



Community Impact Statement

Community Local Law 2021

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1. Background

Wellington Shire Council Local Laws 2 – 5 commenced operation in July 2011 and are due to expire in July 2021.

The four Local Laws are titled:

Local Law 2-2011:	Streets and Roads
Local Law 3-2011:	Municipal Places
Local Law 4-2011:	Environment
Local Law 5-2011:	Livestock

The Local Laws are specific and related to activities associated with their title. It is proposed to combine all titles in one Local Law. A single reference document has been drafted, to be named Wellington Shire Council Community Local Law 2021.

A single Local Law provides the benefits of avoiding repetition, ease of navigation and provides a single source of reference for its users.

The draft Wellington Shire Council Community Local Law 2021 has been developed to support Wellington Shire Council's objectives to promote a safe physical and social environment, preserve amenity, regulate activities on roads and municipal places to ensure safe and unobstructed access for all, and protect council's assets and infrastructure. It has been reviewed by council's lawyers prior to publication for public consultation.

A consultation process has been developed in accordance with council's community engagement policy.

2. Objectives

The objectives of the proposed Local Law are set out in clause 1.3 of the Local Law and outlined below:

- a) Provide for those matters that require a local law under the *Local Government Act 2020* and any other Act;
- b) Prohibit, regulate and control activities, events, practices and behaviour in places throughout the municipality, so that no nuisance is caused and there is no detriment to the amenity of the neighbourhood, to a person or to a person's real or personal property;
- c) Supports Council's objectives to promote a physical and social environment throughout the municipality in which residents and

visitors can enjoy a safe quality of life, that meets the reasonable expectations of the community;

- d) Provide for the administration and exercise of Council powers and functions;
- e) Provide for the peace, order and good government of the municipal district of the Wellington Shire; and
- f) Repeal any redundant local laws.

3. Evaluation of the Local Law

Subject	Evaluation
Measures of Success of proposed Local Law	The success of the proposed Local Law will be measured against the following: • Reduction in the number of customer complaints received; • Increased community satisfaction with community safety and amenity; resulting in the provisions of the proposed Local Law; • The number of breaches of the proposed Local Law detected by Authorised Officers; • The number of items impounded by Authorised Officers; • The number of Notices to Comply, Written Warnings and Infringement Notices issued annually; • The success rate of Court prosecutions undertaken by Council; and • The number of requests received annually to review decisions made under the provisions of the proposed Local Law.
Existing legislation that might be used instead	The following existing legislation has been identified which touches on issues dealt with or referred to in the proposed Local Law. The proposed Local Law compliments the existing legislation and provides for a more appropriate local response. Apart from referring to, or complying with the legislation listed below, the proposed Local Law is not intended to deal with matters already addressed in existing legislation. • <i>Environment Protection Act 2017</i> • <i>Country Fire Authority Act 1958</i> • <i>Road Management Act 2004</i>

Subject	Evaluation
	• <i>Tobacco Act 1987</i> • <i>Planning and Environment Amendment Act 2021</i> • <i>Graffiti Prevention Act 2007</i> • <i>Domestic Animals Act 1994</i> • <i>Impounding of Livestock Act 1994</i> • <i>Road Safety Act 1986</i> • <i>Road Safety Rules 2017</i> • <i>Local Government Act 2020</i> • <i>Residential Tenancies Act 2021</i> • <i>Livestock Diseases Control Act 1994</i> • <i>Public Health and Wellbeing Act 2008</i> • <i>Liquor Control Reform Act 1998</i> • <i>Sentencing Act 1991</i> • <i>Summary Offences Act 1966</i> • <i>Liquor Control Reform Act 1998</i> • <i>Building Act 1993</i> • <i>Building Regulations 2018</i> • <i>Infringements Act 2006</i>
Overlap of Existing Legislation	The proposed Local Law does not overlap, duplicate or conflict with existing legislation.
Overlap of Planning Scheme	The proposed Local Law does not overlap, duplicate or conflict with the Wellington Planning Scheme.
Risk Assessment	A thorough risk assessment was undertaken when drafting the proposed Local Law and is attached to this document.
Legislative Approach Adopted	The proposed Local Law adopts a medium impact regulatory approach and complies with Council's Enforcement policy, which adheres to the principles of natural justice, during the delivery of enforcement action by Council officers. The enforcement policy can be viewed on Council's website.
Restriction of Competition	The proposed Local Law was drafted in accordance with the National Competition Principles. Any permit process, standard or requirement referred to in the proposed Local Law (including any standards or guidelines) will not restrict competition unless: • The benefits of the restriction to the community outweigh the costs; and • The objectives of the Local Law can only be achieved if competition is restricted.

