

Local Law Community Impact Statement-

December 2022

Proposed Community Amenity Local Law 2023

Council is proposing to replace the Community Amenity Local Law 2015 with an updated Community Amenity Local Law 2023. This document sets out to provide the community with clear and transparent information about the proposed Community Amenity Local Law 2023, that includes the potential benefits and impacts to the community.

Part A: General Comments

Background

Each municipality in Victoria creates a Local Law, designed to protect the local amenity as well as regulate activities on council-controlled land and roads.

Once adopted, a Local Law can be in effect for a maximum of ten years. Wyndham's current Community Amenity Local Law was adopted in 2015. As one of the fastest-growing municipalities in Australia, Council recognises that the needs of the community are rapidly evolving and initiated a Local Law review.

At the outset of the Local Law Review, consultation was undertaken with internal staff and key external stakeholders, including Victoria Police, to identify:

- Clauses which may no longer be utilised and should be considered for removal
- Clauses which may need to be amended because they do not adequately address safety or amenity concerns
- Clauses which may need to be introduced in response to new issues not currently regulated by Council.

Following this initial internal consultation, Council published a [Local Laws Issues Paper](#) focussing on five new or significantly changed items proposed by internal staff and undertook community engagement to understand how the community felt about each of the proposed clauses.

After assessing and considering the community feedback on the Issues Paper, Council has created a Draft Community Amenity Local Law 2023.

The draft Community Amenity Local Law 2023 has removed redundant or irrelevant clauses, duplications, and complicated wording, creating a simpler, more community-focused document. Part C of this document lays out the significant changes or new additions to the Community Amenity Local Law.

As required under the Local Government Act 2020, Council will be undertaking community engagement on the Draft Community Amenity Local Law 2023, and community members can provide feedback or find in-person engagement opportunities [here](#).

Following any amendments made after the community engagement period, a lawyer will review and certify the Draft Community Amenity Local Law 2023.

Purpose

The purpose of the Draft Community Amenity Local Law 2023 is to:

- Provide for the peace, order and good government of Wyndham City, in a way that is complementary to the Council Plan;
- Protect and promote community safety, public health, and amenity;
- Protect the environment and Council assets within the municipality;

and to achieve this purpose by

- Regulating and controlling activities that may be dangerous or detrimental to amenity or environment within Wyndham City through education and enforcement; and
- Promoting awareness and encouraging voluntary compliance to the standards and conditions set out in the Local Law.

Part B: Comments on the proposed Local Law overall

Measures of success of proposed Local Law	<p>Council will measure the success of the Local Law through the following measures:</p> <ul style="list-style-type: none"> • Monitoring the level of compliance/non-compliance data through customer request and inspection records; • Community Satisfaction Survey ratings for Local Law-related issues; and • Assessing the resources required to administer and enforce the Local Law.
Existing legislation that might be used instead	<p>The Local Law will supplement existing State Legislation enforced by Council, including:</p> <ul style="list-style-type: none"> • Country Fire Authority Act 1958, • Domestic Animals Act 1994, • Environment Protection Act 2017, • Planning and Environment Act 1987, • Public Health and Wellbeing Act 2008, • Road Safety Act Road Rules 2017 • Local Government Act 1989 & 2020
State legislation more appropriate	<p>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.</p>
Overlap of existing legislation	<p>Council believes the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>

