

MANNINGHAM

## COUNCIL MEETING

# AGENDA

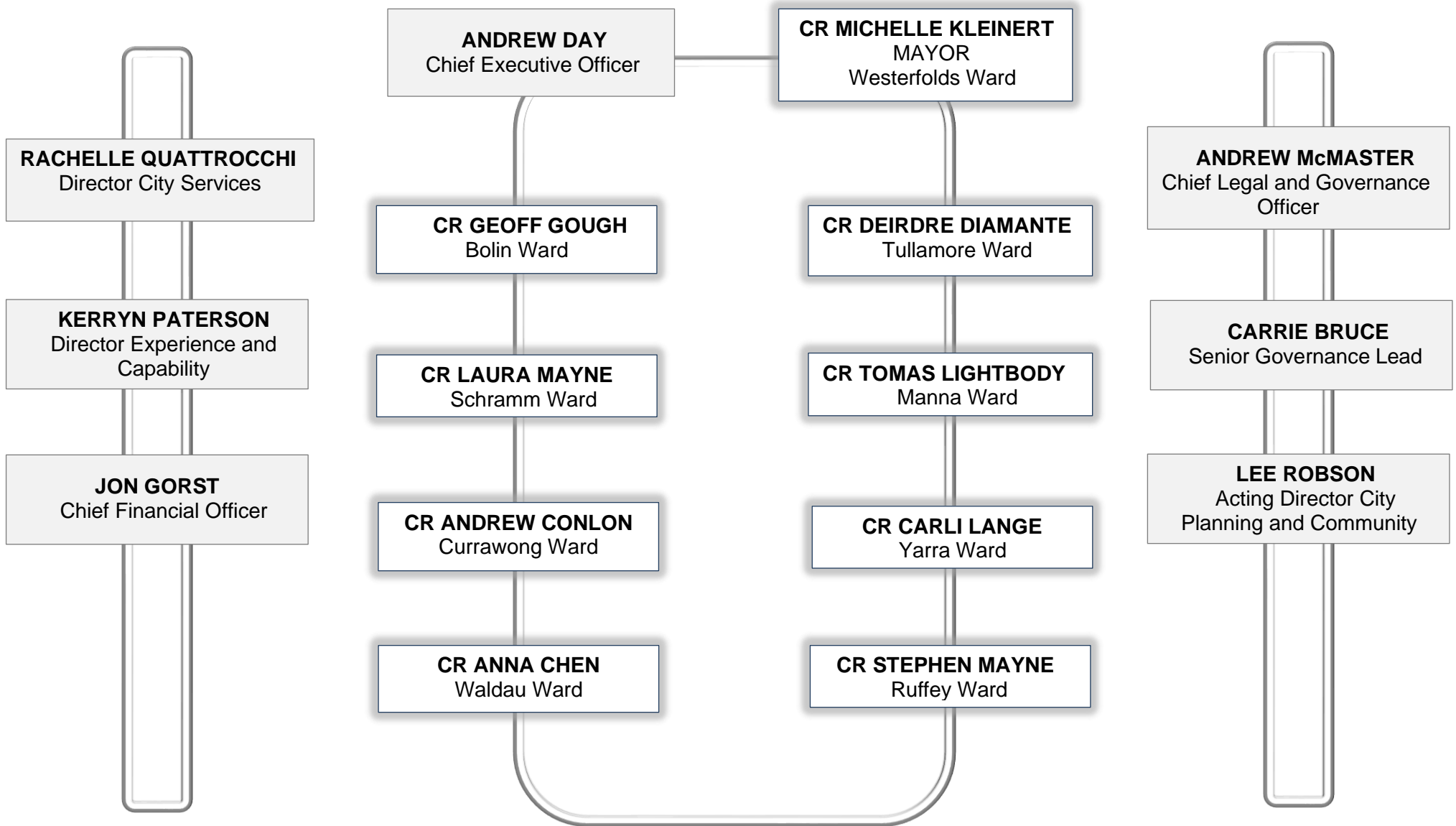
<b>Date:</b>	<b>Tuesday, 27 September 2022</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

**This meeting is convened to transact the business listed below.**

**Andrew Day**  
**Chief Executive Officer**

*This meeting will be livestreamed. Members of the public who address Council will be heard on the live audio stream, and audio of them speaking will be recorded. All reasonable efforts will be made to avoid capturing live or recorded video footage of public attendees however there might be incidental capture.*

# COUNCIL MEETING SEATING PLAN



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**1 OPENING PRAYER AND STATEMENTS OF  
ACKNOWLEDGEMENT**

**2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

**3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**

**4 CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Council Meeting held on 23 August 2022 and the Council Meeting held on 13 September 2022.

**5 PRESENTATIONS**

**6 PETITIONS**

**7 PUBLIC QUESTION TIME**

**8 ADMISSION OF URGENT BUSINESS**

**9 PLANNING PERMIT APPLICATIONS**

Nil

## 10 CITY PLANNING & COMMUNITY

### 10.1 Draft Community Local Law 2023

File Number:	IN22/577
Responsible Director:	Acting Director City Planning and Community
Attachments:	1 Community Local Laws Plan 2013 <a href="#">↓</a> 2 Draft 8 Community Local Law 2023 <a href="#">↓</a> 3 Table of Amendments <a href="#">↓</a> 4 Draft 6 Building and Works Code of Practice <a href="#">↓</a> 5 Domestic Wastewater Management Plan <a href="#">↓</a> 6 Community Impact Statement <a href="#">↓</a>

#### EXECUTIVE SUMMARY

*This report has been prepared to seek Council's approval to exhibit the draft Community Local Law to the community for its consideration. Feedback received from the community will assist officers in preparing the final draft Community Local Law which will be reported to Council for consideration in 2023.*

#### 1. RECOMMENDATION

**That Council resolve in accordance with s.73 of the *Local Government Act 2020* to authorise officers to exhibit the Draft Community Local Law to the community for consideration in accordance with Council's Community Engagement Policy.**

#### 2. BACKGROUND

- 2.1 Local Laws are a form of local regulation that enable Councils to put in place legislative controls that reflect the different circumstances of each municipality and address matters which require regulation either through the issuing of permits or enforcement measures.
- 2.2 The Local Government Act requires Councils to make Local Laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act. This is subject to certain legislative requirements which includes the requirement that a Local Law must:
- not duplicate or be inconsistent with a Planning Scheme;
  - not exceed the power to make local laws conferred by the Act; and
  - be expressed as clearly and unambiguously as is reasonably possible.
- 2.3 Manningham's current Local Law was adopted by Council on 1 July 2013 and is due to sunset on the 1 July 2023. A copy of the existing Community Local Law is attached as Attachment 1 with the Proposed Local Law provided as Attachment 2 to this report.

- 2.4 Also attached to this report is an overview of the proposed changes, Council's Domestic Wastewater Management Plan and a Buildings and Works Code of Practice. Due to the length of time that has passed since adoption, it is important to ensure that the Draft Community Local Law adequately reflects current community needs and emerging issues.
- 2.5 The draft local law has removed a number of clauses which are no longer considered to be relevant for Council's regulatory purposes and has introduced several new clauses to address growing community concerns. An overview of these matters is provided below with a more detailed account provided as Attachment 3 to this report.

### **3. DISCUSSION / ISSUE**

- 3.1 To assist in preparing the first draft of the Community Local Law, officers undertook a number of internal workshops to identify general themes and specific parts of the existing Community Local Law that require attention.
- 3.2 Analysis was undertaken by officers to identify parts of the existing local law that need change because of the introduction of new legislation, provisions that have become redundant as well as matters not covered sufficiently by the existing document in addressing emerging trends.
- 3.3 Comments received from the community engagement process will help to further inform the final draft of the Community Local Law that will be presented to Council for consideration in 2023.
- 3.4 The following overview summarises the substantive amendments which have been incorporated into the Draft Community Local Law.

#### **1. Proposed inclusions are:**

- a. Onus operator provisions
- b. Control of shipping containers
- c. Itinerant trading
- d. Restriction on parking of larger vehicles on residential land
- e. Protection against audible intruder alarms
- f. Fires on public land
- g. New performance-based provision allowing burning off without a permit
- h. Permission to be obtained to busk or spruik
- i. Control of signage on Council land
- j. Introduction of a new building site code of practice
- k. New containment of animal and housing provisions
- l. New shopping trolley provision

**2. Clauses which have been removed include:**

- a. Garage Sales
- b. Floodlighting
- c. Land Management Plans
- d. Horse microchipping
- e. Plan of Doncaster Hill (Schedule 2)
- f. Green wedge (Schedule 4)
- g. Removal for need to obtain approval from Council to trade on footpaths within public places that are privately owned

3.5 The Draft Community Local Law has also removed unnecessary duplications, administrative matters and has refined Council's requirements, creating a more user-friendly document which does not compromise Council's enforcement powers and functions.

3.6 Significant changes associated with financial penalties have also been made. This is discussed further in this report.

**4. COUNCIL PLAN / STRATEGY**

4.1 The report and action taken is in support of the Council Plan 2021-2025, especially the following:

- Goal 1.1 – A Healthy, resilient and Safe Community; and
- Goal 1.2 – A connected and inclusive community.

**5. IMPACTS AND IMPLICATIONS**

5.1 The new Community Local Law will also ensure that Council has a contemporary document that is fit for purpose in protecting the health, safety and amenity of Manningham's residents, business owners and visitors for the next 10 years.

**6. IMPLEMENTATION**

6.1 Finance / Resource Implications

6.1.1 The penalty rate in the existing Community Local Law 2013 equates to \$100 per penalty unit. This rate is consistent with local laws that were adopted across Victoria before July 2021.

6.1.2 With the introduction of the Local Government Act 2020, State Government has aligned the local law penalty rate to that of Victorian legislation. This has resulted in the penalty rate in the Draft Community Local Law increasing from \$100 per penalty unit to \$184.94 per penalty unit. This figure is also indexed annually as per penalty rate under Victorian legislation.

6.1.3 Schedule 3 identifies the penalty rate per infringement penalty issued to an individual or a body corporate. The infringement penalty rate will increase significantly in most cases from \$200 (individual) and \$500 (body corporate) to a minimum of \$369 and \$739 respectively. In some cases, offences will attract \$924 for individuals and \$1,109 for body corporates.

## 6.2 Communication and Engagement

6.2.1 Given the importance of this document to the community and in consideration of Council's legislative requirements, the Draft Community Local Law must be made in accordance with Council's Community Engagement Policy.

6.2.2 A Communications Plan has been prepared which outlines the engagement activities that are proposed to be undertaken.

6.2.3 This plan includes engagement initiatives across Council's media channels, including local media, social media, Your Say Manningham website and print media in multiple languages.

6.2.4 Targeted engagement activities will also be undertaken with relevant stakeholders, agencies and authorities including Victoria Police, Fire Rescue Victoria and the Country Fire Authority to obtain relevant information which may assist in informing the Proposed Local Law.

6.2.5 Opportunities to attend in person sessions at community markets/pop up events are also being explored.

## 6.3 Timelines

6.3.1 The multi-tiered community engagement strategy will commence in October and will run up to Council's consultation hiatus in December.

6.3.2 The initial period of consultation will run for a period of 28 days. However further engagement will be undertaken with stakeholders, including Manningham's Advisory Committees, resident groups, trader groups and general stakeholders. These include FRV, the CFA and Victoria Police. This will commence during the initial engagement period with the general community and will extend beyond the 28 day period as engagement continues.

6.3.3 A media release and advertisements in the Warrandyte Diary and Manningham Nillumbik Bulletin will also be placed, together with notification in Manningham Matters once approval to exhibit the draft local law is provided by Council.

6.3.4 Council's digital media platforms will also be used to engage with our community, including Manningham's Your Say website and social media.



6.3.5 Once the Community Engagement process has been undertaken, feedback received will be considered and will be used to assist in finalising the draft document for Council's consideration.

6.3.6 A final recommendation will be made to Councillors regarding the adoption of the Local Law by no later than July 2023 to ensure that the new Local Law commences before the existing Local Law sunsets.

## **7. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

**MANNINGHAM'S COMMUNITY  
LOCAL LAW 2013**

**1 July, 2013**



## MANNINGHAM'S COMMUNITY LOCAL LAW 2013

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## PART 1 – PRELIMINARY

### Local Law

- 1.1 Manningham's Community Local Law 2013 is a local law made under Part 5 of the Local Government Act 1989 and section 42 of the Domestic Animals Act 1994.

### Community Plan

- 1.2 This Local Law is made in recognition of Manningham's Generation 2030 Community Plan and the Council Plan, which, as Council's overarching strategic documents, provide a long-term shared vision for Manningham and the community by guiding the development of policy and strategies.

### Objectives

- 1.3 The objectives of this Local Law are to –
- (a) encourage and promote community connectedness and belonging;
  - (b) provide and encourage a safe, healthy and accessible Manningham;
  - (c) improve the quality of Manningham's buildings and streetscapes;
  - (d) protect, maintain and enhance the natural environment of Manningham;
  - (e) encourage participation and involvement in recreation, recognising the benefits this brings to community and individual wellbeing;
  - (f) encourage and support community, sporting and other recreation-based community groups;
  - (g) ensure the protection of Council assets and the sustainable use of resources;
  - (h) foster vibrant and prosperous business;
  - (i) value and protect the cultural heritage of Manningham;
  - (j) Improve the capability and performance of Manningham;
  - (k) promote and maintain the quality of life and wellbeing of the Manningham community;
  - (l) regulate control of animals on land including municipal property; and
  - (m) provide uniform and fair administration and enforcement of this Local Law.

### Commencement

- 1.4 This Local Law commences on 1 July, 2013.

### Repeal of Local Laws

- 1.5 On the commencement of this Local Law –
- (a) Manningham's General Law 2003;
  - (b) Manningham's Public Health Law 2003; and
  - (c) Manningham's Doncaster Hill Law 2007



are repealed, save that any notice or consent given or any business, matter or thing commenced, made or done under those repealed local laws is not affected.

### **Application to municipality**

1.6 This Local Law applies throughout the municipality.

### **Other legislation**

1.7 Anything allowed under any Act, Regulation or the Manningham Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.

### **Definitions**

1.8 In this Local Law –

<b>Act</b>	(or the Act) means the Local Government Act 1989;
<b>annexe</b>	means a structure, awning, room or lean-to or other enclosed or partially enclosed area which is used or is capable of being used in conjunction with a caravan or tent;
<b>attendant</b>	means a person appointed or authorised by Council to act as an attendant in a municipal building, and includes a manager;
<b>authorised officer</b>	means a person appointed by Council pursuant to section 224 of the Act for the purpose of administering and enforcing this Local Law, and includes Council's Chief Executive officer and any person acting in that capacity for the time being;
<b>barbeque</b>	means a structure device or contraption designed or constructed for the primary purpose of cooking food in the open air for human consumption but does not include barbeques which use gas or electricity as the fuel or heating medium;
<b>building</b>	includes a structure and part of a building or a structure, fence, walls, service installations and other appurtenances of a building;
<b>building work</b>	has the same meaning as in the Building Act 1993;

<b>caravan</b>	includes a dwelling and vehicle or other form of conveyance that may be habitable and is designed to be movable;
<b>Chief Executive Officer</b>	means the Chief Executive Officer of Manningham City Council and includes a person acting as the Chief Executive;
<b>clothing bin</b>	means a receptacle used for the placement of donated clothing;
<b>Council</b>	means Manningham City Council;
<b>Council land</b>	means any land or road owned, vested in, managed by or under the control of Council and includes any building, structure, street sign, fence, tree and plant situated on that land;
<b>domestic bird</b>	means any bird kept in a portable cage or in captivity;
<b>Doncaster Hill</b>	means that part of the municipality described by reference to the plan contained in Schedule 2;
<b>environmental weed</b>	means a weed that threatens natural ecosystems resulting in a reduction of plant diversity and loss of habitat for native fauna, as listed in Schedule 3 and applicable only to land effected by an Environmental Significance Overlay, Significant Landscape Overlay or Vegetation Overlay ;
<b>flood lighting</b>	means any lighting specifically designed for the purposes of providing exterior floodlighting for recreation, entertainment, sporting, security, car parking, advertising or display purposes and comprising a lamp or lamps each having an output greater than 4000 lumens;
<b>incinerator</b>	includes a structure, device or contraption (not enclosed in any building) which is used or designed or capable of being used for the purpose of burning any substance;
<b>kennel</b>	means any building whether roofed or not, used or intended or designed as a pen for the keeping of one or more dogs;
<b>land</b>	includes buildings and other structures permanently affixed to land, trees and plants, land covered with water, and any estate, interest, easement, privilege or right in or over land;

<b>large animal</b>	includes an emu, ostrich, cow, pig, bull, horse or any other equine animal;
<b>manager</b>	means a person or body for the time being appointed by Council as a manager of a municipal building, and, where a municipal building managed by a contractor on behalf of the Council, includes a person from time to time appointed as a manager of the municipal building by the contractor;
<b>Manningham</b>	means Manningham City Council;
<b>MGB</b>	means a mobile garbage bin and is a receptacle or container constructed of heavy duty moulded plastic which conforms to Australian Design Standards.
<b>motor vehicle</b>	has the same meaning as described in the Road Safety Act 1986;
<b>municipal building</b>	includes Council's municipal offices, Council's public libraries, Council's municipal depots, and any other building owned, occupied leased or managed by Council whether on its own behalf or through contractors, and unless otherwise specified, includes any outbuildings, courtyards, car parks, gardens and grounds appurtenant to a municipal building and all fixtures, fittings and furniture erected, installed or contained in a municipal building;
<b>municipality</b>	means the municipal district of the Council;
<b>notice to comply</b>	means a notice to comply issued under this Local Law;
<b>noxious weed</b>	means a plant that has been proclaimed a noxious weed under the Catchment and Land Protection Act 1994;
<b>nuisance</b>	means a state, condition or activity which is or is liable to be dangerous to health or offensive;
<b>offensive</b>	means noxious or injurious to personal comfort;
<b>permit</b>	means a permit issued pursuant to this Local Law;
<b>person</b>	includes a natural person, a corporation, an association incorporated under the Association Incorporation Act 1981, a partnership and an unincorporated association;
<b>pigeon loft</b>	means any building for the housing or use of pigeons;

<b>playing arena</b>	means an area within a reserve designated or set aside for competitive games and includes a football oval, a cricket ground, basketball, tennis and netball courts, a baseball ground and hockey field;
<b>poultry</b>	includes fowls, turkeys, ducks or geese and birds of any description of either sex and any age but does not include domestic birds of a lesser number than 13 kept on land;
<b>poultry house</b>	means a building intended or designed or adapted for the housing of poultry other than pigeons and includes an aviary;
<b>premises</b>	includes the whole or part of any land, building or building under construction;
<b>public place</b>	has the same meaning as in section 3 of the Summary Offences Act 1966;
<b>receptacle</b>	is an approved container for the placement of household waste and includes an MGB;
<b>recreational vehicle</b>	includes a mini-bike, motor bike, motor vehicle, motor scooter, go-cart and any other vehicle which may be propelled by a motor which is used for recreational purposes but does not include a motorised wheelchair;
<b>repair</b>	includes the reconstruction or renewal of any part of any existing building for the purpose of its maintenance;
<b>reserve</b>	means land within Council's municipal district which is owned, leased, licensed or otherwise managed by Council for sporting, recreation, cultural or entertainment purposes, and includes parks and gardens and land belonging to the Crown in relation to which the Council is a Committee of Management under the Crown Land (Reserves) Act 1978;
<b>residential area</b>	means any area characterised predominately by dwellings;
<b>road</b>	means a road as defined in Section 3 of the Act, and includes a shopping mall and any private roads, malls, walkways and parking areas within a shopping centre;
<b>Schedule</b>	means a Schedule to this Local Law;

<b>septic tank system</b>	means a system for the bacterial, biological, chemical or physical treatment of sewerage and includes, tanks, beds, sewers, drains, pipes, fittings, appliances and land used in connection with the system;
<b>shopping trolley</b>	means a wheeled receptacle supplied by a retailer of goods to enable customers purchasing any of its goods to transport them from one place to another;
<b>small animal</b>	means an animal that is not a large animal, not a dog or cat and includes a sheep or a goat;
<b>street furniture</b>	means tables and chairs, umbrellas, planter boxes, heaters or other items associated with footpath trading;
<b>vehicle</b>	means a conveyance that is designed to move, to be moved, or to be towed on land. It includes an animal that is either driven or ridden and a trailer but does not include: <ul style="list-style-type: none"><li>(a) a train;</li><li>(b) a toy vehicle; or</li><li>(c) in respect of an injured or disabled person, a wheelchair or motorised wheelchair that is capable of no more than 7 kilometres per hour;</li></ul>
<b>vermin</b>	means an animal the has been proclaimed under the Catchment and Land Protection Act 1994, including cockroaches, European wasps, rats, that are destructive, annoying or injurious to health.
<b>wetlands</b>	are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt.

### **Notes in this Local Law**

- 1.9 Introductions to Parts, headings and notes are explanatory only to assist understanding and do not form part of this Local Law.

## PART 2 – USE OF PUBLIC PLACES

This Part contains provisions which aim to provide for the safe and orderly use of municipal buildings and to protect the amenity of roads and public places for the community by controlling behaviour and by prohibiting persons from causing damage to roads and public places or acting in a socially unacceptable manner.

**NOTE:** Any reference in this Part to a “road” includes nature strips and footpaths.

### Conduct in municipal buildings

2.1 A person must not –

- (a) commit a nuisance while in a municipal building or its surrounds;
- (b) interfere with another person’s use or enjoyment of a municipal building;
- (c) use indecent, insulting, offensive or abusive language or behave in an indecent, offensive, insulting or riotous way or engage in any rough or boisterous play or conduct or act in a manner which may endanger any person while in a municipal building or its surrounds;
- (d) destroy, damage, write upon or interfere with a municipal building or property belonging to Council;
- (e) act contrary to a sign on or in a municipal building;
- (f) except for a child under the age of 5 years in the care of a responsible person, enter or use any dressing room, shower convenience in a municipal building or any passage leading thereto which has been appointed or appropriated to persons of the opposite sex;
- (g) hawk, sell, offer for sale or hire out any goods, articles or services in a municipal building without an authorised officer’s prior written consent;
- (h) obstruct, hinder or interfere with the manager, attendant, member of Council’s staff or any contractor or authorised officer in a municipal building;
- (i) act contrary to any lawful direction of the manager, attendant, member of Council’s staff or any authorised officer in a municipal building;
- (j) use any life saving device in a municipal building unless during an emergency or during approved instruction;
- (k) without the written consent of Council or an authorised officer, eat or drink in a municipal building except in areas designated for these purposes; or
- (l) remain in a municipal building following a request by an authorised officer or the manager to leave the municipal building;
- (m) use any wheeled vehicle, roller blades, roller skates or skateboard, other than a pram, pusher or wheelchair.

### Prohibited things

2.2 Except with the prior written consent of an authorised officer, a person must not bring into or cause or permit to be brought into or remain in a municipal building–

- (a) any flammable substance, or any chemical substance, liquid or powder which is dangerous or injurious to health or has the potential to foul, pollute or soil a municipal building or to cause a nuisance to any person; or

- (b) any animal other than to Council's municipal pound.

**NOTE:** Clause 2.2(c), does not apply to a dog kept or used as a guide dog for a visually impaired person or a dog participating in a dog show, or activity approved by Council.

### Conduct in reserves

- 2.3 Except with a permit, or except as otherwise authorised in writing, a person must not, on a reserve –
- (a) camp or pitch, erect or occupy a camp, tent or temporary shelter;
  - (b) light a fire or allow a fire to remain alight unless the fire is in a barbecue;
  - (c) sell intoxicating liquor;
  - (d) ride, drive or otherwise use a recreational vehicle except in an area designated for that purpose;
  - (e) hold a circus, carnival or fair;
  - (f) conduct or celebrate a wedding;
  - (g) erect, fix or place an advertisement for a personal, commercial, charitable, cultural or community purpose;
  - (h) conduct, organise or participate in a game of sport which is a fixture of any competitive sporting program;
  - (i) engage in playing or practising cricket, football, bowls, tennis, lacrosse, or a like game in a manner which could be a danger to the safety of a person or interfere with the reasonable use and enjoyment of a reserve by another person;
  - (j) engage in, play or practice golf;
  - (k) sell, expose or offer for sale any article of food or drink or any other article or operate or cause to be operated any amusement for which a charge is made or make a collection of money for any purpose;
  - (l) ride or drive a horse or a motor vehicle, or other vehicle or any bicycle except that this sub-clause does not apply to –
    - (i) the parking of a motor vehicle, motor cycle, bicycle or other vehicle in a parking area set aside by Council for that purpose;
    - (ii) the wheeling of bicycles, prams, wheelchairs, child or baby carriages and children's toys along a footpath;
    - (iii) the riding of a bicycle in a manner that does not interfere with the use or enjoyment of the reserve by any other person;
    - (iv) a member of the Council's staff acting in the course of his or her duties;
    - (v) a designated roadway or bicycle path; or
    - (vi) the riding of a horse where that has been permitted by Council;

- (m) enter or remain on the playing arena except when that person is a player, official or competitor at a sporting match, competition or sports gathering authorised to be conducted in or to use the reserve;
- (n) enter any plots or areas which are set aside for the planting or growing of plants except where the person is a member of Council's staff, or authorised for that purpose;
- (o) use any sound or voice amplification device in such a way which may cause a nuisance to any person;
- (p) destroy, deface, defile, damage, remove or interfere with a municipal building, structure, notice, playing arena, playing surface, seat, tree or plant;
- (q) remove vegetation, earth, sand, stone or gravel from the reserve;
- (r) walk on flower beds or borders;
- (s) post bills or advertisements on fences, gates, walls, seats or other structures;
- (t) roll or throw stones or missiles;
- (u) deposit or leave litter except in receptacles provided for that purpose;
- (v) use offensive, indecent or abusive language;
- (w) offend, by way of conduct, against ordinary decency;
- (x) remove, displace, disfigure or damage a noticeboard or scoreboard;
- (y) snare, attempt to snare, destroy or attempt to destroy any bird or animal;
- (z) play an unlawful game or make a wager for money or carry on any form of gambling;
- (aa) interfere with, hinder or interrupt a member of Council's staff, or a member of a Council committee engaged in any lawful function or duty;
- (bb) act in a manner which causes a danger to another person;
- (cc) act in a manner which interferes with the quiet enjoyment of the reserve by another person;
- (dd) act contrary to any sign or markings erected or placed by Council;
- (ee) enter or remain, while under the influence of alcohol or any intoxicating drug;
- (ff) act contrary to a lawful direction of an authorised officer, including any direction to leave the reserve notwithstanding that a fee or charge for admission may have been paid; or
- (gg) where a children's play-ground has been established, use a swing, equipment or other appliance intended for use as part of a children's play-ground for a purpose other than that for which it is provided.

### **Restrictions on entry**

- 2.4 Except with the written consent of Council or an authorised officer, a person must not use or enter a reserve or playing arena –
- (a) when the public is prohibited; or
  - (b) without paying any charge or entrance fee previously fixed by Council.



**Gateways to reserves**

- 2.5 Except with a permit, or as otherwise authorised in writing an owner or occupier of land abutting a reserve must not install or maintain a gateway which enables access to or from that reserve.

