

**STRATEGY AND POLICY REVIEW COMMITTEE**  
**7 APRIL 2008**

**POLICY AND PLANNING**

<b>A1</b>	<b>REVIEW OF COMMUNITY AMENITY LOCAL LAW NO 3 AND PROCEDURES AND PROTOCOLS MANUAL</b>
<b>RESPONSIBLE DIRECTOR:</b>	<b>GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING</b>
<b>AUTHOR:</b>	<b>KIRSTEN HUGHES, COORDINATOR LOCAL LAWS</b>
<b>FILE NO.:</b>	
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li><b>1. PROPOSED COMMUNITY AMENITY (AMENDMENT) LOCAL LAW NO.1 OF 2008</b></li><li><b>2. PROPOSED AMENDED PROCEDURES &amp; PROTOCOL MANUAL</b></li><li><b>3. SUMMARY OF REASONS FOR AMENDMENTS TO THE COMMUNITY AMENITY LOCAL LAW NO 3 AND PROCEDURES AND PROTOCOLS MANUAL</b></li><li><b>4. NOTICE OF INTENTION TO MAKE COMMUNITY AMENITY (AMENDMENT) LOCAL LAW NO. 1 OF 2008</b></li></ol>

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**1. EXECUTIVE SUMMARY**

A range of issues have been identified that pointed to a need to review and update the Council's Community Amenity Local Law No 3 and the procedures and protocols manual attachment. The proposed changes do not alter the intent of the local law, but rather enable the local law to be used more effectively as a tool to develop effective outcomes.

**2. BACKGROUND AND CONTEXT**

- 2.1. The Community Amenity Local Law No. 3 was last amended in 2005, when the Asset Protection section was included.
- 2.2. Enforcement activity over the last twelve months has identified some areas where the local law is either ambiguous, unclear or inadequately covered.
- 2.3. It is proposed that some minor changes will enable a more consistent and fair approach with respect to enforcement.

**3. RECOMMENDED OPTION**

- 3.1. The amendments, as included in the attachments 1 and 2, show the proposed changes to the local law and the Procedures and Protocols Manual. Attachment 3 summarises the purpose behind the proposed changes, including various amendments suggested by Maddocks Lawyers, to improve clarity of both documents, and to ensure the substantive requirements actually sit within the Local Law, rather than the Procedures and Protocols Manual.

The amendments make the Local Law more useful as an enforcement tool, as it addresses some issues that have not been adequately covered previously.

- 3.2. Sustainability Assessment

**SOCIAL EQUITY**

There are no social benefits to the Council if the Community Amenity Local Law is inconsistent or unusable in some areas, as ineffective law results in extreme frustration to affected members of the community. The changes also support the intent of the Local Law and are not likely to be contentious.

**ECONOMIC VIABILITY**

Eliminating the inconsistencies in the Local Law will ensure there are fewer areas where a negative economic impact can occur, as a result of inability to enforce the Local Law.

**ENVIRONMENTAL RESPONSIBILITY**

Tightening up the local law will ensure that appropriate enforcement can take place, which will have a positive impact on environmental and amenity issues.

**CULTURAL RESPONSIBILITY**

There are minimal cultural impacts.

- 3.3. Policy and Legislative Implications

The objectives of amending the local law are to ensure an ability to consistently and fairly apply the provisions of the local law.

No compliance concerns have been identified in relation to any legislative requirements.

- 3.4. Risk Implications

The amendments address some risk concerns, as a result of allowing consistent enforcement.

- 3.5. Resource Implications

In making amendments to the Local Law and Procedures and Protocols Manual there are no major resource implications.

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**4. ALTERNATIVE OPTIONS**

- 4.1. Council can do nothing and maintain the status quo by retaining the current Local Law and Procedures and Protocols Manual for the remainder of their designated period. However this is not a sustainable option, given current inadequacies
- 4.2. Council can adopt and advertise the proposed Local Law and Procedures and Protocols Manual (amendments) with any desired changes.
- 4.3. Council can adopt and advertise the proposed Local Law and Procedures and Protocols Manual (amendments) in their current form.

**5. PARTICIPATION AND ENGAGEMENT**

- 5.1. Internal consultation  
The following internal officers have been consulted:
  - All CoPP Managers and Coordinators
- 5.2. External consultation  
External consultation was conducted with Maddocks Lawyers.

**6. IMPLEMENTATION**

6.1. Approximate timelines for the introduction and implementation would be:-

<b>DATE</b>	<b>ACTION</b>	<b>PURPOSE</b>
7 April 2008	Report to Council	Adoption by Council
May 2008	Public Notice in Government Gazette	Consultation and statutory requirement
May 2008	Public Notice in Emerald Hill Times	Consultation and statutory requirement
May 2008	Submissions close	Exceeded statutory period of 14 days
7 July 2008	Report to Council	To consider submissions received pursuant to S 223 and adopt Local Law
August 2008	Public Notice in Emerald Hill Times	Statutory requirement to advertise making of Local Law
August 2008	Public Notice in Government Gazette	Statutory requirement to advertise making of Local Law
August 2008	Letter and copy of Local Law to Office of Local Government	Requirement to send copy of any new Local Law to Minister
1 September 2008	Commencement of Local Law	Enable implementation

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**7. COMMUNICATION**

- 7.1. The statutory process of advertising the proposed making of the Local Law will be supplemented by communication via press release, Councils' website and the Divercity Weekly column in the Emerald Hill Times.

**8. RECOMMENDATION**

That the Strategy and Policy Review Committee recommend that Council resolve:

- 8.1. That Council in accordance with Sections 119 and 223 of The Local Government Act 1989, give notice in the Government Gazette and a public notice that it proposes to amend Community Amenity Local Law No. 3 and the Procedures and Protocols Manual.
- 8.2. That the notices referred to in recommendation 8.1 be generally in the form of the notice attached (Attachment 4)
- 8.3. That any submissions made in respect to the notices referred to in recommendation 8.1 be considered by the Strategy and Policy Review Committee of the Council at its meeting on the 7 July 2008.