

Local Law No 4 - 2011

Environment



Community Impact Statement



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

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PART A – GENERAL COMMENTS

1. Background

In accordance with the *Wellington 2030 Strategic Vision* (Wellbeing and Safety and Development Themes) and the *Council Plan 2010-2014* (Development objective), Council has commenced a review of Local Law No. 4 – 2005 Environment

The *Local Government Act 1989* dictates that the current Local Law will sunset in December 2014. However, an assessment of the current local law reveal that such a review was required before this date to ensure that the laws are meeting Council and Community needs.

This review is ultimately aimed to achieve higher standards of community safety and amenity through a revised Local Law No. 4 - Environment.

The most significant changes to this Local Law include: Removal of sections regarding drainage tappings, keeping of bees, temporary dwellings, septic tanks, mosquito control, wasps, the expansion of the animal limits section to reflect current planning zones, alteration to permit requirements for the use of incinerators, outdoor fires, recreation vehicles, and the alteration of several provisions regarding caravans. Minor amendments, including formatting changes, have been made throughout the document to clarify or enhance the application of the provisions contained within the Local Law.

As an outcome of this review, Council now proposes to make Local Law No.4 2011 - Environment.

2. Objective

The objectives of this Local Law are to:

- a) Provide for those matters that require a local law under the *Local Government Act 1989* and any other Act;
- b) Provide a safe and healthy environment in which the residents of the Municipal District enjoy a quality of life that meets the general expectations of the community;
- c) Prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in an environment of the Municipal District;
- d) Control nuisances and noise, odour and smoke emissions, and other discharges to the environment which may adversely affect the enjoyment of life within the Municipal District or the health, safety and welfare of persons within the municipal district;
- e) Prohibit, regulate and control, in a way which is consistent with the objectives specified in paragraphs a) to d) of this clause, activities and circumstances associated with:

- i. smoke emission, particularly emission from burning material and from incinerators;
 - ii. the use of recreation vehicles,
 - iii. fire hazards;
 - iv. dangerous and unsightly land;
 - v. Camping
 - vi. circuses, carnivals and festivals;
 - vii. animals, including animal numbers and the keeping and control of animals;
 - viii. disposal of waste including behaviour associated with Municipal Waste Facilities.
- f) Provide for the administration and exercise of Council powers and functions;
- g) Provide for the peace, order and good government of the Municipal District of the Wellington Shire; and
- h) Repeal any redundant local laws.

PART B – COMMENTS ON PROPOSED LOCAL LAW NO. 4 – 2011 ENVIRONMENT

Measures of success of proposed Local Law	<p>Council will measure the success of Local Law through:</p> <p>the number of permits issued</p> <p>the number of notices to comply issued</p> <p>the number of infringement notices issued</p> <p>Council will review the operation and effectiveness of this Local Law annually with a report being prepared identifying any issues of significance and highlighting the measures of success. This report may contain details of any other Local Law as made by Council.</p>
Existing legislation that might be used instead	The proposed Local Law has been carefully prepared and Council believes that all items dealt with within the law are not dealt with in other legislation.
State legislation more appropriate	The proposed Local Law has been carefully prepared and Council believes that all items dealt with within the law are not dealt with in other Victorian State legislation.
Overlap of planning scheme	The proposed Local Law has been carefully prepared and Council believes that items dealt with in the law are not dealt with within the planning scheme.

1. Risk Assessment

Risk	Method in which Council plans to manage exposure
Community not aware of the Local Law obligations (if adopted)	Community consultation will occur before adoption. After adoption the Local Law will be available on Council's website and service centres. Local Laws Officers will serve an educational role in their day-to-day interactions with the community. Specific items within the law requiring a more focused education campaign/targeted information will be identified and a program commenced.
Cost of having to obtain permits for certain activities may cause financial hardship	CEO or delegate has power to waive or reduce fees if/when it is deemed appropriate to do so.
Permitted non-Council activities on Council land or otherwise causing public liability exposure	Permit applicants are required to have public liability insurance before a permit may be granted.
Overlap with other legislation	No overlapping legislation identified. If legislation is identified or created during the operational period of this local law, the legislation takes precedence over the Local Law.
Legislative approach adopted	<p>Council is of the view that Local Law No.4 2011 – Environment is necessary to provide enhanced amenity and safety to the community.</p> <p>The proposed Local Law features:</p> <ul style="list-style-type: none"> clear guidance and/or standards for specific activities; the provision of permits to undertake certain activities rather than prohibition; reasonable enforcement procedures including warnings, the issuing of infringement notices, impounding items if required and an internal review process for infringement notices; and an appropriate level of penalty units to be applied for breaches of the provisions of the law.
Restriction of competition	National Competition Policy does not automatically demand greater exposure to competition, although it does require an assessment of how government conducts business activities that compete, or potentially compete, in the market.