**Behaviour on roads and in public places**

- 2.6 A person must not, on any road or in any public place –
- (a) make or cause any nuisance or noise which interferes with the reasonable comfort and quiet enjoyment of another person;
  - (b) act in a manner which endangers another person or act in a reckless manner which is likely to endanger another person;
  - (c) deposit or permit to be deposited any volatile, explosive or flammable matter;
  - (d) except in an area authorised for that particular purpose, deposit or permit to be deposited or left any household garbage, refuse or rubbish whatsoever;
  - (e) deposit in or around any receptacle for the collection or disposal of litter, any household garbage, trade waste or other refuse or rubbish other than normal street litter;
  - (f) ride or drive a bicycle, skateboard, roller blades or like thing, or a horse on a footway, other than a footway designated for such purposes;
  - (g) act contrary to a Council sign or marking, or
  - (h) by indecent or rude conduct, interfere with the comfort or enjoyment of any persons within a reserve.

**Wetlands and fountains**

- 2.7 A person must not –
- (a) enter, swim, paddle, bath, dive or jump in a wetland or fountain located in a reserve or public place; or
  - (b) throw, place or cause or suffer to be thrown or placed any liquid, powder substance, stones, rocks, sticks, paper, dirt or rubbish or other object, substance or thing of any kind into a wetland or fountain located in a reserve or public place.

**Shopping trolleys**

- 2.8.1 A person must not leave a shopping trolley on any road or in a public place, other than in an area designated by Council as an area where shopping trolleys may be left.
- 2.8.2 An authorised officer may impound a shopping trolley left in a place where, pursuant to clause 2.8.1, it must not be left.

**Repairing vehicles**

- 2.9.1 Subject to clause 2.9.2, a person must not paint, service, dismantle or repair a vehicle on a road or in a public place.
- 2.9.2 Clause 2.9.1 does not apply to a minor repair of a temporarily inoperable motor vehicle to allow the motor vehicle to move under its own propulsion.

**General obstruction**

- 2.10 Except with a permit, a person must not place or keep any encroachment or obstruction to the free use of a road.

**Premises to be numbered**

- 2.11 The owner of any premises to which Council has allocated a number, must display that number on the premises in such a manner as to be identifiable from the road on which the premises adjoins.

**Advertisements and graffiti**

- 2.12 Except with a permit, a person must not write, print, stencil, paint, place or affix, or keep any letter, figure, device, poster, sign or advertisement upon any Council land or in a public place.

**Clothing bins**

- 2.13 Except with a permit, a person must not place a clothing bin in any public place.

**Abandoned and unregistered vehicles**

- 2.14 A person must not leave an abandoned, unregistered, accident damaged, dilapidated or amenity impacting vehicle on a road or in a public place.

**Display of vehicles for sale on roads and in public places**

- 2.15 A person must not display a vehicle for sale on a road or in a public place.

**Roadside trading**

- 2.16.1 Without a permit, a person must not engage in selling goods or services from a road or from a vehicle parked on or beside a road, or authorise or allow another person to do so.
- 2.16.2 Clause 2.16.1 does not apply to –

- (a) selling goods or services in association with a business lawfully conducted on land immediately adjacent to the place where selling occurs;
- (b) delivering newspapers, magazines, milk, milk products, fruit juices or soft drinks to homes;
- (c) selling goods in a legally established market or fair; or
- (d) undertaking an activity exempted by Council.

### **Footpath trading**

2.17 Without a permit, a person must not place on a footpath or in a public place –

- (a) any advertising sign;
- (b) goods for sale; or
- (c) street furniture.

### **Consumption of liquor**

2.18 Except with a permit, a person must not in a place which is described in Schedule 1 –

- (a) consume any liquor; or
- (b) have in that person's possession or control any liquor that is in an open container.

**NOTE:** Clause 2.18 does not apply to a person who consumes, possesses or has under his or her control, liquor on premises or at a location which is licensed under the Liquor Control Reform Act 1998.

### **Filming**

2.19 Without a permit, a person must not engage in any commercial filming in a public place.

## PART 3 – ENVIRONMENTAL AMENITY

This Part contains provisions which aim to protect the environmental amenity of land within the municipality by regulating activities on land and land appearance.

### Division 1 – General

#### Street collections

3.1 A person must not, without a permit, solicit or collect, on Council land or from a residence, gifts of money or subscriptions.

**NOTE:** The term “Council land” includes a road.

#### Unsightly and dangerous land

3.2 The owner or occupier of any land must not allow the land to be kept in a manner which is –

- (a) unsightly;
- (b) dangerous; or
- (c) detrimental to the general amenity of the area in which the land is located.

**NOTE:** For the purpose of clause 3.2(a) unsightly land includes the harbouring of rubbish and disused excavation materials.

#### Motor vehicles and machinery on land

3.3 Except with a permit, a person must not use any land –

- (a) for storage of old or second-hand motor vehicles or machinery;
- (b) for the dismantling or breaking up of motor vehicles or machinery; or
- (c) which is used or intended to be used primarily for residential purposes, for the repair or servicing of any motor vehicle other than a motor vehicle registered at the address of that land.

#### Noise

3.4.1 A person must not emit noise or cause noise to be emitted from any road or any land if in the opinion of an authorised officer the noise is unreasonable.

3.4.2 For the purposes of clause 3.4.1, noise is unreasonable having regard to the –

- (a) duration;
- (b) volume;
- (c) intensity;
- (d) time; or
- (e) place.

3.4.3 A person must not –

- (a) operate a vehicle mounted refrigeration unit on any land in a residential area prior to 7.00 am or after 10.00 pm Monday to Friday or prior to 9.00 am or after 10.00 pm on any Saturday, Sunday or Public Holiday if it is likely to cause a nuisance to an adjacent residential area;
- (b) deliver or collect any materials or goods to or from any commercial premises prior to 7.00 am or after 10.00 pm Monday to Saturday or prior to 9.00 am or after 10.00 pm on any Sunday or Public Holiday if it is likely to cause a nuisance to an adjacent residential area; and
- (c) without a permit, cause or allow to be caused noise from or related to works or the construction, demolition or repair of buildings (except by urgent repair to or maintenance of a dwelling by the occupier) other than between –
  - (i) 9.00 am and 8.00 pm on any Saturday, Sunday or Public Holiday; or
  - (ii) 7.00 am and 8.00 pm Monday to Friday.

#### **Vermin**

3.5 An owner or occupier of land must not allow vermin to exist on that land.

#### **Noxious weeds**

3.6 An owner or occupier of land must not allow noxious weeds to exist on that land.

#### **Environmental weeds**

3.7 An owner or occupier of land affected by an Environmental Significance Overlay, Significant Landscape Overlay or Vegetation Overlay under the Manningham Planning Scheme must remove environmental weeds existing on that land if in the reasonable opinion of an authorised officer the weeds pose a threat to natural ecosystems and could result in a reduction of plant diversity and loss of habitat for native fauna.

#### **Fire hazards**

3.8 An owner or occupier of land must not allow to exist on that land any material, including vegetation, which constitutes or is likely to constitute a fire hazard or a source of fuel for any fire.

#### **Overhanging vegetation**

3.9 The owner or occupier of land must not allow vegetation to grow in a manner which –

- (a) overhangs onto or over the footpath or road abutting that land to an extent where, in the opinion of an authorised officer, it impedes or obstructs the reasonable use of that pavement or road;
- (b) obstructs or impairs the vision of the driver of a motor vehicle travelling along a road adjacent to the land; or

- (c) otherwise interferes with the safe and convenient use of the footpath or road adjacent to the land.

### **Camping on private property**

3.10 Except with a permit, the owner or occupier of land must not –

- (a) occupy or allow to be occupied;
- (b) place or cause to be placed so as to be visible from any road; or
- (c) use or allow to be used;

a tent, caravan or annexe on the land.

### **Camping on roads, Council land and in public places**

3.11 Except with a permit, a person must not –

- (a) occupy or use or cause to be used any road, Council land or public place for camping; or
- (b) erect any tent or annexe or place any caravan on any road, Council land or public place.

**NOTE:** Clause 3.11 does not apply to camping on land –

- (a) which is a permitted use under the Manningham Planning Scheme; or
- (b) designated as being, or set aside for use as an authorised camping area.

### **Garage sales**

3.12.1 Except with a permit, a person must not conduct more than two garage sales from the same property within any calendar year.

3.12.2 A garage sale permitted under clauses 3.12.1 must not –

- (a) extend beyond 24 hours;
- (b) involve goods that are not second-hand personal or household goods; and
- (c) cause injury or adversely impact the amenity of the neighbourhood.

3.12.3 A person conducting a garage sale must not place advertising signs on a road or public place.

### **Trailers on roads**

3.13 A person must not leave on a road a trailer containing rubbish for more than 7 consecutive days.

### **Floodlighting**

- 3.14 A person must not install or use floodlighting on private land which may result in the spill of light onto adjoining land unless in compliance with the following requirements –
- (a) the floodlighting must be shielded with such devices as Council may from time to time require to prevent glare from the floodlighting causing a nuisance outside the boundary of the land on which the floodlight exists;
  - (b) the level of illumination emitted by the floodlights must not exceed 8 lux measured at a distance of 1.5m outside the boundary of the land on which floodlights are erected whether the illumination is as a result of direct, reflected or other incidental light emanating from the land; and
  - (c) the measurement of illumination for the purposes of this clause must be conducted by an authorised officer or in a manner approved and supervised by an authorised officer.

**NOTE:** Clause 3.14 does not apply where a planning permit has been issued under the Planning and Environment Act 1987 in respect of the floodlighting of a tennis court as provided for in clause 1.7.

### **Open air burning and incinerators**

- 3.15.1 A person must not light a fire or allow a fire to remain alight in the open air or in an incinerator on land having a total area of less than or equal to 2,500 square metres.
- 3.15.2 Except with a permit, a person must not light, or allow to remain alight any fire in the open air or in an incinerator on any land having a total area greater than 2,500 square metres.
- 3.15.3 Nothing in clauses 3.15.1 or 3.15.2 apply to –
- (a) a tool of trade;
  - (b) a barbeque whilst being used for its intended purpose; or
  - (c) a person authorised to engage in an activity for or on behalf of a public authority.

### **Use of recreational vehicles**

- 3.16 Except with a permit, a person must not use or permit a person in their care or control to use, ride or cause to be used or ridden, a recreational vehicle on any land.

## **Division 2 – Food premises waste disposal**

This Division contains provisions which aim to ensure that land (including public and private land, land adjacent to food premises or land used in conjunction with food premises) on which a food premises is conducted and used for the storage of waste prior to its disposal, does not constitute a nuisance or threat to public health through the spread of disease.

### **Food waste disposal**

3.17 The proprietor of a food premises must –

- (a) not discharge wastewater generated in a food premises to stormwater;
- (b) ensure that the nature and quantity of waste generated on the food premises is stored and disposed of in an appropriate manner; and
- (c) maintain waste disposal areas in a clean and sanitary condition.

### **Food waste disposal program**

3.18.1 The proprietor of a food premises must ensure that there is a food waste disposal program for the premises that addresses the –

- (a) nature and quantity of waste generated by the premises;
- (b) method of disposal of waste;
- (c) location of waste disposal bins and oil drums;
- (d) frequency for emptying waste disposal bins and oil drums; and
- (e) method used to maintain waste disposal areas in a clean and sanitary condition.

3.18.2 The proprietor of a food premises must ensure that the food waste disposal program is –

- (a) kept on the premises; and
- (b) made available for inspection by an authorised officer.

## **Division 3 – Domestic wastewater management**

This Division contains provisions which aim to ensure that domestic wastewater from a septic system does not discharge in an untreated manner from land so as to contaminate waterways.

### **Unsewered land**

3.19 The owner of any occupied land which is unsewered, must ensure that –

- (a) a septic system is in place and is operating effectively;
- (b) no domestic wastewater is discharged from the land contrary to the requirements of Manningham's Domestic Wastewater Management Plan;
- (c) the septic system is annually inspected and approved by a licensed plumber;



- (d) written evidence is provided for each annual inspection and approval on demand by an authorised officer;
- (e) the septic system is made available for inspection by an authorised officer;
- (f) the septic system is maintained in accordance with the requirements of Manningham's Domestic Wastewater Management Plan; and
- (g) the septic system is maintained in accordance with the requirements of the EPA Certificate of Approval issued for that system.

#### **Plan incorporated by reference**

3.20 Manningham's Domestic Wastewater Management Plan is incorporated into and forms part of this Local Law.

#### **Division 4 – Waste management**

This Division contains provisions which aim to ensure that household waste is stored and placed for collection so as to prevent a nuisance or threats to health through the spread of disease. This division also considers the storage of commercial waste.

#### **Occupier to maintain a receptacle**

3.21 An occupier of a dwelling must –

- (a) keep and maintain a receptacle –
  - i. (whether provided by Council or not) in which all household waste (garbage, recycle waste and garden waste) produced or accumulated in or about the dwelling is to be deposited; and
  - ii. that is fitted with a secure lid which is both fly proof and vermin proof and such a lid must have an overlapping flange and a secure handle; and
- (b) keep each such receptacle in good order, and in a clean, sanitary and inoffensive condition.

#### **Use of Receptacles**

3.22.1 A person supplied by Council or its contractors with a receptacle must use the receptacle only for the purpose for which it was provided by Council.

3.22.2 A person not supplied by Council with a receptacle may only use the receptacle of the type permitted with the consent of an authorised officer.

3.22.3 A person must remove any rubbish which has spilled onto any road, nature strip or surrounding area from a receptacle or any other container left out by that person for collection by Council.

**Approval required for non-Council supplied receptacles**

3.23 Before a person uses a receptacle that is not supplied by Council, the written consent of an authorised officer must be obtained.

**Prohibited contents of waste receptacles**

3.24 A person must not place, cause, suffer or permit to be placed in any receptacle any –

- (a) slops or liquid waste;
- (b) ashes, dirt, dust including any matter from a vacuum cleaner, hair or other like substance, unless the same has been securely wrapped in paper or placed in an impermeable covering or container so that its escape is prevented;
- (c) glass, wire, or other jagged or rough edged material or object unless such glass wire or other jagged or rough edged material or object is securely wrapped so as to prevent injury to any person emptying the receptacle;
- (d) needles, syringes or other sharp objects which may be contaminated with infectious waste including blood unless wrapped or secured in such a manner as to render it or them harmless or inoffensive;
- (e) oil, paint, solvents or similar substance or any other thing substance or material whatsoever which may damage such receptacle or reduce its strength;
- (f) any matter or substance deemed by an authorised officer to be unsuitable for collection;
- (g) refuse or rubbish exceeding a total weight of 60 kilograms per MGB or in case of other receptacles where the total weight of the receptacle when fully laden cannot be easily and conveniently carried by one person;
- (h) contents of such volume to prevent the lid from being closed:
- (i) the carcass of a deceased animal; or
- (j) any other object to matter which is or may be injurious to health - except in a receptacle which Council has approved for that purpose.

**Collection**

3.25.1 In order that all household waste may be collected an occupier of a dwelling must, during such hours and on such days as may be appointed by Council from time to time, for a particular type of receptacle, place the receptacle –

- (a) near the kerb adjacent to a road at the front of the land or if there is no kerb, adjacent to the road, in either case, at least one metre clear of any obstruction or parked motor vehicle with, in the case of a receptacle which is a MGB, the receptacle's wheels and handles facing away from the road and, in any case, with the lid of the receptacle fully closed; and
- (b) in such other manner as may be directed by Council from time to time.

3.25.2 An occupier of a dwelling must –

- (a) not allow a receptacle to be placed out for collection more than 18

- hours beforehand; and
- (b) cause a receptacle having been placed out for collection to be retrieved within 18 hours from the time at which the receptacle was emptied.

### **Recyclable, hard and garden waste**

- 3.26.1 Council may, from time to time, and in such manner as it may determine, undertake the collection of other waste including recyclable waste, hard waste and garden waste.
- 3.26.2 Hard and garden waste may only be placed out for collection in such a manner that will not obstruct or hinder the use of any footpath or the road and otherwise in a manner which Council directs from time to time.
- 3.26.3 If Council undertakes the collection of recyclable waste, hard waste or garden waste, a person must not place out for collection any waste which is not of the kind of substance specified by Council for collection at that particular time.
- 3.26.4 For the purposes of this Division –
- (a) garbage excludes hard waste, recyclable waste, garden waste and what is prohibited from being put into a receptacle;
  - (b) recyclable waste includes plastics, paper, cardboard, aluminium, glass or any other material which Council determines from time to time;
  - (c) hard waste means and includes furniture and household appliances but does not include food waste and other putrescible matter, car bodies or car parts unless reduced to a size that can be carried by two persons, builders rubbish from the erection, alteration or additions to any building, trade wastes, garden waste or broken concrete; and
  - (d) garden waste means garden organic waste material including tree pruning, lawn clippings and the like.

### **Interference with receptacles**

- 3.27 A person must not, without the consent of an authorised officer, remove or interfere with any garbage, recyclable waste or garden waste which is placed out for collection.

### **Receptacle specification**

- 3.28 All receptacles must be fitted with a secure lid which is both fly proof and vermin proof and such a lid must have an overlapping flange and a secure handle.

### **Commercial waste**

- 3.29 The occupier of any land must ensure that any receptacle used for the storage of industrial, trade or commercial waste is –
- (a) constructed of impervious materials as approved by Council;

- (b) if required by an authorised officer, provided with a removable drainage plug which is of a sufficient size and located in such a place in such container to allow such container to be cleaned in a manner from time to time prescribed by Council; and
- (c) provided with a fly and vermin proof close fitting lid or lids (as the case may be) or with overlapping flanges on top of the container which unless refuse or other rubbish is being deposited therein must be kept securely closed at all times and kept and maintained at all times in a clean, inoffensive and sanitary condition to the satisfaction of an authorised officer;
- (d) located on the land in an area which –
  - i. is constructed with an impervious surface approved by Council, which surface is graded and drained to the sewer with such silt traps or other treatment devices as an authorised officer requires and such area must be supplied with a trap and hose connected to the metropolitan water supply;
  - ii. is screened in such a way and with such materials as may be required by the authorised officer; and
  - iii. is adequately fenced or otherwise constructed so as to deny access to the public.

## **PART 4 – LAND MANAGEMENT PLANS**

A land management plan is a Council approved document prepared by an owner or occupier of land in collaboration with Council in response to a notice to comply issued by an authorised officer for the purpose of addressing an amenity issue concerning the land. This Part explains how land management plans operate throughout the municipality and in Doncaster Hill.

### **When will a land management plan be required?**

- 4.1 A land management plan will be required in respect of land located in the municipality where a notice to comply having requested remedial action concerning an amenity be taken has not been complied with. A subsequent notice to comply will be issued directing a land management plan be prepared.

### **Doncaster Hill**

- 4.2 In addition to an amenity issue, a land management plan will be required for land in Doncaster Hill where –
- (a) the land use becomes temporarily dormant;
  - (b) demolition is to occur on land;
  - (c) the land is to be prepared for construction; or
  - (d) construction is to occur on the land.

### **Who determines when a land management plan is required?**

- 4.3 An authorised officer will determine if a land management plan is required.

### **Who is responsible for preparing a land management plan?**

- 4.4 The person, being the owner or occupier of land, specified by name in the notice to comply issued by an authorised officer is responsible for preparing a land management plan in respect of that land.

### **What is the procedure for requiring a land management plan?**

- 4.5 The owner or occupier of land must be served with a written notice to comply allowing a reasonable period for the preparation and lodgement with Council of a proposed land management plan for approval by Council.

### **Land management plan requirements**

- 4.6 A land management plan must –
- (a) specify what action will be taken in response to the service of a notice to comply under clause 4.5;
  - (b) stipulate a timeframe for implementation of the required action;
  - (c) nominate a person who can be contacted by telephone at all times;

- (d) provide for lodgement of a bond; and
- (e) be performance based.

#### **Variation of land management plan**

4.7 A land management plan can be varied by –

- (a) an authorised officer on a change of circumstances; or
- (b) the owner or occupier of the land with Council's consent.

#### **Termination of land management plan**

4.8 A land management plan can be terminated by –

- (a) an authorised officer if satisfied that the land management plan is no longer required; or
- (b) the owner or occupier with Council's consent.

#### **Exemptions**

4.9 Council may prescribe specified persons, premises or areas to be exempt from all or any of the provisions of this Part for a specified time and on specified conditions.

#### **Bonds**

- 4.10.1 In deciding to approve a land management plan Council may require the owner to lodge with Council a bond for such amount and in such a manner as Council deems reasonable in the circumstances.
- 4.10.2 If Council is required to remedy a breach of a land management plan or repair any damage caused by any work carried out under a land management plan, it may for that purpose, use part or all of the bond associated with that land management plan.
- 4.10.3 Where the bond or any part is used pursuant to clause 4.10.2, the permit holder may be directed to replenish or increase the bond amount.
- 4.10.4 On satisfactory completion of any works under a land management plan, Council must release any applicable bond or remainder of the bond.
- 4.10.5 If after 12 months, Council cannot locate an owner entitled to the release of any bond, Council may retain the bond and pay the money into its general revenue.

## PART 5 – PROTECTION OF COUNCIL LAND AND ASSETS

This Part contains provisions which aim to protect Council land and assets from works carried out on roads and adjoining land and to improve the amenity of the municipality, in particular residential areas, by preventing nuisances and damage caused by any works.

### Permit required for certain actions

5.1 Without a permit, a person must not, on Council land –

- (a) commence or carry out any works;
- (b) place any building material;
- (c) use a mobile crane;
- (d) light a fire except in a permanent or portable barbeque; or
- (e) remove, damage, destroy or interfere with any vegetation, material, thing or asset owned by Council.

**NOTE:** This clause applies to road openings, tapping into drains, vehicle crossings and gardening works on a nature strip.

### Skip bins

5.2 Except with a permit, a person must not place or use or cause to be placed a skip bin on Council land.

**NOTE:** This clause applies to a road owned or managed by, or vested in Council.

### Spoil on roads

5.3 A person must not drive or cause to be driven a vehicle –

- (a) from land onto a road unless the wheels and tyres of that vehicle are clean and free from all soil, earth, clay and other debris; or
- (b) carrying or upon which there is located any soil, earth, clay or debris in such a manner that the soil, earth, clay or debris is, or is likely to, be deposited onto such road.

### Vehicle crossings

5.4 A person must not, without a permit, cause any vehicle to enter or leave land owned or occupied by that person other than via a Council approved vehicle crossing.

### Vegetation damage

5.5 A person must not allow vegetation on that person's land to cause damage to or interfere with any Council land.

**Control of building sites**

- 5.6 Without a permit, a person must not commence or continue on land any works requiring a building permit under the Building Act 1993.

**Drains on private land**

- 5.7.1 A person must not keep or allow a private drain on land owned or occupied by that person to be in a condition which is dangerous to health, unsightly, offensive or obstructed by vegetation or other material.

- 5.7.2 An owner of land on which exists a drain required to be maintained by Council must notify Council as soon as practicable upon the drain becoming blocked, discharging water to the ground or failing to operate properly in any way.

**Council drains and similar assets**

- 5.8 A person must not, without a permit –

- (a) destroy;
- (b) damage;
- (c) interfere with;
- (d) excavate;
- (e) tap into, or
- (f) obstruct the function of

any drain vested in Council or water course, ditch, creek, gutter, tunnel, bridge, levee, culvert or fence which is under Council management.

**Drainage of properties**

- 5.9 The owner and occupier or any other person involved in the management of land must ensure:

- (a) that the land is adequately drained to the satisfaction of an authorised officer; and
- (b) that the land does not discharge water that is a nuisance to an owner or occupier of adjoining land; and
- (c) the water does not discharge from an air conditioner or other equipment onto a footpath.

**Management of easements**

- 5.10.1 A person must not, in relation to land which is encumbered by a drainage easement –

- (a) place any fill on the land comprising the easement; or



- (b) excavate any soil or dirt from the land comprising the easement, in a manner which, in the opinion of an authorised officer, is likely to affect the flow of water over the easement or on or from land adjacent to the easement; or
- (c) cover any drainage inspection pit or pit lid in a manner which, in the opinion of an authorised officer, makes it impracticable to conveniently use or access the drainage inspection point or the pit lid for its intended purpose.

5.10.2 A person must not construct a building over an easement which is for drainage or like purposes without the consent of Council.

## PART 6 – KEEPING OF ANIMALS

This Part contains provisions which aim to ensure that any animals kept on private land do not cause a nuisance or threat to health through the spread of disease.

### Permitted number of animals, domestic birds and poultry kept on land

6.1 Except with a permit or in accordance with the following table, a person must not keep or cause or permit or suffer to be kept on land occupied by that person any animal, domestic bird or poultry.

6.2

Type of animal	Number allowed to be kept without a permit	Conditions
Dog	2	<ul style="list-style-type: none"> <li>Unlimited number for each dog under the age of 3 months</li> <li>An additional dog where according to records kept by Council, the dog is 10 years old or more.</li> </ul>
Cat	2	<ul style="list-style-type: none"> <li>Same as above</li> </ul>
Domestic bird	13	<ul style="list-style-type: none"> <li>A cockatoo is not permitted</li> <li>Only 4 pigeons are permitted</li> <li>Pigeons must be kept in a pigeon loft.</li> </ul>
Rabbit	4	<ul style="list-style-type: none"> <li>Rabbits that are kept as domestic pets</li> </ul>
Mice	8	
Guinea pig	4	
Poultry	4	<ul style="list-style-type: none"> <li>A rooster is not permitted</li> <li>Poultry must be kept in a poultry house</li> </ul>
Small animal	1	<ul style="list-style-type: none"> <li>The land must have an area of not less than 4000 square metres, save that for each additional 2000 square metres of land area, an additional small animal may be kept.</li> </ul>
Large animal	1	<ul style="list-style-type: none"> <li>The land must have an area of not less than 8000 square metres, save that for each additional 4000 square metres of land area, an additional large animal may be kept.</li> <li>There is no limit on the number of large animals kept on land used lawfully for farming purposes.</li> <li>In a Green Wedge Zone as identified in Schedule 4, the land must have an area of not less than 10,000 square metres for each large animal kept on that land.</li> </ul>

**Poultry houses, kennels and pigeon lofts**

- 6.2.1 A poultry house, kennel or pigeon loft must be constructed –
- (a) with a height not exceeding two metres;
  - (b) at least twenty metres from any road to which the land has a frontage;
  - (c) at least three metres from any other road;
  - (d) at least 1.25 metres from the boundary of any adjoining property; and
  - (e) in the case of a poultry house, it is at least ten metres from any dwelling whether on the same or adjoining land.
- 6.2.2 A poultry house or pigeon loft must be constructed in such a way as to be rat proof, have adequate roofing, drainage and a floor paved with impervious material to the satisfaction of an authorised officer.

**Seizure**

- 6.3 Any animal other than a dog or cat which is on land that is not securely enclosed or fenced and which is not attended to by a person may be seized and impounded by an authorised officer.

**Cleanliness**

- 6.4 The owner or occupier of land on which an animal is kept must –
- (a) ensure that the ground surrounding the place where the animal is usually kept is well drained to the satisfaction of an authorised officer;
  - (b) ensure that the area of land within three metres of the area or structure where the animal is usually kept is free from dry grass, weeds, refuse, rubbish or other material capable of harbouring rats or vermin;
  - (c) ensure that all food for consumption by the animal is stored in a rat-proof receptacle;
  - (d) cause any area where the animal is usually kept to be thoroughly cleansed as often as may be necessary and must keep the area clean and sanitary at all times to the satisfaction of an authorised officer; and
  - (e) cause any animal suffering from any infectious disease communicable to a human to be destroyed and disposed of to the satisfaction of an authorised officer.

**Nuisance caused by animals, birds and poultry**

- 6.5 Without limiting anything contained in this Part, a person must not keep animals, birds or poultry on land in such a manner that –
- (a) causes a nuisance;
  - (b) is liable to be injurious or prejudicial to health; or
  - (c) is offensive to any person whether by reason of noise being emitted by the animal, bird or poultry or the manner in which the animal, bird or poultry is kept.

