

Local Law No 4 - 2011

Environment



The resolution for making this Local Laws was passed
at a meeting of the Wellington Shire Council held on
Tuesday 19 July 2011.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

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WELLINGTON SHIRE COUNCIL**ENVIRONMENT LOCAL LAW****LOCAL LAW NO. 4 - 2011****PART 1 - PRELIMINARY****1.1 Title**

This Local Law is the Wellington Shire Council Environment Local Law No. 4-2011 and is referred to as this Local Law.

1.2 Objectives of this Local Law

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.

1.3 The Power to make this Local Law

This Local Law is made under the provisions of Section 111(1) of the *Local Government Act 1989* and Section 87(4) of the *Road Safety Act 1986*. This Local Law was prepared following due consideration of the *Charter of Human Rights and Responsibilities Act 2006*.

1.4 Operational date of this Local Law

This Local Law comes into operation on the day following publication in the Victorian Government Gazette at which time Environment Local Law No 4 2005 adopted by Council on 21 December 2004 will be revoked and cease to operate.

1.5 Date this Local Law ceases operation

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

1.6 Scope of this Local Law

This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a clause or schedule applies to a specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the Council or to its Municipal District.

1.7 How to read this Local Law

1) Division of Parts

This Local Law is divided into Parts. Each Part is divided into separate clauses. Some of the clauses may be divided into sub-clauses which may, in turn, be divided into paragraphs.

Standards and Schedules form a part of this Local Law.

References to a particular provision of this Local Law or one of its Standards or Schedules may appear abbreviated, for example:

- S1 means Standard 1 of this Local Law
- 7.3 means clause 7.3 of this Local Law
- SCH1 means Schedule 1 of this Local Law

2) Standards and Local Law Provisions and their relationships

Parts 1 to 8 of this Local Law set out the legal obligations, enforcement and penalties.

Part 9 of this Local Law sets out:

- the criteria to which persons exercising discretions under this Local Law must have regard; and
- Standards which are relevant to Parts 1 – 8

1.8 Definitions

Expressions used in this Local Law have the same meaning as in the *Local Government Act 1989* as defined in Section 3 of that Act including Chief Executive Officer, Municipal District, senior officer except where otherwise defined.

- 1) In this local law, and any other incorporated documents, unless the context otherwise requires:

WORDS	MEANING
Act:	means the <i>Local Government Act 1989</i> .
Animal Boarding:	means land used to Board domestic pets, such as boarding kennels and a cattery.
Applicant:	means the person who applies for a permit under this Local Law.
Authorised Officer:	means an Authorised Officer appointed under Section 224 of the Act and includes any member of the Victoria Police Force so appointed under the Act.
Bin:	means a waste container for the removal and collection of waste by the Council or other person.
Bulk:	means a number, volume, size or mass that is greater than for ordinary personal use.
Camp:	means and includes camping in tents, caravans, or similar temporary accommodation.
Camping:	means to make or set up a camp, including erecting or occupying a caravan, tent or any temporary form of accommodation, for the purpose of staying for a period of time.
Camping Area:	means land that is set aside by the Council for Camping.
Caravan:	means any movable dwelling whether or not the wheels or axles thereof have been removed and whether it is resting directly on the ground or is placed on blocks or other supports and any structure annexed to the caravan.
Council:	means the Wellington Shire Council.
Council Land:	means any land either vested in or under the control of the Council including Roads, streets, reserves, watercourses, reservations and the like.
Dangerous Goods or Substance:	means any dangerous good as defined under the Dangerous Goods Act 1985.
Environmental Health Officer:	means an Environmental Health Officer appointed by the Council pursuant to Section 29 of the <i>Public Health and Wellbeing Act 2004</i> .
Extend:	includes all alterations and additions to building as

WORDS	MEANING
	classified or defined in the Building Regulations 2006.
Farming Zone:	means land so defined under the Wellington Planning Scheme.
Incinerator:	means a structure, device or contraption (not enclosed in a building) which:- (a) is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; (b) is not licensed or otherwise subject to control under the provisions of any other Act; and (c) is not a barbecue.
Municipal District:	means all the area which forms part of the Municipal District of Wellington Shire Council and is known as the Shire of Wellington.
Municipal Waste Facility :	means municipal landfill, transfer stations or any other land set outside for the deposit, collection and/or sorting of waste or recyclable products.
Occupy:	includes residing or living in any shed, tent, caravan, vessel or the like for any purpose including entertaining, resting, sleeping, cooking, eating or for any similar use and whether permanent or temporary.
Offensive:	has the same meaning as in the <i>Public Health and Wellbeing Act 2008</i> .
Permit:	means a permit issued by the Council under this Local Law.
Permit Holder:	means a person to whom a Permit has been issued under this Local Law.
Recreation Vehicle:	includes but is 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.
Residential Area:	means land which has been zoned as a Residential Zone under the Wellington Planning Scheme.
Road:	Has the same meaning as the <i>Local Government Act 1989</i> and <i>Road Management Act 2004</i> and includes: (a) a street; or (b) a footpath; or (c) nature strip; or (d) a public Road under the <i>Road Management Act 2004</i> ; or (e) a right of way; or (f) a bicycle path; or (g) a carriageway; or (h) any land reserved or proclaimed as a street or Road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i> ; or (i) any culvert or curbing.
Rural Living Zone:	means land so defined under the Wellington Planning Scheme.
Temporary Dwelling:	means a structure or vessel other than a caravan or tent used for temporary residential purposes.
Utility Provider	A body responsible for developing, maintaining, providing or regulating a service to the public including

WORDS	MEANING
	water, sewerage, electricity, gas, transportation, infrastructure or telecommunications.
Vessel:	includes a ship, boat or other waterborne craft.
Veterinary Centre:	means land used to: <ul style="list-style-type: none"> (a) diagnose animal diseases or disorders (b) surgically or medically treat animals; or (c) prevent animal diseases or disorders
Wellington Planning Scheme	means the planning scheme which applies to the Shire of Wellington at the relevant time.