Risk	Method in which Council plans to manage exposure
	<p>Laws must not restrict competition unless Council can demonstrate:</p> <ul style="list-style-type: none"> – the benefits outweigh the costs – there is no other way of achieving the objective. <p>The main provisions of the proposed Local Law are for the purpose of protecting the local environment. The only restriction possibly imposed on competition is, where permits are required and certain standards must be met (for example, maintaining animal shelters, posting bills and holding circuses, carnivals and events) before the activity will be permitted. Placing the requirements on these activities potentially restricts entry into these activities/markets. However, the standards are justified to ensure that the local environment, community amenity and safety are protected. The making of a Local Law regarding these activities is appropriate as other options such as self-regulation (not workable) and reliance on the planning scheme (the items in the Local Law are in place because they are not dealt with in the planning scheme) will not deal effectively with regulating these activities.</p>
Penalties	<p>Schedule 6 of this Local Law sets out penalties for infringement notices which may be issued as an alternative to prosecution in respect of offences against this Local Law where the Council or its Authorised Officers determine to proceed by infringement notice.</p> <p>Two (2) penalty units apply for all breaches of the provisions in this Local Law. Council feels that a base level of 2 penalty units is sufficient to act as a deterrent for most offences if there is appropriate enforcement vigilance.</p> <p>20 penalty units is the maximum penalty that may be applied for all offences if the matter is prosecuted in the Magistrates Court.</p>
Permits	<p>The proposed Local Law retains the requirement for permits to be granted for certain activities to be undertaken within the municipality. The permit process aims to achieve the orderly use of Council and community assets, the protection of interests through indemnity and insurance arrangements, fair compensation to Council for use of certain assets, and ensures Council is aware of may prepare for</p>

Risk	Method in which Council plans to manage exposure
	activities that may impact the wider community
Fees	<p>In accordance with Section 113(2) of <i>the Local Government Act 1989</i>, Council may impose fees and charges applicable to the Local Law.</p> <p>The purpose of fees chargeable under this Local Law will generally be to recover costs or charge a fair market rate for use of community assets. The fees are not intended to make a profit or subsidise other forms of activity. In this Local Law fees apply for permit applications and impounding costs.</p> <p>The Local Law allows Council to set fees annually and this will be done as part of the budget process.</p>
Performance standards or prescriptive	<p>The proposed Local Law is prescriptive, meaning that its provisions set out specifications for compliance. The proposed Local Law is in the main, based performance standards. This means that, the provisions describe a standard that needs to be met by members of the public to be considered to be compliant with the law. However, exactly how to comply has not been dictated. For example, the owner or occupier of land must not at any time allow or permit the land to be, in the opinion of an Authorised Officer, a haven for vermin, noxious weeds, insects or excessive vegetation growth. The law does not state exactly how vermin, weeds, and growth must be managed, but allows the owner or occupier to decide how to comply.</p> <p>Provisions on Keeping Animals and Animal Shelters are prescriptive, meaning they give a clear indication of what activities, if undertaken, may be deemed as Local Law compliance. For example, the maximum allowable number of dogs in a Farming Zone is 5. Keeping over this number, without a permit, may be considered non-compliant. In regards to animal shelters, the owner and occupier of any land must adhere to the minimum standards for shelters as set out in the Local Law.</p>
Comparison with neighbouring and like Councils	The provisions contained within this Local Law have been compared to provisions in Local Laws from other Gippsland councils. Provisions are relatively consistent amongst these laws.
Charter of Human Rights	Council has assessed the proposed Local Law for compatibility with the Charter of Human Rights and Responsibilities. Council is of the opinion that the provisions of the proposed Local Law do not impact

Risk	Method in which Council plans to manage exposure
	<p>on human rights as detailed in the Charter.</p> <p>The Local Law does engage one of the detailed human rights, these being: Property rights (A person must not be deprived of his or her property other than in accordance with law). Provisions in the Local Law regarding impounding are justifiable as due processes are followed to remedy situations before impounding occurs. Any property impounded will be done so in accordance with the Local Law and therefore the right is engaged but not limited.</p>
Consultation Meetings	<p>The following consultation was undertaken during the review of this Local Law:</p> <p>Invitation to public to comment on upcoming review of Local Laws placed on Council's website, Wellington News, and in a media release published in Gippsland Times during January 2011;</p> <p>The media release was distributed via email to the organizers of the Community Newsletters within the shire;</p> <p>The review of Local Laws was promoted and discussed as part of the recent Business Roundtables in Maffra, Rosedale, Stratford and Heyfield;</p> <p>A Local Laws Review Group consisting of three Councillors and Council staff reviewed the law at meetings held during January and February 2011;</p> <p>Internal departments within Council have been involved where the Local Laws are relevant to their operations;</p> <p>In accordance with Section 223 of the <i>Local Government Act 1989</i> public notices inviting submissions on the proposed Local Law will be placed in local newspapers and Victorian Government Gazette;</p> <p>Wellington Matters will feature an article advising that the Local Laws will be available for public comment.</p>
Submissions	<p>Submissions in regards to the proposed Local Law No. 4 2011 were invited in accordance with Section 223 of the <i>Local Government Act 1989</i>. Submitters were invited to speak to the submission at a Council</p>

<i>Risk</i>	<i>Method in which Council plans to manage exposure</i>
	meeting. Council received a total of 2 submissions.