Overlap of planning scheme	Council does not consider any provision of the draft 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 draft Local Law, and risk assessments have been undertaken for all new or significantly amended clauses.
Legislative approach adopted	<p>Council believes in the minimum imposition on the community with Local Laws. 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 enforcement procedures including provision for the giving of warnings. <p>where appropriate, provision of an internal review process for infringement notices and refusal of permits.</p>
Restriction of competition	<p>Council has conducted a review of the draft Local Law in accordance with National Competition Principles.</p> <p>Competition will be restricted in some instances, largely related to trading on Council Land, because –</p> <ul style="list-style-type: none"> • The benefits of the restriction to the community outweigh the costs. • The objectives of the draft local law can only be achieved by restricting competition. <p>Clauses requiring Amenity Protection Plans to be developed and complied with by certain businesses allow Council to only restrict competition where complaints and negative impacts on the community have been identified, rather than broadly restricting whole classes of businesses.</p>
Penalties	<p>The penalties applying to all existing and new Local Law clauses were considered and reviewed.</p> <p>The level of penalties in the local law generally reflect:</p> <ul style="list-style-type: none"> • Relative risks to community health, safety and amenity. • Potential cost to the community of a breach (e.g. due to damage to Council assets and infrastructure). • The imposition of a penalty as a deterrent. <p>As per the <i>Local Government Act 2020</i>, a penalty unit in the Draft Community Amenity Local Law 2023 is set by the State Treasurer annually, is currently \$184.92, and will increase annually. This is in contrast to the current Local Law, where as per the <i>Local Government Act 1989</i>, a penalty unit is \$100 and does not increase.</p> <p>Accordingly, where the amount of penalty units applying to a clause may not have changed, the monetary amount of the infringement will have increased. An offence where two penalty units are applied will increased from an infringement of \$200 to an infringement of \$370.</p> <p>Council is satisfied that the included penalties are consistent in nature and amount with like and neighbouring municipalities.</p>

Permits	A number of provisions in the draft Local Law require permits for various activities to be obtained. Council may impose conditions to any permit, and wherever possible these conditions will be standardised and published for each permit type for transparency.
Fees	The Draft Community Amenity Local Law 2023 allows Council to set fees and charges in relation to permits. Permit Fees and related charges are set and reviewed in the annual budget process.
Performance standards or prescriptive	<p>The Draft Community Amenity Local Law 2023 contains a mix of performance-based and prescriptive standards. In some cases, prescriptive standards have been used to ensure consistency with enforcement and to provide clear expectations to the community.</p> <p>All enforcement will be undertaken with guidance from Council's Enforcement Policy, which encourages the use of officer discretion to obtain the best possible outcome.</p>
Comparison with neighbouring and like Councils	Benchmarking of new clauses was also undertaken against similar local laws at a range of Councils including Hobsons Bay, Melton, Hume, Greater Geelong, Whittlesea, and Casey. The benchmarking showed that the draft Community Amenity Local Law 2023 does not significantly differ from neighbouring and like Councils in relation to the scope of provisions, penalties, fees, and administrative processes.
Charter of Human Rights	<p>Council has assessed the Draft Community Amenity Local Law 2023 for compatibility with the Human Rights Charter.</p> <p>The Human Rights Charter - Assessment of Compatibility is attached as Appendix 1.</p>
Consultation meetings	<p>In the process of developing the Draft Local Law 2023, consultation has been undertaken with internal stakeholders, including Councillors, and external stakeholders including Victoria Police. Public consultation was held regarding the matters identified in the Issues Paper, which also provided an opportunity for community members to identify other amenity & safety issues they see as relevant to the Local Law review process.</p> <p>Further community and internal consultation will be undertaken with the publishing of the Draft Community Amenity Local Law 2023.</p>
Submissions	Submissions received during the public exhibition of the Draft Community Amenity Local Law 2023 will be carefully considered as part of the Local Law review process.

Part C: Comments on specific provisions of the proposed Local Law

Below, clauses in the Draft Community Amenity Local Law 2023 that are new or have significantly changed from the current Local Law. In this section, the purpose and expected benefit of these new and changed clauses is listed.

A number of clauses in the Draft Community Amenity Local Law 2023 have been retained from the current Community Amenity Local Law 2015, and although the wording or format may have changed, the substantive purpose and burden of the clause remains the same. These clauses are not included in this list.