PART 2 - ADMINISTRATION OF THIS LOCAL LAW

2.1 Exercise of Discretions

- 1) In exercising any discretion contained in this Local Law the Council must have regard to:
 - a) the objectives of this Local Law;
 - b) the standards contained in this Local Law; and
 - c) any Guidelines prepared by the Council from time to time.
- 2) The Council may from time to time prepare Guidelines for use by the Council, Council officers and other persons for the purposes of this Local Law.
 - a) Guidelines prepared by the Council must not be inconsistent with the objectives of this Local Law or with the standards contained in this Local Law.
 - b) In preparing Guidelines the Council must have regard to the objectives of this Local Law and the standards contained in this Local Law.
 - c) The guidelines may be amended by the Council from time to time in accordance with Section 112(2) of the Act.

2.2 Register of Determinations

- 1) Any determination made or Guidelines prepared by the Council for the purposes of this Local Law must be maintained by the Council in a register kept for that purpose.
- 2) The register kept for the purposes of this clause must be made available for inspection at the office of the Council during normal office hours.

2.3 Notice to Comply

Council or an Authorised Officer may by serving a Notice to Comply direct any owner, occupier or other relevant person to remedy any situation which constitutes a breach of this Local Law.

2.4 Time to Comply

A Notice to Comply must state the time and date by which the situation must be remedied.

2.5 Reasonable Time to Comply

The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account if applicable:-

- 1) the amount of work involved;
- 2) the degree of difficulty;
- 3) the availability of necessary materials or other necessary items;
- 4) climatic conditions;
- 5) the degree of risk or potential risk; or
- 6) any other relevant matter.

2.6 Failure to Adhere to a Notice to Comply

Any person who fails to remedy a situation in accordance with a Notice to Comply served under this Local Law is guilty of an offence and liable to the amount of the penalty specified by this Local Law.

2.7 Power of Authorised Officers to Act in Urgent Circumstances

If an Authorised Officer is of the opinion that:

- a) a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued and:
 - any person; or
 - any animal; or
 - any property; or
 - the environment of the Municipal District is in danger of substantial detriment due to the breach; and
- b) that danger may be exacerbated by the length of time it may take to serve and ensure compliance with a Notice to Comply, an Authorised Officer may take such action as he or she considers necessary to abate or minimise the danger without serving a Notice to Comply provided a subsequent notice in writing is given, if practicable;
- c) the subsequent notice must include:
 - the reasons for taking the action; and
 - the action taken to the person in breach of the provision of this Local Law in respect of which the action was taken.

2.8 Power of Authorised Officers to Impound

- 1) An Authorised Officer may seize and impound any thing which has been or is being used or possessed, or which has been left, in contravention of this Local Law.
- 2) Where a thing has been impounded under this Local Law, Council or an Authorised Officer must, if it is practicable to do so, serve a written notice of the impounding personally or by mail on the owner of the impounded item or object.
- 3) An impounded thing must be returned to:

- a) its owner; or
 - b) a person acting on behalf of its owner who provides evidence to the satisfaction of an Authorised Officer of his or her authority from the owner: –
 - upon
 - i. evidence to the satisfaction of the Authorised Officer being provided of the owner's right to the thing; and
 - ii. payment of any fee determined by Council or an Authorised Officer from time to time. Council may refuse to release the impounded thing or object until the appropriate fee or charge for its release has been paid to Council.
- 4) Clauses 2 and 3 does not apply to the impounding of alcohol under this Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.
- 5) If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 28 days of the notice of impounding being served or, if no notice of impounding has been served on the basis that it is impracticable, of the act of impounding, Council may, at its discretion,
- i. sell;
 - ii. dispose;
 - iii. give away; or
 - iv. destroy,
- the impounded thing.
- 6) Any proceeds from the disposal of impounded items under this Part must be paid to the owner except for the reasonable costs incurred by the Council in the administration of this Part.
- 7) In the event that the owner cannot be identified or located within one year any proceeds from the disposal of impounded items under this part must be paid into the Council's General Account.

2.9 Review Rights

- 1) If any person is aggrieved by the level of fairness of any action taken by Council or an Authorised Officer under this Local Law, he or she may request Council's Chief Executive Officer to review the fairness or reasonableness of the action taken.
- 2) Where Council's Chief Executive Officer reviews the fairness or reasonableness of any action taken by Council or an Authorised Officer, the result of that review must be communicated to the person who made the request in accordance with clause 2.9 (1).

2.10 Name and Addresses

A person is guilty of an offence if:

- a) an Authorised Officer finds the person is committing or has committed an offence under this Local Law; and
- b) the person fails to give his or her correct name and correct address to the Authorised Officer upon request.

2.11 Enforcement

- a) Where any provision in this Local Law requires that something must not be done under any circumstances, any person who does that act is guilty of an offence.
- b) Where any provision in this Local Law requires that something must not be done between specified hours of the day or night during specified months of the year, on days meeting a recognized category* or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, in or at the location or a specified part is guilty of an offence.

*E.g. extreme fire danger days.