PART C - COMMENTS ON SPECIFIC PARTS OR PROVISIONS OF THE PROPOSED LOCAL LAW NO 4: 2011 ENVIRONMENT.

1. Objectives for the Proposed Local Law No. 4 2011 Environment

Council objective

Council's objective in adopting the proposed Local Laws is to achieve higher standards of community safety and amenity.

Where are Council's objectives set out?

Council's objectives are set out in the Wellbeing and Development and Environment themes of the Wellington 2030 Strategic Vision and the Development and Environment strategic objectives in the Council Plan 2010-2014.

Clause(s), section or Part of the Local Law	Part 5 - Safety, People and Property
Description or headings	Dangerous land
The problem the provision is intended to address	Land kept in a manner that is dangerous
Description of the problem	Land kept in a manner that is dangerous or likely to cause danger to life or property is a risk to the general community and reduces amenity and safety.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The proposed Local Law protects community amenity and safety through prohibiting land to be kept in a manner which is dangerous or likely to cause danger to life or property, including land which is a haven for vermin, noxious weeds, insects or excessive vegetation growth. The proposed Law also prohibits the storage of any substances, other than those allowed under other Law, in quantities that, in the opinion of an Authorised Officer, is dangerous or likely to cause danger to life or property. The proposed Local Law contains provisions for issuing notices to comply, removing articles or things from a property after a notice to comply has lapsed, the impounding/disposing of articles or things and applying penalty units for non-compliance.

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
Description or headings	Unightly land
The problem the provision is intended to address	Unightly land reducing community amenity and safety.
Description of the problem	Unightly land is detrimental to the general neighbourhood amenity and may present a hazard to the general public.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The proposed Local Law protects community amenity and safety through prohibiting land to be kept in such a manner, which in the opinion of an Authorised Officer, is unsightly or detrimental to the general amenity of the neighborhood. This may include land which harbours unrestrained rubbish, or contains disused excavation or waste material, or any other item/reason that may be deemed unsightly. The proposed Local Law contains provisions for issuing notices to comply, removing articles or things from a property after a notice to comply has lapsed, the impounding/disposing of articles or things and applying penalty units for non-compliance.

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
Description or headings	Storage of machinery or second hand goods on property
The problem the provision is intended to address	Storage of bulk quantities of materials for assembly or dismantling in inappropriate areas.
Description of the problem	Storage of bulk quantities of materials for assembly or dismantling in inappropriate areas within the municipality may impact the general amenity of the local neighbourhood and present

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
	hazards to the general community.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council’s objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	<p>The proposed Local Law aims to protect amenity and safety by requiring that: Unless otherwise allowed under the planning scheme or other legislation, a person must not without a permit use any land in the municipal district for the storage of bulk quantities of machinery or bulk quantities of second-hand goods of any kind or for the assembly or dismantling of such machinery or goods.</p> <p>In determining whether to grant a permit for the storage of machinery or second hand goods or for the assembly or dismantling of such machinery or goods, the Council must take into account:</p> <ul style="list-style-type: none"> a) the zoning of the land; b) the proximity to adjoining properties; c) the amenity of the area; d) the capacity to screen the proposed use from adjoining land or from any street; e) the nature of the machinery or second-hand goods; and f) the nature and quantity of the machinery or second-hand goods.

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
Description or headings	Incinerators
The problem the provision is intended to address	The use of incinerators to burn waste materials.

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
Description of the problem	The use of incinerators to burn waste materials leads to significant reduction in local air quality and community amenity. This is a particularly an issue in residential areas or in locations where a higher density residential area abuts a Rural Living Zone.
Council objectives	<p>To achieve higher standards of community safety and amenity.</p> <p>To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.</p>
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision:</i> Wellbeing and Safety and Development themes.</p> <p><i>Council Plan 2010-2014:</i> Development strategic objective</p>
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	The proposed Local Law requires that a person must not without a permit light, allow to be lit or allow to remain alight any incinerator of any kind in any part of the municipal district. The requirement to obtain a permit does not apply to land which is in a Farming Zone provided the activity does not contravene the objectives of this Local Law.