Subject	Evaluation
Penalties	The maximum penalty for a Local Law offence is currently 20 penalty units. Section 110(2) of the <i>Sentencing Act 1991</i> sets the value of a penalty unit for Local Laws offences at \$100.00. Infringement notices offer an alternative method for dealing with minor offences, giving the person to whom a notice is issued the option of paying a fixed penalty, rather than proceeding to a court hearing. This system used inducements such as convenience of payment, lower penalties than court prosecutions, the avoidance of a conviction being recorded, and the saving of legal costs to dispose of matters in an efficient and timely manner. The administration of infringement notices is governed by the <i>Infringement Act 2006</i>. Schedule 5 of the proposed Local Law details the fixed penalties for infringement offences. The penalties were set after an extensive benchmarking exercise with other similar councils and are consistent with neighbouring councils.
Permits	The proposed Local Law requires some activities to be regulated by a permit, rather than a blanket prohibition.
Permits continued	Where a permit is required for an activity, performance standards have been included in the proposed Local Law for the assessment of permit applications and to determine whether any permit conditions are required to ensure the activity is conducted in a safe manner, with minimal impacts on amenity or access. Permit conditions have been benchmarked against neighbouring councils and are similar in substance.
Fees	The proposed Local Law allows Council by resolution to determine any fees and charges that apply to the Local Law. Fees are set annually, in consultation with the community as part of Council's annual budget process. Fees have been benchmarked against neighbouring councils and are in the main similar.
Standards	Part 11 of the proposed Local Law sets standards that set out any objective that needs to be achieved to comply with the specific provision of the Local Law. While most of the standards can be described as performance based (what actions need to be done to achieve compliance), some rely on prescriptive provisions, such as the maximum

Subject	Evaluation
	height of grass or weeds on a property within a residential zone.
Comparison with Neighbouring and Like Councils	An extensive benchmarking exercise was conducted when drafting the Local Law. The following Local Laws were reviewed: • Baw Baw Shire Council • Bass Coast Shire Council • Latrobe City Council • Cardinia Shire Council • South Gippsland Shire Council • Glenelg Shire Council • City of Ballarat The proposed Local Law is similar to those benchmarked.
Charter of Human Rights	In accordance with Council policy, the proposed Local Law has been reviewed in accordance with the requirements of the <i>Victorian Charter of Human Rights and Responsibilities Act 2006 (The Charter)</i>. Some provisions in clause 4.1 of the proposed Local Law could be considered as impacting on the right to freedom of movement, which is recognised in section 12 of the Charter, in that entry to and remaining municipal places is subject to certain conditions. The provisions are considered reasonable and proportionate to the purpose and objectives of the Local Law. Clause 9.7 of the proposed Local Law allow the seizure, impoundment, disposal or destruction of impounded property and could be considered as impacting on the right to property, which is recognised in section 20 of the Charter. It is considered that any impact is reasonable and proportionate to the purpose and objectives of the Local Law.
Consultation	The proposed Local Law has been developed in consultation with key stakeholders, including Councillors, Council staff from various departments and an external legal firm. Public consultation will be undertaken as part of the statutory Local Law review process.
Community Engagement and Submissions	To be completed after community engagement process.