**Control of dogs and cats**

6.6.1 An owner of a dog or cat must not allow or permit that dog or cat to –

- (a) attack a person or animal; of
- (b) endanger a person or animal.

6.6.2 A person in charge of a dog on a road or in a public place must –

- (a) carry a suitable device for the collection of any excrement from that dog;
- (b) produce the suitable device on demand by an authorised officer; and
- (c) collect and dispose of in a proper manner any excrement from that dog so as not to cause a nuisance to any other person.

**Animals found at large**

6.7 If an animal, other than a dog or cat, is found at large outside the premises where the animal is kept, the person in charge of that animal is guilty of an offence.

**Restraint of dogs on land**

6.8 The occupier of land on which a dog is kept must have adequate measures in place to ensure that the dog can be restrained on the land.

**Horse microchipping**

6.9 The owner of a horse kept within the municipality, must ensure the horse is microchipped.

## PART 7 – PERMITS

This Part contains general provisions regarding the issuing, suspension and revocation of permits in addition to the lodgement of bonds in certain circumstances considered necessary by Council so as to maintain Council assets such as footpaths, crossovers and roads.

### Applications

- 7.1 An application for a permit under this Local Law must be –
- (a) in a form approved by Council; and
  - (b) accompanied by the fee set by Council.

### Further requirements

- 7.2 Council may require an applicant to –
- (a) supply more information; or
  - (b) give public notice of the application.

### Grant or refusal

- 7.3 Council may decide –
- (a) to grant a permit with or without conditions; or
  - (b) to refuse to grant a permit.

### Suspension and revocation

- 7.4 Council may suspend or revoke a permit.

### Exemption

- 7.5 Council may exempt in writing a person or a class of persons from the requirement to obtain a permit under this Local Law.

### Bonds

- 7.6.1 In deciding to grant a permit, Council may require the applicant to lodge with Council a bond for such amount and in such a manner as Council deems reasonable in the circumstances.
- 7.6.2 If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may for that purpose, use part or all of any bond associated with that permit.

- 7.6.3 Where the bond or any part is used pursuant to clause 7.6.2, the permit holder may be directed to replenish or increase the bond amount.
- 7.6.4 On satisfactory completion of any works under a permit, Council must release any applicable bond or remainder of the bond.
- 7.6.5 If after 12 months, Council cannot locate a person entitled to the release of any bond, Council may retain the bond and pay the money into its general revenue.

## PART 8 – ENFORCEMENT

This Part considers what actions constitute an offence and examines the enforcement options that may be implemented in response to offending, including the issuing of notices to comply and infringement notices.

### Offences

8.1 A person is guilty of an offence if the person –

- (a) does something which a provision of this Local Law prohibits;
- (b) knowingly provides false information in support of an application for a permit under this Local Law;
- (c) knowingly supplies false or misleading information to an authorised officer;
- (d) engages in an activity without a current permit where a provision of this Local Law requires that person obtain a permit before engaging in that activity;
- (e) breaches or fails to comply with a condition of a permit issued under this Local Law;
- (f) fails to comply with a verbal direction issued, or a notice to comply served, by an authorised officer;
- (g) fails to comply with a sign erected by Council; or
- (h) fails to comply with a land management plan.

### Obstructing objects

8.2 An authorised officer may –

- (a) require any person responsible for an obstructing object on Council land to move it;
- (b) move or impound any object that obstructs a road;
- (c) return the object to its owner on payment of a fee set by Council; or
- (d) sell, dispose of or destroy the object if the owner has not paid the fee within 7 days of impounding.

### Notice to comply

8.3.1 Where an authorised officer determines that a land management plan is required or reasonably believes that a person has committed an offence against this Local Law, the officer may issue to the owner or the person a written direction called a Notice to Comply in a form approved by Council requiring-

- (a) the owner or occupier of land to prepare and lodge with Council a land management plan; or
- (b) a person to stop offending and do anything necessary to rectify the offence.

- 8.3.2 A Notice to Comply must specify the time and date by which the person specified in the Notice to Comply must comply with the specified directions.
- 8.3.3 The period required to comply with a Notice to Comply must be reasonable in the circumstances having regard to-
- (a) the amount of work involved;
  - (b) the degree of difficulty;
  - (c) the availability of necessary materials or other items;
  - (d) climatic conditions;
  - (e) the degree of risk or potential risk; and
  - (f) any other relevant factor.

### **Infringement notices**

- 8.4.1 Where an authorised officer reasonably believes that a person has committed an offence against –
- (a) this Local Law, including an incorporated document by reference; or
  - (b) any provision under the Public Health and Wellbeing Act 2008 administered and enforced by Council –

the officer may issue to that person an infringement notice in a form approved by Council as an alternative to a prosecution for the offence.

- 8.4.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 8.4.3 The amount to be paid under an infringement notice for –
- (a) an individual is \$200; and
  - (b) a body corporate is \$500.

### **Court fines**

- 8.5 A person found guilty of an offence under this Local Law is subject to the following penalties
- (a) \$2,000; and
  - (b) for each day after a finding of guilt or conviction for a continuing offence - \$200.

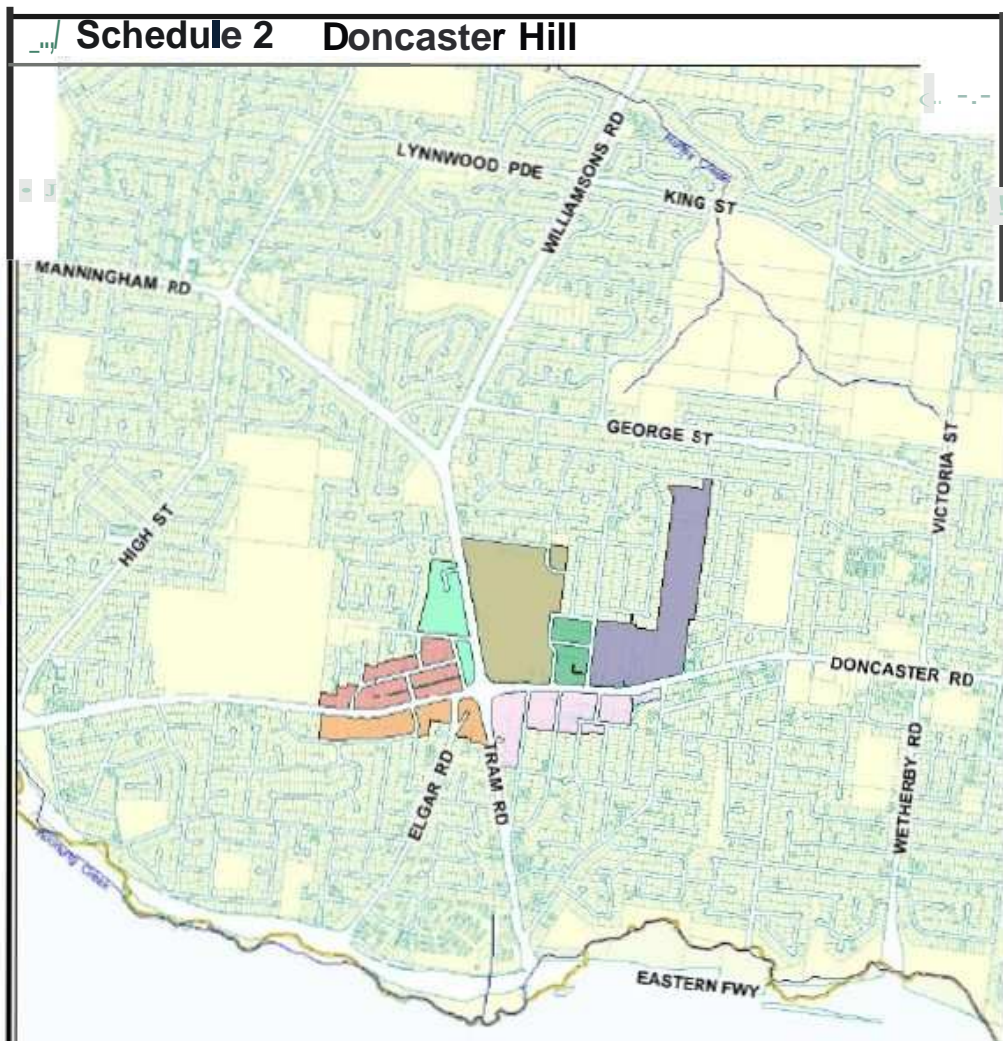


### SCHEDULE 1 – PROHIBITED LIQUOR PLACES

Places where the consumption of liquor or possession of liquor in an unsealed container is prohibited

- That part of land beside the Yarra River at Warrandyte being the public place between Forbes Street and Warrandyte Bridge;
- The following shopping centres –
  - Bulleen Plaza
  - Devon Plaza
  - Donburn Shopping Centre
  - Goldfields Plaza
  - The Pines Shopping Centre
  - Jackson Court Shopping Centre
  - Macedon Plaza
  - Macedon Square
  - Templestowe Village
  - Tunstall Square Shopping Centre
  - Warrandyte Village
  - Westfield Shoppingtown
- The Warrandyte Skate Park and Precincts; and
- Any other place declared by the Chief Executive Officer from time to time.

SCHEDULE 2-PLAN OF DONCASTER HILL



Comments:



NOTE: Doncaster Hill is the area shown above in bold colouring

### SCHEDULE 3 – ENVIRONMENTAL WEEDS

<b>GENUS</b>	<b>SPECIES</b>	<b>COMMON NAME</b>	<b>FAMILY</b>
Acacia	baileyana	Cootamundra Wattle	MIMOSACEAE
Acacia	decurrens	Early Black Wattle	MIMOSACEAE
Acacia	elata	Cedar Wattle	MIMOSACEAE
Acacia	floribunda	White Sallow-wattle	MIMOSACEAE
Acacia	howittii	Sticky Wattle	MIMOSACEAE
Acacia	iteaphylla	Flinders Range Wattle	MIMOSACEAE
Acacia	longifolia	Sallow Wattle	MIMOSACEAE
Acer	negundo	Box-elder Maple	ACERACEAE
Arbutus	unedo	Strawberry Tree	ERICACEAE
Asparagus	asparagoides	Bridal Creeper	ASPARAGEAE
Billardiera	heterophylla	Bluebell Creeper	PITTOSPORACEAE
Cortaderia	selloana	Silver Pampas Grass	POACEAE
Cotoneaster	glaucophyllus f. serotinus	Large-leaf Cotoneaster	ROSACEAE
Cotoneaster	pannosus	Velvet Cotoneaster	ROSACEAE Erica
	lusitanica	Spanish Heath	ERICACEAE
Erigeron	karvinskianus	Seaside Daisy	ASTERACEAE
Euphorbia	lathyrus	Caper Spurge	EUPHORBIACEAE
Fraxinus	angustifolia	Desert Ash	OLEACEAE
Ligustrum	lucidum	Tree Privet	OLEACEAE
Lonicera	japonica	Japanese Honeysuckle	CAPRIFOLIACEAE
Myriophyllum	aquaticum	Parrot's Feather	HALORAGACEAE
Osteospermum	fruticosum	African Daisy	ASTERACEAE
Phytolacca	octandra	Red-ink Weed	PHYTOLACCACEAE
Pittosporum	undulatum	Sweet Pittosporum	PITTOSPORACEAE
Polygala	myrtifolia	Myrtle-leaf Milkwort	POLYGALACEAE
Rhamnus	alaternus	Italian Buckthorn	RHAMNACEAE
Solanum	pseudocapsicum	Madeira Winter-cherry	SOLANACEAE
Solanum	mauritanum	Wild Tobacco Tree	SOLANACEAE
Veronica	anagallis-aquatica	Blue Water-speedwell	SCROPHULARIACEAE

SCHEDULE 4- GREEN WEDGE



Community Local Law 2023

**DRAFT 8 – 1 September 2022**

DRAFT

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## PART 1 – PRELIMINARY

### 1. Title

This Local Law is titled Community Local Law 2023. [New]

### 2. Objectives

The objectives of this Local Law are to:

- (a) regulate activities and conduct for the benefit and wellbeing of the municipal community; and
- (b) ensure the peace, order and good governance of the municipal district. [Amended]

### 3. Power to make this Local Law

This Local Law is made pursuant to section 71 of the Act and section 42 of the *Domestic Animals Act 1994*. [Amended]

### 4. Commencement and revocation

4.1 This Local Law:

- (a) commences on [insert date]; and
- (b) unless earlier revoked, will cease to operate 10 years after the date on which it commenced.

4.2 On the commencement of this Local Law, Council's *Community Local Law 2013* is revoked, save that any notice or approval given, permit issued or matter or thing commenced under the repealed Local Law, is not affected. [Amended]

### 5. Application

This Local Law applies throughout the municipal community and anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law. [Amended]

### 6. Definitions

In this Local Law, words which are not defined will adopt their ordinary meaning, and unless the contrary intention appears, the following words have the meaning ascribed:

**Act** means the *Local Government Act 2020*; [Amended]

**Authorised Officer** means an officer authorised by Council under s.224 or 224A of the *Local Government Act 1989*; [Amended]

**Building site** means the land upon which building work is being undertaken and includes a work site. [New]

**Building work** means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a Building or installation of a swimming pool including landscaping, concreting, Subdivision and Road construction; [Amended]

**Bulk rubbish container** means a bin, skip or other container used for the deposit of waste, but excludes an approved garbage bin; [New]

**Busk or busking** means to entertain by performing; [New]

**Camp** means a tent, annexe or similar structure, a sleeping bag, a caravan, mobile home or other moveable vehicle being used to provide accommodation; [New]

**Clothing recycling bin** means a bin or similar structure used for the collection of used clothing and other goods; [Amended]

**Council** means Manningham City Council;

**Council asset** means any road, drain, infrastructure, vehicle crossing, vegetation (including street trees) or other property owned, vested in or under the management of Council; [New]

**Council land** means any land, including reserves or roads which are owned, vested in, managed by or under the control of Council and includes any building or structure on that land, within a reserve or on a road; [Amended]

**Dangerous land** includes any item, matter, thing or condition likely to cause a risk to health or safety (excluding vegetation); [New]

**Environmental weed** means a weed listed in Schedule 4; [Amended]

**Fire in the open air** means the burning of vegetation for fuel reduction purposes; [New]

**Hard rubbish** includes house-hold furniture and other items and excludes waste; [New]

**Incorporated document** means any document, guidelines, policy, plan or code of practice incorporated by reference into this Local Law as listed in Schedule 1; [New]

**Land** means land which is privately owned or occupied, irrespective of its zoning under the Planning Scheme; [Amended]

**Minor building work** means building work valued at less than \$10,000, excluding demolition and removal of Buildings and structures and installation of swimming pools (regardless of value); [New]

**Noxious weed** means vegetation proclaimed by the *Catchment and Land Protection Act 1994* to be a noxious weed; [Amended]

**Nuisance** includes any behaviour, condition, matter or thing which may be annoying, offensive or dangerous to health or safety; [Amended]

**Open air burning** means a fire lit in the open air or within an incinerator for the purpose of burning vegetation for fuel control or reduction purposes; [New]

**Organised activity** means an activity conducted in a reserve upon payment of a fee to the organiser; [New]

**Penalty units** has the same meaning used in the *Sentencing Act 1991*; [New]

**Person** includes a natural person and a body corporate; [Amended]

**Person in charge** means the person or persons whether natural or incorporated, who has or have management responsibility for building works or a building site and includes the owner of land, the developer and any other person who has control of the building site or the building works being carried out; [New]

**Pest Animal** means animals proclaimed under the *Catchment and Land Protection Act 1994* to be a pest animal; [New]

**Planning Scheme** means the Manningham Planning Scheme; [New]

**Public place** has the same meaning as in section 3 of the *Summary Offences Act 1966* which includes any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare; [Amended]

**Receptacle** means a container used for the placement of waste; [Amended]

**Recreational vehicle** includes mini-bikes, motor bikes, motor scooters, go-carts and any other vehicle which is propelled by a motor used for recreational purposes; [Amended]

**Reserve** means open spaces including parks and gardens which are owned, occupied or under the control of Council; [Amended]

**Residential land** means land zoned as Low Density, Mixed Use, Residential Growth, General Residential or Neighbourhood Residential under the Planning Scheme; [New]

**Retailer** means a commercial organisation which supplies shopping trolleys; [New]

**Road** has the same meaning as in the *Local Government Act 1989* so that it includes:

- (a) a street;
- (b) a right of way;
- (c) any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*;
- (ca) a public road under the *Road Management Act 2004*;
- (d) a passage;
- (e) a cul de sac;
- (f) a by-pass;
- (g) a bridge or ford;
- (h) a footpath, bicycle path or nature strip;
- (i) any culvert or kerbing or other land or works forming part of the road; [Amended]

**Schedule** means a Schedule to this Local Law;

**Unightly** means – [New]

When used in relation to *land*, includes land which contains:

- (a) unconstrained rubbish;
- (b) excessive building materials;
- (c) discarded, rejected, surplus or abandoned solid or liquid materials;
- (d) dilapidated structures;
- (e) graffiti;
- (f) machinery or machinery parts visibly stored for more than 28 days;
- (g) unregistered, unroadworthy, disassembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar, visibly stored on the land for more than 2 months;
- (h) anything being built which is left incomplete and is detrimental to the appearance of the surrounding area; or
- (i) any other thing making the land visually unightly or detrimental to the general amenity of the area, including land which is neglected or unsecured;

When used in relation to *buildings*, includes buildings which are:

- (a) derelict;
- (b) abandoned;
- (c) damaged;
- (d) neglected;
- (e) incomplete;
- (f) unsecured; or
- (g) any other thing making the building visually unightly or detrimental to the general amenity of the area. [New]

**Vehicle** has the same meaning under the *Road Safety Road Rules 2017*; [New]

**Waste** includes putrescible, recyclable and green waste; [New] and

**Works** includes:

- (a) excavating, digging, landscaping;
- (b) erecting fencing, hoarding or scaffolding;
- (c) using a mobile crane or travel tower;
- (d) constructing, removing or altering a vehicle crossing; or
- (e) installing fences, barriers or other items that restrict access to or movement on a road. [New]

## 7. Operator Onus

The operator onus provisions under Part 6AA of the *Road Safety Act 1986* apply to any provision of this Local Law which involves vehicles. [New]

**PART 2 – COUNCIL LAND [New]****8. Conduct on Council land [New]**

A person must not, on Council land

- (a) commit any nuisance;
- (b) conduct an activity or behave in a manner which may likely interfere with another person's reasonable use and enjoyment;
- (c) act in a manner which endangers, causes harm to or injures any person or animal;
- (d) damage, destroy, obstruct or interfere with anything;
- (e) act contrary to any applicable conditions of use or signage; or
- (f) act contrary to any lawful direction of an Authorised Officer or person in charge of a Council facility.

**9. Permitted activities on Council land [New]**

A person must not, without a permit, on Council land:

- (a) conduct a commercial event or activity;
- (b) participate in, or enable others to participate in an organised activity;
- (c) hold or permit to be held a circus, carnival, festival or non-commercial event;  
or
- (d) use a vehicle unless it is in an area permitted for vehicles to traverse.

**10. Restrictions on entry [Amended]**

A person must not use or enter a reserve or playing arena:

- (a) when the public is prohibited; or
- (b) without paying the applicable charge or entrance fee;

unless the prior consent of Council is obtained.

**11. Gateways to reserves [Amended]**

A person must not, without a permit, install or maintain a gate or other structure to facilitate entry into a reserve from private land.

**12. Wetlands and fountains [Amended]**

A person must not enter, swim, paddle, bath, dive or jump in a wetland or fountain on Council land.

**13. Shopping trolleys [New]**

13.1 A person must not leave a shopping trolley other than in the area designated for collection.

13.2 Where a retailer provides more than 25 shopping trolleys, the retailer must –

- (a) ensure that the shopping trolleys are fitted with either a functioning coin deposit and release mechanism or an alternate, locking mechanism approved by Council;
- (b) ensure no shopping trolley of that business is left on any road or Council land unless it is left in an area set aside for shopping trolley collection; and
- (c) demonstrate to Council's satisfaction that they have a regular collection system in place and undertake to respond to reports to collect shopping trolleys responsively.

13.3 A retailer, served with a Notice of Impoundment must collect any impounded shopping trolleys within the time specified in that Notice.

13.4 Council may exempt a retailer from the application of clause 13.2.

**14. Bulk Rubbish Containers and Shipping Containers [New]**

14.1 A person must not, without a permit, place or cause to be placed a bulk rubbish container or shipping container on Council land.

14.2 Unless permitted under the Planning Scheme, a person must not, without a permit place a shipping container on Residential Land for a period longer than six months.

**15. Property numbering [Amended]**

15.1 The owner or occupier of a property to which Council has allocated a property number, must ensure that the number is clearly displayed so as to be visible from an adjoining road.

15.2 A person must not number or display a number in respect to a property unless the number has been allocated to or approved for use by Council in relation to that property.

**16. Advertisements and Graffiti [Amended]**

A person must not, without a permit:

- (a) write, draw, paint or mark; or
- (b) affix a poster, sign or advertisement -

on Council land, on a Council asset or in a public place.

**17. Clothing Recycling bins [Amended]**

A person must not, place a clothing recycling bin on Council land.

**18. Filming [Amended]**

A person must not, without a permit, engage in commercial filming or photography on Council land.

**19. Consumption of alcohol [Amended]**

- 19.1 A person must not, without a permit, consume, carry or have in their control, an open container of alcohol in an area prohibited by Council as shown in the maps listed in Schedule 2.
- 19.2 Clause 19.1 does not apply to premises within those prohibited areas which are licensed under *the Liquor Control Reform Act 1998*.
- 19.3 In addition to the areas shown in Schedule 2, the Chief Executive Officer may designate any other area of the municipality to be an alcohol prohibited area for a specified period.

**Division 1 – Vehicles****20 Repair of vehicles [Amended]**

- 20.1 A person must not repair or carry out works to a vehicle on Council land.
- 20.2 Clause 20.1 does not apply to minor repairs being undertaken to a temporarily immobile vehicle.

**21. Abandoned vehicles [Amended]**

- 21.1 A person must not leave an abandoned, damaged or dilapidated vehicle on Council land.

21.2 For the purposes of clause 21.1, a vehicle will be considered by Council to be abandoned if the vehicle has not been moved for 2 months.

**22. Display of vehicles for sale [Amended]**

A person must not park a vehicle for the purpose of sale on Council land.

***Division 2 – Trading***

**23. Itinerant trading [New]**

Unless approved by Council, a person must not, offer for sale, or authorise another person to offer for sale, any goods or services from their person, a vehicle or structure on Council land.

**24. Footpath trading [Amended]**

A person must not, without a permit:

- (a) display an advertising sign;
- (b) offer goods for sale; or
- (c) place any other furniture or item –

on Council Land.



## PART 3 – AMENITY, HEALTH & SAFETY

### *Division 1 – Condition of Land*

#### **25. Condition of land and buildings [Amended]**

An owner or occupier of land must not cause or allow that land, including any buildings on that land, to be kept in a manner which is:

- (a) unsightly; or
- (b) dangerous or likely to cause danger to life or property.

#### **26. Vehicles on residential land [New]**

An owner or occupier must not, without a permit, keep or allow to be kept, a vehicle that:

- (a) has a gross vehicle mass of in excess of 4.5 tonnes; or
- (b) together with any load or projection, measures 7.5 metres or more in length –

on residential land.

#### **27. Vehicles and machinery [Amended]**

A person must not, without a permit, use residential land to:

- (a) store;
- (b) dismantle;
- (c) repair; or
- (d) service –

old or second-hand vehicles or machinery in circumstances where the activity or use causes a detrimental amenity impact.

#### **28. Pest animals, vermin and noxious weeds [New]**

28.1 An owner or occupier of land must take reasonable steps to prevent pest animals, vermin and noxious weeds existing on that land.

28.2 Clause 28.1 does not apply to bees being kept on land in accordance with the Apiary Code of Practice.

**29. Environmental weeds [Amended]**

An owner or occupier of land affected by an Environmental Significance, Significant Landscape or Vegetation Overlay under the Planning Scheme, must remove environmental weeds as identified in Schedule 4 from that land when directed to do so by an Authorised Officer, and having obtained any necessary planning approvals.

**30. Overhanging obstructions [Amended]**

The owner or occupier of land must not permit anything located on the land to overhang the boundary of the land so as to:

- (a) obstruct the clear view of a pedestrian or the driver of any motor vehicle travelling along the road abutting the land;
- (b) encroach upon any adjacent road or Council land;
- (c) otherwise prejudice the safe and convenient use of any road abutting the land by pedestrians or drivers; or
- (d) obscure street lights or a traffic control item.

**31. Audible intruder alarm [New]**

An owner or occupier of land must not allow an audible intruder alarm to operate on that land which emits noise beyond the land boundary, unless if activated the alarm:

- (a) is inaudible beyond the boundary of the land within 10 minutes of being activated; and
- (b) cannot reactivate until it has been manually reset.

***Division 2 – Open air burning and fires on land*****32. Fires on public land [New]**

A person must not light a fire;

- (a) on a road (including a road reserve, footpath or nature strip);
- (b) on Council land;
- (c) on Crown land that is vested in or is under the control of Council; or
- (d) in a public place -

unless they have obtained Council's prior written consent.

**33. Open air burning*****Open air burning – Land 2,500sqm or less [New]***

- 33.1 A person must not conduct open air burning on land having a total area less than or equal to 2,500 sqm.
- 33.2 The restriction in sub-clause 33.1 does not apply to:
- (a) a barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food;
  - (b) a fire in a brazier or chimenea while it is being used for heating;
  - (c) a tool of trade while being used for the purpose for which it was designed;
  - (d) a fire lit during the course of duty by a member of a fire and emergency services agency;
  - (e) a fire where the Council has granted a permit because it considers that the specific circumstances of the case enable it to provide an exemption; or
  - (f) a fire lit for the purposes of meal preparation or personal comfort.

***Open air burning – Land greater than 2,500sqm [New]***

- 33.3 Except where clause 33.5 applies, a person may conduct open air burning on land where the land size is greater than 2,500 sqm provided that –
- (a) it is not a Sunday;
  - (b) no burning, or any fire to remains alight in the open air prior to sunrise, or after sunset;
  - (c) unless the fire danger period has been declared by the Country Fire Authority
  - (d) the fire is not within 10 metres of any neighbouring property;
  - (e) the maximum diameter of any material which is to be burnt is 200mm;
  - (f) only a single pile is ignited at any time and must be no greater than 2 cubic metres in size;
  - (g) an area of at least 3 metres around the fire is completely clear of flammable material;
  - (h) prior to ignition you must register the burn with Emergency Services Telecommunications Authority;
  - (i) a responsible person of adult age must remain in attendance to supervise the fire at all times;
  - (j) the land is not vacant; and
  - (k) the fire is lit or allowed to remain alight in accordance with clause 33.