New or significantly changed clauses in the Draft Community Amenity Local Law 2023

Problem or issue	Community Amenity Local Law 2015 v Draft Community Amenity Local Law 2023	Reason for change and expected benefit to community
Unsightly Properties	<p><i>CALL 2015: Without limiting the generality of clause 64, land may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of: unconstrained rubbish, dead trees and/or excessive growth of vegetation, waste material, motor vehicles or any parts, scrap metal, a disused excavation, or a building or structure which is incomplete and not currently being constructed.</i></p> <p>CA 2023: Land may be considered unsightly, dangerous, or detrimental to the general amenity of the neighbourhood if it has any of the following: Rubbish, Grass or weeds over 15 centimetres in height on land that is 4000m² or less in size, More than two visible unregistered motor vehicles, or any number of visible unroadworthy, disassembled, incomplete or deteriorated motor vehicles, Accumulation of old, used, or second-hand machinery, scrap metal, materials, or goods, Vegetation encroaching on or overhanging Council Land or a road at a height of less than 2.5 metres, Vegetation obstructing the view of any street sign or traffic control item, or any other item, material, or condition which in the opinion of an Authorised Officer causes the property to be unsightly, dangerous, or detrimental to the general amenity of the neighbourhood.</p>	Maximum grass height and amount of vehicles has been included to provide explicit guidance to residents and remove ambiguity about what 'excessive' growth means. Removed specific references to things like disused excavations and dead trees, which consultation with Local Law Officers found were rarely used, and added accumulation of goods, overhanging or encroaching vegetation, and rubbish (without limiting to unconstrained rubbish, as rubbish kept in a trailer or in bags may still be unsightly).
Unoccupied Properties	<p><i>CA 2015: The owner or the occupier of any land must not allow a building located on the land To become dilapidated; or become further dilapidated and must maintain any such building in a state of good repair.</i></p> <p>CA 2023: The owner of land which contains a building that is not occupied, not fit for occupation, or not occupied most of the time, must not allow any structure to become dilapidated or further dilapidated and ensure no unauthorised person has access to the building or land.</p>	Unoccupied/abandoned properties are more likely to be damaged or vandalised, and can become a haven for squatters and potential criminal behaviour. The addition of a requirement to secure an unoccupied property will help prevent these properties from impacting the amenity and safety of their neighbours.
Fencing Vacant Land	<p><i>CA 2015: No existing clause</i></p> <p>CA 2023: If directed to do so by an Authorised Officer, an owner of vacant land must erect fencing sufficient to prevent or deter the dumping of rubbish on the vacant land.</p>	Vacant land is a common location of illegal dumping of litter. While Council makes every effort to locate and take enforcement action against litter dumpers, the addition of this clause allows officers to direct owners of

		vacant land that may be a hotspot for dumping to fence the land, reducing the impact to the amenity of the surrounding area.
Nature Strips	<p>CA 2015: No existing clause</p> <p>CA2023: An owner or occupier of land that is not in a Rural Zone or Council land, must ensure that any nature strip between the land and any abutting road does not contain grass or weeds over 30 centimetres in height. An owner or occupier of land must not alter, or allow to be altered or remain altered, any nature strip between the land and any abutting road except in accordance with Council's Nature Strip Beautification Policy.</p>	<p>Overgrown nature strips have a significant impact on the visual appearance of the municipality. Nature strips are owned by Council and house utilities and infrastructure. The majority of people in the municipality do maintain their nature strips, but this clause will allow Council to take enforcement action where nature strip grass exceeds 30cms and residents do not comply with requests to mow the nature strip.</p>
Vehicle Crossings	<p>CA 2015: No existing clause</p> <p>CA2023: The owner or operator of a vehicle must not enter or exit any land in a vehicle except by using a vehicle crossing constructed in accordance with this Local Law.</p>	<p>Property owners will continue to be required to construct and only use proper vehicle crossings. The new clause also makes it an offence for vehicle owner or drivers to enter a property without using the existing vehicle crossings, so that enforcement action can be taken against people who drive over a nature strip, gutter, or pram/pedestrian ramp to enter a property. This helps ensure the safety of pedestrians.</p>
Open Air Burning	<p>CA 2015: A person must not light or allow to remain lit a fire in the open air... except if it is a BBQ used for cooking..., or a gas and kerosene light, flare, outdoor brazier or heater or burner installed for the comfort or convenience of those seated outside a restaurant, cafe or like establishment.</p> <p>CA 2023: A person must not, without a permit, light, allow to be lit, or allow to remain lit any fire in the open air, unless it is lit on a day that is not a Total Fire Ban Day and in a purpose-built or constructed barbeque, grill, or pizza oven, or similar for the purpose of cooking food; or in a brazier, chiminea, or portable fire pit while it's being used for heating, ... or as part of a religious or cultural ceremony</p>	<p>The amendment to this clause removes the restriction of only using a brazier, chiminea, or burner at a restaurant, allowing people to use them at their homes so long as they do not cause a nuisance. This acknowledges that firepits are common and commercially sold as for home use.</p>