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
Description or headings	Burning of offensive materials
The problem the provision is intended to address	Burning of offensive materials.
Description of the problem	Burning of offensive materials is highly likely to lead to the emission of offensive odours and toxic chemicals into the air and therefore reduce local air quality and present a risk to public health.
Council objectives	<p>To achieve higher standards of community safety and amenity.</p> <p>To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management</p>

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
	of our municipality's diverse natural environment and built environment.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	<p>The proposed Local Law aims to protect community amenity and safety by requiring that:</p> <p>A person must not without a permit burn or cause to burn any offensive materials in any part of the municipal district including any substance which contains:</p> <ul style="list-style-type: none"> a) dangerous goods or substance; b) any rubber or plastic; c) any petroleum, oil or material containing these substances; d) any paint or receptacle which contains or which contained paint; e) food waste, fish or other offensive or noxious matter; or f) any other material as determined by the Council from time to time. g) In determining whether to grant a permit for the burning of offensive materials, the Council must take into account: <ul style="list-style-type: none"> i. the location of the proposed burning in proximity to adjoining land; ii. the zoning and surrounds of the land on which the burning is to take place; iii. any alternative means of disposal; iv. any adequate means of supervising the burning; v. any adequate means of controlling and extinguishing the spread of fire; vi. the degree to which the material to be burned may produce offensive, toxic or

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
	<p>unpleasant smells or smoke;</p> <p>vii. any policies of the Environment Protection Authority; and</p> <p>viii. any other material relevant to the circumstances associated with the permit application.</p>

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
Description or headings	Outdoor fires
The problem the provision is intended to address	Burning of materials other than for the purpose of warmth or cooking in an outdoors area.
Description of the problem	Fires burning in outdoor areas often lead to significant reduction in local air quality and community amenity. This is a particularly an issue in residential areas.
Council objectives	<p>To achieve higher standards of community safety and amenity.</p> <p>To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.</p>
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision</i>: Wellbeing and Safety and Development themes.</p> <p><i>Council Plan 2010-2014</i>: Development strategic objective</p>
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	<p>The proposed Local Law required that: a person must not without a permit light or allow to be lit or allow to remain alight any fire outdoors on any land other than in a Farming Zone (provided that the burning of an outdoor fire in this zone does not contravene the objectives of this Local Law). Fires lit for warmth or cooking, as defined in the <i>Country Fire Authority Act</i>, are allowed.</p> <p>In response to submissions and further consideration by Council the Local Laws which was adopted is as follows:</p>

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
	A person must not without a Permit light or allow to be lit or allow to remain alight any fire outdoors on any land other than in a Rural Living Zone or Farming Zone unless the fire is contained in a receptacle and does not contravene any other provision of this Local Law.

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
Description or headings	Recreation vehicles
The problem the provision is intended to address	Reduction of amenity and increase in safety hazards, potential for damage to infrastructure arising from the use of recreational vehicles on Council land or private land in residential areas.
Description of the problem	Recreational vehicles (defined as including but not restricted to off road vehicles, trail bikes, dune buggies, go carts and the like, but does not include motor vehicles used for farming purposes or caravans) operated on Council land and/or on private land in residential areas are a general nuisance due to noise and potential damage to assets.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The proposed Local Law prohibits recreational vehicles on Council land (unless the land is designated for this purpose) and prohibiting the vehicles from being operated in an area other than a Farming Zone without a permit. The proposed Local Law requires that any person using or allowing to be used, a recreation vehicle on private land within the municipality, must not allow that vehicle to become a nuisance. Prior to adoption the Local Law was amended so that the a person must not without a Permit use a recreation vehicle on any private land in a Low Density Residential Zone, Mixed Use Zone,

Clause(s), section or Part of the Local Law	Part 5 – Safety, People and Property
	<p>Residential 1 Zone or Township Zone within the municipal district.</p> <p>In determining whether to grant a permit for the use of a recreation vehicle, the Council must take into account:</p> <ul style="list-style-type: none"> a) the location of the land where the vehicle is to be used; b) the zoning and surrounds of the land; c) the suitability of the land for use by recreation vehicles; d) the number of vehicles for which the permit is required; e) the days, times and hours the vehicles are to be used; f) the likely damage which may be caused to any Council land; and g) any other matter relevant to the circumstances associated with the permit application.

Clause(s), section or Part of the Local Law	Environment
Description or headings	Occupation of a caravan during construction of a dwelling
The problem the provision is intended to address	Unregulated use of caravans during construction of dwellings
Description of the problem	Caravans present a viable alternative for shelter during the construction of a dwelling. However, the use of/placement of a caravan needs to be undertaken in accordance with guidelines to reduce the likelihood of the caravan becoming a de-facto permanent dwelling or not being operated in accordance with health requirements.
Council objective	To achieve higher standards of community safety and amenity.

Clause(s), section or Part of the Local Law	Environment
Where is Council's objective set out?	Wellington 2030 Strategic Vision: Wellbeing and Development themes. Council Plan 2010-2014: Development strategic objective.
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The Local Law requires that a person must not without a permit occupy or allow to be occupied a caravan on private property during the construction of a dwelling. To control the length of time such caravan may be used for a temporary dwelling, any permit issued under this clause will be issued for an initial period of 6 months and may be extended by periods of 6 months subject to substantial progress on building activities.