- 33.4 Where a person wants to burn in the open air under this provision and the requirements in sub-clause 33.3 cannot be complied with, a person must obtain a permit.
- 33.5 Where a property having a land size greater than 2,500sqm is located to the West of the Mullum Mullum Creek, open air burning may only be conducted on that land during the months of May, October and November and otherwise in accordance with clause 33.3
- 34. General burning provisions [New]**
- 34.1 A person who has lit or allowed a fire to remain alight must ensure that -
- (a) the fire is supervised by an adult at all times;
  - (b) sufficient fire protection equipment is available to extinguish the fire if required or directed;
  - (c) the material to be burnt is -
    - i. dead and dry prior to lighting it; or
    - ii. a specific material designed for the purposes of meal preparation or personal comfort -
  - (d) at the site of the fire, the wind speed must not exceed 10 kilometres per hour;
  - (e) the ground and air space within a distance of three metres from the outer perimeters and uppermost point of the fire are clear of flammable material; and
  - (f) the land is not vacant.
- 34.2 A person must not light a fire on any land when:
- (a) a smog alert has been declared by Environment Protection Authority Victoria;
  - (b) a day of total fire ban declared by the Country Fire Authority;
  - (c) the smoke is excessive, offensive or a nuisance to another person in the vicinity, or beyond the property boundary;
  - (d) it may cause a hazard to a person's health;
  - (e) it has an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a public road; and
  - (f) it creates a hazard on, or near, a public road.
- 34.3 A person must not light a fire on land to burn, cause or allow to be burnt any:
- (a) green or wet material;
  - (b) non timber based building materials;
  - (c) rubber or plastic, including plastic mulch, plant pots and packaging materials;
  - (d) furnishings and carpet;

- (e) manufactured chemicals;
- (f) petroleum or oil products; paint, including any container in which item is kept;
- (g) food waste, manure and straw;
- (h) carcasses or dead animals, unless prescribed by the Department of Primary Industries as the only means of disposal; or
- (i) other offensive, noxious or toxic matter.

**35. Extinguishing fires [New]**

A person who has lit or allowed a fire to remain alight contrary to the provisions in this Part or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by:

- (a) an Authorised Officer; or
- (b) a member of Victoria Police, Country Fire Authority or Fire Rescue Victoria.

**36. Chimneys [New]**

36.1 A person who owns or occupies land must not allow any chimney on that land to discharge, ash, smoke or dust to such an extent that it becomes a public nuisance, or is dangerous or is likely to be dangerous to the health and safety of any person or animal, or is harming or likely to be harmful to the environment.

36.2 In determining whether a contravention has occurred an Authorised Officer must have regard to:

- (a) the nature of any complaint received;
- (b) any observations of an Authorised Officer, including the level of observable dust, grit, ash, smoke substance or odour;
- (c) any diary entries made by any person detailing the particulars of the complaint;
- (d) whether the chimney and any heating devices comply with any relevant Australian Standard; and
- (e) the nature of the fuel used in the heating device.

**Division 3 – Use of Land****37. Recreational vehicles [Amended]**

- 37.1 An operator or responsible person must not, in a public place, ride or cause or allow to be ridden any unregistered recreational vehicle except where the use is authorised by signs placed on the land by Council, or is permitted to do so under an Act or regulation.
- 37.2 An operator or responsible person must not on any land, that is not a public place use or permit to use a recreational vehicle except where the use is authorised by signs placed on the land by Council or is permitted to do so under an Act or Regulation.
- 37.3 The owner or occupier of any land must not without a permit allow a person to use a recreational vehicle on that land.
- 37.4. This clause does not apply if, in the opinion of an Authorised Officer, the use of the subject vehicle at the relevant time is for other than recreational purposes.

*Note – Unregistered recreational vehicle is defined as any wheeled conveyance, powered by a motor that is not registered under the provisions of the Road Safety Act 1986.*

**38. Camping [Amended]**

- 38.1 A person must not, camp on Council land unless it is in a designated camping area permitted by Council.
- 38.2 A person must not camp on vacant private land in the municipal district.
- 38.3 A person may occupy a caravan on land where there is an existing dwelling for a cumulative period of not more than 6 months in any 12 month period provided that:
- (a) appropriate sanitary facilities are available to the land; and
  - (b) there is no detrimental effect on the amenity of adjoining properties.
- 38.4 A person must not, without a permit, occupy a caravan on land in excess of the period prescribed in clause 38.3.

**39. Trailers**

A person must not leave a trailer containing rubbish for more than 7 consecutive days on Council land.

**40. Collections and fundraising [Amended]**

- 40.1 A person must not, without a permit, solicit, collect or fundraise on Council land.

40.2 Clause 40.1 does not apply to any solicitation or distribution of printed electoral material or to the collection of signatures for a petition.

**41. Busking and spruiking [New]**

A person must not, without Council approval, busk or spruik on Council land.

**42. Signs [New]**

A person must not, without approval, display or cause to be displayed a sign, on any Council land.

## PART 4 – WASTE & WASTEWATER

### *Division 1 – Waste*

#### **43. Maintaining a receptacle [Amended]**

An occupier of land where waste is generated, must keep a receptacle that is:

- (a) fitted with a secure lid and handle;
- (b) kept in a clean, sanitary and inoffensive condition; and
- (c) approved by an Authorised Officer in writing, if using a non-Council issued receptacle.

#### **44. Use of receptacle [Amended]**

A person supplied with a Council issued or approved receptacle, must ensure that:

- (a) the receptacle is only used for the purpose for which it was provided or obtained;
- (b) any rubbish which spills from the receptacle onto the road is removed;
- (c) the receptacle is not filled with inappropriate materials including non-domestic waste or burning, hazardous or dangerous materials;
- (d) the receptacle is not overloaded to weight exceeding 75kg;
- (e) the lid of the receptacle is unobstructed and able to fully close;
- (f) when being collected the receptacle is placed:
  - (i) adjacent to the kerb, or road if there is no kerb or in any other manner as directed by an authorised officer in writing;
  - (ii) at least one meter from any obstruction or parked vehicle;
  - (iii) out for collection no more than 18 hours before collection; and
  - (iv) inside the land the same day as which it was collected.

#### **45. Interference with waste [Amended]**

A person must not, without the consent of an Authorised Officer, remove or interfere with any waste placed out for collection by Council.

#### **46. Commercial waste [Amended]**

An occupier of land where commercial waste is generated must ensure that any receptacle used to collect that waste is:



- (a) constructed of impervious materials as approved by Council;
- (b) provided with a removable drainage plug if required by an Authorised Officer of a sufficient size and placed in a suitable location to allow the receptacle to be cleaned;
- (c) provided with a fly and vermin proof fully closing lid;
- (d) kept in a clean, sanitary and inoffensive condition;
- (e) placed in an area of the land which –
  - (i) is constructed of an impervious surface approved by Council;
  - (ii) provides proper drainage as required by Council; and
  - (iii) is screened and is adequately fenced as required by Council.

**47. Hard rubbish and bundled garden waste collection [Amended]**

Where an occupier of land has arranged for hard rubbish or bundled garden waste to be collected, such rubbish must be placed out for collection:

- (a) in a manner which does not cause an obstruction to road users or pedestrians; and
- (b) in accordance with any Council issued directives regarding size, location and permitted contents of the hard rubbish.
- (c) Any items which are deemed not acceptable and not collected by the contractor must be removed from the nature strip within 48 hours.

***Division 2 – Food waste***

**48. Food waste disposal [Amended]**

The proprietor of a food premises must:

- (a) not discharge wastewater generated in that food premises to stormwater;
- (b) ensure that the nature and quantity of waste generated from that food premises is stored and disposed of in an appropriate manner;
- (c) maintain waste disposal areas in a clean and sanitary condition;
- (d) ensure that there is a food waste disposal program approved by Council:
  - (i) kept on the premises at all times; and
  - (ii) made available for inspection when requested by an Authorised Officer.

***Division 3 – Wastewater management*****49. Unsewered land**

An owner or occupier of land which is unsewered, must ensure that:

- (a) a septic system is in place and is operating effectively;
- (b) domestic wastewater is discharged from that land in accordance with Council's *Domestic Wastewater Management Plan*, being an incorporated document into this Local Law; and
- (c) the septic system is annually inspected and approved by a licensed plumber.

## PART 5 – COUNCIL ASSETS & DRAINS

### *Division 1 – Council Land and Roads*

#### **50. Interference with Council land and Council assets [New]**

- 50.1 A person other than a utility, must not, without a permit, on Council land or to a Council asset:
- (a) carry out any works;
  - (b) place, authorise the placement of or use any building materials;
  - (c) place, authorise the placement of or use a mobile crane;
  - (d) remove, damage, destroy, interfere, alter or tap into a Council asset;
  - (e) occupy that land;
  - (f) cause, allow or place an obstruction or encroachment.
- 50.2 The Council may require that a person who undertakes works on a road or Council land pay a bond which must be proportionate to the potential cost of repairing any damage to the road or land.
- 50.3 The bond may be held for the duration of the works plus a maintenance period of twelve months and must be refunded at the end of this period or applied by the Council to offset the cost of repairing any damage.

#### **51. Spoil on roads [Amended]**

A person must not drive or cause to be driven, a vehicle from land onto a road:

- (a) unless the wheels of that vehicle are clean; and
- (b) carrying any soil, earth, clay or debris in such a manner that it is, or is likely to be, deposited onto the road.

#### **52. Vehicle crossings [Amended]**

An Authorised Officer may require an owner of land to:

- (a) construct;
- (b) repair;
- (c) reinstate;
- (d) remove; or
- (d) maintain -

either a temporary or permanent vehicle crossing.

**53. Vegetation damage**

An owner or occupier of land must not allow vegetation on that land to cause damage to or interfere with Council land or Council assets.

***Division 2 – Asset Protection***

**54. Asset protection permit [Amended]**

Prior to the commencement of building work on land, the person in charge of that building work must apply to Council and obtain an Asset Protection Permit.

**55. Control of building sites [New]**

55.1 A person in charge of a building site or works site for which a building permit has been issued must comply with Council's Building and Works Code of Practice being a document incorporated by referenced into this Local Law.

55.2 A person in charge of a building site or a works site on land for which a building permit or works permit has been issued, must obtain an Asset Protection Permit prior to the commencement of work on the building site or works site.

55.3 The requirements of this clause do not apply where minor building work is being undertaken.

55.4 Council may issue an Out of Hours Permit to vary work times where Council deems it appropriate to do so.

***Division 3 – Drains***

**56. Drains on private land [Amended]**

56.1 An owner of land must not allow a privately owned drain on that land to be in a condition which is:

- (a) dangerous to health or safety;
- (b) unsightly;
- (c) causing a nuisance; or
- (d) impacted by vegetation.

56.2 An owner of land must ensure that the land:

- (a) is drained to the satisfaction of an Authorised Officer;
- (b) does not contain equipment which discharges water onto a footpath; and
- (c) a body of water that compromises health or safety.

56.3 An owner or occupier of land which contains a drain required to be maintained by Council, must notify Council as soon as practicable if the drain becomes blocked or is not operatively effectively.

**57. Drainage easements [Amended]**

A person must not, on land affected by a drainage easement:

- (a) block or interfere with the easement;
- (b) prevent access to the easement; or
- (c) carry out works in the easement.

## PART 6 – ANIMALS

### 58. Keeping animals [Amended]

An owner or occupier of any residential land must not, without a permit, keep or allow to be kept on land any more of each of the species or group, or type of animals than is stated in the following Table, having regard to the size of the land where the animal is to be kept -

Animal / Bird	<499 s/mtrs	500 – 1,199 s/mtrs	1,200 - 2,499 s/mtrs	2,500 - 4,999 s/mtrs	>5,000 s/mtrs	>10,000 s/mtrs
Dogs <sup>2</sup>	1	2	2	3	3	3
Cats <sup>3</sup>	2	2	2	2	2	2
Horses, Donkeys or similar	0	0	0	1	2	3
Sheep, Goats, Llamas or similar	0	0	1	2	4	6
Pig	0	0	0	0	0	0
Rooster	0	0	0	0	0	0
Poultry/Fowl or similar	0	5	10	10	10	20
Cattle	0	0	0	0	0	1

#### NOTES

1. The limitations and restrictions in this Part do not prohibit the keeping of any animals or birds regulated by the Planning Scheme.
2. If the Table specifies the number as 0 for any type of animal or bird on that size of allotment, the keeping of that type of animal or bird on that size of allotment is prohibited.
3. All animals kept on Residential land must be owned by the owner or occupier of that property.
4. For the purpose of calculating the maximum number of dogs and cats allowed to be kept on land, the progeny of any dog or cat lawfully kept on the land is not to be counted for 12 weeks after their birth.

### 59. Containment of animals [New]

- 59.1 An owner or person in charge of an animal, other than a dog or cat, must ensure that the land used for keeping an animal:
- (a) is maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other person;

- (b) locates any structure used for housing so as not to cause any nuisance;
- (c) is kept to the satisfaction of the Council or an Authorised Officer; and
- (d) is adequately fenced and keep the fence maintained in a satisfactory condition, so that any animal kept on the land cannot escape from the land.

59.2 The owner or occupier of any land on which an animal is kept must ensure that;

- (a) the land surrounding the place where the animal is kept is free from rubbish or vegetation that could attract or harbour rats or vermin;
- (b) all animal food for consumption is kept or stored in a vermin and fly proof receptacle; and
- (c) all animal waste is removed so as not to be offensive or a nuisance to any other person.

#### **60. Animal housing [New]**

The owner or occupier of any land where animals are kept, must ensure that any animal housing provided is:

- (a) adequate and appropriate based on the type and number of animals kept;
- (b) kept in a clean and inoffensive condition; and
- (c) placed in an area and kept in a manner which does not create a nuisance.

#### **61. Nuisance caused by animals [Amended]**

An owner or occupier of land where an animal is kept, other than a dog or cat, must ensure that the animal does not cause a nuisance.

#### **62. Removal of animal excrement [Amended]**

A person in charge of an animal in a public place must:

- (a) carry a sufficient and suitable device for the collection of any excrement from that animal;
- (b) produce the suitable device when requested to do so by an authorised officer; and
- (c) immediately collect and dispose of the excrement in a proper and sanitary manner.

## PART 7 – ADMINISTRATION

### 63. Application for permit [Amended]

- 63.1 An application for a permit must be in the form prescribed by Council and must be accompanied by the appropriate fee prescribed by Council.
- 63.2 Council may require an applicant to:
- (a) provide additional information; or
  - (b) give notice of the application or invite any person to make a submission or do both,
- before the application is determined.
- 63.3 A permit may include any condition which the Council considers to be reasonable and appropriate having regard to the activity to be authorised by the permit and the effects or anticipated effects of that activity.
- 63.4 Unless otherwise stated in the permit, a permit:
- (a) only authorises the person named in the permit to carry out the permitted activity;
  - (b) is not transferable; and
  - (c) will operate from the date it is granted and will expire 12 months from the date of issue.

### 64. Decision on permit application [Amended]

After considering all relevant documentation, Council may decide:

- (a) to grant a permit;
- (b) to grant a permit subject to conditions, including the requirement to lodge a bond with Council;
- (c) refuse to grant a permit; or
- (d) exempt a person or class of persons from the requirement to obtain a permit.

### 65. Correction, amendment, cancellation and suspension of permit [Amended]

- 65.1 The Council may correct a permit if the permit contains a clerical mistake, error or omission.
- 65.2 The Council may cancel, suspend or amend a permit at any time if:



- (a) it is requested to do so by the permit holder; or
  - (b) it considers that there has been:
    - (i) a material mis-statement or concealment of fact in relation to the application for the permit;
    - (ii) a material mistake in relation to the issue of the permit;
    - (iii) a material change of circumstances which has occurred since the grant of the permit; or
    - (iv) there has been a substantial failure to comply with the permit or a Notice to Comply.
- 65.3 The Council must give written notice to a permit holder of any correction, cancellation, suspension or amendment of a permit.
- 65.4 Before it cancels a permit, the Council must provide the permit holder an opportunity to make a submission on the proposed cancellation.
- 65.5 If a 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 of any Notice to Comply subsequently issued by Council.

**66. Fees [New]**

- 66.1 Council may by resolution determine fees and charges for the purposes of this Local Law.
- 66.2 Council may waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.

**67. Bonds [Amended]**

If a permit holder is required to lodge a bond, Council may –

- (a) utilise those funds to remedy a breach of the permit or repair any damage caused by works carried out under the permit;
- (b) request the permit holder increase the bond amount;
- (c) release all or part of the bond back to the permit holder upon completion of any works under the permit; or
- (d) retain the bond amount and place it into Council's general revenue if the permit holder cannot be located or has not collected the bond payment within 12 months of notice being given.

## PART 8 – ENFORCEMENT

### 68. Exercise of discretion **[New]**

In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:

- (a) the objectives of this Local Law; and
- (b) any other relevant matter.

### 69. Offences **[Amended]**

A person who:

- (a) contravenes or fails to comply with any provision of this Local Law or any incorporated document;
- (b) contravenes or fails to comply with any condition contained in a permit issued under this Local Law;
- (c) knowingly provides false information in support of an application for a permit issued under this Local Law;
- (d) knowingly supplies false or misleading information to an Authorised Officer;
- (e) fails to comply with a verbal or written direction issued by an Authorised Officer;
- (f) fails to comply with a Notice to Comply served by an Authorised Officer;
- (g) fails to comply with a Notice of Impoundment served by an Authorised Officer;
- (h) fails to comply with a sign erected by Council; or
- (i) makes or attempts to make any agreement with an Authorised Officer to induce that Authorised Officer to compromise their duty -

and if the offence is proven in Court is liable to -

- (i) a penalty not exceeding 20 penalty units; and
- (ii) a further penalty of 2 penalty units for each day after a finding of guilt for an offence during which the contravention continues.

### 70. Power to issue a direction **[New]**

Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a verbal or written direction, requiring a person to stop offending and do anything necessary to rectify the offence.

**71. Infringement notices [Amended]**

- 71.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, an infringement notice may be issued and served on that person.
- 71.2 A person to whom an infringement notice has been issued must pay to Council the amount specified within 28 days.
- 71.3 The penalties fixed for infringement notices served under this Local Law are set out in Schedule 3.

**72. Notice to Comply [Amended]**

- 72.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, a Notice to Comply may be issued and served on that person.
- 72.2 A Notice to Comply must specify the time and date by which the person must comply with the specified directions, which must be reasonable having regard to the circumstances.

**73. Impoundment [Amended]**

- 73.1 An Authorised Officer may immediately move or impound any object, thing or animal which the officer reasonably believes contravenes this Local Law.
- 73.2 Following impoundment, an Authorised Officer must, if practicable, serve a Notice of Impoundment on the person whom the officer reasonably believes is the owner of the object, outlining the process for collection.
- 73.3 For the purposes of clause 73.2, an Authorised Officer may determine that it is not practical to serve a Notice of Impoundment if the impounded item is perishable in which case the Authorised Officer may determine the most appropriate method of disposal.
- 73.4 An Authorised Officer may sell, dispose of or destroy an object that isn't collected in the manner specified in the Notice of Impoundment, with any proceeds from the sale being placed into Council's consolidated revenue.
- 73.5 An Authorised Officer may direct any person responsible for causing or permitting an obstruction on Council land to remove the obstruction.

**74. Urgent circumstances [New]**

In any urgent circumstance arising under this Local Law, an Authorised Officer may take any reasonable action.

### Schedule 1 – List of incorporated documents

- Domestic Wastewater Management Plan
- Building & Works Code of Practice [New]

Schedule 2 – Areas where alcohol is prohibited **[New]**



Bulleen Plaza



Doncaster East Village and Devon Plaza Shopping Centre



Donburn Shopping Centre



Jackson Court





Macedon Square and Plaza



Stockland The Pines



Templestowe Village



Warrandyte Goldfields Shopping Centre



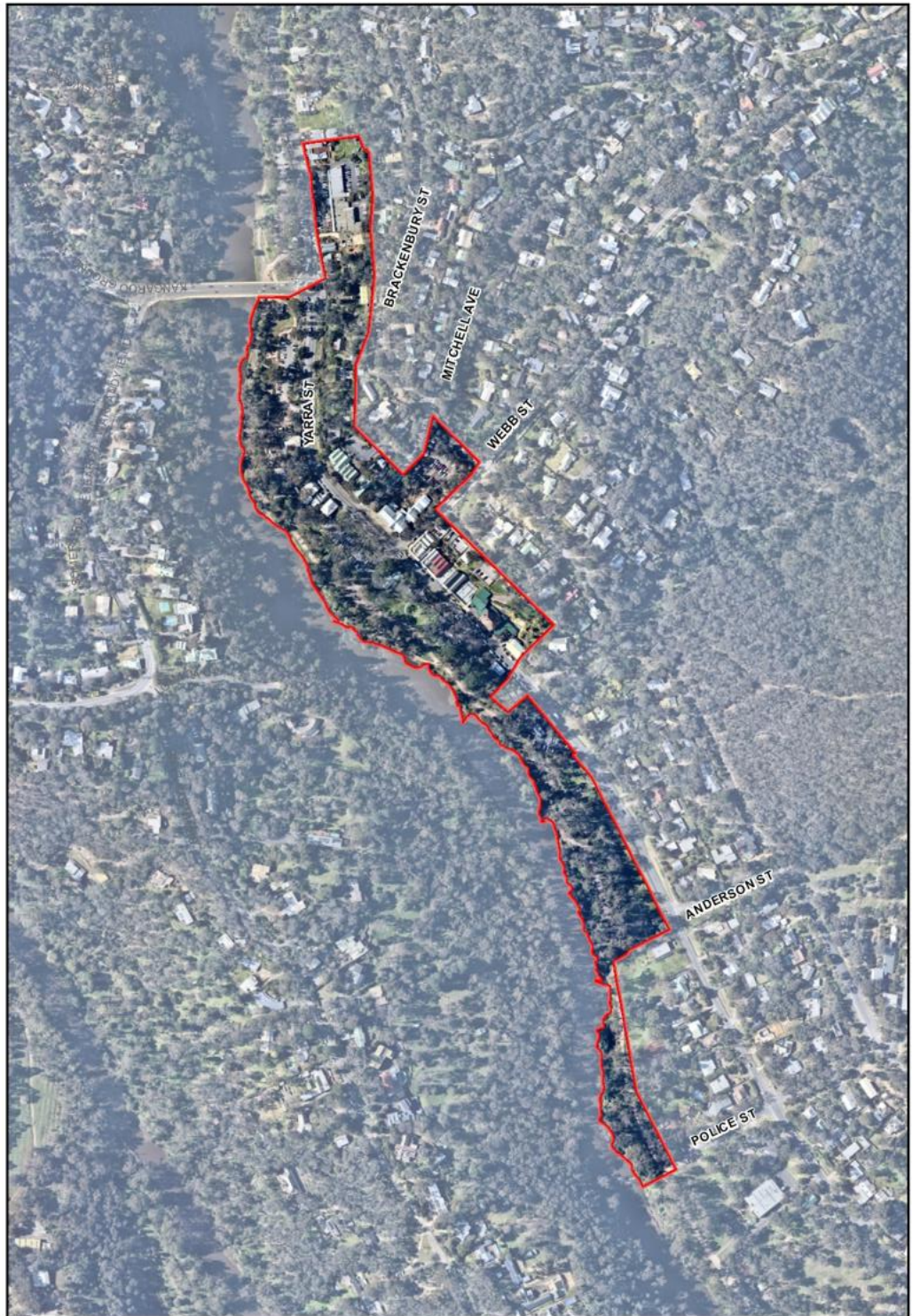
Tunstall Square Shopping Square



Westfield Doncaster



Warrandyte Skate Park and Surrounds



Warrandyte Township



### Schedule 3 – Infringement penalties **[New]**

Clause No	Offence	Infringement penalty	
		Individual	Body Corp
8	Conduct on Council land	3	5
9	Permitted activities on Council land	3	6
10	Restrictions on entry	2	4
11	Gateways to reserves	2	4
12	Wetlands and fountains	2	4
13.1	Shopping trolleys	2	4
13.2	Retailer obligations regarding Shopping Trolleys	4	4
13.3	Compliance with Notice of Impoundment	4	4
14.1	Bulk rubbish containers and shipping containers	3	5
14.2	Shipping containers	2	4
15	Property numbering	1	2
16	Advertisements	3	5
17	Clothing Recycling bins	3	5
18	Filming	3	5
19.1	Consumption of alcohol	3	5
20	Repair of vehicles	2	4
21	Abandoned vehicles	3	5
22	Display of vehicles for sale	3	5
23	Itinerant trading	3	5
24	Footpath trading	3	5
25	Condition of land and buildings	5	6
26	Vehicles on residential land	3	5
27	Vehicles and machinery	3	6
28	Pest animals, vermin and noxious weeds	3	6
29	Environmental weeds	3	6
30	Overhanging obstructions	2	4
31	Audible intruder alarm	3	5
32	Fires on public land	5	6
33	Open air burning (33.1, 33.3, 33.5)	3	5
34	General burning provisions	3	5
35	Extinguishing fires	4	6
36	Chimneys	3	5
37	Recreational vehicles (37.1, 37.2, 37.3)	3	5
38	Camping (38.1, 38.2, 38.3, 38.4)	2	4
39	Trailers	2	4
40	Collections and fundraising	2	4
41	Busking and spruiking	2	4
42	Signs	3	5
43	Maintaining a receptacle	3	5
44	Use of a receptacle	3	5
45	Interference with waste	3	5
46	Commercial waste	4	5
47	Hard rubbish and bundles green waste collection	3	5
48	Food waste disposal	4	5
49	Unsewered land	4	5
50	Interference with Council and Council assets	3	5
51	Spoil on roads	3	5

52	Vehicle crossings	3	5
53	Vegetation damage	4	6
54	Asset Protection Permit	4	5
55	Control of building sites (55.1, 55.2)	4	6
56	Drains on private land (56.1, 56.2, 56.3)	4	6
57	Drainage easements	3	5
58	Keeping animals	3	5
59	Containment of animals (59.1, 59.2)	3	5
60	Animal housing	3	5
61	Nuisance caused by animals	2	4
62	Removal of animal excrement	2	3
69	Offences	3	5
69(a)	Fail to comply with an incorporated document	3	5
69(b)	Fail to comply with a permit condition	3	5
69(c)	Knowingly provides false information in respect of a permit application	3	5
69(d)	Knowingly provides false or misleading information to an Authorised Officer	3	5
69(e)	Fail to comply with a verbal or written direction	3	5
69(f)	Fail to comply with a Notice to Comply	3	5
69(g)	Fail to comply with a Notice of Impoundment	3	5
69(h)	Fail to comply with a sign	3	5
69(i)	Makes or attempts to make any agreement with an Authorised Officer to induce that Authorised Officer to compromise their duty	3	5

### Schedule 4 – Environmental weeds [Amended]

Genus	Species	Common Name	Family
Acacia	baileyana	Cootamundra Wattle	MIMOSACEAE
Acacia	decurrens	Early Black Wattle	MIMOSACEAE
Acacia	elata	Cedar Wattle	MIMOSACEAE
Acacia	floribunda	White Sallow-wattle	MIMOSACEAE
Acacia	howitti	Sticky Wattle	MIMOSACEAE
Acacia	iteaphylla	Flinders Range Wattle	MIMOSACEAE
Acacia	longifolia	Sallow Wattle	MIMOSACEAE
Acer	negundo	Box-elder Maple	ACERACEAE
Arbutus	unedo	Strawberry Tree	ERICACEAE
Asparagus	asparagoides	Bridal Creeper	ASPARAGEAE
Billardiera	fusiformis	Blue Creeper	PITTOSPORACEAE
Cortaderia	selloana	Silver Pampas Grass	POACEAE
Cotoneaster	glaucophyllus f. serontinus	Large-leaf Cotoneaster	ROSACEAE
Cotoneaster	pannosus	Velvet Cotoneaster	ROSACEAE
Erica	lusitanica	Spanish Heath	ERICACEAE
Erigeron	karvinskianus	Seaside Daisy	ASTERACEAE
Euphorbia	lathyrus	Caper Spurge	EUPHORBIACEAE
Fraxinus	angustifolia	Desert Ash	OLEACEAE
Ligustrum	lucidum	Tree Privet	OLEACEAE
Lonicera	japonica	Japanese Honeysuckle	CAPRIFOLIACEAE
Myriophyllum	aquaticum	Parrot's Feather	HALORAGACEAE
Osteospermum	fruiticosum	African Daisy	ASTERACEAE
Phytolacca	octandra	Red-ink Weed	PHYTOLACCACEAE
Pittosporum	undulatum	Sweet Pittosporum	PITTOSPORACEAE
Polygala	mytifolia	Myrtle-leaf Milkwort	POLYGALACEAE
Rhamnus	alaternus	Italian Buckthorn	RHAMNACEAE
Solanum	pseudocapsicum	Maderia Winter-cherry	SOLANACEAE
Solanum	mauritanum	Wild Tobacco Tree	SOLANACEAE
Veronica	angallis-aquatica	Blue Water-speedwell	SCROPHULARIACEAE

