

# **DRAFT COMMUNITY AMENITY LOCAL LAW 2023**

## **COMMUNITY ENGAGEMENT SUMMARY REPORT**



# PROJECT BACKGROUND:

## The Community Amenity Local Law

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 (10) years. Wyndham's current Community Amenity Local Law was adopted in 2015. As the fastest-growing municipality in Australia, Council recognises that the needs of the community are rapidly evolving and has initiated a Local Law Review with a view to adopt a new Local Law in 2023.

After a review of the existing Community Amenity Local Law and extensive initial community consultation, including internal and targeted external stakeholder consultation. This included the [Local Laws Issues Paper and subsequent engagement](#) and the development and presentation of the [Draft Community Amenity Local Law](#) for public comment.

This report presents the outcomes from the community engagement on the Draft Community Amenity Local Law 2023.

Council would like to thank all staff, residents, and other community members who participated in the engagement process throughout the Local Law Review.

# METHODOLOGY:

The below table outlines the various methods and techniques used to engage with the community.

Community engagement activities / tools	
Method / technique	Stakeholders engaged
Project page on The Loop	3475 total visitors to the page 8321 page views
Online survey	45 surveys completed
Drop in Sessions	4 community members attended 9 drop-in sessions
Workshops	21 adult students attended 2 workshops at Wyndham Community Education Centre
Direct Communication	Letters and emails were sent directly to companies and industries that would be directly impacted by proposed changes, inviting them to read the Draft Community Amenity Local Law 2023 and provide feedback. These included: <ul style="list-style-type: none"> <li>• Builders operating in Wyndham</li> <li>• Retailers with trollies operating in Wyndham</li> <li>• Short Stay Accommodation providers (AirBnB, Stayz)</li> <li>• Victorian Transport Association</li> </ul>

Communications / marketing activities	
Method / technique	Stakeholders engaged
Online promotion (Facebook, 9 posts)	Engagement: 6848 engagements across 9 posts Click through to website: 6848 clicks on link
Media (Press Release, media articles)	A press release was issued publicising the Local Law Review, and an article appeared in the Wyndham Star Weekly on 7 December 2022.  Council published a Notice of Proposal to make a Local Law on its website on 1 December 2022.

# SUMMARY OF FEEDBACK:

The following feedback has helped to shape the final Draft Local Law.

We Asked	You said	Our response
<b>What do you think of the Draft Community Amenity Local Law 2023? What are some of the things you are excited about?</b>	<p>The key themes that emerged from survey responses were:</p> <p><b>I am excited about or support nature strip maintenance provisions (10 related comments)</b></p> <p><i>"I'm excited for a strengthening of the law on overgrown and unsafe nature strips."</i></p> <p><i>"Positive changes to strengthen laws regarding nature strips."</i></p> <p><b>I believe Council should mow the nature strip since Council owns the land (2 related comments)</b></p> <p><i>"I feel the nature strip should be maintained and cut by the local council...They own it and hence the responsibility should be theirs."</i></p> <hr/> <p><b>I am excited about or support Short Stay Accommodation regulations (1 related comment)</b></p> <p><i>"Uncontrolled short term stays causing problems for the neighbours, for example multiple car parking including neighbours areas. I hope the laws will pass and implemented soon."</i></p> <p><b>I do not support Short Stay Accommodation regulations (1 related comment)</b></p> <p><i>"Support short stay accommodations for tourism."</i></p> <hr/> <p><b>Drones should not be referenced in the Local Law since CASA regulates drones (3 related comments)</b></p> <p><i>"Please remove clause 118.8 as rules and regulations are already covered under extensive CASA regulations and drones should not be discriminated against."</i></p> <hr/> <p><b>Coin Return Systems on trolleys do not work, permitter locking systems should be required (1 related comment)</b></p> <p><i>"Many of the trolleys I see abandoned have coin returns, people can get around them."</i></p>	<p>The majority of feedback supported nature strip maintenance requirements. Council is developing procedures to help residents who may be unable to maintain their own nature strip.</p> <hr/> <p>Few survey responses mentioned short stay accommodation, with one being for and one against.</p> <hr/> <p>Following Community Engagement and a review by an external legal practitioner, clauses regulating the use of drones have been removed from the <i>Community Amenity Local Law 2023</i>.</p> <hr/> <p>An escalation clause has been added to the Draft Local Law in case coin return systems are not effective in certain cases.</p>