COMMENTS ON SPECIFIC PARTS OR PROVISIONS OF THE PROPOSED LOCAL LAW

4. Key Changes to Proposed Community Local Law 2021

Clause	Title	Proposed Wording or Amendment	Reason for Change
1.1	Title	Community Local Law 2021	New single Local Law rather than four separate Local Laws. Single source of reference.
1.3	Objectives	c. Supports Council's objectives to promote a physical and social environment throughout the municipality in which residents and visitors can enjoy a safe quality of life, that meets the reasonable expectations of the community.	To align the proposed Local Law with Council's objectives as stated in <i>Wellington 2030 Community Vision</i> and <i>2017-2021 Council Plan</i> documents.
1.4	Operation Date	1) This Local Law comes into operation at the beginning of the day on which this local law is made, or at the beginning of such later day as is expressed in the local law as the day on which the local law comes into operation at which time, Local Laws 2-5 of 2011 are revoked.	To indicate the commencement date of the Local Law, once adopted by Council.
1.7	Division of Parts	1) This Local Law is divided into Parts. Each Part is divided into separate clauses. Some of the clauses may be divided into paragraphs.	To reflect single a local law.
1.8	Definitions	Various definitions have been updated or deleted.	Definitions no longer relevant have been deleted. Some definitions have been updated to improve clarity.
2.5	Vehicle Crossings	1) The owner or occupier of land must not allow any person to access their land by vehicle other than over a Council approved vehicle crossing . 2) A person must not without a permit , construct a vehicle crossing . 3) Every vehicle crossing must be constructed and situated to the satisfaction of Council .	Replaces Local Law 2-2011: Streets and Roads, Division 3; Vehicle Crossing Requirements. Provides clearer requirements for the construction of vehicle crossings.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		4) Council or its delegates may by notice in writing to the owner or occupier of the land require the construction of a satisfactory vehicle crossing to any land with the full costs of such works to be borne by the owner or occupier. 5) Council or its delegates may by notice in writing to the owner or occupier of the land require the repair of a vehicle crossing which is in s state of disrepair with the full costs of such works to be borne by the owner or occupier. 6) Council or its delegates may by notice in writing to the owner or occupier of the land require the removal of a vehicle crossing and reinstatement of the kerb and channel and footpath where the vehicle crossing, in the opinion of Council is no longer required with the full costs of such works to be borne by the owner or occupier.	
2.7	Shopping Trolleys	1) A person must not leave a shopping trolley on any road , or vacant or municipal land except in an area designated for the purpose, or cause or authorise another person to do so.	Clause extended to include municipal land.
3.3	Event Signage	1) A person must not place any sign advertising or providing directions to an event on any Council managed road or municipal place without obtaining a permit from Council. 2) All event sign permit applications must be covered by extended public liability insurance of at least \$10 million. The application must show the inclusion of a clause to the effect that Wellington Shire Council is indemnified against all claims, losses or demands made on Wellington Shire Council directly or indirectly resulting from any occurrence in connection with a sign placed on a road or municipal place.	New clause to allow and regulate the placement of event signage on Council managed roads, and municipal places.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		3) Event signage must not be placed in the following positions: a) nature strips; b) trees; c) area of plantings; d) traffic islands; e) central median islands; or f) roundabouts. 4) Permitted event signs are be installed no earlier than fourteen (14) days prior to the event and must be removed prior to two (2) days after the event.	
3.4	Roadside Trading	5) All proposed trading sites must be identified in the application for the permit and approved by Council .	New paragraph to reflect designated trading sites as defined in Council's <i>Roadside Trading Guidelines</i>
3.9	Repair of Vehicles	1) A person must not repair, paint, maintain or service a vehicle on any road or Council land except where it is necessary to undertake minor repairs to get the vehicle underway or moving.	Clause updated to include Council land
3.10	Events on Roads	1) A person must not, without a permit hold a street party , street festival or procession on a Council managed road .	Updated to indicate clause relates to Council managed roads only, as opposed roads managed by Regional Roads Victoria.
3.10	Events on Roads	3) Political, military, or industrial marches are exempt under this clause, provided Victoria Police are informed prior to the march.	New paragraph to exempt political, military or industrial marches from obtaining a permit, provided Victoria Police are informed prior to the march.
3.11	Collection on Roads	2) Intersection collections, for the purpose of collection donations for charitable or not-for-profit groups must not be held on a declared road unless the written consent of both the	New paragraph to advise of requirements for intersection collections on roads managed by Regional Roads Victoria.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		Chief Commissioner of Police and the Chief Executive of Regional Roads Victoria has been obtained.	
3.12	Busking	1) A person must not, without a permit , busk in a municipal place .	Clause simplified to improve clarity Clause updated to exempt busking activities which are part of an authorised street party, festival or event.
		2) A busker must comply with directions given by any member of Victoria Police or an authorised officer to cease busking or move from a busking location where congestion, inconvenience or nuisance is being caused. 3) This clause does not apply if the busking activities are part of an authorised street party , festival, or event .	Clause simplified to improve clarity. Clause updated to exempt busking activities which are part of an authorised street party, festival or event.
4.1	Behaviour in Municipal Places	1) A person must not whilst in or on a municipal place : a) Behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the municipal place by any other person.	Clause updated to include behaviour that endangers others.
4.2	Vehicles in Public Reserves	1) A driver of a motor vehicle, must not drive or park a motor vehicle on any public reserve or municipal place within the municipal district , other than where existing roadways or car parks exist, unless: a) the driver is a Council employee or contractor, carrying out duties in respect of Council ; b) the driver is a member of the Victoria Police or other emergency service acting in the course of their duties; or	Clause updated to include paragraph 2, which makes the registered owner of any vehicle breaching this clause liable if the vehicle driver cannot be identified. The addition of the operator onus offence is supported by section 84BC of the <i>Road Safety Act 1986</i> .