		An exemption has also been added for religious and cultural ceremonies, for example smoking ceremonies.
Heavy Vehicles on Private Property	<p>CA2015: No existing clause. Note: The previous Local Law (General Local Law 16- 2010) contained the following clause: A person must not allow a vehicle weighing more than 4.5 tonnes Gross Vehicle Mass:</p> <p>(a) to be parked, kept or repaired on any premises in a Residential Zone without a permit; or</p> <p>(b) within 200 metres of any premises abutting a residential zone.</p> <p>CA2023: Without a permit, an owner or occupier of land that is a residential property must not keep, park, or repair a motor vehicle that has a gross vehicle mass over 4.5 tonne on the land.</p>	<p>A clause relating to the keeping of heavy trucks on residential property was not included in the current Community Amenity Local Law 2015, as it was considered that the Planning Scheme may be better suited to permit and enforce heavy vehicles on private land.</p> <p>A 2021 VCAT decision regarding a heavy vehicle on private property made it clear that the Local Law is a more appropriate mechanism to restrict heavy trucks on private property.</p> <p>This clause is included and will help ensure that heavy vehicles on residential properties do not cause amenity issues through noise, fumes, or damage to assets.</p>
Repair of vehicles on private property	<p>CA 2015: No existing clause</p> <p>CA2023: Unless permitted under a Planning Scheme applicable to the land, a person may only repair a motor vehicle on land that is a residential property if the motor vehicle is owned by a person currently living at the property.</p>	<p>The Planning Scheme requires that any mechanic or vehicle business must have a Planning Permit to operate in a residential zone.</p> <p>This clause seeks to support the Planning Scheme, and enable enforcement where regular mechanic works for friends/family or 'cash in hand' jobs negatively affect the amenity to surrounding properties.</p>
Garage sales	<p>CA 2015: No existing clause</p> <p>CA 2023: An owner or occupier of land that is a residential property must not hold or allow to be held more than six garage sales per calendar year on the land.</p>	<p>The addition of this clause aims to address properties where frequent garage sales (potentially held as part of a re-sale business) negatively affect the amenity of surrounding properties</p>

