

**Outcomes of the Statutory Public Notice and Submission Process for the
proposed amendment to the Activities (Public Amenity and Security)
Local Law 2017**

30 March 2017

Presenter: Keith Williamson, Manager Governance and Legal

Purpose and background

1. The purpose of this report is to assist the Submissions (Section 223) Committee consider its recommendations to Melbourne City Council by providing a high level analysis and summary of the major emerging themes from the statutory public notice and submission process, pursuant to Part 5 of the *Local Government Act 1989*, to make the Activities (Public Amenity and Security) Local Law 2017 (proposed Local Law) from:
 - 1.1. the 2354 submissions received (Attachment 2)
 - 1.2. the results of the seven targeted stakeholder engagement sessions.
2. The public notice and submission process (16 February to 17 March 2017) specifically sought community comments and feedback on the following elements of the draft proposed Local Law:
 - 2.1. the proposed definition of camping
 - 2.2. the proposal to give council officers the ability to remove people's unattended belongings
 - 2.3. the proposed charge of \$388 for people to pay to retrieve their belongings from Council.
3. Attachment 2 provides a summary of:
 - 3.1. 1637 responses from 'Participate Melbourne' Community Sentiment Report
 - 3.2. 717 formal submissions from individuals, community and government agencies
 - 3.3. seven detailed reports from the targeted stakeholder engagement sessions (Attachment 4)
4. Over 70 submitters made a request to address Submissions (Section 223) Committee.
5. Individual submissions and responses from the Participate Melbourne Community Sentiment Report can be accessed at <http://participate.melbourne.vic.gov.au/activities-local-law-2009-proposed-amendments>

Key issues

6. Approximately 90 per cent of respondents indicated a negative response to the proposed Local Law.
7. Although the focus of the proposed Local Law is on improving amenity, the proposed changes have been seen as a 'referendum on homelessness' and a change of approach from Council's current role of supporting homeless people.
8. A consistent view amongst submitters is that the proposed changes, were they to be enacted, would not result in behaviour change. There is also strong support for the view that the increasing level of homelessness in the community requires a renewed effort, increased investment and collaboration by all levels of government for housing and support services.

Recommendation from management

9. That the Submissions (Section 223) Committee:
 - 9.1. considers all written submissions in relation to the proposal and hears any person wishing to be heard in support of his or her submission and then makes a recommendation to Council
 - 9.2. recommends Council notify in writing every person who has lodged a submission of its decision and the reasons for its decision.

Attachments:

1. Supporting Attachment
2. Summary and sentiment report of all responses received
3. Consultations with people with experience of homelessness
4. Full report: Targeted stakeholder feedback

Supporting Attachment

Legal

1. Council's powers to make local laws are set out in Part 5 of the *Local Government Act 1989* (Act). The procedure for making a local law is set out in Section 119 of the Act.

Prior to making a local law a Council must publish a notice in a newspaper circulating in the Council district and in the Government Gazette stating:

- 1.1. the purpose and general purport of the proposed local law.
 - 1.2. that a copy of the proposed local law can be obtained from the Council.
 - 1.3. that any person affected by the proposed local law may make a submission pursuant to section 223 of the Act.
2. Any person who makes a written submission has a right to be heard by the Council's Submissions (section 223) Committee which has the role of considering any submissions received and making a recommendation to the Council.
 3. When a local law is made, a further notice must be published in the newspaper and the Government Gazette.

Finance

4. There are no financial implications arising from the recommendation contained in this report.

Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

6. Stakeholder consultation for this report was extensive and is summarised in the body of the report and attachments.

Relation to Council policy

7. Pathways Homelessness Strategy 2014–17

Environmental sustainability

8. Provide a statement responding to the following '*In developing this proposal, have environmental sustainability issues or opportunities been considered?*'