Clause	Title	Proposed Wording or Amendment	Reason for Change
		c) the driver of a motor vehicle has been given written permission by the relevant manager or authorised officer. d) An offence under paragraph (1) of this clause is deemed to be operator onus offence.	
4.4	Smoking in No-Smoking Areas	1) The Council may by resolution declare any part of a road reserve or municipal place to be a smoke free area. 2) Where a declaration is made by resolution, the Council must erect and maintain, or cause to be erected or maintained, appropriate signage indicating the boundaries of the declared smoke free areas. 3) A person must not smoke on a road reserve or municipal area that has been declared as a smoke free area and has appropriate smoke free signage displayed.	Clause simplified to improve clarity.
4.5	Consumption of Liquor	1) Apart from in any licensed or authorised premises under the <i>Liquor Control Reform Act 1998</i>, a person must not, at any time on a road within the municipal district: - a) consume any liquor; or b) have in his or her possession or control any liquor, other than liquor in a packaged and sealed container.	Clause simplified to improve clarity.
4.6	Camping	1) A person must not camp on any Council land, municipal place or reserve unless it is within a registered caravan park or camping area. Schedule 7 of this local law details	Clause updated to include municipal places.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		designated camping areas self-contained caravans.	
5.1	Dangerous/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 is dangerous or likely to cause danger to life or property and this includes land which is: a) a haven for vermin, noxious weeds, insects or excessive vegetation growth; b) used without a permit for the storage of any substance, object or thing which is dangerous or likely to cause danger to a person or property; or c) contains an unfenced or unsecured hole or excavation 2) An owner or occupier of any land must not cause or allow the land or any structure on the land to be kept or remain in a manner which: a) Is unsightly or detrimental to the general amenity of the neighbourhood in which it is located; or 3) Through accumulation or hoarding of rubbish, waste or other materials, gives the appearance of neglect and is out of character with other properties in the vicinity.	Clause updated to include both dangerous and unsightly land and to better define both.
5.2	Outdoor Fires	1) A person must not, without a permit, light or allow to be lit or remain alight, any fire in the open air or in an incinerator on any land other than a rural living zone or a farming zone.	Clause updated to include incinerators and to refer to restrictions during the Fire Danger Period.

Clause	Title	Proposed Wording or Amendment	Reason for Change
5.3	Burning of Offensive Materials	1) Notwithstanding clause 5.2, A person must not light a fire in the open air, including in an incinerator, cause or allow to be burnt any materials that may result in the emission of fumes or odours, or discharge of dust, grit, ashes or smoke that is offensive or dangerous to health including, but not limited to: a) non timber based building materials; b) rubber or plastic, including plastic mulch, plant pots and packaging materials; c) furnishings and carpets; d) manufactured chemicals; e) petroleum or oil products; f) paint, including any container in which paint is kept; g) food waste; h) manure and straw; i) household waste; or j) other offensive, noxious or toxic matter.	Clause updated list further offensive materials, such as manufactured chemicals, manure and straw and household waste.
5.4	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, 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 SCH8. 3) A person must not without a permit use a recreation vehicle	Clause updated to include paragraph 4, which makes the registered owner of any vehicle breaching this clause liable if the vehicle driver cannot be identified. The addition of the operator onus offence is supported by section 84BC of the <i>Road Safety Act 1986</i>.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		on any private land in a residential or town zone, within the municipal district . 4) An offence under paragraph 1 of this clause is deemed to be operator onus offence.	
5.5	Occupy 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.	Clause updated to include paragraph 3, requiring approval from the Municipal Building Surveyor and Environmental Health Officer.
		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. 3) Any application for a permit must be accompanied by a current building certificate and must be approved by Council's Municipal Building Surveyor and an Environmental Health Officer .	
5.15	Animal Keeping	1) Any person using the municipal waste facility must deposit waste in accordance with Council instructions, the directions of any person working, any signs erected at the municipal waste facility and must pay the applicable fees and charges.	Clause updated to include the requirement to pay applicable fees and charges.
6.1	Animal Keeping	NOTE: The references to zones in the table above refer to the relevant zone in the Wellington Planning Scheme.	Explanatory note added to clause.
6.3	Animal Excrement	1) A person in charge of any animal on any road or public place within the municipal district , must carry a litter device suitable to clean up any excrement left by the animal and must produce such litter device upon request on any authorised officer .	New clause requiring persons in charge of any animal to carry a litter device to clean up after the animal.