- c) Where any provision in this Local Law requires that a person must have a permit for any particular activity, that person is guilty of an offence if that person engages in that activity without a current Permit issued by the Council (unless the Council in its discretion has waived the requirement for a Permit).
- d) Where any Permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of the Permit is guilty of an offence.
- e) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

2.12 Penalties

Except where otherwise indicated the penalty for breach of any provision of this Local Law is 20 Penalty Units.

Schedule 6 of this Local Law sets out penalties for infringement notices which may be issued in respect of offences against this Local Law where the Council or its Authorised Officers determine to issue an infringement notice.

2.13 Infringements

- 1) An Authorised Officer may serve an infringement notice under this Local Law on any person whom the officer believes has committed an offence referred to in this Local Law in accordance with Section 12 of the *Infringements Act 2006*.
- 2) The infringement notice must be in the form required in Section 13 of the *Infringements Act 2006*.

- 3) If the infringement notice is not withdrawn and the person pays to the Council the amount required by the infringement notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, no further action will be taken against that person for the alleged offence.
- 4) Any person issued with an infringement notice may apply for internal review to the Chief Executive Officer, officer in charge of Local Laws administration or any other person authorised by the Council to receive such representations in accordance with Section 22 of the *Infringements Act 2006*.
- 5) An application or internal review received by the Council in accordance with sub-clause (4) within 28 days of the issue of the infringement notice must be considered in accordance with Section 24 of the *Infringements Act 2006*.
- 6) The Council or the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises may make a decision on the application for internal review in accordance with Section 25 of the *Infringements Act 2006*.
- 7) Subject to sub-clause (12) the decision of the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises on any representations received will be final.
- 8) Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the infringement notice.
- 9) If the penalty referred to in an infringement notice has been paid within the required period of its issue and no application for internal review has been received by the Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.
- 10) A withdrawal of an infringement notice must be served in accordance with Section 234 of the Act.
- 11) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the Authorised Officer may permit, the Council or the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- 12) Any person served with an infringement notice under this Local Law is entitled to disregard the notice and defend the prosecution in Court.

2.14 Council to Carry Out Work at Cost

- 1) Where Council requires a person to carry out work under this Local Law and that person fails to carry out that work:
 - a) the Council may cause any other person to carry out the work; or
 - b) the Council may carry out the work.

- 2) If a person carries out the work on behalf of the Council, that person may recover the cost of carrying out such work from the person who failed to do it.
- 3) If the Council carries out the work the Council may recover the cost of carrying out the work from the person who failed to do it.

PART 3 - PERMITS

3.1 Application for a Permit

- 1) The form of an application for a Permit under this Local Law will be in the form of Schedule 3 except where this Local Law specifies otherwise, and be accompanied by the appropriate fee.
- 2) The Council may require a person making an application for a Permit to give public notice which will entitle any person to make a submission and be heard in accordance with Section 223 of the Act.

3.2 Considering Applications

In considering an application for a Permit, Council or an Authorised Officer may consider any:

- a) relevant standard, policy or guideline adopted by Council relating to the subject matter of the application for the Permit. Policy or Guidelines may be updated from time to time;
- b) submission that may be received in respect of the application;
- c) impacts, if any, on other persons or places within the municipality;
- d) comments that may be made in respect of the application by any public body, community organisation or other person; and
- e) other relevant matter.

3.3 Indemnity

Council may request that an Indemnity Form indemnifying Council from any loss or damages may be completed. If an applicant is a company, the Indemnity must be guaranteed by an individual who is a director of that company.

3.4 Insurance

Council may request that prior to a Permit being granted the applicant must provide a copy of a public liability insurance policy with a cover of no less than \$10 million per claim. The policy must be maintained for the duration of the Permit. Council must be named as an "interested party" and the policy is required to contain a "cross liability" clause between Council and the applicant.

3.5 Privacy Agreement

Personal information that is requested on an application form is collected for the purpose of processing an application for a Permit.

The personal information will be used solely by Council for that primary purpose or directly related purposes. The Council may disclose some of this information to relevant organisations or people (including property owners) if the nature of the activity for which the Permit has been applied requires consent by parties other than Council or has the potential to affect neighbourhood amenity.

If sufficient information is not collected on the application, Council may not be able to effectively process the application and in most cases will refer the application back to the applicant for further details.

The applicant understands that the personal information provided is for the purpose of applying for a Permit and that they may apply to Council for access to or amendment of the information.

3.6 Permit may be Conditional

A Permit under this Local Law may be issued subject to the Council determining the conditions on which it is prepared to issue the Permit including conditions relating to:

- a) the payment of a fee or charge;
- b) a standard to be applied;
- c) a time limit to be applied which may specify the times, duration, commencement or completion date;
- d) that the Permit is subject to the happening of an event;
- e) the rectification, remedying or restoration of a situation or circumstance;
- f) where the applicant is not the owner of the subject property, the consent of the owner;
- g) the granting of some other permit which may be required by the Council whether under this Local Law or otherwise; or
- h) any other condition as is required to give effect to the objectives of this Local Law.

3.7 Additional Information

The Council or an Authorised Officer may require an applicant to provide additional information before determining an application for a Permit. If sufficient information is not collected on the application, Council may not be able to effectively process the application and in most cases will refer the application back to the applicant for further details. The Council may require additional information for the purpose of administering and enforcing provisions of this Local Law.

3.8 Duration of Permits

Except where expressly stated in this Local Law or in the Permit, the Permit will operate from the date it is issued and will expire one year after the date of issue.

3.9 Utility Provider

- 1) A Utility Provider or a person employed by or acting on behalf of a Utility Provider is not required to obtain a Permit under this Local Law in respect of work which is for the ordinary purposes or course of business of the Utility Provider.
- 2) A person who would, but for clause 3.9(1), be required to obtain a Permit in respect of any activity must notify the Council in writing of the activity prior to its commencement.