We Asked	You said	Our response
<p><b>What do you think of the Draft Community Amenity Local Law 2023? What are some of the things you are excited about?</b></p>	<p><b>I am excited about or support provisions preventing trucks from parking in residential areas and properties</b>  <i>(15 related comments)</i>  <i>"Love it!! Finally the council can fine trucks parked in road related areas."</i>  <i>"I'm excited to see more stricter rules regarding parking heavy vehicles on residential land."</i>  <i>"Finally the council has listened to residents sick of truck drivers taking advantage of a loophole that allowed them to park huge heavy vehicles in indented parking bays around parks and schools."</i></p> <p><b>I do not support provisions preventing trucks from parking in residential areas, where else are they supposed to park?</b>  <i>(3 related comments)</i>  <i>"I believe there is no issue with trucks and long vehicles parked in the bays mentioned. Many truck drivers live in Wyndham and there are not enough private truck parking facilities in the Western suburbs to accommodate the influx this change would cause."</i>  <i>"It is ok not to allow large truck to be parked in residential areas but when they are owner operator where do you want them to park?"</i></p> <hr/> <p><b>I view the Draft Community Amenity Local Law 2023 positively</b>  <i>(4 related comments)</i>  <i>"Draft sounds like a good start to try and clean up our areas"</i>  <i>"Good to know Council is reviewing these issues."</i></p> <p><b>I view the Draft Community Amenity Local Law 2023 negatively</b>  <i>(3 related comments)</i>  <i>"I think it is a complete overreach of your powers."</i>  <i>"This proposed local law is an excuse to raise revenue, totally outrageous."</i></p>	<p>The majority of respondents support laws restricting trucks from parking in road-related areas and Council Land.</p> <p>Unfortunately, despite initial legal advice indicating that Council could introduce laws restricting trucks from parking in road-related areas, the external solicitor who reviewed the Draft for certification indicated that such a clause may be inconsistent with the <i>Road Safety Road Rules 2017</i>. The <i>Community Amenity Local Law 2023</i> will contain a clause prohibiting trucks from parking on Council Land (including sporting reserve car parks) for longer than one hour but will not prevent trucks from parking in road-related areas.</p> <p>Council will continue to advocate for changes to the <i>Road Safety Road Rules 2017</i> and commercial truck parking facilities within Wyndham City. Council will also consider erecting signage prohibiting trucks from parking in road-related areas where safety issues have been identified.</p>

We Asked	You said	Our response
<p><b>Is there anything we might have missed that you think should be included?</b></p>	<p>The key themes that emerged from survey responses were:</p> <p><b>More needs to be done about rubbish and litter in the municipality</b>  <i>(4 related comments)</i></p> <p>“The amount of dumped / abandoned Hard Rubbish on Nature Strips and in open areas. There didn't seem to be as much furniture dumped when we had a set Pick Up in each area that was organised by council twice a year.”</p> <p>“Illegal dumping across Wyndham, especially in Truganina.”</p> <hr/> <p><b>Council should do something to stop artificial grass being used as it creates heat islands and reduces permeable green spaces.</b>  <i>(3 related comments)</i></p> <p>The council needs to do something about all the plastic grass. It's not permeable and it gets really hot in summer creating a heat island effect.”</p> <hr/> <p><b>30 centimetres is too long for grass on the nature strip</b>  <i>(1 related comment)</i></p> <p>“Allowing nature strips to grow to 300mm is ludicrous”</p>	<p>Litter and rubbish are enforced under the Environment Protection Act, which prescribes heavy penalties for illegal dumping. As there is already existing legislation addressing this, it was not included in the Draft Community Amenity Local Law 2023.</p> <hr/> <p>Council prohibits artificial turf from being used on nature strips and does not restrict the use of artificial turf on private property. After considering the feedback, our position is that enacting a ban on artificial turf would be a significant change for the community, and further scoping and community engagement would need to occur before we could understand the benefits vs challenges. As a result, artificial turf has not been included in the Community Amenity Local Law but may be further considered in the future.</p> <hr/> <p>The 30cm maximum height was agreed on after looking at Council's who have successfully implemented nature strip maintenance laws and considering the difficulties people may face in maintain land that is not under their control.</p>