Clause	Title	Proposed Wording or Amendment	Reason for Change
6.5	Horses on Reservations	1) Except where written permission has been obtained from the Council, a person must not ride or lead a horse or cause or authorise another person to ride or lead a horse: a) on a footpath or nature strip; or b) in or on a municipal reserve.	Clause updated to include municipal reserves.
7	Livestock	NOTE: Persons applying for a Droving of Livestock Permit, Grazing of Livestock Permit, or Livestock Movement Permit under this Part are encouraged to acquaint themselves with the <i>Livestock Disease Control Regulations 2017</i> . More information can be obtained from Agriculture Victoria.	Explanatory note added.
7	Livestock	NOTE: The provisions of clauses 7.1, 7.2 & 7.3 of this Part do not apply to livestock being transported by vehicle or other means in circumstances where there is no contact between the livestock and the road reserve or to a horse being ridden or driven or led by some attachment when the horse is being ridden driven or led by its owner or by a person authorised to do so by its owner.	Explanatory note added.
7.4	Movement of Livestock	1) An owner or person having charge of livestock must not allow or cause the movement of livestock on any road (other than a declared road) in the municipal district without obtaining a permit. 2) In the event of livestock being moved at a rate of less than one kilometre per hour, a grazing permit must be obtained. 3) A person must not move livestock on a declared road within the municipal district, without obtaining a stock crossing	Clause updated to include paragraph 3, requiring Roads corporation approval to move livestock on a declared (arterial) road.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		permit from the Roads Corporation.	
8.1	Incorporation by Reference	1) Any guidelines resolved by Council and incorporated by reference in this local law, must be maintained by the Council in a register kept for that purpose. 2) Any guidelines resolved by Council and incorporated by reference in this local law, must be made available for inspection at the office of Council during normal working hours, or on Council's website.	New clause inserted to include council guidelines in the proposed Local Law and to ensure any guidelines are made available for public viewing.
8.2	Application for Permits	1) An application for a permit under this local law must be in a form approved by Council or its delegates and accompanied by the appropriate fee as prescribed by Council. 2) Council or its delegates may waive, reduce or alter any fee.	Clause simplified to improve clarity.
8.5	Insurance	1) 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.	Clause simplified to improve clarity.
8.9	Duration of Permits	1) 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 unless cancelled beforehand.	Clause simplified to improve clarity.
9.1	Offences	1) A person is guilty of an offence, if the person: a) does something which a provision of this local law prohibits; b) fails to do something which a provision of this local law requires;	Clause simplified to improve clarity.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		c) engages in an activity without a current permit, where that activity requires a permit; or d) breaches or fails to comply with a permit. 2) If a person charged with an offence against this local law is a corporation, any person who is concerned or takes part in the management of the corporation may be charged with the same offence.	
9.2	Operator Onus Offences	1) Except as otherwise provided by this clause, the person who at the time of an offence involving a vehicle against this local law, is the responsible person in relation to the vehicle or trailer and is guilty of the offence as if that person were the driver or person in charge (as the case requires) of the motor vehicle or trailer at that time. 2) Nothing in paragraph (1) affects the liability of the person actually driving, or in charge of, as the case requires, the motor vehicle or trailer at the time of the offence. 3) The operator of a motor vehicle or trailer only ceases to be the responsible person in relation to the motor vehicle or trailer if another person is nominated the responsible person in relation to that vehicle or trailer.	New clause inserted which makes the registered owner of any vehicle breaching a clause of the proposed Local Law liable if the vehicle driver cannot be identified. The addition of the operator onus offence is supported by section 84BC of the <i>Road Safety Act 1986</i>.
9.5	Council to Carry out Work	1) Where Council requires a person to carry out work under this local law and that person fails to carry out that work:	Clause updated to include paragraph 2, which allows council to recover any costs incurred by a person who carries out the work for Council.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		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, or the Council carries out the work, the Council may recover the cost of carrying out the work from the person who failed to do so.	
9.7	Impounding	1) An authorised officer of Council may: a) impound any item that encroached or obstructs the free use of council land, a public place or a road, or any item which contravenes or is being used in contravention of this local law. b) release the item to its owner on payment of a fee determined by Council, which is not to exceed an amount that reasonably represents the cost to Council of impounding, keeping and releasing the item; and c) sell, destroy, dispose or give away the impounded item if the owner of the item has not paid the fee within the prescribed time as listed on the impoundment notice.	Clause updated to better define impounding process.
9.11	Infringement Notices	1) An authorised officer of Council may serve an infringement notice on a person who has committed an offence under this local law.	Clause updated to reflect the provisions of this clause are subject to the <i>Infringements Act 2006</i> .