Clause no	Title	Retained	Removed	Comment
<b>PART 1</b>	<b>Preliminary</b>			
1.1	Local Law	√		
1.2	Community Plan		√	
1.3	Objectives	√		
1.4	Commencement	√		
1.5	Repeal of Local Laws	√		
1.6	Application to municipality	√		
1.7	Other legislation	√		
1.8	Definitions	√		Updated
1.9	Notes in this Local Law		√	Removed as the draft Local Law does not include any notes
<b>PART 2</b>	<b>Use of Public Places</b>			
2.1	Conduct in municipal buildings		√	Replaced with a performance-based clause to address conduct on Council land which is defined broadly to mean any land or road which is owned, vested in, managed by or under the control of Council and includes any building or structure on that land or road.
2.2	Prohibited things			
2.3	Conduct in reserves	√		
2.4	Restrictions on entry	√		
2.5	Gateways to reserves	√		
2.6	Behaviour on roads and in public places		√	Refer to comments provided above at clause 2.1
2.7	Wetlands and fountains	√		
2.8	Shopping trolleys	√		Provision strengthened to: <ul style="list-style-type: none"> <li>• share responsibility between retailers and trolley users to ensure trollies are kept from roads</li> <li>• ensure trollies are fitted with a coin deposit/locking system</li> <li>• ensure a regular trolley collection system is in place</li> <li>• require retailers to collect any impounded trollies</li> </ul>

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Clause no	Title	Retained	Removed	Comment
2.9	Repairing vehicles	√		
210	General obstruction		√	Removed as being a duplication of the <i>Road Management Act 2004</i>
2.11	Premises to be numbered	√		
2.12	Advertisements and graffiti	√		
2.13	Clothing bins	√		Only applies to Council land and not privately owned land
2.14	Abandoned and unregistered vehicles	√		Reference to unregistered vehicles has been deleted as being a duplication of the Local Government Act
2.15	Display of vehicles for sale on roads	√		Only applies now to vehicles on Council land
2.16	Roadside trading	√		Now referred to as Itinerant trading
2.17	Footpath trading	√		Only applies to Council land and not public places that are privately owned
2.18	Consumption of liquor	√		Maps included to show areas where liquor is prohibited
2.19	Filming	√		Broadened to also include photography
<b>PART 3</b>	<b>Environmental Amenity</b>			
3.1	Street collections	√		
3.2	Unightly and dangerous land	√		The term 'unsightly' has now been defined with respect to both land and buildings.  Dangerous land no longer includes vegetation
3.3	Motor vehicles and machinery on land	√		
3.4	Noise	√		
3.5	Vermin	√		Clause combined to address both vermin and noxious weeds.
3.6	Noxious weeds	√		Clause combined to address both vermin and noxious weeds.
3.7	Environmental weeds	√		
3.8	Fire hazards		√	
3.9	Overhanging vegetation	√		
3.10	Camping on private property	√		
3.11	Camping on roads, Council land and in public places	√		
3.12	Garage sales		√	
3.13	Trailers on roads	√		

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Clause no	Title	Retained	Removed	Comment
3.14	Floodlighting		√	
3.15	Open air burning and incinerators	√		<p>This clause has been amended.</p> <p>Reference to incinerators has been removed.</p> <p>The obligation to obtain a permit to conduct open air burning on land over 2500sqm has been removed.</p> <p>The term 'open air burning' is now defined to only apply to fires used for vegetation reduction purposes so it does not include recreational fires, fires for warmth, cooking or trades.</p> <p>Introduction of performance-based criteria to avoid need to obtain permit to burn for the purposes of fuel reduction on land greater than 2,500 sqm in designated areas of the municipality</p>
3.16	Use of recreational vehicles	√		
3.17	Food waste disposal	√		3.17 and 3.18 have been combined and streamlined
3.18	Food waste disposal program	√		
3.19	Unsewered land	√		3.19 and 3.20 have been combined and streamlined
3.20	Plan incorporated by reference	√		
3.21	Occupier to maintain a receptacle	√		
3.22	Use of receptacles	√		This part has been combined predominantly into two clauses which address the maintenance and use of receptacles
3.23	Approval required for non-Council supplied receptacles	√		
3.24	Prohibited contents of waste receptacles	√		
3.25	Collection	√		
3.26	Recyclable, hard and garden waste	√		Confined to hard waste collection
3.27	Interference with receptacles	√		
3.28	Receptacle specification			

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Clause no	Title	Retained	Removed	Comment
3.29	Commercial waste	√		
<b>Part 4</b>	<b>Land Management Plans</b>		√	This part has been removed as being no longer relevant
<b>Part 5</b>	<b>Protection of Council Land and Assets</b>			
5.1	Permit required for certain actions			
5.2	Skip bins	√		
5.3	Spoil on roads	√		
5.4	Vehicle crossings	√		
5.5	Vegetation damage	√		Expanded clause to include Council assets having regard to trees damaging Council drains
5.6	Control of building sites	√		Re-titled 'Asset Protection Permit'
5.7	Drains on private land	√		
5.8	Council drains and similar assets			
5.9	Drainage of property	√		Sub-clauses removed as being a duplication of the <i>Water Act</i>
5.10	Management of easements	√		
<b>PART 6</b>	<b>Keeping of Animals</b>			
6.1	Permitted number of animals	√		Numbers of permitted animals now more commensurate to land size
6.2	Poultry houses, kennels and pigeon lofts			Replaced with a more streamlined condition
6.3	Seizure	√		Addressed in new Impoundment clause
6.4	Cleanliness	√		Included in a general Animal Housing clause
6.5	Nuisance caused by animals, birds and poultry	√		Simplified
6.6	Control of dogs and cats		√	Reference to attack removed as being a duplication of Domestic Animals Act
6.7	Animals found at large	√		Included in a general Containment of Animals clause
6.8	Restraint of dogs on land	√		Included in a general Containment of Animals clause
6.9	Horse microchipping		√	Removed as not identified as a matter that requires local law to regulate from a community impact perspective
<b>PART 7</b>	<b>Permits</b>			
7.1	Applications	√		
7.2	Further requirements	√		

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Clause no	Title	Retained	Removed	Comment
7.3	Grant or refusal	√		
7.4	Suspension and revocation	√		
7.5	Exemption	√		
7.6	Bonds	√		
<b>PART 8</b>	<b>Enforcement</b>			
8.1	Offences	√		Expanded to include an offence for failing to comply with a Notice of Impoundment
8.2	Obstructing objects		√	Removed as new clause titled 'Impoundment' The ability to impound applies broadly to any object, thing or animal (other than a cat or dog)
8.3	Notice to comply	√		
8.4	Infringement notices	√		
8.5	Court fines	√		Incorporated into offences clause provision and includes an ongoing penalty provision
<b>Schedule 1</b>	Prohibited liquor places	√		
<b>Schedule 2</b>	Plan of Doncaster Hill		√	Redundant schedule
<b>Schedule 3</b>	Environmental weeds	√		
<b>Schedule 4</b>	Green wedge		√	Redundant schedule

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<b>New Clauses</b>			
<b>Clause</b>	<b>Heading</b>	<b>Proposed clause</b>	<b>Comments</b>
7	<b>Operator Onus</b>	The operator onus provisions under Part 6AA of the <i>Road Safety Act 1986</i> apply to any provision of this Local Law which involves vehicles	The application of the provision to the Local Law makes a registered owner of a vehicle liable for offences relating to the use of that vehicle.
14.2	<b>Bulk Rubbish Containers and Shipping containers</b>	A person must not, without a permit, place or cause to be placed a bulk rubbish container or shipping container on Council land.  Unless permitted under the Planning Scheme, a person must not, without a permit place a shipping container on Residential Land for a period longer than six months.	Council's current Local Law already addresses 'skip bins' which has now been replaced with the term 'bulk rubbish container'
23	<b>Itinerant trading</b>	Unless approved by Council, a person must not, offer for sale, or authorise another person to offer for sale, any goods or services from their person, a vehicle or structure on Council land.	
26	<b>Vehicles on residential land</b>	An owner or occupier must not, without a permit, keep or allow to be kept, a vehicle that: (a) has a gross vehicle mass of in excess of 4.5 tonnes; or (b) together with any load or projection, measures 7.5 metres or more in length – on residential land.	
28	<b>Pest animals, vermin and noxious weeds</b>	An owner or occupier of land must take reasonable steps to prevent pest animals, vermin and noxious weeds existing on that land.  Clause 28.1 does not apply to bees being kept on land in accordance with the Apiary Code of Practice.	Expanded to include pest animals

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31	<b>Audible intruder alarm</b>	An owner or occupier of land must not allow an audible intruder alarm to operate on that land which emits noise beyond the land boundary, unless if activated the alarm: (a) is inaudible beyond the boundary of the land within 10 minutes of being activated; and (b) cannot reactivate until it has been manually reset.	
32	<b>Fires on public land</b>	A person must not light a fire; (a) on a road (including a road reserve, footpath or nature strip); (b) on Council land; (c) on Crown land that is vested in or is under the control of Council; or (d) in a public place - unless they have obtained Council's prior written consent.	
33	<b>Open air burning</b>	Removal of requirement to obtain a permit, subject to burning being undertaken in accordance with specific requirements listed within clauses	
35	<b>Extinguishing fires</b>	A person who has lit or allowed a fire to remain alight contrary to the provisions in this Part or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by: (a) an Authorised Officer; or (b) a member of Victoria Police, Country Fire Authority or Fire Rescue Victoria.	

36	<b>Chimneys</b>	<p>36.1 A person who owns or occupies land must not allow any chimney on that land to discharge, ash, smoke or dust to such an extent that it becomes a public nuisance, or is dangerous or is likely to be dangerous to the health and safety of any person or animal, or is harming or likely to be harmful to the environment.</p> <p>36.2 In determining whether a contravention has occurred an Authorised Officer must have regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of any complaint received;</li> <li>(b) any observations of an Authorised Officer, including the level of observable dust, grit, ash, smoke substance or odour;</li> <li>(c) any diary entries made by any person detailing the particulars of the complaint;</li> <li>(d) whether the chimney and any heating devices comply with any relevant Australian Standard; and</li> <li>(e) the nature of the fuel used in the heating device.</li> </ul>	
41	<b>Busking and spruiking</b>	A person must not, without Council approval, busk or spruik on Council land.	
42	<b>Signs</b>	A person must not display or cause to be displayed a sign, on any Council land.	

50	<b>Interference with Council land and Council assets</b>	<p>A person other than a utility, must not, without a permit, on Council land or to a Council asset:</p> <ul style="list-style-type: none"><li>(a) carry out any works;</li><li>(b) place, authorise the placement of or use any building materials;</li><li>(c) place, authorise the placement of or use a mobile crane;</li><li>(d) remove, damage, destroy, interfere, alter or tap into a Council asset;</li><li>(e) occupy that land;</li><li>(f) cause, allow or place an obstruction or encroachment.</li></ul> <p>The Council may require that a person who undertakes works on a road or Council land pay a bond which must be proportionate to the potential cost of repairing any damage to the road or land.</p> <p>The bond may be held for the duration of the works plus a maintenance period of twelve months and must be refunded at the end of this period or applied by the Council to offset the cost of repairing any damage.</p>	
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<p><b>55</b></p>	<p><b>Control of Building Sites</b></p>	<p>55.1 A person in charge of a building site or works site for which a building permit has been issued must comply with Council's Building and Works Code of Practice being a document incorporated by referenced into this Local Law.</p> <p>55.2 A person in charge of a building site or a works site on land for which a building permit or works permit has been issued, must obtain an Asset Protection Permit prior to the commencement of work on the building site or works site.</p> <p>55.3 The requirements of this clause do not apply where minor building work is being undertaken.</p> <p>55.4 Council may issue an Out of Hours Permit to vary work times where Council deems it appropriate to do so.</p>	
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<p><b>59</b></p>	<p><b>Containment of animals</b></p>	<p>59.1 An owner or person in charge of an animal, other than a dog or cat, must ensure that the land used for keeping an animal:</p> <ul style="list-style-type: none"> <li>(a) is maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other person;</li> <li>(b) locates any structure used for housing so as not to cause any nuisance;</li> <li>(c) is kept to the satisfaction of the Council or an Authorised Officer; and</li> <li>(d) is adequately fenced and keep the fence maintained in a satisfactory condition, so that any animal kept on the land cannot escape from the land.</li> </ul> <p>59.2 The owner or occupier of any land on which an animal is kept must ensure that;</p> <ul style="list-style-type: none"> <li>(a) the land surrounding the place where the animal is kept is free from rubbish or vegetation that could attract or harbour rats or vermin;</li> <li>(b) all animal food for consumption is kept or stored in a vermin and fly proof receptacle; and</li> <li>(c) all animal waste is removed so as not to be offensive or a nuisance to any other person.</li> </ul>	
<p><b>60</b></p>	<p><b>Animal housing</b></p>	<p>The owner or occupier of any land where animals are kept, must ensure that any animal housing provided is:</p> <ul style="list-style-type: none"> <li>(a) adequate and appropriate based on the type and number of animals kept;</li> <li>(b) kept in a clean and inoffensive condition; and</li> <li>(c) placed in an area and kept in a manner which does not create a nuisance.</li> </ul>	

66	<b>Fees</b>	66.1 Council may by resolution determine fees and charges for the purposes of this Local Law.  66.2 Council may waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.	
68	<b>Exercise of discretion</b>	In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:  (a) the objectives of this Local Law; and  (b) any other relevant matter.	
70	<b>Power to issue a direction</b>	Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a verbal or written direction, requiring a person to stop offending and do anything necessary to rectify the offence.	

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## BUILDING & WORKS CODE OF PRACTICE

### 1. INTRODUCTION

This Building & Works Code of Practice (**the Code**) has been developed to manage the effects of building development within the municipality to ensure that any person who is responsible for building sites and building works understands the minimum acceptable standards under which they operate. Problems commonly encountered include:

- Storage of materials and equipment on roads, footpaths and nature strips;
- Waste materials and litter not stored or removed in a responsible manner;
- Windblown litter, wrappings, containers, plastics, styrene, or similar;
- Silt, sand, mud and litter with the potential for entering drainage systems or waterways;
- Traffic and pedestrian hazards as a result of waste, mud, materials and equipment being left on roads; and
- Unauthorised damage to and interference with Infrastructure Assets.

### 2. OBJECTIVE

The objective of the Code is to protect public assets and infrastructure during Building Work and to provide an environment where activities on and related to Building Sites and Building Work do not interfere or have an adverse effect on the safety and amenity of the public and the community.

### 3. RELATIONSHIP WITH THE LOCAL LAW

The Code has been incorporated by reference in Council's Community Local Law 2023 forming part of the Local Law. A failure to comply with the Code constitutes an offence under the Local Law.

### 4. DEFINITIONS

The following definitions as contained within the Local Law also apply to the Code. Where a term is not defined it adopts its normal meaning:

**Asset** means any:



	<ul style="list-style-type: none"><li>(a) road;</li><li>(b) footpath;</li><li>(c) communications conduit or pit</li><li>(d) drain;</li><li>(e) waterway;</li><li>(f) public park or reserve;</li><li>(g) stormwater or drainage infrastructure;</li><li>(h) street tree;</li><li>(i) native vegetation;</li><li>(j) street sign; or</li><li>(k) other property vested in or under the control of the Council</li></ul>
<b>Asset Protection Permit</b>	means a written permit issued by Council for the protection of public assets and infrastructure during Building Work.
<b>Building Site</b>	means the land upon which Building Work is being undertaken and includes a work site.
<b>Building Work</b>	means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a Building or installation of a swimming pool including landscaping, concreting, Subdivision and Road construction.
<b>Council Officer</b>	means any person appointed in writing by Council to be an Authorised Officer.
<b>Diameter at breast height (DBH)</b>	the nominal trunk diameter measured at 1300 millimeters above ground level determined from the circumference of the trunk divided by pi ( $\pi$ ).
<b>Hoarding</b>	Fencing or barricades usually installed around a building site both to protect the public and to secure the site when unattended.
<b>Minor Building Work</b>	means Building Work valued at less than \$10,000, excluding demolition and removal of Buildings and structures and installation of swimming pools (regardless of value).

- Person in charge** means the person or persons whether natural or incorporated, who has or have management responsibility for building works or a building site and includes the owner of land, the developer and any other person who has control of the building site or the building works being carried out.
- Sanitary facilities** means sanitary facilities provided for the use of persons working on a building site, including:
- (a) toilets;
  - (b) hand basins; and
  - (c) the supply of clean water to toilets and hand basins.
- Site fencing** means a fence (includes hoarding) around the entire perimeter of a building site at the commencement and for the duration of the building works,
- (a) at a height of not less than 1500 millimetres;
  - (b) so as to be capable of preventing litter from being transported from a building site by wind; and
  - (c) having not more than one access opening which:
    - (i) is fitted with a 1500 millimetres high gate or gates which prevents or prevent litter from being transported from a building site when closed
    - (ii) is located to correspond with the vehicle crossing referable to the building site; and
    - (iii) is securely closed when the building site is unattended.
- Site Identification** means a sign which is at least 600 millimetres in height and 400 millimetres in width, is erected at the entrance to the building site and is clearly visible from the road, and includes:
- (a) the lot number, as described on the Certificate of Title relevant to the land;
  - (b) the name of the person in charge;
  - (c) the postal address of the person in charge; and
  - (d) the 24-hour contact telephone number or numbers for the person in charge.

- Tree protection fence** means a temporary fence of at least 1.8m high, fixed to the ground with concrete feet with the fence panels constructed of cyclone mesh wire or similar strong metal mesh or netting, with high visibility plastic hazard tape and secured to deter entry. The tree protection fencing must allow for free and clear passage of pedestrians on the footpath and adjacent portion of all affected streets.
- Tree protection zone (TPZ)** A is a specified area above and below ground and at a given distance from the trunk set aside for the protection of a trees roots and canopy to provide for the viability and stability of a tree but confined to the nature strip where it will not restrict the footpath or vehicle access. The TPZ is calculated by multiplying the DBH x 12.
- Waste container** means the container that is designed for the containment of litter and waste material within the building site, and which is:
- (a) of robust construction;
  - (b) not less than one cubic metre in volume;
  - (c) has a lid which is attached to the container with hinges;
  - (d) closed at all times to prevent wind borne litter escaping from the container;
  - (e) emptied regularly; and
  - (f) not overfilled at any time.

## 5. ASSET PROTECTION PERMIT

- 5.1 To ensure that Council assets are adequately maintained and managed and that public safety is maximised during Building Works, the person in charge of Building Works or a Building Site is required to obtain an Asset Protection Permit prior to the commencement of Building Works (other than minor building works) which have the potential to damage Council assets.
- 5.2 Upon the payment of the application fee prescribed by Council, Council officers may issue an Asset Protection Permit in respect of any land where building works are to be carried out.
- 5.3 The person in charge of a Building Site must immediately report to the Council any damage to an asset.

- 5.4 The Asset Protection Permit will be subject to such conditions as Council may require, including:
- (a) payment of a refundable security deposit;
  - (b) repair, replacement or re-instatement of any or all Council assets or infrastructure damage within a specified time to Council's satisfaction; and
  - (c) requiring a Temporary Vehicle Crossing to be installed to Council's satisfaction before the commencement of any Building Work or delivery of any materials to the property and be maintained for the duration of the Building Work.
- 5.5 Upon completion of the Building Works and Council receiving notification of the Final Certificate / Occupancy Permit (as applicable) having been issued, the amount of the refundable security deposit:
- (a) may be retained by Council to offset the costs of repairing any damage; or
  - (b) must be refunded to the person who lodged it, upon Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of that person to Council's satisfaction.
- 5.6 If a Council Officer identifies that damage has occurred as a result of noncompliance with the Code, the Council Officer may arrange for the damage to be reinstated and may seek reimbursement for costs associated with reinstatement, including administrative charges.

#### **SITE CONTAINMENT**

- 5.7 The person in charge must ensure that:
- (a) All Building Work is contained entirely within the Building Site;
  - (b) Prior to the commencement of any Building Work, a Building Site must be provided with a Hoarding or Site Fencing;
  - (c) Site Fencing is to be erected on the boundary of the Building Site's property line and must not protrude in or on any Land other than the Building Site where practicable;
  - (d) Site fencing footings should be placed perpendicular to the property boundary, not side on to the boundary being defined;
  - (e) If the person in charge has more than one adjoining Building Site then the Site Fencing may enclose all of the Building Sites under the Builder's control;
  - (f) Each section of the Site Fencing is to be erected as close as practicable to vertical at all times;

- (g) Site Fencing must remain erected and in place until the completion of the Building Work;
  - (h) Regular inspections of the land should be undertaken to ensure fencing is intact;
  - (i) A hoarding permit is required if any part of the building works or machinery utilised in the building works is outside of the property, this includes the placement of concrete pumps;
  - (j) Materials, plant equipment, machinery or site sheds must not be deposited, stored or stockpiled on any part of the Road without the approval of Council; and
  - (k) Materials used for or during Building Works cannot be deposited, by wind or other means on any other Land other than the Building Site.
- 5.8 The requirement to provide Site Fencing under this clause may be waived or varied at Council's discretion.
- 5.9 Where buildings are being constructed on adjacent sites simultaneously by the same owner or builder, Council may waive the need to fence individual sites, provided all other requirements of the Code are met.

## **6. SITE IDENTIFICATION**

- 6.1 The person in charge must ensure that a Building Site is provided with site identification at the commencement of and for the duration of Building Works to the satisfaction of an Authorised Officer.

## **7. INSPECTIONS**

- 7.1 Council may determine if and when inspections of Building Sites may be conducted.
- 7.2 Inspections of a Building Site may be conducted by a Council Officer.
- 7.3 If a Council Officer identifies any damage during an inspection of a Building Site which appears to result from non-compliance with the Code, the Council Officer may direct the person in charge of the Building Site to make the area safe and reinstate the damage within a specified time. The Council Officer will provide the person in charge of the Building Site with written confirmation either at the time of the inspection or within a reasonable timeframe.
- 7.4 If Council considers that works on a Building Site have created a risk to the public that requires immediate action to make the area safe, Council will undertake appropriate action to remove the risk to the public and recover any

costs associated with doing so, including the cost of after hours attendance as part of the reinstatement costs.

#### **8. SANITARY FACILITIES**

- 8.1 The person in charge must ensure that sanitary facilities are provided on the Building Site at the commencement of and for the duration of Building Works, which:
- (a) Do not cause odours or detriment to the amenity of the area in which the building site is located; and
  - (b) are maintained in a clean and sanitary condition at all times.
- 8.2 Council staff may enter any Building Site at any reasonable time for the purpose of inspecting any sanitary facilities required to be provided under this Code.

#### **9. BUILDING SITE WASTE**

- 9.1 The person in charge must ensure that waste produced as a result of Building Works (including items considered litter) are:
- (a) contained entirely within the Building Site;
  - (b) stored in a manner that does not attract the depositing of waste from sources other than the Building Site;
  - (c) stored in a manner that does not cause detriment to the visual amenity of the area in which the Building Site is located;
  - (d) disposed of regularly and transported to a legal point of disposal; and
  - (e) Stored and contained in a manner that will prevent it from leaving the site by wind or other means.
- 9.2 When transporting waste from the Building Site, the person in charge must ensure that loads on utilities, trailers and trucks are secured to prevent such waste from leaving the vehicle by wind or other means.
- 9.3 The person in charge must be proactive in maintaining the cleanliness of the work site and surrounding area with regard to waste and litter.

#### **10. WASTE CONTAINER**

- 10.1 Where any Building Work (other than Minor Building Work) is being carried out, the person in charge of a Building Site must:
- (a) place the Waste Container on the Land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the Building Work,

- (b) not place a Waste Container on any Council Land, Road or street unless approved by Council; and
  - (c) remove and lawfully dispose of all Builder's Refuse within 7 days of completion of the Building Work or issue of an occupancy permit, whichever occurs last.
- 10.2 Where a Waste Container is lawfully placed on Council Land, or a road, the Waste Container Permit holder must:
- (a) remove all waste, windblown or otherwise within a 3-metre radius of the container; and
  - (b) ensure the waste container is secured to prevent unlawful dumping occurring.
- 10.3 The requirement to provide a Refuse Facility may be waived at Council's discretion.

#### **11. PEDESTRIAN AND TRAFFIC HAZARDS AND SAFETY**

- 11.1 The person in charge must ensure that Building Works do not cause detriment to pedestrian or vehicular traffic or become unsafe.
- 11.2 For the purposes of this Code, detriment to pedestrian or vehicular traffic will be caused by, and Building Works will become unsafe, if there is or are:
- (a) mud or debris on a road, footpath or Council Land;
  - (b) materials referable to building works on a road, footpath or Council Land
  - (c) equipment referable to building works or other works on a road, footpath or Council Land;
  - (d) excavation on or immediately adjacent to a road, footpath or Council Land;
  - (e) building works in, on, under or over a road, footpath or Council Land; or
  - (f) Grass or vegetation growing from the land and encroaching on to the footpath.
- 11.3 Works required to be undertaken within the Road or Road Reserve may be subject to the requirement of a traffic management plan in accordance with section 99A of the *Road Safety Act 1986* and Australian Standard AS 1742.3 Manual of Uniform Traffic Control Devices, Part 3: Traffic Control Devices for works on roads which should be in operation for the duration of the works.
- 11.4 For the purposes of this clause:
- (a) the traffic management plan shall include provisions for the safe travel of all vehicular traffic, bicycles and pedestrians; and

- (b) the traffic management plan must be prepared and implemented by appropriate trained and qualified persons in accordance with section 15 of *Road Management Act 2004* Code of Practice Worksite Safety -Traffic management.

## **12. STOCKPILES & DUST**

- 12.1 The person in charge must ensure that soil or like material that is stripped from the Building Site is stockpiled on the Building Site for re-use or be transported to a legal place of disposal.
- 12.2 Soil or like material stockpiled on a Building Site must be stored in a manner that prevents the soil entering the environment in the form of air or water pollution.
- 12.3 The person in charge of a Building Site must ensure that the site is managed to minimise the risk of detrimental effects to the health and amenity of nearby residents through reduced visibility, reduced air quality and the effects of deposition of dust generated from the Building Site.

## **13. BLASTING CONTROLS**

- 13.1 The person in charge must notify Council prior to carrying out any blasting on the Building Site.

## **14. DRAINS, WATERWAYS, PARKS AND RESERVES**

- 14.1 The person in charge must ensure that Building works do not cause detriment to any stormwater drainage system, waterway, public park, reserve, or asset.
- 14.2 Detriment to a stormwater drainage system, waterway, public park, reserve, or asset will occur if:
  - (a) material, equipment, litter, waste, chemicals, mud, silt, sand or another product emanating from building works enters or interferes with the stormwater drainage system, waterway, public park or reserve, or asset; or
  - (b) there occurs any alteration to or interference with a stormwater drainage system, waterway, public park or reserve, or asset.
- 14.3 To ensure no detriment occurs to storm water drainage systems or assets, the person in charge must ensure that the Building Site is provided with measures, facilities or equipment which ensure the retention of silt and soil on site, and the



retention of other water borne particles and pollutants for later transportation to a legal place of disposal.