		through increased traffic, illegal parking, and signage.
Behaviour of Dogs	<p><i>CA 2015: No equivalent existing clauses</i></p> <p>CA 2023: A person must not leave a tethered dog unattended in a public place.</p> <p>CA 2023: A person in charge of a dog must ensure that a dog is not kept on land such that a person cannot access an entry door of a dwelling on the land without being confronted by a dog.</p>	The purpose of these clauses is to reduce instances of dog attacks, either where a dog is left unattended while tied up, or when a dog is kept in a front yard or otherwise kept so that a legitimate visitor cannot access the front door.
Building Sites	<p><i>Many clauses in relation to the safety and amenity of building sites have been retained from the Community Amenity Local Law 2015, and are not included in this table.</i></p> <p><i>CA 2015: No equivalent clauses</i></p> <p>CA 2023: Where more than three dwellings are being constructed on a single site, additional sewered toilets or portable fresh water flushing toilets must be provided to the satisfaction of an Authorised Officer.</p> <p>CA 2023: Fencing, including fence footings, must not encroach on or obstruct any part of Council Land</p>	The addition of these clauses makes expectations clear to builders, and allow Council to ensure that building sites do not create safety or amenity issues for surrounding properties and pedestrians.
Asset Protection	References to Asset Protection Permits have been removed, as Council does not currently use permits to manage asset protection.	
Advertising	<p><i>Many clauses in relation to advertising on Council Land have been retained from the Community Amenity Local Law 2015, and are not included in this table.</i></p> <p>CA 2023: A person must not, without a permit, 88.2 place or allow to be placed a sign on a rear or side boundary fence adjoining Council Land such that the sign faces out onto the Council Land ...or...use a vehicle on to display an advertising sign on a road or Council Land in a manner such that the vehicle could not be legally or safely driven with the advertising sign attached</p>	The addition of these clauses removes any ambiguity around advertising on Council Land and allows Council to ensure that advertising does not impact the visual appearance of Council Land or cause distractions for drivers.
Shopping Trolleys	<p><i>CA 2015: Subject to clause 118, a retailer must not make available for use or allow to be used a shopping trolley which does not have a fully functioning coin deposit and release mechanism attached to it; or is not secured to the retailer's premises by a perimeter constraint system approved by Council. Clause 117 does not apply when a retailer makes available for use, or allows to be used, 25 shopping trolleys or less; or to a retailer who has committed to a 12 month renewable management plan approved by Council for the effective control and recovery of shopping trolleys.</i></p> <p>CA 2023: A retailer who makes available more than 15 shopping trolleys must ensure that all shopping trolleys have a fully functioning coin deposit and release mechanism, or a perimeter locking system, or another system approved by Council that prevents the removal of shopping trolleys from the retailer's premises.</p>	Clauses regulating shopping trolleys exist in the current Local Law. The proposed changes remove the option of lodging a trolley management plan instead of having physical controls, require retailers to clearly label trolleys with retailer details, and make it an offence for a retailer to fail to collect a trolley that has been reported as abandoned within three business days.

	<p><i>CA 2015: An authorised officer or a person engaged by Council for this purpose may, on behalf of Council, seize and impound any shopping trolley which is being made available for use or is being used or has been left on a road or on Council land in contravention of this Local Law.</i></p> <p><i>CA 2015: On the first business day of each month or as soon possible thereafter, a list of shopping trolleys that have been impounded by Council will be forwarded to each retailer stating the period within which the shopping trolley must be claimed; that unclaimed shopping trolleys may be disposed of by Council after the period; and that it is an offence for a retailer to not claim an impounded shopping trolley.</i></p> <p><i>CA: 2015: A retailer must claim the impounded shopping trolley within the period stated by Council in the list of impounded shopping trolleys forwarded to that retailer.</i></p> <p>CA 2023: Any trolley made available by a retailer must be clearly identified with the retailer's name and contact details.</p> <p>CA 2023: Where a retailer has been notified that a shopping trolley belonging to the retailer has been abandoned on Council Land, the retailer must collect or arrange for the collection of the shopping trolley within 3 business days of the report being made.</p> <p>CA 2023: Where a retailer has been notified of an abandoned trolley and has failed to collect the trolley, Council may impound and dispose of the trolley without further notice.</p>	<p>These clauses are designed to reduce the amount of trolleys that leave retailer premises, and to reduce the burden and cost on Council of impounding and holding abandoned trolleys.</p>
Food trucks on private property	<p>CA 2015: Unless permitted to do so under a Planning Scheme applicable to the land, a person must not, without a permit erect or use on any land a temporary structure or building for the sale of goods, or sell goods from a tent or a temporary structure or building erected in contravention of clause 150.1.</p> <p>CA 2023: If directed to do so by an Authorised Officer, the owner or operator of a business operating out of a temporary structure on private land in accordance with the relevant Planning Scheme, or an owner of land where such a business operates, must prepare an Amenity Protection Plan for approval by an Authorised Officer; and not operate or allow the business to operate except in accordance with the approved Amenity Protection Plan.</p> <p>CA 2023: An authorised officer may only direct a person or business to prepare and comply with an Amenity Protection Plan in accordance with the above clauses if:</p> <ul style="list-style-type: none"> • The use of the land is permitted without a Planning Permit under the relevant Planning Scheme; and • The Authorised Officer reasonably believes that an Amenity Protection Plan is required to protect the amenity of the surrounding area. 	<p>The clause in the current Local Law only applies where the Planning Scheme does not allow the use of the land for that purpose. This is somewhat redundant, because if the use of the land for sale of goods was not permitted, it could be enforced under the Planning Scheme.</p> <p>Council Officers have identified that there are food trucks operating on private land that are not breaching the Planning Scheme (because the use of the land for retail or takeaway food is permitted under the Planning Scheme) but there are occasions where these food trucks negatively impact the surrounding area.</p> <p>The proposed clause allows Council Officers to address food trucks that are</p>