Clause	Title	Proposed Wording or Amendment	Reason for Change
		2) Schedule 5 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. 3) The provisions of this clause are subject to the <i>Infringements Act 2006</i>, as amended from time to time.	
S3	Abandoned Vehicles	1) In determining whether a vehicle has been abandoned, the Council must consider: a) The vehicle is unregistered and/or not displaying registration plates; b) The vehicle has not been moved for two (2) months.	New standard defining an abandoned vehicle.
S5	Event Signage	1) In determining whether to grant a permit to allow the placement of event signage on a Council managed road or municipal place, the Council must consider: a) whether an indemnity and evidence of public liability insurance has been provided to the Council; b) The size and proposed location of the sign. 2) A permit will not be issued where it is likely to introduce a hazard to road users or pedestrians due to: a) signs which obstruct a driver's line of sight at a corner or bend or between roads at a junction or at any point of vehicular egress from the property;	New standard for the placement of event signage on Council managed roads, and municipal places.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		b) signs which obstruct or detract or tend to interfere with a road user's view of a traffic sign or signal; c) signs which have insufficient clearance from vehicles on the carriageway or parking areas or from the points of access to premises for pedestrians; d) signs that interfere with free and easy pedestrian movement on footpaths or cause difficulty in opening vehicle doors; or e) any other reason that is judged to be a threat to public safety.	
S13	Street Events etc	2) The following conditions will apply to all permits issued: a) a suitable traffic management plan completed by a suitably qualified person confirming that the road can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and festival/procession patrons and equipment is to be provided no less than seven (7) days prior to the commencement of the event; b) evidence that the agreement of Victoria Police and Regional Roads Victoria has been obtained and their requirements met, including an appropriate traffic detour signing scheme, is to be provided no less than seven (7) days prior to the commencement of the event; and	Sub paragraph c) added to ensure consideration is given to allow access for emergency vehicles during a street event.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		c) Consideration has been given to allow access for emergency vehicles if required.	
S14	Collection on Roads	NOTE: Any application for an intersection collection permit must be made in the first instance to Victoria Police and if on a declared road, the Roads Corporation. Council will (if it has no objections to the proposed intersection collection), provide the applicant with a letter to support the application.	Explanatory note inserted.
S16	Unightly Properties	1) In determining whether a property is unsightly, an authorised officer of Council must consider: a) whether the property detracts from the general amenity of the surrounding area; or b) whether the property, through the accumulation of rubbish, waste or other materials, gives the appearance of neglect and is out of character with other properties in the vicinity; or c) whether the property has grass or weeds present on the land, which exceed 200 millimetres in height if the land is within a residential zone.	Sub paragraphs b) and c) inserted to standard to more clearly define what determines a property as unsightly.
S18	Outdoor Fires	a) In determining whether to grant a permit for the use of incinerators, burning of offensive materials or outdoor fires, the Council must consider: b) the location of the proposed burning in proximity to adjoining land; c) the zoning under the Wellington Planning Scheme and	Standard updated to include sub paragraph h): when determining whether to grant a permit, Council must consider any policies of the Environment Protection and Country Fire Authorities.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		surrounds of the land on which the burning is to take place; d) any alternative means of disposal; e) any adequate means of supervising the burning; f) any adequate means of controlling and extinguishing the spread of fire; g) the degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke; h) any policies of the Environment Protection and Country Fire Authorities; and i) any other matter relevant to the circumstances associated with the permit application.	
S19	Recreational Vehicles	1) In determining whether to grant a permit for the use of a recreation vehicle, the Council must consider: a) the location of the land where the vehicle is to be used; b) the proximity of the land where the vehicle is to be used to neighbouring properties; c) the suitability of the land for use by recreation vehicles; d) the number of vehicles for which the permit is required;	Standard updated to include sub paragraph b); when determining whether to grant a permit, Council must consider the location of the land where vehicle is to be used to neighbouring properties.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		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.	
S22	Camping	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 transportable accommodation and has stopped for longer than eight hours, they would be considered to be camping.	Standard updated to better define camping.
S24	Keeping of Animals	1) In determining whether to grant a permit for the keeping of animals where the number exceeds that determined by the Council, the Council must consider: 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;	Standard updated to include sub paragraph g); when determining whether to grant a permit, Council must consider any previous justified complaints regarding the keeping of animals on the property.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		e) the likely effects on adjoining owners; f) the adequacy of animal shelters; g) any previous justified complaints regarding the keeping of animals on the property; and h) any other matter relevant to the circumstances associated with the permit application.	
S25	Animal Shelters	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; f) the distance from any neighbouring dwelling; and g) any Code of Practice for the Keeping of Animals, published from time to time by Animal Welfare Victoria.	Standard updated to include sub paragraph g); when determining whether to grant a permit, Council must consider any Code of Practice for the Keeping of Animals, published from time to time by Animal Welfare Victoria.
S27	Grazing of Livestock	1) In determining whether to grant a permit for the grazing of livestock, the Council must consider:	Standard updated to include sub paragraph b); when determining whether to grant a permit, Council must consider the location of the road

