

Community Impact Statement (LLCIS) Community Amenity (Amendment) Local Law 2026



1. Introduction

Council is proposing to make the Community Amenity (Amendment) Local Law 2026 (Amending Local Law) to amend Council's Community Amenity Local Law 2023 (Principal Local Law) which commenced on 1 August 2023.

The following information is provided to the community in respect of the Amending Local Law.

2. Background

The Community Amenity Local Law 2023 guides Council's compliance and enforcement activities for a wide range of topics, including the use and appearance of property, public amenity, construction sites, keeping animals and camping on Council land.

Council is proposing to empower authorised officers to take action in respect of encampments impacting community safety and amenity. This includes directing a person to remove encampment equipment, removing the equipment if that direction is not followed, and impounding the equipment where required. These powers would only be used after all other options have been exhausted, including offering support and referrals to appropriate health, outreach and housing services.

Initial consultation was facilitated through the Community Safety Plan engagement process between 22 May to 29 June 2025, when Council undertook a range of engagement activities to help understand community safety needs and community and stakeholder perspectives, as well as collect feedback on a proposed local law amendment.

Council, at the 10 December 2025 Council meeting, endorsed the following:

The CEO to commence the statutory process for a Local Law amendment to add a new Part 4A Encampment Equipment on Council Land, allowing Council's Authorised Officers to respond to behaviours in camps that have or may have adverse amenity and welfare impacts, provided the conditions in the local law are met and empowering Council's Authorised Officers to remove encampment equipment.

The consultation period will run from 2 March to 29 March 2026.

The Amending Local Law has been reviewed by Council's lawyers.

A copy of the Amending Local Law is provided with this Community Impact Statement.

3. Overview and Intent

The purpose of the Amending Local Law is to amend the Principal Local Law and further regulate the presence on Council land, roads or footpaths persons who camp or

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intend to camp there.

The purpose and intended effect of the Amending Local Law are consistent with the purpose and intended effect of the Principal Local Law.

4. Evaluation of the Amending Local Law

An evaluation of the Amending Local Law follows.

Issue	Evaluation
Measures of success of the Amending Local Law	The overall success of the Amending Local Law will be best measured by the extent to which it regulates and controls encampments that have community safety and amenity impacts.
Existing legislation which might be used instead	In preparing the Amending Local Law, care was taken to ensure that no clauses are included that relate to matters directly addressed under existing State or Federal legislation.
Overlap with existing legislation	It is believed that the Amending Local Law supplements State legislation without duplicating, overlapping or creating any inconsistencies.
Overlap with Planning Scheme	The Amending Local Law does not overlap with the Port Phillip Planning Scheme.
Risk assessment	Council does not believe there are any significant risks associated with the Amending Local Law. In reaching this view, Council considered the absence of such amendments and its impact on the effectiveness of the Principal Local Law.
Legislative approach adopted	The Amending Local Law seeks to place minimum imposition on the community whilst managing known risks. This is evidenced by: 1. Recognising that persons affected by the Amending Local Law may be experiencing homelessness, trauma, family violence, chronic illness, addiction, or other complex vulnerabilities. 2. Applying a trauma-informed, culturally safe and human rights-based approach. 3. Prioritising engagement, support and referral over enforcement. 4. Using enforcement and impoundment powers strictly as

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Issue	Evaluation
	a last resort. 5. Ensuring that actions taken are proportionate, necessary and reasonable in the circumstances. 6. Nothing in the Amending Local Law criminalising poverty, homelessness or social disadvantage. All provisions of the Amending Local Law are open to public scrutiny and comment.
Permits	No permits are applicable to the Amending Local Law.
Fees	The Principal Local Law provides for Council to determine the fees and charges that will apply at any time.
Penalties	There are no penalties or infringements applicable under the Amending Local Law.
Restriction of competition	The Amending Local Law has been reviewed against National Competition Policy principles and is considered to be consistent with these.
Charter of Human Rights	The implications of the Amending Local Law have been assessed by Council as compatible with the requirements of the <i>Charter of Human Rights and Responsibilities Act 2006 (the Charter)</i>. A number of human rights are engaged by the Amending Local Law but principally the right set out in section 20 of the Charter. To the extent that any provisions engage rights, the limitations imposed are demonstrably justifiable, such that no incompatibility arises.
Consultation	The Amending Local Law has been reviewed in consultation with Councillors, members of Council staff and Council's lawyers.
Submissions	Public consultation will be undertaken as part of the process of making the Amending Local Law and anyone interested in making a submission may do so, in accordance with section 73 of the <i>Local Government Act 2020</i> .

For further information on the Amending Local Law, please contact Council's Safety and Amenity Team on (03) 9209 6777 or at communitysafety@portphillip.vic.gov.au