		causing amenity problems, without the imposition of a permit system for all food trucks.
Short-Stay Accommodation	<p><i>CA 2015: No existing Clauses</i></p> <p>CA 2023: 97. An owner of land must not advertise, use, or allow to be used, the land for Short Stay Rental Accommodation without a permit.</p>	<p>Short-stay accommodation (e.g. entire homes available for holiday rental on AirBnb, Stayz, and other like sites) can cause amenity issues that are difficult to address. As an example, a property may have guests parking illegally resulting in complaints from surrounding properties. Council officers can go out and enforce regularly, but since the vehicles always belong to new and different guests, surrounding residents never see an improvement.</p> <p>The proposed clause requires owners to apply for a permit to operate short stay accommodation and comply with permit conditions.</p>
Clothing Collection Bins	<p><i>CA 2015: A person must not, without a permit leave or allow to be left on a road or Council land any clothing collection bin.</i></p> <p>CA 2023: A person must not, without a permit, place or allow to be placed any donation bin on Council Land.</p> <p>CA 2023: An owner or occupier of land must not, unless permitted by a current Planning Permit, leave or allow to be left donation bins on private land without a permit.</p> <p>CA 2023: An owner or occupier of property where a donation bin has been placed in accordance with a permit, the area around the donation bin must be kept clear of items and rubbish.</p>	<p>The term 'clothing collection bin' has been changed to 'donation bin' to reflect that other materials are accepted. Donation Bins can attract illegal dumping of goods and become unsightly.</p> <p>While many donation bins are operated by legitimate charities or commercial companies, others are operated by companies who place bins without permission and do not clean up abandoned goods from around the bins.</p> <p>The addition of these clauses will allow better regulation of donation bins and ensure they do not become unsightly.</p>
Damage to Council Trees	<i>CA 2015: No existing equivalent clauses</i>	While existing clauses do prohibit people from damaging Council Assets,