Clause	Title	Proposed Wording or Amendment	Reason for Change
		a) whether an indemnity and evidence of public liability insurance has been provided to the Council; and b) The location of the road or roads in relation to the property where the cattle are kept; c) Council Roadside Vegetation Management Plan as amended from time to time; and d) any other matter relevant to the circumstances of the application.	or roads in relation to the property where the cattle are kept.
S28	Droving of Livestock	2) The Council must not issue a permit for the droving of livestock if: a) The road used to drove livestock is a declared road and permission has not been granted by the Roads Corporation.	Standard updated to include sub paragraph a); Council must not issue a permit for the droving of livestock is the road used to drove livestock is a declared (arterial) road and permission has not been granted by the Roads Corporation.
S29	Livestock Movement	1) In determining whether to grant a permit for the movement of livestock on Council managed roads, the Council must consider: a) whether an indemnity and evidence of public liability insurance has been provided to the Council; and b) Council Roadside Vegetation Management Plan as amended from time to time and; c) Any other matter relevant to the circumstances of the	Paragraph 1 of the standard updated to include the wording 'Council managed roads'.

Clause	Title	Proposed Wording or Amendment	Reason for Change
		application.	
S29	Livestock Movement	1) A person who is in charge of livestock being moved across or along a road must ensure that: a) the livestock are supervised and under effective control by a person who is competent in the management of livestock;	Standard updated to include sub paragraph e) requiring Roads Corporation permission for permanent stock crossings on declared (arterial) roads.
		b) except where paragraph (e) applies, signs conforming with guidelines prepared by the Roads Corporation and referred to in the Regulations are in place and removed or deactivated following completion of the movement; c) subject to paragraph (2) of this standard, the livestock are not moved other than during daylight hours; d) the livestock are moved promptly, to prevent unnecessary grazing of roads; e) For permanent stock crossings on any declared road, permission has been gained from the Roads Corporation.	

5. Risk Assessment of Proposed Local Law

Problem	Impact on Council Objective	How Does the Local Law Deal with The Problem
Trees, plants, signs or posts interfering, or obstructing passage of traffic introduces hazards to road users, may reduce local area amenity and damage council assets.	Significant	Prohibits trees and plants on private property and the placement of signs and posts that interfere with the safe passage of traffic on roads.
Discharge of irrigation water to roads introduces hazards to road users, may reduce local area amenity and damage council assets.	Major	Prohibits the discharge of discharge of irrigation water onto a road, causing a hazard to the safe passage of traffic and damage to Council assets.
Properties not properly identified may lead to council or emergency services not being able to identify properties.	Major	Requires the owner or occupier of each property that has been allocated a street number by Council, to mark the property with the allocated number.
Vehicle crossings not being constructed to appropriate standards introduces hazards to road users, may reduce local area amenity and damage council assets.	Significant	Requires the owner or occupier of land to access their land by vehicle over a Council approved vehicle crossing.
Vehicles that are Likely to damage a road introduces hazards to road users, may reduce local area amenity and presents a public liability risk to Council.	Significant	Allows Council to prohibit such vehicles from using that road or part of the road for as long as it considers is necessary to prevent the damage.
Shopping trolleys abandoned on roads and municipal land may reduce local area amenity.	Significant	Prohibits shopping trolleys from being left on roads or municipal land.
Unregulated use of toy vehicles in public places obstructs, hinders, endangers, alarms or prevents the free passage of any pedestrian or other user of the road.	Significant	Regulates the use of toy vehicles in public places.