Clause(s), section or Part of the Local Law	Part 6 - Environment
Description or headings	Camping for longer than 28 days Camping for up to 28 days
The problem the provision is intended to address	Unregulated camping on private vacant land.
Description of the problem	Camping on private vacant land may present a viable short term shelter option during certain times of the year, during certain special events, etc. However, camping that occurs in a manner that resembles more permanent shelter arrangement leads to reduced community amenity and may have an impact on the local environment.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective.</i>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The Local Law prohibits camping on vacant private land in the municipal district for a period longer than 28 days in a calendar year.

Clause(s), section or Part of the Local Law	Part 6 - Environment
	The Local Law allows a person to camp on any vacant private land in the municipal district for a period up to 28 days in a calendar year in accordance with the requirements set out in S6 of this Local Law. However, Council may require a permit to be obtained for camping on vacant private property for a period up to twenty eight (28) days in a calendar year if an Authorised Officer forms the opinion that the location, size or suitability of the land is such that specific conditions should apply.

Clause(s), section or Part of the Local Law	Part 6 - Environment
Description or headings	Placement of caravans
The problem the provision is intended to address	Unregulated placement of caravans on private property
Description of the problem	The placement of caravans on private property can cause amenity issues for neighbouring properties and may reduce road safety by disrupting site lines or access to and from a road.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The Local Law defines a standard for the keeping of caravans to assist in addressing amenity and road safety issues. Where the occupation of a caravan is permitted, the placement of the caravan must be so the caravan is no less than six metres from the frontage of the property, and no less than two metres from any other boundary of the property.

Clause(s), section or Part of the Local Law	Part 6 - Environment
Description or headings	Camping and caravans on roads

Clause(s), section or Part of the Local Law	Part 6 - Environment
The problem the provision is intended to address	The erection of tents or placement of caravans on roads for the purpose of camping.
Description of the problem	The placement of caravans and tents on roads reduces access to locations for use by the wider community, may lead to a safety hazard and may cause damage to Council assets.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i></p> <p><i>Council Plan 2010-2014: Development strategic objective.</i></p>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The Local Law requires that a person must not camp in a caravan on a road unless Council has designated the area as being available for this purpose. In addition, the Local Law requires that a person must not keep, erect or place a tent on any road.

Clause(s), section or Part of the Local Law	Part 6 - Environment
Description or headings	Wastewater
The problem the provision is intended to address	The discharge of wastewater in an inappropriate manner.
Description of the problem	The discharge of wastewater, which includes sewage and grey water must be undertaken in accordance with appropriate regulations or standards. Deposit of such water into stormwater drains is detrimental to the environment and may reduce local amenity through smells, blockages or damage to assets.
Council objectives	<p>To achieve higher standards of community safety and amenity.</p> <p>To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.</p>

Clause(s), section or Part of the Local Law	Part 6 - Environment
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision:</i> Wellbeing and Safety and Development themes. <i>Council Plan 2010-2014:</i> Development strategic objective.
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The Local Law requires that a person must not deposit any wastewater on any land or in water or a watercourse or drain or stormwater drain.

Clause(s), section or Part of the Local Law	Part 6 - Environment.
Description or headings	Circuses, carnivals and festivals.
The problem the provision is intended to address	Unregulated occurrence of circuses, carnivals or festivals on land controlled by Council.
Description of the problem	Unless properly regulated circuses, carnivals and festivals held on land controlled by Council may have a major impact on the general amenity of a local area, damage assets, and/or present a risk to the health and safety of the general public.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision:</i> Wellbeing and Safety and Development themes. <i>Council Plan 2010-2014:</i> Development strategic objective.
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	A circus, carnival or festival must not be conducted on any land under the control of Council without a permit. In determining whether to grant a permit for a circus, carnival or festival, the Council must take into account: a) the location of the land; b) the suitability of the land; c) the duration of the event; d) the proposed hours of operation;

Clause(s), section or Part of the Local Law	Part 6 - Environment.
	<p>e) the availability of sanitary facilities to the land;</p> <p>f) the likely damage to be caused;</p> <p>g) the amenity of the area;</p> <p>h) the availability of parking;</p> <p>i) the likely effects on traffic in the area; and</p> <p>j) any other matter relevant to the circumstances associated with the permit application.</p>

Clause(s), section or Part of the Local Law	Part 7 - Animals
Description or headings	Keeping of animals
The problem the provision is intended to address	Undefined requirements for keeping certain numbers/kinds of animals.
Description of the problem	Amenity issues arising from numbers or kinds of animals within different zones of the municipality.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i></p> <p><i>Council Plan 2010-2014: Development strategic objective</i></p>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	<p>The proposed Local Law features an expansion of the previous keeping of animals table that reflect current planning zones. The updated table sets out what animals are permitted and/or the maximum numbers of animals permitted for each zone.</p> <p>Due to this change being a significant modification to the Local Law, a specific communications plan will be developed to inform residents of their responsibilities in regards to the keeping of animals.</p> <p>In determining whether to grant a permit for the keeping of animals where the number exceeds that determined by the Local Law, Council must take into account:</p>

Clause(s), section or Part of the Local Law	Part 7 - Animals
	<ul style="list-style-type: none"> a) the zoning of the land; b) the proximity to adjoining properties; c) the amenity of the area; d) the type and additional numbers of animals to be kept; e) the likely effects on adjoining owners; f) the adequacy of animal shelters; and g) any other matter relevant to the circumstances associated with the permit application.