We Asked	You said	Our response
<p><b>Is there anything else you want to tell us?</b></p>	<p>The key themes that emerged from survey responses were:</p> <p><b>I think enforcement of the Local Law needs to be improved</b> (7 related comments)</p> <p>"I feel the council needs to do more to improve the amenity of the area."</p> <p>"When reporting trucks parking in incorrect areas the council staff who will check this are not able to run checks when needed as trucks are parked after hours."</p> <hr/> <p><b>Is there a way other than enforcement that nature strips can be managed?</b> (2 related comments)</p> <p>"Wonder if there is a more sustainable solution where council can organise area wide nature strip maintenance on regular basis and charge back to homeowner through council rates?"</p> <p>"Similar to having tow operators compete to tow cars in clearways, perhaps local lawn maintenance companies can now other people's unmaintained nature strips and bill the owners."</p> <p><b>Not all nature strips should be covered by this Local Law</b> (1 related comment)</p> <p>"Should not apply to a nature strip that is Owners Corporation common property. Owners Corporation Act prevents lot owners or occupiers from maintaining common property. Reword to any land vested in council between property and a road."</p>	<p>We acknowledge the comments relating to improvements in enforcement, and the City Amenity unit will investigate whether dedicated officers or required shifts outside normal business hours are feasible.</p> <hr/> <p>Council is investigating ways we can help residents maintain their nature strip. These comments may be considered as part of that process</p> <hr/> <p>This wording 'vested in Council' has been added to the definition of 'nature strip' in the Community Amenity Local Law 2023.</p>

We Asked	You said	Our response
<p><b>Is there anything else you want to tell us?</b></p>	<p>Some of the survey responses related to issues that are outside the scope of a Local Law. The themes and comments outside the scope of a Local Law were:</p> <p><a href="#">Land Use and Zoning</a> (4 related comments)</p> <p>"You did not address the placement of places of worship and places of assembly and the impact and disruption on existing areas in the community."</p> <p>"Residential rezoning of the agricultural farms to allow residential and commercial lots available on the south side of M1 Freeway and Werribee South."</p> <p>"The development of new housing areas are only concentrating on putting up new houses but nothing much is done about developing mini town centres within new housing projects."</p> <hr/> <p><a href="#">Driving and parking behaviour</a> (10 related comments)</p> <p>"Motorists speeding on major roads, i.e. Leakes Road, Palmers Road."</p> <p>"Cars and trucks parking on top of nature strips should not be allowed."</p> <p>"School zones not included ie. double parking un school area Truganina P-9 College"</p> <p>"I don't see any road speed sign in the residential area where we leave. Cars drive often over speed may cause fatal accidents"</p> <hr/> <p><a href="#">Dogs and dog attacks</a> (2 related comments)</p> <p>"Dogs on lead at all times at Werribee South beach."</p> <p>"A lot of dog attacks are happening at sport ovals. Dogs should be on leash."</p> <hr/> <p><a href="#">Other Issues</a> (7 related comments)</p> <p>"Remove the spy cameras. It is not in line with feeling safe in Wyndham when every second intersection has spy cameras."</p> <p>"Improve Werribee South beach for tourism."</p> <p>"Noise/unnecessary Loud music at saltwater sporting oval training and events"</p> <p>"Try to collect the bin on time and build more toilets at the park."</p> <p>"Playground shading remains an issue."</p> <p>"We need many trees in nature strips and in front of houses and on boulevards."</p> <p>"We need many more rubbish bins in Wyndham."</p>	<p>Land Use and Zoning is regulated under the Planning and Environment Act and the Wyndham Planning Scheme. The Local Law cannot contradict or duplicate the Planning Scheme.</p> <hr/> <p>Driving offences, speed signs, and most parking offences are regulated under the <i>Road Safety Act 1986</i> and the <i>Road Safety Road Rules 2017</i>.</p> <hr/> <p>Dog behaviour and <a href="#">on/off leash areas</a> are regulated under the <i>Domestic Animals Act 1994</i>.</p> <hr/> <p>These comments are out of scope of the Local Law, and in some cases are not areas that Council control. Where they relate to Council functions, these comments have been passed on to the relevant areas.</p>



# NEXT STEPS:

- The feedback received throughout the entire Local Law Review process has been considered and used to develop the Community Amenity Local Law 2023.
  - The Community Amenity Local Law 2023 must be reviewed by a certified legal practitioner.
  - Following the certification, the Community Amenity Local Law 2023 will be presented for adoption at an Ordinary Council Meeting, which at this stage is listed as 22 August 2023.
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## IMPLEMENTATION OF THE COMMUNITY AMENITY LOCAL LAW 2023

After the adoption of the Local Law, Council will begin the process of implementing the new Community Amenity Local Law 2023. This will include:

- Updating Council's website and templated correspondence
- Creating new permit procedures and guidelines where required
- Writing to potentially impacted companies and industries to advise them of the changes
- Enacting a period of warnings for offences where infringements may be issued on-the-spot (e.g. truck parking offences)

## FURTHER INFORMATION

Contact details for further information

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