- 14.4 The person in charge of a Building Site must ensure that water run off is not directed on to another property through the undertaking of Building Works.
- 14.5 Water from a Building Site should be directed to an approved point of discharge.

#### **15. PARKING & ENTRY TO BUILDING SITES**

- 15.1 The person in charge must ensure that there is provision for any vehicles associated with the Building Works or deliveries to park in a manner which is lawful and which does not impact or cause damage or detrimental impact on the surrounding area.
- 15.2 This may be achieved through the
  - (a) development of a parking management plan; or
  - (b) provision of parking on the building site.
- 15.3 The person in charge must ensure that the point of entry to a Building Site is by way of a vehicle crossing referable to and constructed for land in accordance with a construction plan approved by Council, which is protected by way of an approved covering at the commencement of and for the duration of the Building Works.
- 15.4 The person in charge must ensure that access to the Building Site is not attempted across the road reserve between the roadway and the property boundary or across vacant land, and that no parking of any vehicle owned or driven by a person working on the Building Site takes place on any nature strip adjacent to or within 100 metres of the building site.
- 15.5 A person in charge of Building Work must ensure that all points of entry into the Building Site is by way of a properly constructed vehicle crossing that is capable of protecting Council's assets.

#### **16. TREE PROTECTION FENCING**

- 16.1 Prior to the commencement of Building Works (including demolition of existing structures, site leveling or similar), tree protection fencing must be installed around any Council tree adjacent to the Building Site, generally in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites. The tree protection fencing must meet the fencing requirements to the satisfaction of Council, including:

- (a) Be constructed of 1.8 metre high chain link fence and supported by concrete footings;
  - (b) Provide for clear visibility of fire hydrants, driveway access, crosswalks and other infrastructure;
  - (c) Provide for clear visibility of fire hydrants, driveway access, crosswalks and other infrastructure; and
  - (d) Be maintained in good condition until the completion of all works on the land.
- 16.2 A sign must be affixed on all visible sides of the tree protection fence, stating "Tree Protection Zone – No entry without permission from Manningham City Council".
- 16.3 The person in charge must ensure that, inside the Tree Protection Zone:
- (a) There is no vehicular or pedestrian access;
  - (b) The existing soil level is not altered either by fill or excavation;
  - (c) The soil is not compacted, and the soil's drainage is not changed;
  - (d) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are stored or disposed of;
  - (e) There is no refuelling, no preparation of chemicals, including preparation of cement products, and no wash down or cleaning of equipment;
  - (f) No equipment, machinery or material is stored;
  - (g) Open trenching to lay underground services (e.g. drainage, water, gas) is not used unless prior approval to tunnel beneath the site has been granted by Council; and in the event that approval is granted by Council to tunnel beneath the site, a qualified Arborist is on site to oversee this process;
  - (h) Nothing whatsoever, including temporary services, wires, nails, screws or any other fixing device, is attached to any tree;
  - (i) No building or any other structure is erected;
  - (j) No temporary or permanent utilities or signs are installed; and
  - (k) No fires are lit; and
  - (l) There is no physical damage to the tree, and tree roots are not severed or injured.

## 17. NOISE AND VIBRATION

- 17.1 A person in charge of a Building Site will have regard to section 4 of the EPA Publication 1834 when they are scheduling works to occur on the land.

- 17.2 Where a person in charge of a Building Site wishes to conduct works which will cause an impact outside of Normal Working Hours (as set out in the EPA Publication 1834) the person in charge must obtain approval from Council before undertaking the works.

#### **18. ENVIRONMENT PROTECTION CONTROLS**

- 18.1 Activities on a Building Site (including Building Works) must not damage or cause detriment to the natural or built environment within or surrounding the land which the building site is located.
- 18.2 A person in charge of a Building Site must ensure that the general condition of the building site is not kept in a dangerous or unsightly manner.
- 18.3 A person in charge of a Building Site must immediately remove graffiti or other material from a site fence or hoarding.
- 18.4 A person in charge of building works must comply with EPA Publication 1834 Civil Construction, building and demolition guide.



# Domestic Wastewater Management Plan December 2019



Interpreter service

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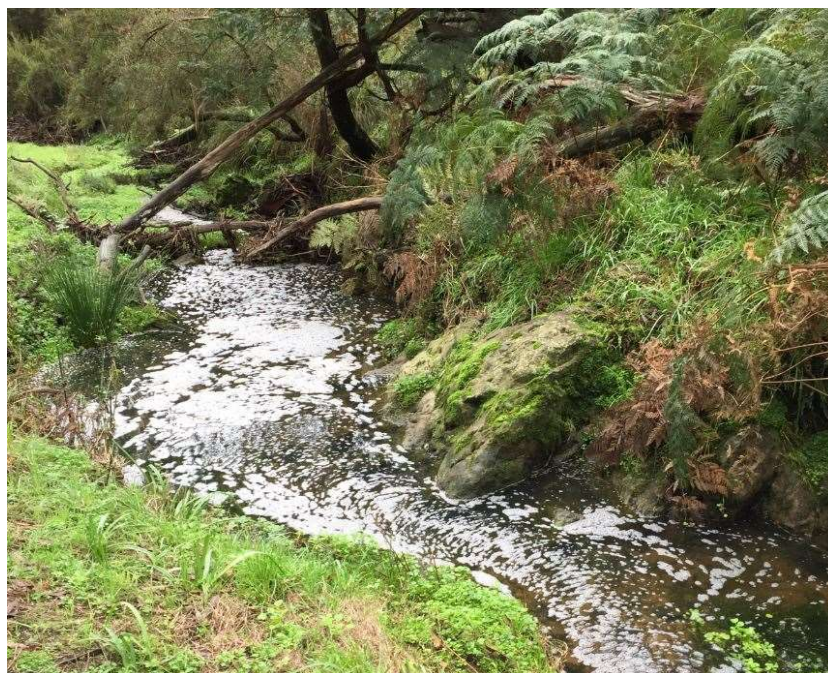
## 1. Introduction

Council has a significant role and legislative responsibility for protecting the health of residents, visitors and those working in the municipality. This has been recognised within the *Council Plan 2017-2021* to review the Domestic Wastewater Management Plan (DWMP) adopted by Council in July 2002 with reviews of the plan undertaken in October 2007, November 2011, April 2015 and the current review (July 2019).

State Government made changes to the environment protection legislation that regulates domestic wastewater management i.e. septic tank systems. One particular change involved the requirement for Councils to prepare and implement a Municipal DWMP. This plan forms part of a range of activities undertaken by Council in addressing the management of domestic wastewater within the municipal district. The plan also recognises the role of the local water authority Yarra Valley Water (YVW) in 'Sewerage Planning' where the DWMP identifies reticulated sewerage (or an alternative servicing solution) as a management option to meet community needs.

This document outlines the priorities and strategies Council must implement in order to minimise the impact of wastewater on human health and the environment.

A 'Background Paper' located in Appendices describes the features and profile of wastewater management in the municipality and provides data pertaining to domestic wastewater. The *Strategic Water Management Plan 2008* identified domestic wastewater as a key impact on the quality of storm water in the areas of Manningham still using septic systems.



**Figure 1:** Soapy discharge entering Andersons Creek (May 2018)



## 2. Wastewater Management Profile of Manningham

In 2002 there were approximately 6,000 septic systems in use in Manningham. In 2011 there were 4,652 septic systems on record. In April 2015, the number had reduced to 3,669 and in July 2019, 3,222 were still in operation. This equates to 1,430 properties (30%) connecting to the available sewer since 2011.

**Table 1: Snapshot of systems in use over time.**

YEAR	PROPERTIES USING A SEPTIC SYSTEM
2002	Approx. 6,000
2011	4,652
2015	3,669
2019	3,222

2,935 of these properties were referred to YVW for inclusion onto their community sewer program with services declared available to the majority of properties in Warrandyte, Templestowe and Wonga Park between 2011 and 2014 (1,612 properties).

In 2015, 689 properties had not connected to the sewerage service however the sewer had only recently been declared available in the areas of Warrandyte, Templestowe and Wonga Park.

In July 2019, there were 268 properties that had not connected to the sewerage service. 161 of these discharge to storm water and are considered a major contributor to poor water quality in Manningham's creeks and streams.

Provision of YVW sewerage services are underway in the Donvale area (1,051 properties with septic) and it is anticipated the sewer will be declared in late 2019.

736 properties have not been programmed into YVW's Community Sewerage Program as they do not pose a significant risk to health or the environment. These properties are large enough to effectively contain all wastewater on-site and pose minimal risk to storm water systems that are some distance away. The remoteness also means that sewer provision is currently impractical and cost prohibitive.

As demographics and planning controls change throughout Manningham, these properties may need to be referred for inclusion into YVW's programmed works in future water plans - in accordance with Clause 30 of the *State Environmental Protection Policy (Waters) 2018*.

These unsewered properties will require ongoing monitoring and management by Council in accordance with this plan.

## 2.1. Park Orchards Trial

In 2009, properties in Park Orchards and Ringwood North were prioritised for servicing under the Community Sewerage Program. YVW proposed to deliver a reticulated sewerage network. Early community engagement to this proposal met with significant opposition.

In response to community feedback and with the support of Manningham City Council, the Department of Environment, Water, Plan and Planning (DEWLP) and the Environmental Protection Authority (EPA), YVW investigated an alternative servicing option involving the upgrade of existing septic systems. This study found that using onsite systems instead of a reticulated sewer network had the potential to reduce servicing costs, achieve similar environmental outcomes to reticulated sewerage and would likely allay community concerns regarding subdivision and the preservation of local amenity.

There were, however, many uncertainties associated with implementation of this approach. YVW proposed a trial to better understand the benefits, challenges and feasibility of servicing properties in Park Orchards and Ringwood North using onsite wastewater treatment systems.

61 properties have received upgraded / new onsite treatment systems as part of the trial. Trial results, including a preferred sewer servicing strategy for the area are expected to be available by the end of 2020.

More information on the trial can be found at [www.yvw.com.au/faults-works/community-sewerage-program/areas/park-orchards-sewerage-project](http://www.yvw.com.au/faults-works/community-sewerage-program/areas/park-orchards-sewerage-project).



*Figure 2: Treatment Plant with sub-surface irrigation*

## 2.2. Overview of septic systems in Manningham

The below table lists the number of septic systems in each reticulation area and change over time. There has been a slow transition to reticulated sewer however a number of properties have no incentive to connect and continue to discharge to storm water. A lack of enforcement around connection to sewer is considered a main factor in the number of properties continuing to discharge off-site.

Through our inspection program, a number of properties were identified as a type that discharge off-site and 114 of these have been referred to YVW for inclusion onto the Community Sewerage Program as they were in close proximity to existing sewerage infrastructure. YVW have decided not to include these properties onto their Community Sewerage Program.

A number of systems on larger rural blocks are also a type that 'discharge off-site' however, these usually terminate in paddocks and not directly to storm water. An action identified as part of this review is to revisit these properties and encourage better management of these systems into the future.

There are approximately 12 different combinations that make up the various types of septic systems in Manningham. As of July 2019 approximately 56% of all septic systems within the municipality discharge some form of waste water offsite to storm water which enter our creeks and rivers. Half of these are 'Split Systems' and the other half are 'All Waste Systems'. The most common type of septic system within the municipality is the combination of a septic tank and sand filter or Split System discharging off-site.

**Table 2: Number of septic systems in use by reticulation area**

Township	Reticulation area	Septic systems in use			Sewer available (year)	Number of properties discharging to storm water
		2011	2015	2019		
Wonga Park	RA0005A	557	149	55	2013	32
	RA0005B	n/a	22	13	2013	10
Templestowe	RA0040C	47	13	8	2011	4
	RA0040N	121	28	21	2010	9
	RA0040S	325	81	59	2011	39
Warrandyte	RA0041C	83	36	16	2013	9
	RA0041D	89	63	11	2014	8
	RA0041E	232	179	39	2014	25
	RA0041G	16	4	1	2013	1
	RA0041H	35	31	11	2014	5
	RA0041I	57	56	18	2014	6
Ringwood North/Park Orchards	RA0017	24	17	5	2013	4

<b>DONVALE</b>	RA0041A	1,045	1,043	1,043	DUE FOR COMPLETION 2019	707
	RA0041K	19	0	0	2009	0
	RA5001	8	8	4	2017	4
	RA0041B	18	7	5	2014	5
	RA02102B	8	3	2	2003	0
	RA0455	2	0	0	2005	0
<b>Park Orchards</b> (*RA0039 Includes 107 properties in Warrandyte South and 100 properties in Ringwood North.)	RA0039	1,182	1,195	1,175	ON-SITE TRIAL ENDING 2019	665
<b>Not programmed for sewer</b>	Not Applicable	784	734	736	NOT APPLICABLE	258
<b>Totals</b>		<b>4,652</b>	<b>3,669</b>	<b>3,222</b>		<b>1,791</b> (sewer available to 162 properties)

The following table provides an overview of system types by area, their age and perceived impacts to the environment:

**Table 3: Septic systems in Manningham**

<b>OVERVIEW OF SEPTICS SYSTEMS IN MANNINGHAM</b>	
<b>Park Orchards</b> (Anderson Creek and Mullum Mullum Creek sub-catchments)	<ul style="list-style-type: none"> <li>• Old septic systems (1940s+) higher probability of untreated effluent from failed systems and pollution of Anderson Creek</li> <li>• 56% of properties permitted to discharge raw sullage or treated effluent to stormwater pending arrival of the Melbourne sewerage network.</li> <li>• Combination of a concentration of septic systems and normal residential blocks.</li> <li>• Mullum Mullum Creek is one of the most polluted streams in the Yarra River catchment according to Melbourne Water data and Council's water sampling results</li> </ul>
<b>Templestowe</b> (Ruffey Creek and Koonung Creek sub-catchments)	<ul style="list-style-type: none"> <li>• Old septic systems (1940s+) higher probability of untreated effluent from failed systems and pollution of waterways.</li> <li>• Reticulated sewer declared available in 2010 - 2011.</li> <li>• 59% of remaining unsewered properties discharge raw sullage/treated effluent to stormwater</li> </ul>
<b>Donvale</b> (Mullum Mullum Creek sub catchments)	<ul style="list-style-type: none"> <li>• Old septic systems (1940s+) higher probability of untreated effluent from failed systems and pollution of waterways</li> </ul>

	<ul style="list-style-type: none"> <li>68% of properties permitted to discharge raw sullage or treated effluent to stormwater pending the arrival of the Melbourne Sewerage network.</li> <li>Large blocks with dispersion and distribution of effluent</li> </ul>
<b>Warrandyte</b> (Yarra River)	<ul style="list-style-type: none"> <li>Old septic systems (1940s+) higher probability of untreated effluent from failed systems and pollution of waterways.</li> <li>Reticulated sewer declared available in 2013 - 2014 (residential areas).</li> <li>56% of remaining unsewered properties discharge raw sullage or treated effluent to stormwater.</li> <li>High e-coli levels observed following rain events. Refer to EPA Yarra &amp; Bay website: <a href="https://yarraandbay.vic.gov.au/weeklywatersamples?type=yarra&amp;site=4991">https://yarraandbay.vic.gov.au/weeklywatersamples?type=yarra&amp;site=4991</a></li> </ul>

As a result of ageing and failing septic systems they are not always efficient in removing human wastes containing disease producing micro-organisms which impacts on health and the environment. In the 'Wallis Lakes' outbreak (NSW) in January 1997, links were established between human waste contaminating water with confirmed cases of Hepatitis A.

A large percentage of properties were permitted to discharge sullage or treated toilet waste to stormwater pending arrival of the Melbourne sewerage network. Unfortunately areas such as Park Orchards and Donvale were by-passed and it wasn't until 2002 when Council adopted its first DWMP and raised concerns with YVW, that a formal process was used to prioritise sewerage services.

In 2005, 2011 and 2016, Council participated in YVW's sewer backlog / Community Sewerage Program prioritisation process. YVW's prioritisation model utilised data obtained from YVW, Department of Environment, Land, Water & Planning (DELWP), Environment Protection Authority (EPA), Melbourne Water and importantly; data obtained through Council's DWMP. The prioritisation process ranks each Community Sewerage (backlog) area using the following criteria:

- performance of septic systems
- area demographics
- customer interest/commitment to connect
- sensitivity of receiving waterways
- biodiversity
- groundwater
- public health
- recreational uses
- significance of the community or local industry
- Council support
- future development and cost per lot

Through this process, Park Orchards and Donvale were identified as priority areas for sewerage services due to the number of properties discharging off-site.

YVW designed and installed sewerage services in the areas of Templestowe, Warrandyte & Wonga Park

between 2010 and 2014. Current sewerage works in Donvale are expected to be completed at end of 2019 and Park Orchards is subject to an onsite domestic wastewater trial.



**Figure 3:** *Septic system components in various stage of construction/installation*

## 3. Context, aims and objectives

### 3.1. Policy and planning context

The review of the DWMP forms part of a range of management activities undertaken by Council in addressing domestic wastewater within the municipality. The DWMP is a key strategy to manage domestic wastewater systems. It links closely with the Stormwater Management Plan and the Manningham Planning Scheme and is an essential strategic planning tool in addressing both existing and future wastewater issues within the municipality

The review of the DWMP has been guided by several policy and planning documents including:

- Council's *Healthy City Strategy 2017-2021* (Municipal Public Health and Wellbeing Plan)
- *Strategic Water Management Plan 2008* - identifies Council's DWMP as a key document in managing impacts on storm water in Manningham.
- Regarding sustainable management of non-urban areas, the Municipal Strategic Statement (MSS) states that Council's approach is to "ensure that land use, development and land management practices protect and enhance soil, water and air quality, native flora and fauna and the character of the non-urban area." The MSS specifically addresses domestic wastewater issues, with the statement;

*"Monitoring and improving the performance of the on-site treatment and disposal of sewerage, sullage and effluent will continue to be a challenge for Council in areas where there are no reticulated sewerage systems. Initiatives which improve the management of water quality and catchments will continue to be a high priority."*

- The Manningham Planning Scheme takes into consideration sites where reticulated sewerage is unavailable, and requires that land use and development proposals demonstrate that all effluent will be treated and contained on site.
  - Conditions are applied to planning permits in the Rural Conservation Zones and Low Density Residential Zones to protect and enhance the environment
  - A range of overlays are also in place to provide additional protection in some areas.
  - Restrictions on titles where effluent disposal envelopes exist. These restrictions are enforceable through Section 173 Agreements.



**Figure 4:** Lay-down of sub-surface irrigation

## 3.2. Legislation

### Environment Protection Act 1970

This is the primary legislation that regulates and controls septic tank systems. It outlines council responsibilities in approving the installation, modification and use of septic tank systems, where the systems are designed to discharge up to 5,000 litres of effluent per day.

Treatment systems that are designed for and/or produce more than 5,000 litres of effluent per day are scheduled premises under the *Scheduled Premises Regulations* and require Works Approval from the EPA for construction and an EPA discharge license to operate. The *Environment Protection Act* also outlines the Council annual returns lodgment process with the EPA.

Available at: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

### EPA State Environment Protection Policy (Waters) 2018

#### Clause 28 – Subdivision Applications

Refers to Councils responsibilities in considering applications for subdivision and onsite domestic wastewater management systems. Councils must ensure reticulated sewerage or an alternative system is provided where sewage can be sustainably managed and dispersed within the property boundaries over the system's lifetime, Councils also need to ensure permits are consistent with EPA guidance and the Code of Practice - Onsite Wastewater Management.

#### Clause 29 - Domestic Wastewater Management Plans

Refers to Councils obligation to develop and implement a DWMP that identifies the public health and environmental risks associated with the septic systems; and sets out strategies to minimise those risks.

It also outlines the consultation process and review process every 5 years and internal audit requirements every 3 years.

#### Clause 30 - Sewerage Planning

Refers to Sewerage Planning and where a DWMP identifies reticulated sewerage (or an alternative system) as a management option to meet community needs, the relevant water corporation must prepare a response that identifies the preferred solution, how this fits in with the waste hierarchy, outlines costs, strategies and timelines for implementation and justifies the preferred solution.

#### Clause 31 - Connection to Sewerage

Applies to properties that cannot contain wastewater on the property, owners must connect to the sewerage system and the relevant water corporation can require the owner to connect in accordance with Section 147 of the Water Act 1989. The EPA may provide written advice to the water corporation that discharges pose a risk.

Available at: <https://www.epa.vic.gov.au/about-us/legislation/water-legislation/water-related-policies>



### EPA Code of Practice Onsite Wastewater Management – Publication 891.4 July 2016

The Code of Practice provides technical information for the assessment of land for its suitability to contain wastewater on-site. Together these set the framework by which the City of Manningham controls the installation and use of septic systems.

This document is essentially the manual for the design, construction, selection, installation and maintenance of septic tank systems. It contains information on land capability assessment, treatment and disposal options, the permit process, septic tank design, construction and maintenance, and effluent management.

The current legislation is markedly different from that of the past as all wastes from a household must reach a minimum of secondary treatment (sand filter, effluent disposal trenches or treatment plant) and be kept within the property boundaries. Testing of the effluent being dispersed on the land is required to demonstrate the treated effluent is reaching a suitable standard.

#### *2.3.6.1 Existing offsite discharges of wastewater*

*Premises with an existing offsite discharge of wastewater (untreated greywater or treated sewage) to a waterway or storm water drain should connect to reticulated sewerage when it is available. Eliminating offsite flows of wastewater and raw greywater to storm water drains will improve the health and quality of our waterways and the local amenity of suburbs and towns.*

*For existing offsite discharges in unsewered areas, it is recommended that wastewater management systems are upgraded and the effluent utilised in a land application system onsite.*

Available at: [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

In order for Council to ensure property owners comply with this part, Council should require the upgrade of a system and maximise onsite containment on consideration of the following factors:

- if the property is undergoing a renovation or addition of fixtures or fittings that generate wastewater (such as a bathroom, toilet, spa or swimming pool);
- the addition of a bedroom which would increase potential occupancy and therefore wastewater generated;
- the proposed sewer construction dates and water quality being discharged from site;
- the capability for the land to contain the wastewater generated by the household. A combination of Surface Irrigation, Sub Surface Irrigation & Agricultural Drains should be considered in determining land capability.

### Public Health and Wellbeing Act 2008

The Public Health & Wellbeing Act (2008) states that it is the function of every council to prevent disease, prolong life and promote public health through programs that control or prevent environmental health dangers and disease. The Act requires councils to find solutions, where possible, to all nuisances within the municipality.

Available at: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

**Water Act 1989**

The Water Act requires referral to water authorities if systems are proposed within drinking water catchments or if an application for a septic system is received in respect to land in a sewerage district. The Act also outlines the following functions of Water Authorities notably:

- a) to provide, manage and operate systems for the conveyance, treatment and disposal of sewage;
- b) to identify community needs relating to sewerage services and to plan for the future needs of the community relating to sewerage services.

Section 147 also gives water corporations the power to require a property to connect to sewer under certain conditions.

Available at: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

**Local Government Act 1989**

The Local Government Act empowers councils to enact local laws and set special charges for council activities. Councils can use these powers to develop local regulations for wastewater management as long as these regulations are consistent with State policy and legislation and to raise revenue for its wastewater management programs.

Available at: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

**Manningham's Community Local Law 2013**

Manningham City Council has created a Community Local Law regarding domestic wastewater management in accordance with Part 5 of the Local Government Act (1989). This law contains provisions which aim to ensure that;

A septic system is in place and operating effectively;

- No domestic wastewater is discharged from the land contrary to the requirements of Manningham's Domestic Wastewater Management Plan;
- The septic system is annually inspected and approved by a licensed plumber;
- Written evidence is provided for each annual inspection and approval on demand by an authorised officer and;
- The septic system is made available for inspection by an authorised officer.
- The septic system is maintained in accordance with the requirements of Manningham's Domestic Wastewater Management Plan; and
- The septic system is maintained in accordance with the requirements of the EPA Certificate of Approval issued for that system.

Available at: [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au)

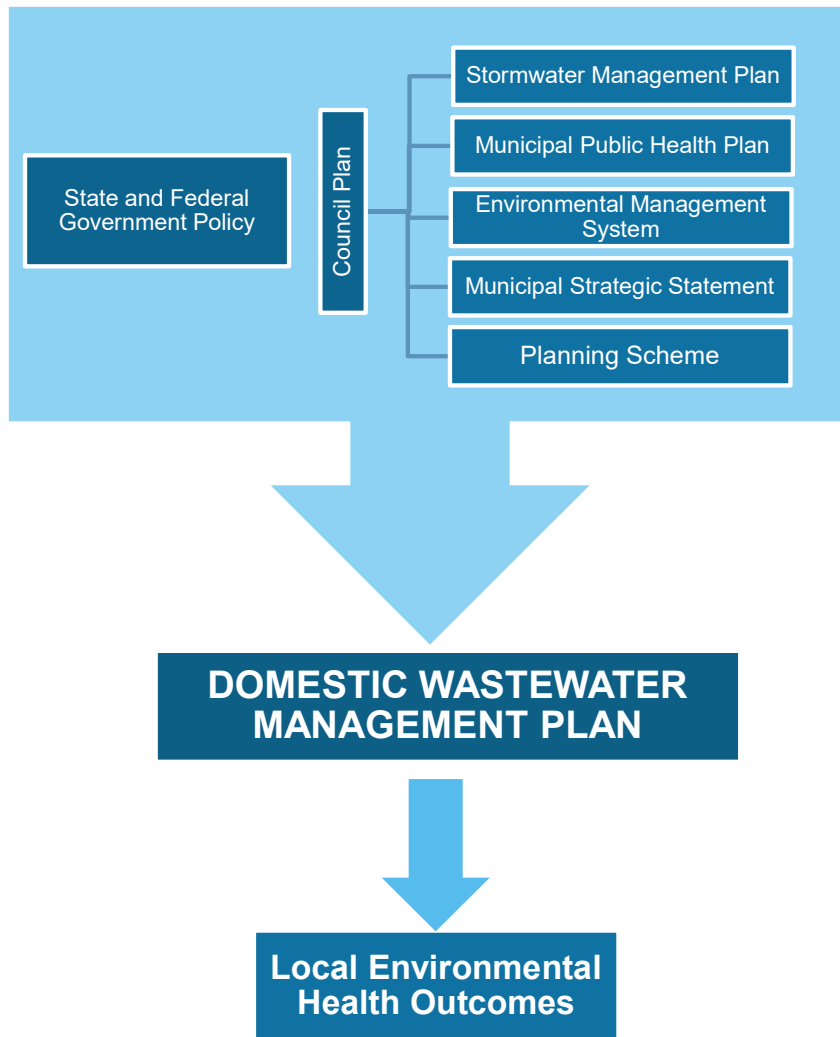
### Australian Standards and Other Requirements

Below are the Australian standards relevant to wastewater disposal systems.

- AS/NZS 139 - Safety signs for the occupational environment
- AS/NZS 1546.1: On-site domestic wastewater treatment units — Part 1: Septic Tanks
- AS/NZS 1546.2: On-site domestic wastewater treatment units — Part 2: Waterless composting toilets.
- AS/NZS 1546.3: On-site domestic wastewater treatment units — Part 3: Aerated wastewater treatment systems.
- AS/NZS 1546.4: Greywater Treatment Systems (noting that this standard is yet to be ratified)
- AS/NZS 4130: Polyethylene (PE) pipes for pressure applications.
- AS/NZS 1319: Safety signs for the occupational environment.
- AS/NZS 3500 [set]: Plumbing and Drainage.
- AS/NZS 1547: On-site domestic-wastewater management.
- AS/NZS 2698 - Plastic pipes and fittings for rural applications.
- AS/NZS 3000 - Wiring rules, electrical installations, buildings, structures and premises.