Clause(s), section or Part of the Local Law	Part 7 - Animals
Description or headings	Litters of animals
The problem the provision is intended to address	Breach of other provisions of Local Law that may arise if a litter of cats or dogs is present.
Description of the problem	The Keeping of Animals table within this Local Law determines the numbers of cats and dogs that may be kept on properties in accordance with the planning zones. In the case of a litter of cats or dogs being present, the maximum number may be exceeded and this would be a breach of the law.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i></p> <p><i>Council Plan 2010-2014: Development strategic objective</i></p>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	To allow litters of cats and dogs to be present without a breach of the Local Law occurring, for the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any dog or cat lawfully kept will be exempt for a period of 12 weeks after their birth. This 12 week period coincides with the requirement to register cats or dogs after 3 months.

Clause(s), section or Part of the Local Law	Part 7 - Animals
Description or headings	Animal shelters
The problem the provision is intended to address	Unregulated housing of animals.
Description of the problem	The sheltering of animals can often lead to reduction in local amenity depending on where a shelter is located and how a shelter is constructed.
Council objective	To achieve higher standards of community safety and amenity.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	The Local Law requires that certain standards or guidelines, as including in the Local Law are adhered to. In determining what may be reasonable shelter, consideration should be given to: a) the type of animals to be kept; b) the height of the shelter; c) the distance from the street frontage of the property; d) the distance from any other street or road; e) the distance from the boundary of any adjoining property; and f) the distance from any dwelling. g) All animal shelters must be maintained in accordance with the following standards so that: h) all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition; i) all manure and other waste to be stored in a

Clause(s), section or Part of the Local Law	Part 7 - Animals
	<p>fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the Authorised Officer;</p> <p>j) the ground surrounding the shelter is drained to the satisfaction of the Authorised Officer;</p> <p>k) the area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;</p> <p>l) all food, grain or chaff is kept in vermin proof receptacles; and</p> <p>m) the area where animals are kept must be thoroughly cleaned and maintained at all times in a clean and sanitary manner to the satisfaction of the Authorised Officer.</p>

Clause(s), section or Part of the Local Law	Part 7 - Animals
Description or headings	Animal excrement
The problem the provision is intended to address	Animal litter deposited on Council land.
Description of the problem	Animal litter deposited on Council land reduces the amenity of the local area where the litter has been deposited and leads to environmental pollution if the litter enters into waterways or stormwater drains.
Council objectives	<p>To achieve higher standards of community safety and amenity.</p> <p>To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.</p>
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i></p> <p><i>Council Plan 2010-2014: Development strategic objective.</i></p>

Clause(s), section or Part of the Local Law	Part 7 - Animals
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	<p>The Local Law requires that any person in charge of an animal must not allow any part of the animal's excrement to remain on any Council land.</p> <p>This Local Law does not apply in such cases where a Livestock Permit has been granted under Local Law No. 5 – Environment (where other effective controls must be in place).</p>

Clause(s), section or Part of the Local Law	Part 7 - Animals
Description or headings	Control of noise
The problem the provision is intended to address	Animal noise which may be considered unreasonable and adversely affects the comfort, convenience or privacy of any other persons residing in the locality.
Description of the problem	The keeping of animals may from time to time result in noise being emitted from a property that may adversely affect the comfort, convenience or privacy of other people.
Council objectives	<p>To achieve higher standards of community safety and amenity.</p> <p>To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.</p>
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision:</i> Wellbeing and Safety and Development themes.</p> <p><i>Council Plan 2010-2014:</i> Development strategic objective</p>
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	An owner or occupier of land must not cause or allow any excessive or objectionable noises or sounds of a dog, cat, animal, poultry or domestic bird to emanate from his or her land at any times which may be considered unreasonable and adversely affects the comfort, convenience or privacy of any other persons residing in the locality whether caused or allowed by any conscious or unconscious act, omission or default or by any other means or method whatsoever by

Clause(s), section or Part of the Local Law	Part 7 - Animals
	keeping of any dog, cat, animal, rodent or poultry and domestic birds.