	CA 2023: A person must not, without the consent of Council or a Council officer, cut, fell, poison, or otherwise damage or kill a tree on Council land.	the addition of a clause specifically relating to Council trees sets clear expectations to the community.
Dogs in watercourses	<p>CA 2015: No existing clause</p> <p>CA 2023: In a reserve or park, a person must not allow a dog to enter or jump into any wetland, lake, pond, creek or other watercourse</p>	This addition of this clause protects waterways and fauna from the damage that may be caused by dogs entering waterways in parks or reserves.
Drones and model aircraft	<p>CA 2015: In a reserve, a person must not, without a permit or other form of written approval given by Council, fly or permit to be flown any aircraft (including any powered modelled aeroplane)</p> <p>CA 2023: In a reserve or park, a person must not operate any drone, model aircraft, or remote-control vehicle in a manner that causes or is likely to cause a nuisance to other persons enjoying the reserve</p>	<p>The Civil Aviation Safety Authority (CASA) regulates and enforces the use of drones and certain model aircraft in accordance with CASA regulations.</p> <p>It is not considered that a permit requirement for flying drones would enhance safety or amenity.</p>
Smoke Free Areas	<p>CA 2015: No existing clauses</p> <p>CA 2023: Council may designate any area of the municipality to be a smoke free area.</p> <p>CA 2023: A person must not smoke a tobacco product in an area designated by Council as a smoke free area.</p>	The addition of this clause allows Council to designate any area of the municipality to be a smoke free area. This clause supports and expands on areas regulated as no smoking areas in the Tobacco Act 1987.
Hoon Events	<p>CA 2015: No existing clauses</p> <p>CA 2023: A person must not participate in, encourage, or attend a hoon event without lawful excuse.</p> <p>CA 2023: 126. The driver of a motor vehicle must not stop or park in close proximity to a hoon event without lawful excuse.</p>	The addition of these clauses gives Victoria Police additional mechanisms to take action against spectators and bystanders hoon events, burn out meet-ups, and other hoon events. Brimbank Council and other Councils in Victoria have implemented similar Local Laws and have recorded a reduction in hoon events.
Unregistered Vehicles	<p>CA 2015: No existing clause</p> <p>CA 2023: A person must not park, keep, or store any unregistered vehicle on a road, road-related area or Council land.</p>	Council currently identifies and impounds unregistered vehicles parked on the road or Council Land under the Local Government Act 1989. The addition of this clause acts as an additional deterrent and a means to take action against people or

		businesses who rotate multiple unregistered cars on the road to avoid having vehicles impounded.
Heavy Vehicles on Council Land and road-related areas	<p><i>CA 2015: No existing clauses</i></p> <p>CA 2023: The owner or operator of a heavy or long vehicle must not allow the vehicle to be parked for longer than one hour on any parking area on Council land or any road-related area, unless signage is displayed specifically allowing heavy or long vehicles to park in the location for longer than one hour.</p>	<p>The <i>Road Safety Road Rules 2017</i> prohibit heavy or long vehicles from parking on the road in built up area for longer than one hour, but that rule does not apply to road-related areas, which includes indented parking bays.</p> <p>The addition of this clause brings the requirements for trucks parking on Council Land or road-related area in line with the <i>Road Safety Road Rules</i>, and ensures that the amenity of residential areas is not impacted by large trucks parking for long periods.</p>
Mud & Spoil on Roads	<p><i>CA 2015: A person must not drive; or allow or cause to be driven a vehicle on a road if the vehicle is being or has been used directly or indirectly in the filling or excavation of any land, building work; or agricultural or horticultural activities unless the exterior of the vehicle is free from soil, earth and clay.</i></p> <p><i>CA 2015: If a person reasonably suspected of having committed an offence under clause 131 is the driver of the vehicle, and that person cannot be found or it is impracticable to charge that person with an offence under clause 131, any person who is concerned in or takes part in the management of building work, excavation work or other work on the land at which the vehicle is likely to have been soiled may be charged with and is capable of committing an offence under clause 131.</i></p> <p>CA 2023: An owner or operator of a vehicle must not allow any soil, earth, mud, clay, or other like substance to fall or escape from the vehicle onto a road.</p> <p>CA 2023: An owner or occupier of land must ensure that vehicles exiting the land do not carry mud, soil, earth, or clay onto the adjoining or nearby road.</p>	<p>Mud on roads can be a danger to other motorists. The clauses in the current Local Law only apply to vehicles that have been undertaking certain types of work.</p> <p>The amended clauses place a responsibility on all property owners and vehicle drivers to ensure that mud is not carried out onto or dropped onto a road.</p>
Infringements for companies and owners corporations	<p><i>CA 2015: No existing clauses</i></p> <p>CA 2023: This Local Law prescribes different penalty amounts for individuals and for companies, owner's corporations, and body corporates.</p>	<p>The inclusion of higher penalty amount for companies, owner's corporations and body corporates acknowledges that lower penalty units may not be a significant deterrent to organisations.</p>