All standards can be accessed directly from Standards Australia: [www.standards.com.au](http://www.standards.com.au)

## 4. Domestic Waste Water Framework



*Chart 1 – Domestic Wastewater Framework*

## 4.1. Aims

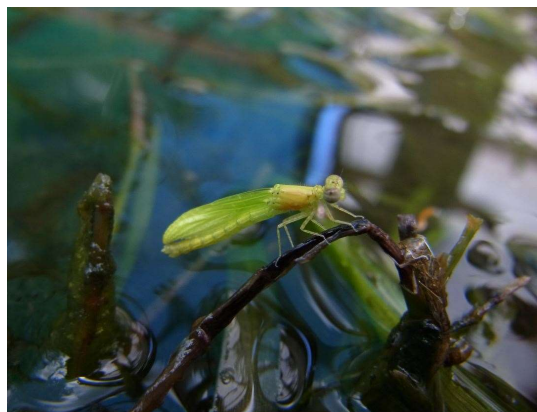
The overall aim of Manningham's Domestic Wastewater Management Plan is to:

- Improve and protect public health;
- Promote the principles of environmental sustainability by reducing the impacts of domestic wastewater on local creeks, streams and remote receiving environments;
- Continue to engage with property owners on septic tank management and ongoing maintenance responsibilities;
- Identify properties that would benefit from an alternative sewerage solution and refer these to YVW for inclusion onto their Community Sewerage Program;
- Advocate on behalf of the community to ensure they have the same access to sewerage infrastructure (reticulated or onsite solutions) as the rest of the Melbourne population.
- Support YVW in applying their powers of enforcement granted under S.147 of the *Water Act 1989* (connection to sewer) for properties that continue to discharge to stormwater.

## 4.2. Objectives

The objectives of the DWMP are to:

- Develop Council's policy for the management of domestic waste water and a framework for consistent decision making for specific sites;
- Prioritise Council's short and long term strategies for the management of septic tank systems and greywater reuse;
- Provide a systematic approach for assessing the costs, impacts and barriers to Manningham Council in managing wastewater, and;
- Provide a framework for the liaison between external organisations and internal units.



*Figure 5: Local resident of waterway*

## 5. Management

### 5.1. DWMP Stakeholders

#### External stakeholders

- Yarra Valley Water (YVW)
- Environmental Protection Authority (EPA)
- Melbourne Water
- Department of Environment, Land, Water and Planning (DELWP)
- Department of Health & Human Services (DHHS)

#### Internal stakeholders

- Council's GIS/GPS team
- Statutory Planning
- City Strategy, Environment Team
- Integrated Planning

### 5.2. DWMP Project Team

**Table 4:** Project team roles

ROLE	POSITION
<b>Project Manager</b>	Coordinator Environmental Health
<b>Project Development Officer</b>	Team Leader Environmental Health
<b>Project Field Officer</b>	DWMP Project Officer
<b>Technical Advisors</b>	Environmental Health Officers GIS/GPS Project Officer

The role of the DWMP Project Team is to ensure that:

- A project plan is developed and approved;
- Planning processes are integrated across the organisation;
- Relevant technical and policy information is obtained and collated;
- Planning process milestones are achieved at a satisfactory quality level; and
- The DWMP is reviewed on a regular basis.

## 6. Planning Approach

### 6.1. Identification of issues

In taking a risk management approach it is necessary to identify wastewater threats and their likely impact on a range of public health, environmental and economic values. The following table identifies the potential threats and impacts arising from domestic wastewater in a residential setting:

**Table 5: Generic Domestic Wastewater Risks**

THREAT	CAUSE	KEY IMPACTS
<b>Failed systems with offsite discharge</b>	Damaged effluent disposal drains/trenches Increased loading from extensions to dwellings Design criteria not complied with Faulty installation New works & activities impacting on disposal envelope Age Septic tank full	Nutrients Pathogens Odour Visual amenity Oxygen depleting material Local land degradation (erosion) Pollution of water courses Damage to remnant bushland
<b>Treated off site effluent discharge</b>	Permitted system	Pollution of water courses Local visual amenity
<b>Treated on site effluent systems</b>	Permitted system	Local visual amenity Pollution of groundwater
<b>Untreated off site sullage discharge</b>	Poorly maintained system: sand filter not functioning sand filter bypassed to stormwater septic tank full	Nutrients & pathogens Odour Visual amenity Oxygen depleting material Local land degradation Pollution of water courses Damage to remnant bushland
<b>Ineffective regulation</b>	Failure to comply with permit conditions Ineffective data base Non-connection to sewer Unclear regulatory responsibilities	Liability Increased incidence of preventable pollution and environmental degradation Increased risk to public health
<b>Re-use of waste water</b>	Allowed re-use Low water supply Poor management by individual residents	Pathogens Odour

## 6.2. Inspection Program Outcomes

As of July 2019, 4,731 properties have received 1 or more septic system assessments. The total number of inspections on record since the program commenced in 2003 exceeds 10,500. This includes follow up of non-compliant systems, responding to complaints and assessing new installations.

Of the 4,731 properties assessed, 2,429 septic system components (48%) were found to be unsatisfactory (a property could have one or more components identified as failing). Out of all these properties 56% were disposing off-site.

2,147 septic tanks (88% of failing systems) have been rectified and are considered to be operating effectively or have connected to the available sewer (793 properties). 282 properties (6%) remain unsatisfactory and require repair or connection to sewer if available.

### 6.2.1. Initial issues

The main issues found when the inspection program was initially rolled out generally related to:

- Grease traps missing baffles resulting in grease and food particles entering storm water systems.
- Effluent disposal fields saturated and / or ineffective at distributing effluent resulting in effluent flowing overland.
- Plumbers bypassing defective septic system components and sending it to storm water as a cheaper option to repairing a defective system.
- Septic system Infrastructure buried / hidden under ground.

### 6.2.2. Ongoing issues

The current and ongoing issues found during and after the inspection program related to:

- Sand filter blockages from tree roots (general maintenance required)
- Treatment plants not being serviced as no service contract in place
- Properties failing to desludge the septic tank every 3 years
- Redirected / bypassed irrigation systems offsite.
- Flush valves and inline cartridge filters being tampered with.



**Figure 6:** Burst dripper line and septic effluent flowing over footpath



6.3. Reticulation Areas

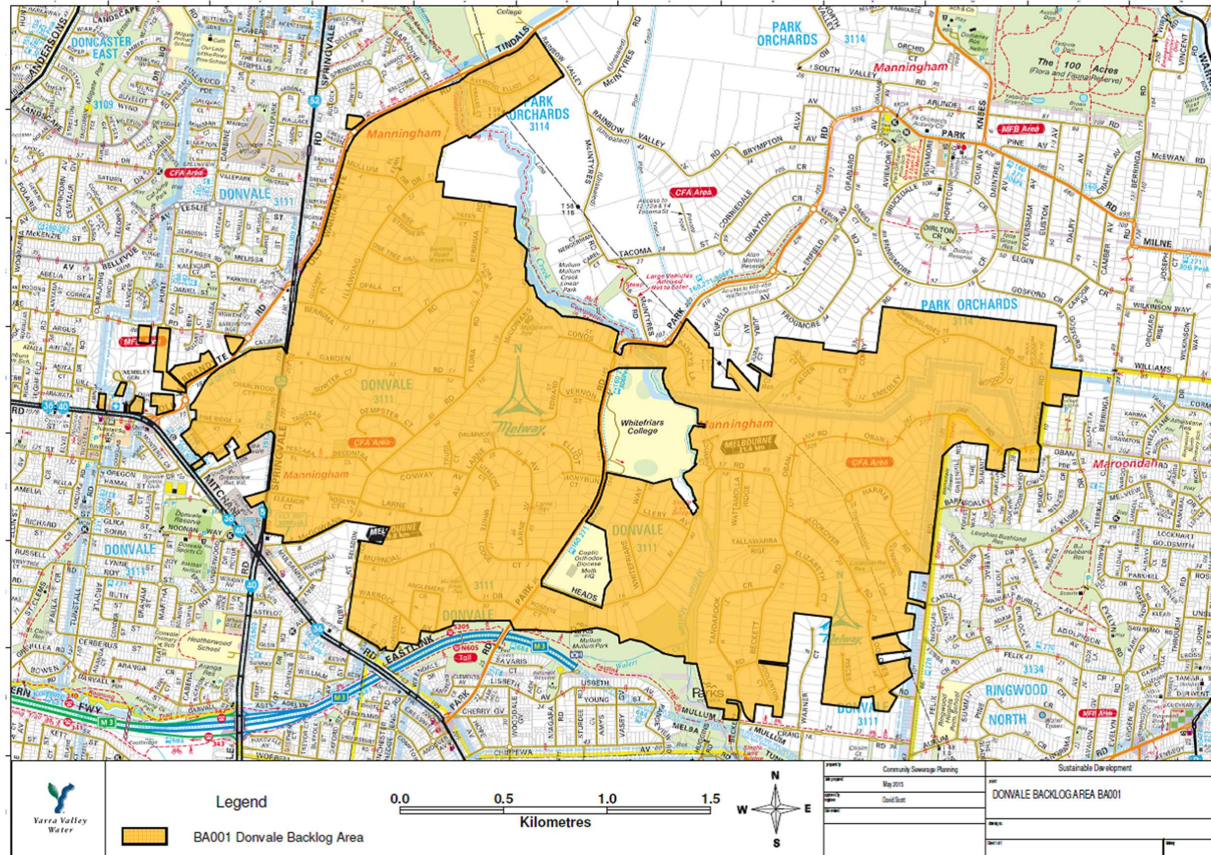


Figure 7: Donvale RA0041A (completion scheduled late 2019)

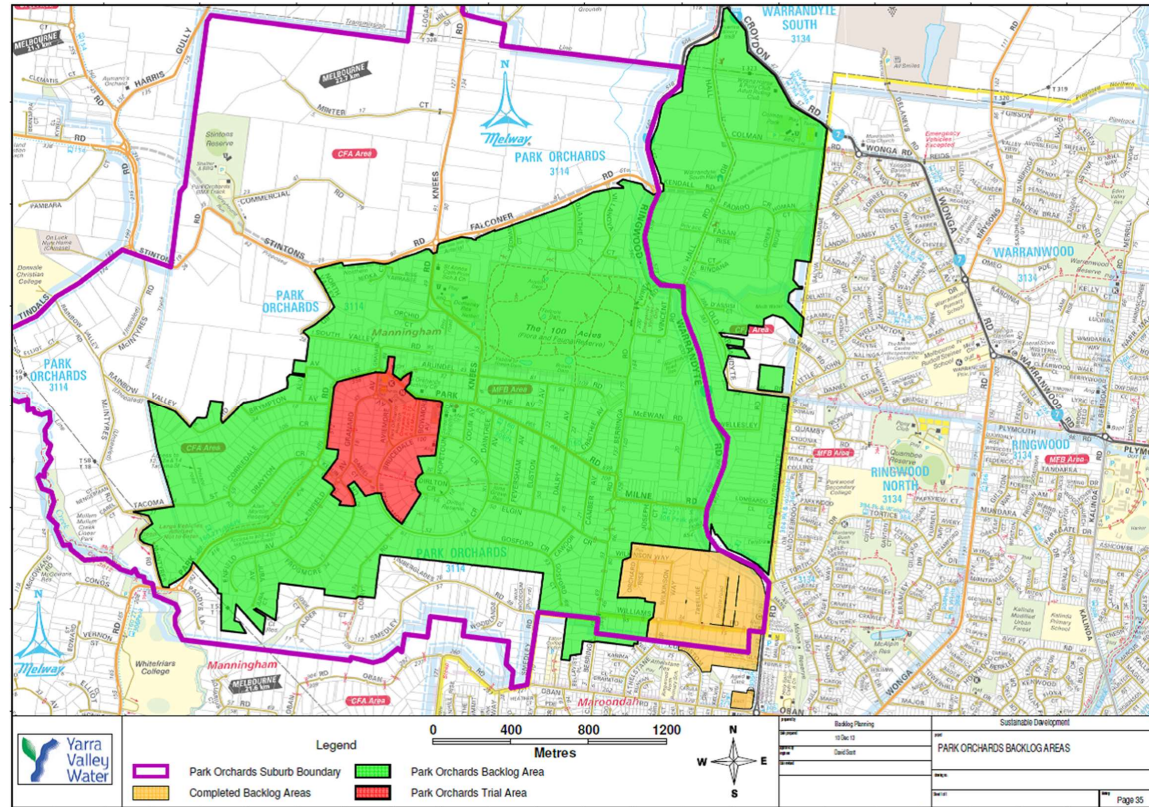
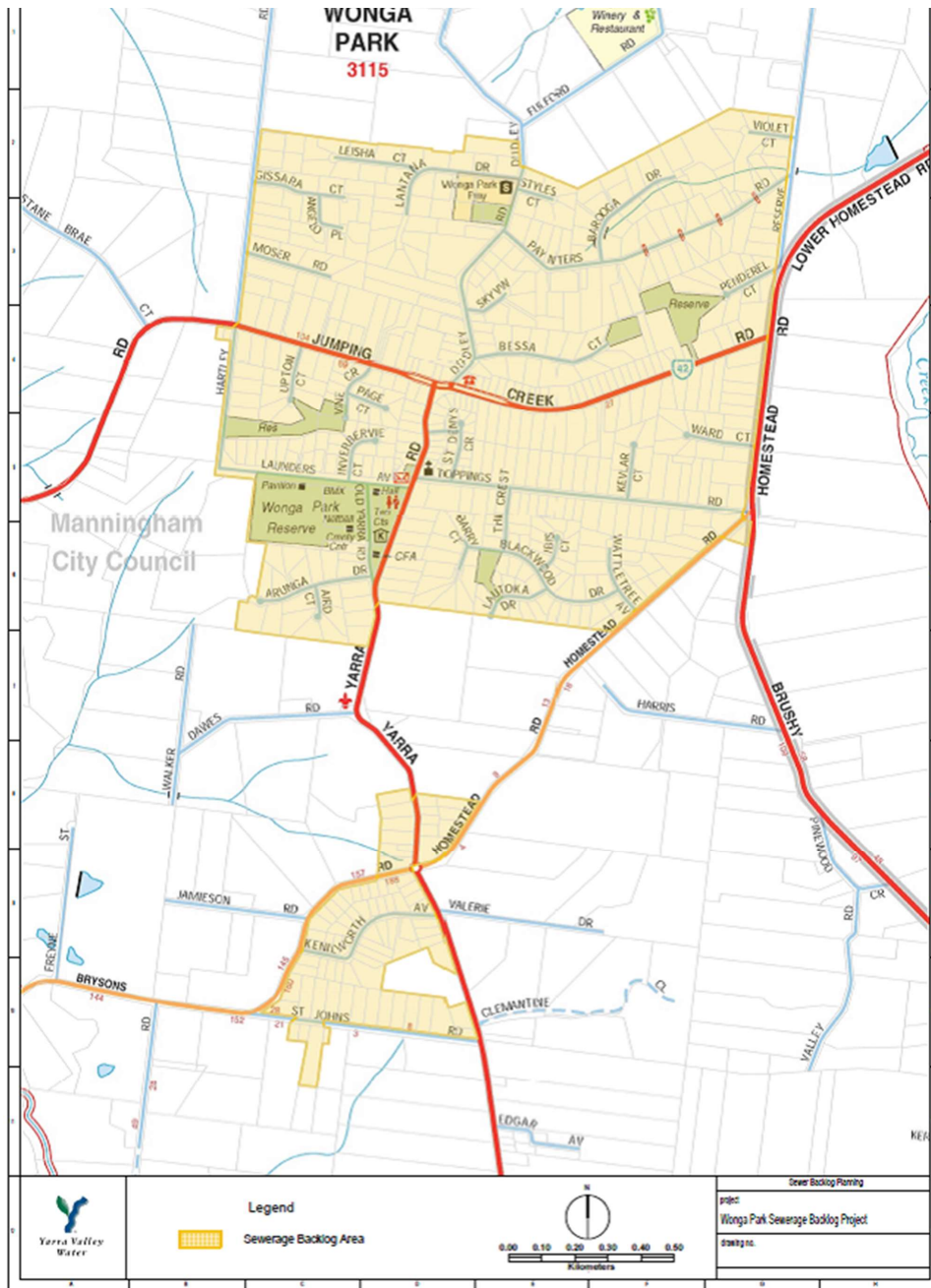


Figure 8: Park Orchards RA0039 (onsite containment trial currently in progress)

Figure 9: Wonga Park RA0005 A & B (declared available)



The image below shows Councils GIS overlay of septic systems in use. GPS is used to capture the exact location of system components (indicated by various pink symbols). The orange circles represent properties connected to sewer.

**Figure 10: GIS overlay of septic system components in use (Donvale RA0041A)**



## 7. Actions

### 7.1. Development and Actions since Implementation

#### 7.1.1. Electronic Database

- Electronic database capable of storing and managing septic information for each property. This information is considered vital in following up outstanding issues and managing septic tank systems now and into the future.
- GIS compatible hand held database capable of recording in-field assessments.
- GPS tools capable of accurately recording the in-ground location of system components for each property. Figure 10 shows new technologies capable of showing the locations of septic tank, sand filter, effluent lines, property service drains and house connection points which allows Council staff to easily access information during on-site inspections.
- Residents and contractors can also gain the benefits of GPS mapping prior to developing land or constructing buildings on properties containing on-site septic systems.
- GIS compatible hand held database capable of recoding images of septic components which will provide officers a reference point for future / follow up inspections.

#### 7.1.2. Communication and Educational Strategies

- Communications strategy to inform residents of the DWMP process and their obligations to ensure effective system operation.
- Information sessions for Manningham City residents.
- Development of *A Guide to Septic Systems and Operation Maintenance* to assist property owners.
- Development of a *Greywater Reuse Policy* to assist owners in complying with EPA requirements.
- Development of an ongoing reminder program where owners are notified of the requirement to carry out scheduled maintenance / 3 year desludge.
- Development of *Unsewered News* to assist in the dissemination of information to owners operating a septic system.

#### 7.1.3. Compliance Approach

- Integrated compliance approach for the installation and maintenance of septic systems.
- Inclusion of septic tank condition report into Council's Land Information Certificates for potential property buyers.
- Inspection process and checklist to consistently assess and record septic system deficiencies throughout each reticulation area.
- Community Local Law relating to owners septic tank responsibilities.
- Enforcement process to assist in the management of owner responsibilities.

#### 7.1.4. External Liaison

- Submission of data into Yarra Valley Water's Community Sewerage Prioritisation Process.
- Participation in the Working Group and Steering Committee for the Park Orchards on-site trial (facilitated by YVW).
- Education and assistance provided to other Councils developing their DMWP.
- Presentation of issues and outcomes of Manningham's DWMP at professional association conferences and seminars.

## 7.2. Strategies for the Future

STRATEGY	TARGETS	RESOURCE
Assess septic systems participating in the Park Orchards trial to ensure effective on-site containment and system operation.	December 2019	DWMP Project Team
Targeted inspection program for properties that are not on a sewerage backlog program (perform a 2 <sup>nd</sup> assessment).	Ongoing	DWMP Project Team
Facilitate the repair / upgrade of systems identified as defective through a reminder and enforcement program. Particular focus on properties not programmed for sewerage services.	Continuing	DWMP Project Team
Continue to roll out a regular maintenance reminder program for all properties utilising a septic system with respect to annual service contract and 3 yearly desludge requirements.	Ongoing	DWMP Project Team
Continue to produce an annual <i>Unsewered News</i> to assist in the education of residents in unsewered areas of Manningham.	Ongoing	DWMP Project Team
Participate in EPA legislative reforms to ensure septic system management principles are practical to both Council and community needs.	Ongoing	DWMP Project Team
Participate in DELWP's Steering Committee in response to Victorian Auditor General's Office report into <i>Managing the Environmental Impacts of Domestic Wastewater</i>	Ongoing	DWMP Project Team
Update educational materials (septic system operation and maintenance) to better reflect current issues.	Ongoing	DWMP Project Team
Support YVW in forcing properties discharging off-site to connect to the available sewer.	Ongoing	DWMP Project Team
Continue to advocate for the inclusion of high risk properties onto YVW's Community Sewerage Program (properties discharging from site and within close proximity to sewerage infrastructure).	Ongoing	DWMP Project Team

Continue to participate in Yarra Valley Water’s trail of on-site solutions for the Park Orchards Community Sewerage area in accordance with key objectives outlined in the Memorandum of Understanding April 2016.	Ongoing	DWMP Project Team
Perform water analysis on local creeks and rivers and monitor quality indicators.	Quarterly	DWMP Project Team
Issue ‘Conditions of Use’ and associated maintenance requirements to all satisfactory systems that have been upgraded or do not have existing permit conditions associated with the property.	Ongoing	DWMP Project Team
Liaise with Statutory Planning Department regarding System Types, Effluent Disposal Requirements and Planning Requirements.	Ongoing	DWMP Project Team

**Table 5.** Strategies for the future



**Figure 11:** Flooded irrigation field and a deeply buried distribution pit (legacy system)

## 8. Conclusion

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Based on inspection data and water quality results obtained through Council's DWMP and Melbourne Water, it is in Councils' interest to protect the community from the adverse health effects associated with exposure to domestic wastewater. It is also important to reduce the risk posed to the environment from domestic wastewater entering local creeks and streams.

Council will continue to advocate for improved sewerage services in Manningham and work with YVW in determining the best outcomes for our communities with respect to practicality, cost and protection of the environment and public health.

Where reticulated sewer is provided, residents should be encouraged to connect as this will ultimately save money and time maintaining an on-site disposal system. Connecting to the sewer will reduce the potential for sewage run off and improve the current level of pollution entering creeks and rivers in Manningham.





# APPENDIX ONE

## Background Research

# 1. Background and Wastewater Management Profile of Manningham

## 1.1. Environmental profile

The City of Manningham is located between 12km and 32km east of Melbourne City, has a population of approximately 123,000 people, and covers an area of 114km<sup>2</sup>. A substantial amount of this area is unsewered necessitating the use of septic tank systems for the management of human waste.

The natural environment and biodiversity of Manningham help distinguish the municipality and are key assets of high recreational, tourism and visual significance. These assets include the Yarra River and several creeks that feed into, the general topography of the area and open space, habitat and fauna links. The topography of Manningham's unsewered areas can vary considerably, ranging from very steep areas with shallow rock and little topsoil (generally unfavourable for on-site effluent disposal), to less severe slopes, with a deeper soil profile (favourable effluent disposal conditions).

The creeks that flow through the municipality are Brushy Creek, Jumping Creek, Andersons Creek, Mullum Mullum Creek, Ruffey Creek and Koonung Creek. The average annual rainfall for the City is approximately 900mm/year.

Some areas are undeveloped, environmentally sensitive bushland, and many of the areas have previously been orchards and farming land. It is rare to discover an allotment on an undisturbed, gently sloping parcel of land (ideal for effluent disposal).

## 1.2. Septic Tank Systems Profile

In 2002 there were approximately 6,000 septic systems in use in Manningham. In 2011 there were 4,652 septic systems on record. In April 2015, the number had reduced to 3,669 and in July 2019, 3,222 were still in operation. This equates to 1,430 properties connecting to the available sewer since 2011.

Within this number, there are approximately 12 different combinations that make up the various types of septic systems with approximately 56% of septic systems within the municipality discharging off-site into our local creeks and rivers. The lack of knowledge as well as poor maintenance practices of septic systems by property owners is believed to be a major issue in the efficiency and life expectancy of a septic system.

Links have been established between contaminated water contact and the occurrence of illness such as gastrointestinal infections. Human wastes contain pathogens such as viruses (hepatitis A and E, rotaviruses), bacteria (Salmonella spp, pathogenic Escherichia coli, Vibrio spp), protozoa (Cryptosporidium parvum, Giardia lamblia), and helminth eggs.

Septic systems are not always efficient at removing these potentially harmful pathogens, as is demonstrated in the oyster food poisoning outbreak in New South Wales, 1997 (National Public Health Partnership, 1998). An estimated 444 reported cases of food poisoning and 1 death were associated with contaminated oysters harvested from Wallis Lake, NSW. The oysters contained the hepatitis A virus, traced back to human faecal contamination of water. The outbreak has been blamed in part on the many unsewered properties surrounding the estuary area. The Australian Federal Court ruled that the Great Lakes Council shared legal liability for the outbreak with the oyster producers and the NSW government, on the grounds that the Council had failed to discharge its obligations with respect to control of potential

sources of sewage pollution including septic tanks (Maddock Lonie & Chisholm 1999). This clearly demonstrates the need for the safe management of sewage so as to protect and maintain public health, and to manage Council's legal obligations and duty of care.

Table 2.2 (page 6) provides an important overview of septic systems and change in use since 2011.

Current estimates for the provision of reticulated sewerage to Donvale is due for completion in late 2019 which will result in a large number of properties connecting and no longer operating septic systems.

The trial of onsite solutions (septic system upgrades) in Park Orchards is anticipated to conclude at the end of 2019 when a decision as to the best servicing solution will be made shortly thereafter.

Manningham faces the challenge of providing sustainable land use and development in its non-urban areas and to protect the physical character of the municipality and public health. The development of a DWMP forms part of a range of management activities undertaken by Manningham Council to address domestic wastewater within the municipality.

The DWMP will be a key strategic plan within the umbrella of the Manningham Corporate Plan, and will be consistent with the principles developed in the *Municipal Public Health and Wellbeing Plan* and the *Municipal Strategic Statement*. The plan provides an essential strategic planning tool to address both existing and future wastewater issues within the municipality.

### 1.3. Wastewater Systems by type

Consideration of the total types of systems known to have been used in the municipality from the beginning revealed 21 categories. The 12 main categories and installation trends are noted in the following table:

CODE	TYPE OF SYSTEM	USEAGE	NO. IN USE APRIL 2015	JULY 2019
1. TP/AGL	Treatment Plant with Absorb / Transpiration Trenches	1990 onwards (still used)	170	136
2. TP/SI	Treatment Plant with Surface Irrigation	1997 onwards (still used)	110	91
3. TP/SSI	Treatment Plant with Sub Surface Irrigation	1997 onwards (still used)	398	464
	Ozikleen systems: OKAGL / OKSI / OKSSI	2006		
	Biolytix systems: BLTAGL / BLTSSI	2005		
4. SF/AGL	Sand Filter with Absorb / Transpiration Trenches	1990 onwards (still used)	360	329
5. SF/SI	Sand Filter with Surface Irrigation	Approx. 1997 - uncommon	5	4
6. SF/SSI	Sand Filter with Sub Surface Irrigation	1997 onwards (still used)	54	74
7. AW/AGL	All Waste to Absorb / Transpiration Trenches	1968 onwards (still used)	357	321
8. AW/WF	All Waste to Worm Farm contained on site		5	7
9. AW/RB	All Waste to Reed bed contained on site	1992 - not used often.	6	5
10. TP/DIS	Treatment Plant discharging off site*	1975 - Nov 1998	130	117
11. TWOAT	Toilet Waste Only to Absorption / Transpiration Trenches*	1996 WC Composting AW biolytic film - not used often. 1950's No longer used	811	672
12. SF/DIS	Sand Filter Discharging Off Site*	1970 to 1998.	1263	1,002
<b>TOTAL</b>			<b>3,649</b>	<b>3,222</b>

\*Highlighted system types 10, 11 & 12 are types that discharge either treated effluent or untreated greywater to storm water.