Problem	Impact on Council Objective	How Does the Local Law Deal with The Problem
Unregulated parking of stationary heavy or long vehicles in residential zones introduces hazards to road users, may reduce local area amenity.	Significant	Prohibits a person without a permit to allow a heavy vehicle or long vehicle to be parked, kept, stored or repaired on any property zoned residential.
Abandoned and unregistered vehicles left on any road, council land or municipal place introduces hazards to road users, may reduce local area amenity.	Significant	Prohibits any person leaving any derelict, abandoned or unregistered vehicle on any road, council land or municipal place.
Unregulated portable advertising, real estate and event signage placed in roads introduces hazards to road users, may reduce local area amenity and presents a public liability risk to Council.	Major	Regulates the placement of signage on roads, to ensure the safe passage of pedestrians and traffic, the preservation of local area amenity and minimises any public liability risk to council.
Unregulated placement of items on roads introduces hazards to road users, may reduce local area amenity and presents a public liability risk to Council.	Major	Regulates roadside trading, alfresco dining, the placement of goods for sale, bulk rubbish containers on roads to ensure the safe passage of pedestrians and traffic, the preservation of local area amenity and to minimise any public liability risk to council.
Unregulated activities on roads introduces hazards to road users, may reduce local area amenity and presents a public liability risk to Council.	Significant	Regulates the occupation of roads for works, busking and street events, festivals, processions or events to ensure the safe passage of pedestrians and traffic, the preservation of local area amenity and minimises any public liability risk to council. Prohibits the repair of vehicles and the depositing of substances on roads to ensure the safe passage of pedestrians and traffic, the preservation of local area amenity, and the protection of council assets.
Behaviour in public places that interferes with the quiet enjoyment, safety or amenity of a municipal place and/or facility.	Significant	Prohibits behaviour in public that interferes with the quiet enjoyment, safety or amenity of a municipal place and/or facility.

Problem	Impact on Council Objective	How Does the Local Law Deal with The Problem
Land kept in a manner that is unsightly or dangerous or likely to cause danger to life or property is a risk to the general community and reduces amenity and safety.	Major	Prohibits any owner or occupier of land to allow or permit the land to be unsightly or dangerous to such an extent that it likely to be a risk to the general community and reduces amenity and safety.
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.	Major	Regulates the lighting of any fire in the open air or in an incinerator on any land other than a rural living zone or a farming zone.
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.	Major	Prohibits the burning of offensive materials that are 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.
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.	Significant	Regulates the use of recreational vehicles on council owned and private land in a manner designed to reduce nuisance due to noise and potential damage to assets.
The use and placement of a caravan while building a dwelling need 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.	Significant	Regulates the use and placement of caravans in private property while building a dwelling in a manner which reduces the likelihood of the caravan becoming a de-facto permanent dwelling or not being operated in accordance with health requirements.

Problem	Impact on Council Objective	How Does the Local Law Deal with The Problem
Camping on private vacant land may present a viable short-term shelter option during certain times of the year, such as holidays. Camping that occurs in a manner that resembles more permanent shelter arrangement leads to reduced community amenity, is a potential risk to health and may have an impact on the local environment.	Significant	Prohibits a person from camping on any vacant private land in the municipal district for a period longer than 28 days in a calendar year. If camping for less than 28 days in a calendar year regulates the activity by providing guidelines aimed at preserving health, amenity and the environment.
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.	Significant	Prohibits a person from camping in a Caravan on a road unless the area has been designated by Council as being available for this purpose in an effort to reduce any safety hazard, maintain public access and protect any council assets.
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.	Significant	Regulates circus, carnivals or other similar events on any land under the control of Council in a manner designed to preserve amenity, protect the safety of the general public and protect council assets.
The discharge of wastewater into stormwater drains is detrimental to the environment and may reduce local amenity through odours, blockages or damage to assets.	Major	Prohibits the deposit any wastewater on any land or in water or a watercourse or drain or stormwater drain unless authorised and licensed under the <i>Environment Protection Act 1970</i> to ensure protection of the environment, assets and preserve the amenity of the area.
Inappropriate transportation and disposal of waste could be detrimental to the environment, public safety and the general amenity of an area.	Major	Prohibits/regulates the transportation and disposal of waste to ensure the protection of the environment, safety of the general public and the preservation of general amenity.

Problem	Impact on Council Objective	How Does the Local Law Deal with The Problem
The keeping of excessive animals on a property and inadequate housing for the animals could cause a nuisance to neighbouring properties, detract from the amenity of an area or present a health and/or safety risk to those close by.	Significant	Regulates the number and type of animal permitted to be kept on properties, depending on their zoning status plus the type of housing used to keep the animals to minimise any adverse impact on neighbouring properties, amenity, and the health and safety of others.
Animal litter deposited on any road or public place 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.	Significant	Compels animal owners to carry a suitable device to collect animal excrement and remove it from a road or public place to minimise any adverse impact to the amenity of the area or environmental pollution.
Horse riding on roads, footpaths, nature strips or public reserves in built up areas presents a high risk to road users and could be detrimental to council assets.	Significant	Prohibits the riding or leading of horses on roads, footpaths, nature strips or public reserves in built up areas unless council permission has been obtained in advance, in an effort to minimise any risk to road users and council assets.
Unregulated, roadside grazing, livestock movement or droving of livestock on roads presents a high risk to road users and may result in significant damage to the environment Council assets.	Major	Regulates roadside grazing, livestock movement or droving of livestock on roads activities in order to minimise any risk to road users or damage to the environment or council assets.



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