3.10 Cancellation of Permits

- 1) A permit may be cancelled or modified by the Council at any time, if a hazard or a danger to the public exists; or if any of the conditions under which the permit was issued have not been complied with providing:
 - a) a Notice to Comply has been served upon the permit holder;
 - b) there has been a failure to comply with the Notice to Comply;
- 2) Where the permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified by the permit holder of the Notice to Comply without delay.

3.11 Correction of Permits

- 1) Council or an Authorised Officer may correct a Permit issued if the Permit contains:
 - a) a clerical mistake or an error arising from any accident, slip or omission; or
 - b) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, item or object or property referred to in the Permit.
- 2) Council or the Authorised Officer must note the correction in the register of permits.

3.12 Exemptions from Permits

An Authorised Officer may, with the written authority of the Chief Executive Officer, grant an exemption from any requirement to obtain a Permit.

The exemption may be granted subject to conditions.

A person must comply with the conditions of an exemption.

An exemption may be withdrawn or corrected as if it were a Permit.

Where compliance with any condition of a Permit or an exemption or other condition arising under this Local Law is impracticable in a particular circumstance, the Council may exempt a person from compliance with that condition or vary the condition in a way which is capable of compliance.

3.13 Application Offence

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a Permit or exemption is guilty of an offence.

PART 4 - FEES, CHARGES AND COST

4.1 Setting Fees and Charges

The Council may from time to time by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge, and the Council must give public notice of its resolution to set or alter the fees and charges.

4.2 Differential or Structured Fees and Charges

In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

4.3 Waiver or Alteration to Fees and Charges

The Council may waive, reduce or alter any fee or charge with or without conditions

PART 5 – SAFETY, PEOPLE AND PROPERTY

5.1 Dangerous Land

- 1) An owner or occupier of land must not at any time allow or permit the land to be kept in a manner which is dangerous or likely to cause danger to life or property and this includes land which is:
 - a) in the opinion of an Authorised Officer a haven for vermin, noxious weeds, insects or excessive vegetation growth;
 - b) used without a permit for the storage of any substances, other than types or quantities allowed by State or Commonwealth Law, which is in the opinion of an Authorised Officer, dangerous or is likely to cause danger to life or property; or
 - c) so determined by the Council from time to time.

5.2 Unsightly Land

- 1) An owner or occupier of land must not at any time allow or permit the land to be kept in a manner which in the opinion of an Authorised Officer is unsightly or detrimental to the general amenity of the neighbourhood including land which:-
 - a) harbours unconstrained rubbish;
 - b) contains disused excavation or waste material; or
 - c) for any other reason.

5.3 Storage of Machinery or Second Hand Goods on Property

- 1) Subject to sub-clause (2), 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.
- 2) Sub-clause (1) does not apply to the following:
 - a) land which is in a Business or Industrial Zone under the Wellington Planning Scheme; or
 - b) persons authorised by a planning permit to carry out activities which would otherwise require a permit under sub-clause (1).

5.4 Incinerators

- 1) Subject to sub-clause (2), 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.
- 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.

5.5 Burning of Offensive Materials

- 1) 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:
 - 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.

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.

5.7 Non application of clauses.

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 *Country Fire Authority Act 1958*.

Clause 5.6 does not apply to fires that are used for the purposes of warmth or cooking provided the fire complies with the *Country Fire Authority Act 1958*.

5.8 Recreation Vehicles

- 1) A person must not without a Permit use a Recreation Vehicle on any Council land unless the land has been designated by the Council for that purpose.
- 2) The Council may designate areas from time to time, by resolution or an Authorised Delegate, upon which Recreational Vehicles may be used. Initial areas so designated by the Council, which may be modified from time to time, are set out in Schedule 7.
- 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.

PART 6 - THE ENVIRONMENT

6.1 Occupation of a Caravan during Construction of a Dwelling.

- 1) A person must not without a Permit Occupy or allow to be Occupied a Caravan on private property during the construction of a dwelling.
- 2) Any Permit issued under this clause shall 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.

6.2 Camping for longer than 28 days

A person must not Camp on any vacant private land in the Municipal District for a period longer than 28 days in a calendar year.

6.3 Camping for up to 28 days

- 1) A person Camping on any vacant private land in the Municipal District for a period up to 28 days in a calendar year must do so in accordance with the requirements set out in S5 of this Local Law.
- 2) Notwithstanding clause 6.3 (1) 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.

6.4 Placement of Caravans

Where the occupation of a Caravan is permitted, the placement of the Caravan must be no less than six metres from the frontage of the property, and no less than two metres from any other boundary of the property.

6.5 Camping and Caravans on Roads

- a) A person must not Camp in a Caravan on a Road unless the area has been designated by Council as being available for this purpose. Initial areas so designated by the Council, which may be modified from time to time, are set out in Schedule 7.
- b) A person must not keep, erect or place a tent on any Road.

6.6 Camping offences

To establish whether an offence has been committed under this Local Law the provisions set out in S6 should be considered.

6.7 Wastewater

A person must not deposit any wastewater on any land or in water or a watercourse or drain or stormwater drain unless authorised and licensed under the *Environment Protection Act 1970*.

6.8 Circuses, Carnivals and Festivals

A person must not without a Permit conduct a circus, carnival or other similar event on any land under the control of Council.

