caretaker period and not delay it until after the Council elections. The report seeks to implement a previous decision of council, is not considered an election issue and delay would potentially impact on management of alcohol related issues over summer.

3.5. Risk implications

The proposed amendment to the Local Law addresses some public safety concerns related to consumption of alcohol in public space.

3.6. Resource implications

There are no resource implications as a result of adopting the local Law amendments.

4. ALTERNATIVE OPTIONS

The only option available to Council other than adopting the amendments, is to not adopt the amendments, as there are statutory requirements associated with advertising any proposed amendment and failing to do so could be subject to legal challenge.

The matter could be delayed for consideration by the new Council, however for the reasons outlined above it is considered appropriate that the matter be dealt with now.

5. PARTICIPATION AND ENGAGEMENT

5.1. Internal

5.1.1. The people who have been engaged with in relation to this issue are:

- Councillors
- Carol Mayell, Manager Community Development
- Peter Streker, Coordinator Community and Health Development
- Geoff Oulton, Executive Director – Community Development and Planning

5.2. External

5.2.1. The external people and organisations who have been engaged with in relation to this issue are:

- Victoria Police

- The general public – advertising for submissions was performed in the Government Gazette and the Emerald Hill Weekly, as well as on the City of Port Phillip internet site.

6. IMPLEMENTATION

6.1. Implementation will be subject to the following timetable:

DATE	ACTION	PURPOSE
6 November 2008	Report to Council	Consideration of submissions received pursuant to s223 LGA and adopt the Local Law.
4 December 2008	Public notice in Government Gazette, Emerald Hill Weekly	Statutory requirement to advertise making of the Local Law.
8 December 2008	Letter and Copy of local Law to Office of Local Government	Statutory requirement to send copy of any new Local Law to the Minister.
8 December 2008	Commencement of Local Law	Enable implementation.

7. COMMUNICATION

7.1. The statutory process of advertising the making of the Local Law will be supplemented by communication via press release, Council's web site and the Divercity Weekly column in the Emerald Hill Weekly.

8. RECOMMENDATION

- 8.1. That the Council in accordance with section 119 of the Local Government Act 1989 ("the Act"), give notice in the Government Gazette and a public notice to advise of the making of a Local Law, the Community Amenity (Amendment) Local Law No 2 of 2008 (attachment 1).
- 8.2. That the notices in 8.1 be in the general form of the attached notice (attachment 2).
- 8.3. That pursuant to section 119 of the Act a letter is sent to the relevant Minister, with a copy of the new Local Law.