Clause(s), section or Part of the Local Law	Part 8 - Disposal of Waste
Description or headings	Trade waste and waste hoppers (including recycling bins)
The problem the provision is intended to address	Unregulated placement of trade waste hoppers/bins.
Description of the problem	The presence of trade waste bins for the collection or storage of waste may lead to reduced community amenity if the placement, construction or cleanliness of the bins is not carried out in accordance with a defined standard.
Council objectives	To achieve higher standards of community safety and amenity. To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development</i> themes. <i>Council Plan 2010-2014: Development strategic objective</i>
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	The Local Law requires that defined standards must be complied with if a trade waste hopper is to be used within the municipality. These standards, as found in the Local Law define responsibilities for the placement and use of bins, cleanliness and storage of bins and the emptying of bins.

Clause(s), section or Part of the Local Law	Disposal of Waste
Description or headings	Transportation of wastes
The problem the provision is	Offensive odours or leakages arising from the

Clause(s), section or Part of the Local Law	Disposal of Waste
intended to address	transportation of waste materials.
Description of the problem	The transportation of waste materials in vehicles not specifically constructed, fitted, loaded or covered for such may lead to offensive leakages and smells occurring. This may lead to a reduction in amenity and could be detrimental to the local environment.
Council objectives	<p>To achieve higher standards of community safety and amenity.</p> <p>To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.</p>
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision:</i> Wellbeing and Safety and Development themes.</p> <p><i>Council Plan 2010-2014:</i> Development strategic objective</p>
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	<p>The proposed Local Law requires that a person must not convey or cause to be conveyed in any vehicle on any road in the municipal district, any manure, dead animal or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other waste matter unless the vehicle is constructed, fitted, loaded and covered so that:</p> <ul style="list-style-type: none"> a) no leakage occurs or other material is dropped or deposited from the vehicle on any street or road or area near the vehicle; and b) the possibility of escape of offensive odours is reduced.

Clause(s), section or Part of the Local Law	Part 8 - Disposal of Waste
Description or headings	Depositing of waste at municipal waste facilities.
The problem the provision is intended to address	People not following directions of municipal waste facility attendants or signage placed at such locations.
Description of the problem	Attendants are trained to assist with the safe and orderly depositing of waste at the landfill and/or

Clause(s), section or Part of the Local Law	Part 8 - Disposal of Waste
	transfer stations. People not following their instructions or instructions found on signage pose a health and safety risks to all facility users and can cause harm the environment through the deposit of inappropriate waste materials.
Council objectives	To achieve higher standards of community safety and amenity. To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural environment and built environment.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development</i> themes. <i>Council Plan 2010-2014: Development</i> strategic objective.
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	The proposed Local Law requires that any person using a municipal waste facility must deposit waste in accordance with the directions of the attendant and any signs erected.

Clause(s), section or Part of the Local Law	Part 8 - Disposal of Waste.
Description or headings	Dumping ice chests, trunks or similar containers.
The problem the provision is intended to address	Dumping of ice chests, trunks or similar containers without proper safety precautions being followed.
Description of the problem	Ice chests, trunks or similar containers pose a threat to community safety as there is a real risk of entrapment, particularly of children, within these containers. Also, older appliances may contain chlorofluorocarbons that unless removed carefully, may cause harm to the environment.
Council objectives	To achieve higher standards of community safety and amenity. To promote, plan and implement a range of strategies that make a significant contribution to the responsible care and sustainable management of our municipality's diverse natural

Clause(s), section or Part of the Local Law	Part 8 - Disposal of Waste.
	environment and built environment.
Where is Council's objective set out?	<i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i> <i>Council Plan 2010-2014: Development strategic objective.</i>
How does the proposed Local Law Provision help achieve community safety, amenity and environmental objectives?	The Local Law prohibits leaving or allowing to remain a disused refrigerator, ice chest, ice box, trunk, chest or any other similar article having a compartment which has a capacity of around 0.04 cubic metres or more on any land in the municipal district without first: <ul style="list-style-type: none"> a) removing every door and lid; and b) removing every lock, catch and hinge attached to a door or lid; or c) otherwise rendering every door and lid incapable of being fastened; and d) (d) removing chlorofluorocarbons (CFCs).

Clause(s), section or Part of the Local Law	Part 8 - Disposal of Waste
Description or headings	Scavenging at municipal waste facilities and or other places
The problem the provision is intended to address	Scavenging at municipal waste facilities
Description of the problem	The activity of scavenging for materials at a municipal landfill , transfer station or other areas set aside from time to time for the purpose of waste or recycling collection presents a high risk to the safety of members of the public and employees. Materials are not presented in way that allows easy and safe access, with the potential for injury being very high if piles of waste/recyclables shift, if persons are entering skip bins, etc.
Council objective	To achieve higher standards of community safety and amenity.