PART 7 - ANIMALS

7.1 Keeping Animals

- 1) The owner or occupier of any land on which animals are kept must not allow the activity to contravene the objectives of this Local Law.
- 2) An owner or occupier of property must not keep or allow to be kept on that property without a Permit a greater number of each type of animal other than as set out in the following table:

Type of Animal	Maximum Allowed in multi-dwelling and flat lots with an area less than 400 sq/m.	Maximum Allowed in a Farming Zone	Maximum Allowed in a Rural Living Zone	Maximum Allowed in Other Zones
Dogs	1	5	3	2
Cats	1	4	4	2
Poultry	1	Unrestricted	20	10
Roosters	0	Unrestricted	1	Permit required
Domestic Birds	No Maximum Limit	No Maximum Limit	No Maximum Limit	No Maximum Limit
Domestic Mice	2	No Maximum Limit	No Maximum Limit	10
Guinea Pigs	2	No Maximum Limit	No Maximum Limit	2
Domestic Rabbits	1	No Maximum Limit	No Maximum Limit	2
Domestic Fish	No Maximum Limit	No maximum limit	No Maximum Limit	No Maximum Limit
Domestic Turtles, Tortoises, Frogs etc	No Maximum Limit	No maximum limit	No Maximum Limit	No Maximum Limit
Ferrets	Not permitted	10	10	2
Horses/ Donkeys etc	Not permitted	IN ACCORDANCE WITH STATE AND COMMONWEALTH LEGISLATION	IN ACCORDANCE WITH STATE AND COMMONWEALTH LEGISLATION	Permit required
Livestock	Not permitted			Permit required
Sheep	Not permitted			Permit required
Goats	Not permitted			Permit required
Pigs	Not permitted			Not permitted
Any other agricultural animals	Not permitted			Not permitted

- 3) Clause 7.1, Keeping of Animals, will not apply if planning permission exists for the property for animal boarding, animal breeding, a veterinary centre or like use under the Wellington Planning Scheme.

NOTE: The references to zones in the table above refer to the relevant zone in the Wellington Planning Scheme.

7.2 Litters of Animals

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.

7.3 Animal Shelters

- 1) The owner or occupier of any land on which animals are kept must provide shelter in accordance with the standards or guidelines in S9 of this Local Law.
- 2) A person must not without a Permit construct or reconstruct animal shelters on any property:
 - a) within a distance of less than 20m from the frontage of the property to any street or Road;
 - b) within a distance of less than 6m from any Road alignment other than the frontage of the property;
 - c) within a distance of less than 1.8 metres or in the case of domestic birds less than 1 metre from any boundary of the property not being a boundary to a Road; or
 - d) within a distance of less than 9 metres from any dwelling on any adjoining property.

7.4 Animal Excrement

- 1) Any person in charge of an animal must not allow any part of the animal's excrement to remain on any land owned, occupied or managed by the Council.
- 2) This clause does not apply in such cases where a Livestock Permit has been granted under Local Law No. 5 – Livestock.

7.5 Control of Noise

- 1) An owner or occupier of land must not cause or allow to be caused any excessive or objectionable noises or sounds to emanate from their land at any time from:
 - a) a domestic animal;
 - b) livestock;
 - c) poultry; or

- d) a domestic bird;
- 2) A noise or sound is excessive or objectionable where it may be considered unreasonable and adversely affects the comfort, convenience or privacy of any other persons residing in the locality.
- 3) A person commits an offence under this clause whether the noises or sounds are caused or allowed to be caused by a conscious or unconscious act, omission or default or by any other means or method whatsoever.

PART 8 - DISPOSAL OF WASTE

8.1 Trade Waste and Waste Hoppers (Including Recycling Bins)

- 1) An occupier of property may arrange for the collection of trade waste or for the placement of a waste hopper or recycling bin subject to compliance with the standards in S10 of this Local Law.
- 2) A person must not place any waste or material in a container, waste hopper or recycling bin, contrary to any notice on the container, waste hopper or recycling bin required by the standards in S10 of this Local Law.

8.2 Transportation of Waste

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:

- 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.

8.3 Depositing of Waste at Municipal Waste Facilities

Any person using the Municipal Waste Facility must deposit waste in accordance with Council instructions, the directions of any person working and any signs erected at the Municipal Waste Facility.

8.4 Dumping of Ice Chests, Trunks or Similar Containers

Any person who places or leaves or allows to remain a disused refrigerator, ice-chest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land in the Municipal District without first:

- 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) removing chlorofluorocarbons,

is guilty of an offence under this Local Law.

8.5 Recycling and Hard Garbage Collection

Where the Council has notified occupiers of a recycling or hard garbage collection, the material to be recycled and the hard garbage to be collected must be left for collection in accordance with the Council's instructions otherwise collection may be refused without notice.

8.6 Domestic Waste Collection

- a) The owner of every dwelling or other property where the Council provides a domestic waste collection in the Municipal District must comply with Council requirements for collection otherwise collection may be refused without notice.
- b) All waste must be placed in Bins ready for collection on the days and times from time to time specified by the Council.

8.7 Removal of Bins and any Spillage

Once the waste has been collected by the Council, the empty Bins must be returned to the property by the occupier and any waste which has spilled onto the Road, nature strip or surrounding area, must be removed by the occupier responsible for the Bin, as soon as practicable.

8.8 Cleanliness of Bins

Bins must be maintained by the occupier of the property to which the Bin relates, in good order and in a clean and sanitary condition.

