	Cardinia Shire Council	Local Law No 17- Clause 50
	Recreational Vehicle Policy	

Introduction

The use of recreational vehicles has become a popular recreational activity, especially with the introduction of various types of vehicles that may be used by people of all ages. In some instances land is purchased for the purpose of use for recreational vehicles. Therefore, appropriate controls must be in place to ensure the activity is not dangerous or detrimental to the amenity of residents in the surrounding area and the environment.

A recreational vehicle is defined as *any mini bike, motor bike, motor scooter, go-kart or other vehicle propelled by a motor which is used for recreational purposes, but does not include a recreational vehicle whilst engaged in legitimate farming activities or a motorised wheelchair.*

The Environment, Amenity and Asset Protection Local Law No 17 was adopted by Council on 15 June 2015. In part the Local Law enables Council to prohibit, regulate and control activities which may be dangerous or detrimental to the quality of life and the environment.

Clause 50 of Council's Local Law 17 relates to the use of recreational vehicles, and requires a permit to use a recreational vehicle.

In addition to the Local Law, this policy details the decision guidelines for determining applications, the areas where the use of recreational vehicles is prohibited, and mandatory requirements/ restrictions for permits that are issued.

Objective

The objective of the policy is to provide direction for the use of recreational vehicles on private land throughout the Shire, and ensure that the amenity of residents in the surrounding area and the environment are not unacceptably detrimentally impacted.

Application


The policy applies to the following:

- all recreational vehicles as prescribed in the definition of recreational vehicles; and
- all private property within Cardinia Shire Council.

Prohibited Areas

Council will not consider applications for the use of recreational vehicles on private property which is:

- zoned residential pursuant to the Cardinia Planning Scheme;
- contained within the urban growth boundary pursuant to the Cardinia Planning Scheme; or
- contained within a township boundary as defined by Council from time to time.

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Council will also not support application for the use of recreational vehicles on private property, where the riding area is:

- within 100 metres of a dwelling, or a property boundary of a property where a business or tourist facility in separate ownership operates or public land (excluding roads);
- within 20 metres of any other property boundary.

Note: The above setbacks are the minimum distance that an application will be considered for, and meeting these setbacks will not necessarily result in an application being approved. Providing larger setbacks will increase the likelihood of a permit being granted.

Decision Guidelines

Before determining an application for the use of a recreational vehicle, Council will consider, as appropriate:


- the location, zoning and overlays of the property;
- the suitability of the property for use by recreational vehicles;
- the proximity to neighbouring properties, businesses, tourist facilities or public areas;
- the environmental values of the site and surrounding area;
- the likely riders of the recreational vehicles;
- the number of vehicles for which the permit is required;
- the day, times and hours the recreational vehicles are to be used;
- the need to construct a track or undertake other works;
- the potential of the activity to cause a nuisance by way of noise, dust emission, or the like to any person;
- previous non-compliance with directions to cease riding, whether written or verbal, or non-compliance with a permit issued by Council; and
- other existing recreational vehicle permits in the surrounding area and the potential cumulative impact of these permits.

Referral of applications

An environmental referral to Council's Environment team will be undertaken for each application to assess potential environmental impacts of the proposal. When assessing the application referral, the Environment team will consider the need for vegetation removal and earthworks, the environmental overlays on the site, the environmental significance of the site, and potential environmental impacts on surrounding properties, among other matters.

Public notification of applications

Public notification will be undertaken for each application for the use of recreation vehicles. Notification will be to an extent appropriate to ensure surrounding residents potentially impacted are notified, generally to a distance of one kilometre from the outer edge of the riding area.

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Mandatory requirements/ restrictions for permits

All permits issued will:

- include a requirement for noise testing to be completed prior to the commencement of the use of the recreational vehicle/s. The test must be conducted by an EPA approved licence tester, must confirm the noise produced by the vehicle is less than 94Db, and must be to the satisfaction of Council.
Each vehicle must be tested annually by an EPA approved licence tester, and comply with the above requirement. Certification of noise testing, not more than 12 months old, must be produced upon request of an Authorised Officer or member of Victoria Police.
Where a different vehicle is proposed to be used at a later date, it must be tested as above prior to its use.
- be issued initially for a trial period of six months. Any complaints received during this time will be considered prior issuing a permanent permit.
- not allow the use of more than two recreational vehicles at any one time;
- only allow the use of recreational vehicles on a maximum of three weekdays and Saturdays in any week, and the use for a maximum of two hours on any of the permitted days;
- not allow the use of recreational vehicles on Sundays or days of Total Fire Ban;
- be issued to the permit holder, who is responsible for supervising all recreational vehicle usage on the subject site.

Renewal of permits

All recreational vehicle permits issued will expire on 30 June each year, and will require renewal each year. Failure to renew the permit will result in the permit being cancelled and a new application will need to be submitted, should the use of the vehicles still be required.

Reporting of Non Compliance

Non-compliance with this policy or a permit issued pursuant to this policy can be reported by contacting Council on 1300 787 624. During business hours, details will be taken of the property, the riders and the frequency, and will be assigned to a Compliance Officer for investigation.

Contact made outside of business hours will be received and investigated by the after-hours officer.

Responsibilities of Permit Holder

The applicant, and subsequent holder of a Recreational Vehicle Permit, will ultimately be held responsible for all activities undertaken under that permit. Should breaches of permit conditions of the permit be detected, the permit holder will be held responsible for those breaches, whether or not they are active participants in the breach.

Any breaches of Council's Local Laws may result in the cancellation of the permit, infringement notices or charges being laid in the Magistrates Court.