



**CORANGAMITE  
SHIRE**

# **Council Policy Local Laws - Use of Private Land**

**Corangamite Shire**  
April 2019

# Council Policy



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## Local Laws Use of Private Land

### Introduction

The use of private land has the ability to impact adversely on neighbourhood and visual amenity and pose a significant safety risk, not only to the occupiers of a property but also to others within the community.

Some common forms of uses that impact negatively on a neighbourhood and those who live within the community include:

- Unsightly storage of materials and items;
- Storage of waste and debris;
- Maintenance levels of a property that are creating a fire hazard;
- Living in caravans or mobile dwellings for prolonged periods;
- Placement of shipping containers and temporary structures;
- Use of a recreational vehicle in a residential area;
- Placement of bulk rubbish containers and
- Not correctly identifying a property.

While some uses are short term and minor in nature others may impact the wellbeing and safety of the community and create difficulties for emergency services.

### Purpose

To provide a clear and transparent policy direction for private land usage that may impact on a neighbourhood and its community, in order to actively reduce the number of occurrences and risks associated with the uses.

### Scope

This policy applies to all owners and occupiers of private land within the Corangamite Shire.

The policy does not control activities and uses that are subject to other permits and legislation.

### References

*Corangamite Shire Local Laws 2015.*

### Policy Detail

No person may use, occupy or manage private land in a manner that adversely impacts on neighbourhood and visual amenity or safety of a community.

The determination that a particular use of private land is adversely impacting on the neighbourhood and visual amenity or safety of a community will be determined by an authorised local laws officer (authorised officer), if they form the opinion or consider the land or activities on the land to be dangerous, causing a nuisance or unsightly.

Land will be considered to be causing an impact if any of the following apply:

- There are unconstrained materials and/or rubbish on the land, which may be, or may become, unsightly, a haven for vermin, unsafe or may be considered by an authorised officer as dangerous to health.
- Urban land is not being maintained regularly to ensure the growth of grass and weeds do not become a fire hazard.
- A caravan or mobile dwelling is being occupied for extended periods (more than 28 days in any 12 month period) by a person other than a family member linked to an existing dwelling on the property and the property is not currently linked to a permit to construct a dwelling.
- Shipping containers that are stored in urban areas.
- Persistent use of recreational vehicles in urban areas and extended use after dark in other areas.
- Bulk rubbish container/s placed in locations that may cause a visual or odour impact on the neighbourhood.
- Failure to correctly and clearly identify a property in accordance with a numbering system that has been approved by the municipal council and may assist emergency services to identify the property.

If the use of private land is determined by an authorised officer to be impacting on neighbourhood and visual amenity or the safety of the community, the person/s currently making use of the land will be required to immediately apply for a Local Law Permit to undertake the activity, or if deemed unacceptable by the authorised officer may be provided with a notice to comply to remove materials or improve the private land to the satisfaction of the authorised officer. The notice to comply will be issued in accordance with Council's *Local Law 2015* and may contain conditions to ensure correct management of the site into the future or provide time periods for compliance.

### **Permits**

In some instances a local law permit may be provided to an individual to undertake activities on private land if the use is considered temporary or to have limited impact on neighbourhood and visual amenity or the safety of the community. A permit will not be issued if other legislative permits are required for the use.

All permit applications must be on the prescribed form contained within the Council *Local Laws 2015* and a permit fee will apply.

### *Decision Guidelines*

In determining whether to grant a permit, Officers will take the following into account:

- amenity of the area
- visual impact
- community safety
- public liability
- possibility and cost of re-establishment at expiration of the permit
- whether the caravan or mobile dwelling is to be located on land where a permanent dwelling is located
- adequate sanitary facilities are provided
- the siting of material or use does not adversely affect the occupants of adjacent properties
- if the use is to be of a temporary nature

- whether a building permit or planning permit has been issued
- whether continuous progress towards completion and compliance with permits is undertaken.

If the use is determined to be unsuitable by an authorised officer, a permit will not be issued or if the use is already occurring, Officers may immediately provide direction for the use to stop and/or the site to be returned to an appropriate condition.

The consent/local law permit period operates from 1 January to 31 December unless cancelled by the permit holder or revoked by Council. All permits must be renewed annually and there will be no refund of permit fees if the permit is cancelled.

A person may be required by an authorised officer, at any time to stop the permitted use and/or remove all associated items if requested by an authorised officer.

Permits are not transferred when property ownership or management changes. A new permit must be applied for by the new owner or manager.

Council may revoke a permit should the permit holder fail to comply with any or all of the conditions contained in the permit.

Conditions of use will apply as determined by an authorised officer and will then be included as part of the consent/permit that is issued.

### **Exemptions**

Caravans and mobile dwellings in registered caravan parks and Council signed camping areas.

Council may exempt any person or class of person/s or an authority from the need for a permit or the payment of a permit fee.

### **Review Date**

April 2022.

### **Human Rights**

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity.

It is considered that this policy does not impact negatively on any rights identified in the *Human Rights and Responsibilities Act (2006)*