8.9 Scavenging at Municipal Waste Facilities and Other Places

- 1) Subject to sub-clause (3) a person must not without a Permit remove material of any kind which has been deposited at such Municipal Waste Facility.
- 2) Subject to sub-clause (3), a person must not remove or interfere with any domestic waste, hard garbage or recyclable material left out on any Road or at any other collection point, for collection in accordance with any instruction determined by Council.
- 3) Clauses 1 & 2 do not apply to the following persons:
 - a) a person authorised by the Council to remove such material from the Municipal Waste Facility or collection point or an employee of such person in the course of his or her employment;
 - b) an Authorised Officer in the course of that officer's duty.

PART 9 - STANDARDS

S1 STORAGE OF MACHINERY OR SECOND HAND GOODS ON PROPERTY

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:

- a) the zoning of the land under the Wellington Planning Scheme;
- 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.
- g) any other matter relevant to the circumstances associated with the Permit application.

S2 USE OF INCINERATORS, BURNING OF OFFENSIVE MATERIALS AND OUTDOOR FIRES

In determining whether to grant a Permit for the use of incinerators, burning of offensive materials or outdoor fires, the Council must take into account:

- a) the location of the proposed burning in proximity to adjoining land;
- b) the zoning under the Wellington Planning Scheme and surrounds of the land on which the burning is to take place;
- c) any alternative means of disposal;
- d) any adequate means of supervising the burning;
- e) any adequate means of controlling and extinguishing the spread of fire;
- f) the degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke;
- g) any policies of the Environment Protection Authority; and
- h) any other matter relevant to the circumstances associated with the Permit application.

S3 RECREATION VEHICLES

In determining whether to grant a Permit for the use of a Recreation Vehicle, the Council must take into account:

- 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.

S4 OCCUPATION OF CARAVAN DURING CONSTRUCTION OF A DWELLING.

- 1) The following requirements must be met, prior to a Permit being issued:
 - a) A building permit under the *Building Act 1993* for the construction of a dwelling has been issued.
 - b) A site plan and proposal for the treatment and disposal of wastewater including grey water is provided. The site plan includes all existing and proposed structures and any proposed removing or re-planting of native vegetation on this site.
 - c) The application includes a timeframe for this land use, including the proposed number of days of occupation during a calendar year.
 - d) The Caravan can be located 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.
 - e) The application is considered and approved by the relevant planning, building and health department before a Local Laws permit is issued.
 - f) The land on which the Camping is to take place is suitable for that use and the activity will not affect the amenity of the area.
 - g) Any Caravan used must be in good working order and be fitted with a smoke detector, an approved portable fire extinguisher and a fire blanket close to cooking facilities.
- 2) In determining whether to grant a Permit for the occupation of Caravan during construction of a dwelling the Council must take into account:
 - a) whether the requirements in S4 Clause (1) can be maintained for the duration of the Permit; or
 - b) any other matter relevant to the circumstances associated with the Permit application.

S5 CAMPING ON PRIVATE LAND FOR PERIODS UP TO TWENTY EIGHT (28) DAYS IN A CALENDAR YEAR

Camping on private land for periods up to twenty eight (28) days in a calendar year must be in accordance with the following requirements:

- 1) The land on which the Camping is to take place is suitable for that use and the activity will not affect the amenity of the area;
- 2) Any Caravan used must be in good working order and be fitted with a smoke detector, an approved portable fire extinguisher and a fire blanket close to cooking facilities;
- 3) No native vegetation should be cut down or removed to site the Caravan or tent unless in accordance with a permit under the Wellington Planning Scheme or pursuant to a Native Vegetation Precinct Plan;
- 4) Any tent or Caravan can be located so the tent or 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;
- 5) The land must be maintained (in the opinion of an Authorised Officer) in a clean and tidy condition;
- 6) The person is not occupying a Caravan or tent during the construction of a dwelling;
- 7) All wastewater is discharged to a system capable of collecting, removing and disposing of wastewater, including grey water to the satisfaction of Council. Some waste disposal systems may require a Permit from Council.

S6 IN ESTABLISHING IF A PERSON HAS BEEN CAMPING THE FOLLOWING POINTS WILL BE CONSIDERED:

- 1) If a person has disengaged the Caravan from a vehicle and/or has extended the stabilizers on the Caravan and/or has extended the awning and/or has placed furniture or other facility outside the Caravan and/or erected a tent; they would be considered to be setting up Camp.
- 2) If a person has not set up Camp but is sleeping in a Caravan or other form of temporary accommodation and has stopped for longer than eight hours, they would be considered to be Camping.

S7 CIRCUSES, CARNIVALS AND FESTIVALS

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;
- e) the availability of sanitary facilities to the land;
- f) the likely damage to be caused;
- g) the amenity of the area;

- h) the availability of parking;
- i) the likely effects on traffic in the area; and
- j) any other matter relevant to the circumstances associated with the Permit application.

S8 KEEPING OF ANIMALS

In determining whether to grant a Permit for the keeping of animals where the number exceeds that determined by the Council the Council must take into account:

- 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.

S9 ANIMAL SHELTERS (ACCOMMODATION)

- 1) 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.
- 2) All animal shelters must be maintained in accordance with the following standards so that:
 - a) 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;
 - b) all manure and other waste to be stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the Authorised Officer;
 - c) the ground surrounding the shelter is drained to the satisfaction of the Authorised Officer;

- d) 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;
- e) all food, grain or chaff is kept in vermin proof receptacles; and
- f) 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.