Appendix 1: Review against Human Rights Charter

The Draft Community Amenity Local Law 2023 has been assessed for compatibility with Victoria's Charter of Human Rights and Responsibilities. This review found that the Draft Community Amenity Local Law 2023 does impact on or limit some Human Rights, however we believe that the impacts or limitations are reasonable and well-justified.

Assessment of compatibility with the Charter of Human Rights and Responsibilities			
Human Right Impacted	Balance of interests	Is the limitation reasonable?	How has the impact been minimised?
Section 15: Freedom of Expression The Draft Community Amenity Local Law prohibits people from handing out pamphlets, handbills, and displaying signs on roads or Council Land without a permit.	The right of expression must be balanced with the right of others to safely and peacefully enjoy Council Land. The requirement to have a permit allows Council to ensure that the location of the act or sign does not pose a hazard or create a nuisance.	Yes	Council's permit application process does not give consideration to the content of the information being provided, only the location, placement, dates and times of the action. A person has the ability to appeal any permit decision or condition.
Section 20: Property Rights <i>Impounding of property-</i> The Draft Community Amenity Local Law provides for the impounding of any object or item which may be causing a breach of the Local Law.	The limit to property rights must be balanced with the need for Council to be able to control and limit objects and actions on Council Land, taking into consideration any hazards or dangers that may be caused by objects or items that are placed in contravention with the Local Law.	Yes	Council's permit application process allows some items or things to be lawfully placed on Council Land. The Local Law sets out processes for reclaiming property that has been lawfully impounded. Council's Enforcement Policy guides Authorised officers in a fair and risk-management approach to enforcement.
Section 20: Property Rights <i>Restricts use of private property-</i> Multiple clauses in the Draft Local Law place	The restrictions on use of private property are limited to uses and actions that may negatively impact	Yes	Council's permit application process allows people to apply for some uses of private land, such as parking heavy vehicles.

limitations or restrictions on the use of private property, for example, requirements to ensure property is not unsightly, limitations on use of property to house shipping containers, and to not park heavy vehicles on private property or repair vehicles not owned by someone living at the property.	other people's quiet enjoyment of their own properties, or be detrimental to the general amenity of the neighbourhood.		Council's Enforcement Policy guides Authorised officers in a fair and risk-management approach to enforcement. A person has the ability to appeal any Notice to Comply, permit decision or condition, or infringement.
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Note: Council has considered whether clause 15 (requiring residents outside of a rural zone to maintain the grass on nature strips between their property and the road) limits or breaches Schedule 11 of the Human Rights Charter- Freedom from Forced Labour.

Under the Charter, forced or compulsory labour does not include 'work or service that forms part of normal civil obligations.' The meaning of 'normal civil obligations' is not defined in the Charter, but the UN Human Rights Committee has said that it should be interpreted against the backdrop of the minimum standards contained in International Labour Organisation Convention No. 29. ILO convention 29 says: *"minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services."*

Council considers that requiring residents to mow the nature strips adjacent to their own property is a minor communal service that provides direct benefits, and the community consultation on the Local Laws Issues Paper and the Draft Community Amenity Local Law 2023 consults the community on the issues.

Council considers that the mowing of nature strips between a resident's house and the road is part of normal civic duties as a minor communal service, and therefore does not impact or limit Schedule 11 of the Victorian Human Rights Charter.