Clause(s), section or Part of the Local Law	Part 8 - Disposal of Waste
Where is Council's objective set out?	<p><i>Wellington 2030 Strategic Vision: Wellbeing and Safety and Development themes.</i></p> <p><i>Council Plan 2010-2014: Development strategic objective</i></p>
How does the proposed Local Law Provision help achieve community safety and amenity objectives?	<p>The Local Law prohibits scavenging at municipal waste facilities or other areas set aside for waste/recycling collection without a permit.</p> <p>In determining whether to grant a permit for scavenging at the municipal landfills, the Council must take into account:</p> <ul style="list-style-type: none"> a) the nature of the material to be scavenged; b) the recyclable value of the materials to the Council; c) the number of other current permits issued for the same purpose; d) any other matter relevant to the circumstances associated with the permit application; and e) whether an indemnity and evidence of public liability insurance has been provided to the Council.

PART D – SUBMISSIONS RECEIVED AND RESPONSES

No	Submitter(s)	Key Issues	Clause	Local Laws Review Group Comments
1	Captain Country Fire Authority, Cowwarr Rural Fire Brigade	<ul style="list-style-type: none"> Clause 5.6 of Local Law 4 – Environment is redundant and unnecessary 	<p>5.6 Outdoor fires</p> <p>1) Subject to sub-clause (2), a person must not without a Permit light or allow to be lit or allow to remain alight any fire outdoors on any land.</p> <p>2) The requirement in sub-clause (1) to obtain a Permit does not apply to land which is in a Farming Zone provided the activity does not contravene the objectives of this Local Law.</p>	<p>Noted. Maintaining the requirement for a permit is very important based on neighbourhood amenity and air quality. Permits allow for such an activity to be undertaken with the prior knowledge of Council so complaints can be managed and the permit holder can be educated on items that can be burnt, and alternatives can be discussed (such as removing green waste to the transfer station).</p> <p>Should Council decide that additional preparation is required to prepare for a fire safe summer, Council may issue a public notice stating that for a certain time period, the local law provision for which the permit is required, is granted (ie. in this case burning in residential areas). The conditions of the permit can be outlined and the right to access this permit may be removed if conditions are not met.</p>
	Captain Country Fire Authority, Cowwarr Rural Fire Brigade	<ul style="list-style-type: none"> Clause 5.7 of Local Law 4- Environment is an error. The CFA does not, in its normal fire-fighting activities burn offensive material. 	<p>5.7 Non application of clauses.</p> <p>The provisions of clauses 5.5 & 5.6 do not apply to Country Fire Authority personnel involved in their normal fire fighting activities acting pursuant to the <i>Country Fire Authority Act 1958</i>.</p>	<p>Noted. The clause is not in error. It is intended to cover situations where CFA may burn offensive material ie. oil or structures containing offensive materials. It is a 'non application of a clause', meaning the local law is not applicable to the CFA.</p>
2	Manager Community Safety, Country	Clause 5.6 of Local Law 4 – Environment will	<p>5.6 Outdoor fires</p> <p>1) Subject to sub-clause (2), a person must not without a Permit light or allow to be lit or allow to remain alight</p>	<p>Noted. Maintaining the requirement for a permit is very important based on neighbourhood amenity and air quality.</p>

No	Submitter(s)	Key Issues	Clause	Local Laws Review Group Comments
	Fire Authority - Gippsland Region Headquarters	reduce the ability of those people with the majority having small blocks living outside the Farm Zone to conduct hazard reduction activities on their land using fire without first obtaining a permit.	any fire outdoors on any land. 2) The requirement in sub-clause (1) to obtain a Permit does not apply to land which is in a Farming Zone provided the activity does not contravene the objectives of this Local Law.	<p>Permits allow for such an activity to be undertaken with the prior knowledge of Council so complaints can be managed and the permit holder can be educated on items that can be burnt, and alternatives can be discussed (such as removing green waste to the transfer station).</p> <p>Outdoor fires on small blocks particularly have the potential to cause complaints from neighbouring houses in close proximity.</p> <p>Should Council decide that additional preparation is required to prepare for a fire safe summer, Council may issue a public notice stating that for a certain time period, the local law provision for which the permit is required, is granted (ie. in this case burning in rural living zones). The conditions of the permit can be outlined and the right to access this permit may be removed if conditions are not met.</p> <p>For the past two years Council has held a free greenwaste disposal weekend to allow residents to clean up their properties prior to the commencement of summer.</p>

The proposed Environment Local Law no 4 – 2011 was adopted at the Ordinary Council meeting of Tuesday 19 July 2011 with the following amendments to 5.6 and 5.8 (3) & (4).

Replace the existing 5.6 and 5.8 part 3 with the following and remove 5.8 part 4

5.6 Outdoor Fires

A person must not without a permit light or allow to be lit or allow to remain alight any fire outdoors on any land other than in a Rural Living Zone or Farming Zone unless the fire is contained in a receptacle and does not contravene any other provision of this local law.

5.8 Recreation Vehicles

3) A person must not without a permit use a recreation vehicle on any private land in a Low Density Residential Zone, Mixed Use Zone, Residential 1 Zone or Township Zone within the municipal district.