S10 TRADE WASTE AND WASTE HOPPERS (INCLUDING RECYCLING BINS)

- 1) Construction of Bins - Waste Hoppers or Bins used for the collection and storage of trade waste must:
 - a) be constructed of approved impervious material to the satisfaction of the Authorised Officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;
 - b) be water-tight, fly and vermin proof;
 - c) contain a removable drainage plug for the purpose of cleaning; and
 - d) be fitted with fly and vermin proof lid with overlapping flanges which must be kept continuously closed.
- 2) Emptying of Trade Waste Bins - Waste Hoppers or Bins must be emptied at least weekly or more regularly if the contents become offensive.
- 3) Cleanliness and Storage of Bins - The occupier must ensure that:
 - a) the Bin is stored and maintained in a clean, sanitary and inoffensive condition and at all times kept clear of any footway, pavement or ground adjoining the storage area, to the satisfaction of the Authorised Officer;
 - b) the surface upon which the Bin is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the Environmental Health Officer;
 - c) the storage site is supplied with a tap connection and hose of a size approved by the Environmental Health Officer;
 - d) the Bin is screened in such a way and with such material as approved by an Environmental Health Officer;
 - e) the Bin is adequately fenced or constructed in such a way so as to deny access to the public; and
 - f) the Bin is cleaned thoroughly after each emptying.
- 4) Notice of Materials to be Deposited - Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of

waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

S11 SCAVENGING AT MUNICIPAL TIPS

In determining whether to grant a Permit for scavenging at the municipal tips, the Council must take into account:

- 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; and
- d) any other matter relevant to the circumstances associated with the Permit application.
- e) whether an indemnity and evidence of public liability insurance has been provided to the Council.



SCHEDULE 1 – NOTICE TO COMPLY

To*: _____ [**INSERT COMPANY NAME IF APPLICABLE*]

Address: _____

Address to which this Notice to Comply applies
(if different from above): _____

You/the company (delete as applicable) have breached provision (S) ____ of Local Law No.4-2011,
Environment as follows:

To remedy the breach you must carry out the following action or work, within _____ days from
the date of this Notice being _____am/pm on _____(Date)

The following action or work is required:

If you fail to comply with this Notice you will be guilty of an offence and liable to a penalty of
\$_____ (penalty)

A further penalty of one (1) Penalty Unit for each date during which the contravention continues applies;
and upon conviction for a second or subsequent offence, double the penalty stated under the provision
of Penalty Units.

If you fail to comply with this Notice to Comply within the specified time the Council or the Authorised
Officer may proceed to carry out the action or work. You will be liable for any cost incurred by the
Council in carrying out such action or work.

Name of Authorised Officer: _____

Signature of Authorised Officer: _____

Date: _____



SCHEDULE 2 – NOTICE OF IMPOUNDING

To*: _____ [*INSERT COMPANY NAME IF APPLICABLE*]

Address: _____

The following item(s) has/have been impounded in accordance with Local Law No. 4 - 2011,
Environment
(Describe items impounded)

-
-
-

You may arrange to collect the items by contacting the Wellington Shire Council on 1300 366 244 during office hours.

The following fees and charges are payable prior to collecting the items:

_____	_____
_____	_____
_____	_____
_____	_____
TOTAL	\$ _____

If you fail to collect the item(s) and pay the required fees and charges by _____ the Authorised Officer will proceed to dispose of the item(s) in accordance with the law.

Name of Authorised Officer: _____

Signature of Authorised Officer: _____

Date: _____

You may contact the Authorised Officer on 1300 366 244 during offices hours for further information about this Notice of Impounding.

In person: Wellington Shire Council
 70 Foster Street, Sale
 Post: PO Box 506 Sale Vic 3860
 Email: Enquiries@wellington.vic.gov.au
 Website: www.wellington.vic.gov.au



SCHEDULE 3 – APPLICATION FOR A PERMIT

Please carefully read both sides of this application before completing it. Please indicate the type of permit you need (see list overleaf).

Name of Applicant*:

*[*INSERT COMPANY NAME IF APPLICABLE]*

Address of Applicant:

Address to which this permit applies (if different from above):

Telephone No:

Email Address:

Permit Type Required:

I wish to be able to: (Describe activity)

Have you attached a site map if required? (see overleaf)	YES	NO
Have you attached a completed indemnity form and proof of public liability insurance if required? (see overleaf)	YES	NO
Have you advised any of your neighbours before making this application if required? (see overleaf)	YES	NO

Names and addresses of all adjoining neighbours advised (If insufficient space please attach additional pages)

Name	Address
1.	
2.	

I warrant that the above information is true and correct. I agree to abide by all conditions specified in the permit and Local Law and any other relevant Guidelines.

Signature (Applicant):

Date:

OFFICE USE ONLY Permit Fee: \$

Receipt Number:

Please return completed application form with payment. By mail to: PO Box 506, Sale Vic 3850 Cheques made payable to: Wellington Shire Council. In person, during office hours: 70 Foster Street Sale or 156 Grant Street Yarram. For further information contact Wellington Shire Council on: **1300 366 244**

Personal information that is requested on an application form is collected for the purpose of processing an application for a Permit. The personal information will be used solely by Council for that primary purpose or directly related purposes. The Council may disclose some of this information to relevant organisations or people (including property owners) if the nature of the activity for which the Permit has been applied requires consent by parties other than Council or has the potential to affect neighbourhood amenity. If sufficient information is not collected on the application, Council may not be able to effectively process the application and in most cases will refer the application back to the applicant for further details. The applicant understands that the personal information provided is for the purpose of applying for a Permit and that they may apply to Council for access to or amendment of the information.

Local Laws no 4, 2011, Environment Permit Types	Clause	Site plan required	Public liability insurance and indemnity form required	Required to advise adjoining neighbours	Other
Storage of machinery or second-hand goods on properties	5.3	No	No	No	
Lighting of Incinerators	5.4	Yes	No	No	
Burning of offensive materials	5.5	Yes	No	No	
Lighting an outdoor fire	5.6	Yes			
Use a Recreation Vehicle	5.8	No	No	No	Days, times and hours the vehicles are to be used.
Occupation of caravan during construction of dwelling	6.1	Yes	No	No	Evidence of Building permit Proposed number of days of occupation during a calendar year.
Camping for up to 28 days	6.3	No	No	No	
Circuses, carnivals and festivals	6.8	Yes	Yes	No	
Keeping animals	7.1	No	No	No	
Scavaging at municipal waste facilities and other places	8.10	No	Yes	No	



SCHEDULE 4 - FORM OF INDEMNITY

This deed is made on the _____ day of _____ 20_____

Between: (the Permit holder) _____

And the Wellington Shire Council ("the Council") _____

Whereas:

Under the *Local Government Act 1989* ("the Act") and Local Law No 4 - 2011 Environment ("the Local Law"), the Council may grant permits for particular uses or activities.

The Council has issued a permit to the Permit holder for the use or activity the subject of the permit on the condition that the Permit holder enters into this deed with the Council.

Operative Provisions

1. The Permit holder indemnifies and releases the Council, its officers, employees and agents ("those indemnified") from and against all actions, claims, demands, losses, costs and expenses for which those indemnified shall or may become liable in respect of and arising from any loss, damage or injury from any cause whatsoever to property or persons caused or contributed to by the exercise of the rights granted to the Permit holder by the permit or any purported right arising as a consequence of the grant of the permit and without limiting the generality of the foregoing including any actions, claims, demands, losses, damages or injury alleged to arise as a consequence of:
 - a) the grant of the permit;
 - b) the permitted conduct activities or actions;
 - c) the placement of any goods or equipment on any Road;
 - d) the service of any food or drink to any patron of the Permit holder's establishment on a Road;
 - e) the failure of the Permit holder to observe or perform any of the conditions subject to which the permit was granted.

EXECUTED as a Deed

SIGNED SEALED AND DELIVERED by

.....
Signature of Applicant

In the presence of:

.....
Signature of Witness

.....
Name and address of Witness



SCHEDULE 5 – PERMIT

Name of Permit Holder: [**INSERT COMPANY NAME IF APPLICABLE**]

Address of Permit Holder:

Address to which this permit applies (if different from above):

Is permitted under Clause: _____ of Local Law no 4, 2011, Environment to:

DELETE WHICHEVER IS NOT APPLICABLE

- Store of machinery or second-hand goods on properties
- Light a incinerators
- Burn offensive materials
- Light an outdoor fire
- Use a recreation vehicle
- Occupy a caravan during construction of dwelling
- Camp for up to 28 days
- Hold a circus, carnival and festival
- Keeping animals
- Scavage at a municipal waste facilities and other places

In addition to the relevant standards set out in the Local Law , the following conditions apply to the granting of this permit:

-
-
-

Where any permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of the permit is guilty of an offence.

The permit will come into effect on:

The permit expires on:

Fee \$

Name of Authorised Officer:

Signature of Authorised Officer:

Date:



SCHEDULE 6 - PENALTIES FIXED FOR INFRINGEMENT NOTICES

Clause	Offence	Penalty Units
2.6	Failure to adhere to a Notice to Comply	2
2.10	Name and addresses	2
3.1	Failure of obtain a permit where required by this Local Law.	2
3.6	Failure to comply with the conditions of a permit	2
3.12	Failure to adhere to conditions of an exemption	2
3.13	Wilfully make a false representaiton or declaration to obtain a permit	2
5.1	Land kept in a dangerous manner	2
5.2	Land kept in unsightly manner	2
5.3	Storage of machinery or second-hand goods on properties	2
5.4	Lighting of Incinerators	2
5.5	Burning of Offensive materials	2
5.6	Lighting an outdoor fire	2
5.8	Use a Recreation Vehicle	2
6.1	Occupation of caravan during construction of dwelling	2
6.2	Camping for longer than 28 days	2
6.3	Camping for up to 28 days	2
6.4	Placement of Caravans	2
6.5	Camping and Caravans on Roads	2
6.7	Wastewater	2
6.8	Circuses, carnivals and festivals	2
7.1	Keeping animals	2
7.2	Litter of animals	2
7.3	Animal shelters	2
7.4	Animal excrement	2
7.5	Control of noise	2
8.1	Trade waste and waste hoppers (including recycling bins)	2
8.2	Transporation of waste	2
8.3	Depositing of waste at Municipal waste facilites	2
8.4	Dumping of ice chests, trunks or similar containers	2
8.5	Recycling and hard garbage collection	2
8.6	Domestic waste collection	2
8.7	Removal of bins and spillage	2
8.8	Cleanliness of bins	2
8.9	Scavaging at Municipal Waste Facilities and other places	2

A further penalty of one (1) Penalty Unit for each date during which the contravention continues applies; and upon conviction for a second or subsequent offence, double the penalty stated under the provision of Penalty Units.

Where no Penalty Unit is specified, two (2) Penalty Units apply.

Note: Section 110 of the *Sentencing Act 1991* describes the value of a Penalty Unit.



SCHEDULE 7 – Register of determinations

A. AREA DESIGNATED FOR USE BY RECREATION VEHICLES

Area abutting South Gippsland Highway, known as the Old Sale Common

B. CAMPING AREAS - ROAD DESIGNATED AS BEING AVAILABLE FOR CARAVANS

Wharf Street Carpark, Port Albert – car parks as indicated by yellow line marking. Overnight stays limited to a maximum period of 24 hours.