**Table 6: Waste water systems by type**

## 1.4. Installation Trends

The following data has been collected for the period 1994 through to 2019 and it shows installation trends for the municipality:

Type	1994 1995	1995 1996	1996 1997	1997 1998	1998 1999	1999 2000	2000 2001	2001 2006	2007 2011	2011 2014	2015 2019	Total
TP/AGL	5	4	5	15	17	18	8	79	18	16	9	194
TP/SI	2	2	7	24	30	25	18	68	5	0	0	181
TP/SSI	0	1	0	2	2	8	8	136	187	67	125	536
SF/AGL	26	33	39	34	34	28	14	73	47	34	34	396
SF/SI	0	0	0	0	1	1	0	2	4	0	0	8
SF/SSI	0	0	0	0	0	0	0	3	37	18	32	90
AW/AGL	9	3	7	4	5	4	3	51	44	25	8	163
Worm Farm	0	0	0	0	0	0	0	4	3	3	0	10
Reedbed	0	0	3	5	0	0	0	1	3	0	0	12
TP/DIS	20	21	20	5	0	1	0	3	3	0	0	73
TWOAT	0	0	0	1	0	1	0	27	178	0	0	207
SF/DIS	24	21	11	3	1	0	0	46	71	0	0	177
<b>TOTAL</b>	<b>86</b>	<b>85</b>	<b>92</b>	<b>93</b>	<b>90</b>	<b>86</b>	<b>51</b>	<b>493</b>	<b>600</b>	<b>163</b>	<b>208</b>	<b>2,047</b>

**Table 7: Installation trends**

*All permits issued between 1994 and 2001 were obtained from permit books no longer in use. Permits issued from 2001 to date have been obtained from Council's electronic database.*

*SI = Surface Irrigation but refers to drip feed irrigation, which is the only sort of surface irrigation permitted in Manningham.*

*TP/DIS, TWOAT and SF/DIS permits issued between 2001 and Jan 2011 (for off-site discharge) were for existing properties with no 'permit conditions' on record. Permits were issued retrospectively to assist owners understand their operating / maintenance obligations.*

Approximately 44% of permits issued from September 1994 until September 1997 were for off-site discharge following secondary treatment of the effluent through either a sand filter or a treatment plant. However, from October 1996 until September 2006, only 7.8% of all permits issued during this period were for off-site discharge after secondary treatment through either a sand filter or a treatment plant.

Thus, over the last 20 years there has been a steady decrease in off-site discharges due to new dwellings and or additions requiring systems to meet today's standards for onsite containment. This demonstrates the trend in the municipality towards total containment on site of all effluent, in line with EPA guidelines and Council's commitment to sustainability. Since introduction of this plan in December 2002 no off-site discharge applications have been approved for any new dwellings.

The combination of sand filter to agricultural lines has remained constant over this period and is a popular method of effluent treatment and disposal still throughout the municipality. There is a noticeable increase in treatment plant installations since the end of 1997, which corresponds with Council's refusal to allow off site discharge. Drip feed irrigation or agricultural lines after a treatment plant is currently the most popular installation within the municipality.

## 2. Sub-catchments

### 2.1. Ruffey Creek sub-catchment

#### Description

Ruffey Creek originates in Doncaster East to the South East of Rieschieks Reserve. It is approximately 5.5 km long, and flows through the highly urbanised areas of Doncaster and Templestowe. The sub-catchment also includes the lower density areas of Templestowe, some of which is without reticulated sewerage and the large Westerfolds Park. Ruffey Creek joins the Yarra River at Finns Reserve. The upper and middle reaches of the sub-catchment are steep, with a floodplain on the lower reaches at the confluence of Ruffey Creek with the Yarra River and in the area of Westerfolds Park.

Water flows rapidly into the creek from its sub-catchment and has resulted in flooding problems in the past. Retardation basins have been constructed in the area known as Ruffey Lake Park to assist in the management of storm water flows. The banks of the creek are steeply incised and carry little native vegetation.

### 2.2. Mullum Mullum Creek sub-catchment

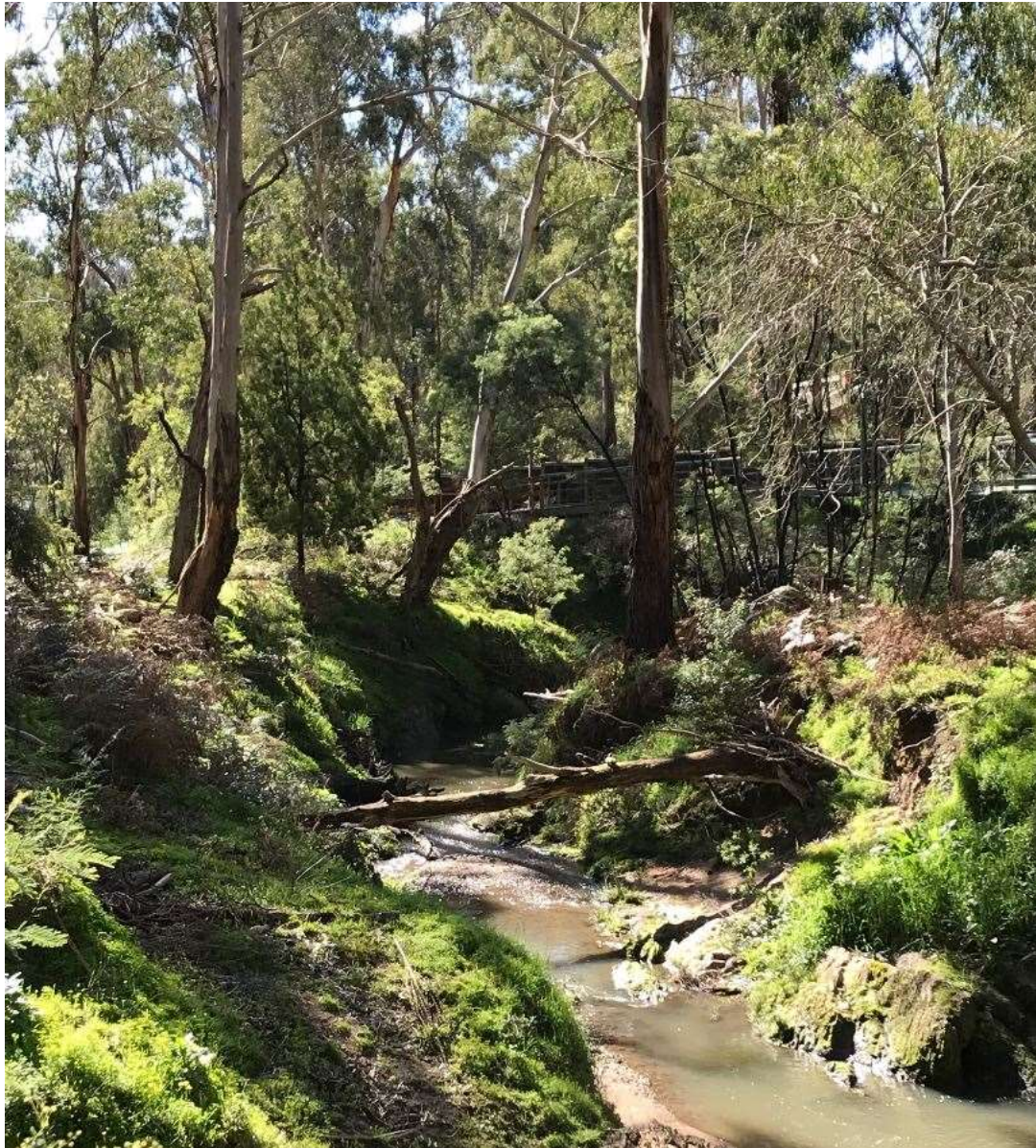
#### Description

The total length of the Mullum Mullum Creek is approximately 16km, with the final 10km between Deep Creek Road and the Yarra River occurring within the municipality. The sub-catchment is long and narrow with numerous short tributaries.

There are two major physiographic units in the Mullum Mullum Creek sub-catchment within the municipality: a flat, low-lying area adjacent to the Yarra River, and an area of dissected topography in the central reaches of the creek. Mudstones, siltstones and sandstones of the Silurian and Dargile formations underlie the sub-catchment.

Mean annual runoff under pre-development conditions has been estimated at approximately 100mm to 125 mm, but is likely to have increased two-to-four times since urbanisation (Biosis Research et al, 1992). In the lower reaches, downstream of Larne Avenue, Mullum Mullum Creek follows an irregular meandering course. The banks are typically composed of sandy silty sediments and soft to hard clays, with outcrops of the underlying rock being exposed where the creek channel meanders close to abutting hillsides. The creek banks are prone to erosion by flowing water when de-stabilised, usually as a result of vegetation disturbance.

Outcrops of sedimentary rock occur with increasing frequency towards Park Road. Beyond Park Road, the creek bed and lower banks are dominated by sedimentary rock that directs the channel along a straighter and steeper narrow incised valley. Upstream of Heads Road to the limit of the municipality, the creek channel is characterised by a succession of pools and rock falls on a bed of sedimentary rock. Extensive erosion appears to have occurred during the 1980s and is virtually continuous in the lower reaches of the creek below Park Road to the Yarra River.



*Figure 12. Mullum Mullum Creek Park Orchards*



### Threats

Mullum Mullum Creek is one of the most polluted streams in the Yarra River catchment (Pettigrove et al, 1994), with high concentrations of nutrients and, during storm events, very high suspended solids and turbidities in the lower section. Although one of the smaller tributaries of the Yarra River, Mullum Mullum Creek has been identified as significantly raising the concentrations of nutrients, copper and zinc, turbidities, suspended solids (Melbourne Water Laboratories, 1992), faecal coliforms and E. coli (Melbourne Water, 1992) in the Yarra River.

Threats to the natural environment in the Mullum Mullum Creek sub-catchment are either direct threats to the waterway or indirect threats to flora and fauna which have an important role in protecting the land area and stream banks.

The greatest negative impact on water quality in Mullum Mullum Creek is the result of drainage from the Park Orchards area which contributes substantially to increased nutrients, including ammonia, nitrates, orthophosphates, total phosphorus and E. coli. In the Park Orchards area residential properties are serviced by septic systems. Septic systems currently in use in Park Orchards can be classified as follows:

#### Toilet Waste Only Systems on reduce flush

These systems were installed prior to the early 1970s and are generally in use on residential sites with limited site area (typically for sites 1,000 m<sup>2</sup> or less in area). At the time, these systems were considered to be an interim treatment until the area could be sewerred. The system only treats toilet waste with all other wastewater being discharged off site as sullage. During the 1980s Environmental Health Officers investigated several properties in Corriedale Crescent area and found that while systems of this type were operating within guidelines, sullage from the same properties had unacceptable levels of pathogens.

#### All Purpose Systems

All Purpose Systems were installed on larger allotments prior to early 1970s and on most residential properties since the early 1970s. These systems treat all wastewater from the site to at least a secondary level of treatment. There is no requirement for systems installed prior to 1997 to contain treated wastewater on-site.

#### All Purpose System Containing Waste Water On-Site

Since 1997, EPA has required that all wastewater on unsewered sites must be contained on-site. All Purpose Systems that contained wastewater on-site were increasingly being used from the late 1980s.

Effectiveness of septic systems in treating waste varies according to the type, age, maintenance level, soil type, land slope, and property size (Brouwer, 1983 after Pettigrove & Coleman, 1998). Clayey soils have a low permeability and easily become waterlogged, resulting in overland flow into nearby drainage lines or streams if the necessary performance criteria are not met.

The *Septic Tank Code of Practice* specifies standards for the location, construction and maintenance of newly constructed septic tank systems, but the problems of older systems are not addressed.

Runoff from the unsewered Park Orchards area has a significant impact on water quality in Mullum Mullum Creek and Andersons Creek via the upper reaches of the sub-catchment and Harris Gully (Pettigrove et al., 1994). Historical water quality data indicates that the Mullum Mullum Creek has improved with the decommissioning of a sewage treatment plant in 1982 and the connection of large areas of the creek

catchment to the sewerage system. The Victorian Stormwater Committee Report, The water quality of Mullum Mullum Creek (Pettigrove et al, 1994), stated that the primary issue influencing water quality in Mullum Mullum Creek is whether or not residential areas are connected to the reticulated sewerage system.

The diversity and composition of macro-invertebrate taxa recorded in Mullum Mullum Creek appears to be correlated with the physical condition of the waterway rather than with changes in water quality. The fauna was dominated by aquatic worms, chironomids, aquatic snails, aquatic beetle species and bugs, with small numbers of mayflies, stoneflies and caddis-flies recorded at some sites. The low diversity of taxa and absence of pollution sensitive species indicates that the creek is in poor condition (Pettigrove et al, 1994).

## 2.3. Andersons Creek sub-catchment

### Description

Andersons Creek flows a total of 9km to the Yarra River at Warrandyte from its headwaters in North Ringwood in the neighbouring municipality of Maroondah. Andersons Creek has two major tributaries that drain approximately half of the sub-catchment; the Andersons Creek East Branch and Harris Gully. The sub-catchment is roughly 'Y' shaped with numerous short tributaries on each branch.

There are two major physiographic units in the Andersons Creek sub-catchment: a flat, low-lying floodplain adjacent to the Yarra River and an area of dissected topography, formed in the post-Pliocene period, in the central reaches of the creek. Yellow duplex Silurian soils are found on slopes and dissected terrain. The soil profile is typically a grey or grey-brown clayey silt horizon to approximately 25cm, overlying a mottled yellow clay horizon and weathered bedrock.

A large area of alluvium occurs in Andersons Creek downstream of Harris Gully Road. Between Harris Gully Road and the Warrandyte-Ringwood Road the dominant substrate is weathered bedrock. Upstream of the Warrandyte-Ringwood Road and in Harris Gully clay soils predominate (Pettigrove & Coleman, 1998). The banks are composed of clay or clayey silt, with outcrops of the underlying rock exposed adjacent to hillsides. The creek banks are prone to erosion when destabilised. Within the lower reaches of Andersons Creek and Harris Gully channel diversity is low.

The hydrology of Andersons Creek is determined by the natural rainfall patterns within the sub-catchment. Urbanisation and small rural land uses have changed the natural flow rates and timing within the streams. Two large retention basins have been constructed in the upper sub-catchment to assist in mitigation of flooding impacts on the lower sub-catchment areas. The retention basins are located in the headwaters of Andersons Creek upstream of the Warrandyte-Ringwood Road and on Andersons Creek East Branch. Occasional flooding of the lower reaches of Andersons Creek within Warrandyte is exacerbated by flooding in the Yarra River (ID&A & Water Ecoscience, 2000).

Channel stability is rated as moderate to good (ID&A & Water Ecoscience, 2000), but is described as highly modified from its natural condition. The lower floodplain has been affected by historical gold mining activities and in-stream activities including straightening, de-snagging and toe destabilisation, however channel instability is not a major problem. Isolated areas of bank erosion caused by stream power and a lack of soil binding vegetation occur within the sub-catchment. Sediment has been deposited at the junction of the Yarra River and Andersons Creek as a result of sediment erosion and transportation downstream.

### Threats

Andersons Creek has generally poor water quality, however the lower sub-catchment has significantly improved since 1992, which correlates with sewerage of some areas of Warrandyte nearest to the Yarra River. Nutrient levels are still considered high and turbidities and suspended solids are often elevated, particularly after storms. The Harris Gully tributary is a major source of nutrients, suspended solids and E. coli to the lower reaches of Andersons Creek.

Pettigrove & Coleman (1998) state that considerable improvements to the water quality in the lower reaches of Andersons Creek and the Yarra River could be achieved if the water quality problems in Harris Gully were addressed. The most likely source of poor water quality in Harris Gully is sediment runoff from degraded sections of the sub-catchment, a poorly vegetated riparian zone, runoff from septic tanks, faecal contamination from livestock and possible leachates from a disused tip (now Stintons Reserve) (Pettigrove & Coleman, 1998). Weed infestation is also a significant problem throughout the riparian zone of Andersons Creek and its tributaries.

As with the Mullum Mullum catchment, unsewered areas in Park Orchards are likely to impact on stormwater quality in the Andersons Creek sub-catchment. Runoff from roads appears to contribute a large quantity of suspended solids to waterways within the Andersons Creek sub-catchment and is suspected to elevate the levels of lead and some other metals, mainly copper and zinc, in stream sediments (Pettigrove & Coleman, 1998).

The majority of roads in the area are sealed but the verges and roadside drains are not. Major arterial roads such as the Warrandyte-Ringwood Road and Harris Gully Road are amongst those with unsealed edges. Due to the steep terrain and extent of use, these roads contribute a large amount of sediment into Andersons Creek. Runoff from roads also contains contaminants from road transport, including heavy metals such as lead, and petroleum products.

Sections of streams within the Andersons Creek sub-catchment which are likely to receive the greatest impacts from road sediment and associated contaminants are the Harris Gully tributary which receives runoff from Harris Gully Road, Andersons Creek where it flows adjacent to Gold Memorial Road, the junction of Husseys Lane with Gold Memorial Road at Andersons Creek, and where Andersons Creek flows adjacent to the Warrandyte-Ringwood Road.

Rabbit populations appear to be high in the Andersons Creek sub-catchment (ID&A & Water Ecoscience, 2000). The threat posed by rabbits to reduced stream water quality is difficult to quantify but is likely to be significant as rabbit density is usually greatest near waterways. Grazing of indigenous vegetation, including seedlings, by rabbits causes ageing of the community due to limited addition of seedlings and increased opportunity for the spread of weeds. The removal of vegetation by rabbits contributes to increased rainfall runoff and erosion, thereby contributing quantities of soil and attached nutrients and other pollutants to streams (ID&A & Water Ecoscience, 2000).

A large number of weed species are recorded for the Andersons Creek sub-catchment. The dominant species are Blackberry, English Ivy, Honeysuckle, Angled Onion, Sweet Pittosporum and Tradescantia. Weeds threaten biological integrity by habitat loss and invasion of significant vegetation remnants. The lower reaches of Andersons Creek are the most dominated by weed species, particularly along Gold Memorial Road. Although there is good coverage of native overstorey, the understorey and groundcover riparian values are seriously threatened by English Ivy, and to a lesser extent Blackberry and Angled Onion (Pettigrove & Coleman, 1998).

A former municipal tip was located near Commercial Road in Harris Gully. Further surveys are required to determine whether leachates are discharged from the tip into Harris Gully.

Other threats to riparian and aquatic vegetation include vegetation clearance, sediment movement in urban areas, agricultural land use and unrestricted access by livestock to waterways. Urban development

in the upper sub-catchment has resulted in the clearance of indigenous riparian vegetation, mobilisation of sediments and increased poor quality runoff to Andersons Creek. Degradation and reduction of the vegetation buffer on upper subcatchment waterways has reduced species diversity (ID&A & Water Ecoscience, 2000). Unrestricted access to waterways by livestock is likely to contribute to poor water quality, particularly in Harris Gully (ID&A & Water Ecoscience, 2000).

Platypuses have been recorded in Andersons Creek, but are threatened by impacts associated with increasing urbanisation of the sub-catchment. These include predation by domestic animals and foxes, stream channelling and de-snagging, and construction of road culverts (ID&A & Water Ecoscience, 2000).

Most threats to the Andersons Creek sub-catchment as a result of recreational use are concentrated in the riparian zone where vegetation is damaged, soil disturbed and litter discarded. The most impacted area is the junction of Andersons Creek with the Yarra River. In the middle and upper reaches, the major recreational impact occurs in scattered areas where vegetation and soils are damaged along pathways adjacent to waterways (ID&A & Water Ecoscience, 2000).

## 2.4. Jumping Creek sub-catchment

### Description

The headwaters of Jumping Creek are in Croydon Hills, beyond the municipality in the City of Maroondah. The lower and middle sections of the sub-catchment are within the City of Manningham. Jumping Creek flows a total length of approximately 17.5 km to the Yarra River in Warrandyte State Park near the semi-rural suburb of Wonga Park. Two major tributaries (Drain 5451 and 5452) drain sections of Warrandyte South and Wonga Park into Jumping Creek at points between Jumping Creek Road and Brysons Road within the municipality.

There is one major physiographic unit in the Jumping Creek sub-catchment: a dissected topography formed in the post-Pliocene period. Jumping Creek flows through a particularly steep catchment and appears to lack a floodplain near its junction with the Yarra River (Pettigrove & Coleman, 1998). Mottled yellow duplex Silurian soils usually occur on slopes in the area. A typical profile is a light grey or grey-brown clayey-silt horizon to 20 to 30 cm, overlying a mottled yellow clay horizon and weathered bedrock (MMBW, 1978 after Pettigrove & Coleman, 1998). The clays occurring in the sub-catchment are readily dispersible in water and have a high erosion potential (Thomas, 1994 after Pettigrove & Coleman, 1998).

Weathered bedrock is the dominant substratum in Jumping Creek, with clays becoming more prevalent in the upper reaches (Pettigrove & Coleman, 1998). The lower reaches of Jumping Creek have received only minor disturbance and the physical condition and riparian cover of the stream is good, particularly through Warrandyte State Park.

The Jumping Creek sub-catchment is quite stable despite extensive modification of the upper tributaries from piping of sections of the waterways, channelisation and increasing runoff volumes and peak flows as a result of increasing urbanisation (Pettigrove & Coleman, 1998). The frequent occurrence of bedrock in the waterways of the sub-catchment has limited the impact of erosion, as have the numerous retarding basins which have been constructed in the upper urban reaches of the sub-catchment and been integrated with on-stream pondages and wetlands. Retarding basins have significantly reduced the potential hydrologic problems related to urbanisation that could have occurred within the sub-catchment. The middle and lower reaches of the waterway are in good condition except for extensive weed invasion in some areas, particularly in the middle reaches (Pettigrove & Coleman, 1998).

### Threats

Jumping Creek sub-catchment is less developed than the similar Andersons Creek sub-catchment and its general health is therefore slightly better than Andersons Creek. Although varying nutrient levels have been recorded in the sub-catchment, they have not had a significant impact on stream health. Jumping Creek has relatively low levels of phosphorus, nitrogen, faecal contamination, suspended solids and turbidities during base flows. The density of benthic diatoms is lower in Jumping Creek than in Andersons Creek and a greater diversity of invertebrates is recorded for Jumping Creek than in Andersons Creek, but the composition of diatom flora, macroinvertebrate and macroalgal assemblages were very similar. Under higher flow conditions, there are substantial increases in turbidity, suspended solids, E. coli and inorganic nitrogen (Pettigrove & Coleman, 1998).

Despite extensive modification of the upper reaches of Jumping Creek, including piping, channelisation and increasing runoff, increased urbanisation has not greatly destabilised the waterway due to the prevalence of bedrock that has minimised erosion. Several retarding basins constructed in the upper urbanised section of the sub-catchment have been integrated with on-stream pondages and wetlands and have successfully mitigated many of the potential hydrologic problems that are common to many urbanised waterways.

Further residential subdivisions planned in the Jumping Creek sub-catchment need to control and minimise potential impact on the waterway. Past residential subdivisions in the area have included drainage infrastructure mechanisms which have resulted in minimal impacts on Jumping Creek. Future projects should incorporate similar drainage controls.

Although there is excessive weed growth along the waterway in this sub-catchment, the problem is not as extensive as in the Andersons Creek sub-catchment. A variety of garden escapee species and blackberry occur in the urbanised upper reaches, but blackberry is dominant in the rural downstream reaches. The stream is in good condition through Warrandyte State Park with a good cover of riparian vegetation and only minor weed invasions.

Sediment and associated contaminants from unsealed roads and sealed roads with unsealed verges and roadside drainage are significant impacts on water quality in the sub-catchment. Sites of particular concern include the steep roads in the upper urbanised sub-catchment where paved surfaces increase runoff and potential scouring of roadside drains.

Agricultural activities are widespread in the Jumping Creek sub-catchment. Direct impacts on the waterway result from unrestricted stock access that causes extensive degradation of creek banks, and loss of riparian vegetation, faecal contamination and nutrient enrichment. Fertilisers and pesticides can degrade water quality and poison fish. Limited fish kills have been recorded in Jumping Creek (Pettigrove & Coleman, 1998).

Most threats to the Jumping Creek sub-catchment as a result of recreational use are concentrated in the riparian zone where vegetation is damaged, soil disturbed and litter discarded. The most heavily used area is the junction of Jumping Creek with the Yarra River.



## 2.5. Brushy Creek sub-catchment

### Description

The Brushy Creek sub-catchment is the smallest in the municipality. Brushy Creek rises in the Dandenong Ranges in the suburbs of Montrose and Mooroolbark, and in the municipality of Manningham, it flows through the low density area of Wonga Park. It has been separated from the Jumping Creek sub-catchment for the purposes of this storm water management planning exercise as the Yarra Valley Water Brushy Creek Sewage Treatment Plant specifically influences it.

### Threats

Given that only a relatively small portion of Brushy Creek is within the municipality of Manningham, and that development in the sub-catchment is relatively low key, the greatest storm water threats result from upstream inflows. However, unsealed roads in the steep topography of the upper reaches of the sub-catchment contribute to sediment input, as does the unsealed car park near the Yarra River.

## 3. Failing Septic Tank Systems

### 3.1. Ageing systems

What is not generally recognised is that the majority of septic systems (approximately 60%) installed in Manningham from the late 1950's up until 1997 were temporary waste systems permitted to discharge treated black water or untreated greywater from site as an interim measure while the construction of Melbourne's sewerage network was realised. These systems were not designed as a sustainable long term solution and through Council's inspection program, it is apparent that a large proportion of older systems have been found to be defective.

### 3.2. Land Use History

Land that has been previously used for agricultural purposes can also create problems for effluent disposal. At the end of World War 2, the then City of Doncaster and Templestowe experienced an influx of people, resulting in rapid development of areas previously used as orchards.


Today there are only a handful of orchards left in the municipality. However, on some allotments being developed today the old agricultural pipes previously used to irrigate crops still exist and may be collecting water and transporting it vertically down a slope. Old orchard agricultural pipes short circuit a septic system's horizontal effluent disposal trenches, allowing effluent to travel directly down slope untreated, generally into a neighbouring property. Unless the history of the land is known, it can be impossible to determine if these pipes exist until excavation begins. Even then, the excavation must be deep enough, and in the right places to discover old agricultural pipes.

If such pipes are discovered, they require sealing with cement, with the cement extending along the down slope bank of the effluent trench so that liquid will not be channelled through the old agricultural pipes - a difficult task to achieve in practice.

### 3.3. Property Development and Subdivisions

Council has many problems relating to properties being developed in unsewered areas, where the owners do not realise that reticulated sewerage is unavailable to their property. In many cases the property is 'cut and filled' (the process of levelling a sloped block of land by cutting into the side of the slope, and using the excavated material to fill below the cut) before Council has a chance to advise owners of the requirements and application is made for the installation of a septic system.

In general, the disposal field from a septic system cannot be located in filled ground, which is one factor that restricts the area available for a system. This creates many difficulties for Council and the owner of the property when they discover that they cannot meet Council and EPA requirements. In many of these cases it means more expensive alternatives are required to treat wastewater, and it may also mean that the 'tennis court or swimming pool' may have to be sacrificed in order to be able to contain effluent on-site.



Furthermore, the only areas of undeveloped land left in the municipality are generally small, steep blocks that have developed properties bordering on every side, and are not ideal for the installation of a septic system. Similarly, recent subdivisions are also being carried out on increasingly unsuitable or undersized land. Current planning legislation (The Planning and Environment Act via the Victorian Planning Provisions) allows for an average of 4000m<sup>2</sup> per lot for the entire subdivision, rather than each lot being a minimum of 4000m<sup>2</sup>. This creates many problems with some lots being only 3000m<sup>2</sup>, which is generally not enough land to contain a dwelling and all wastewater on-site. Similar situations exist in a number of municipalities across Australia.



## 4. Changing Legislation

The Environment Protection Authority direction requires that all new properties must contain all wastewater within the boundaries of the property (EPA Bulletin No. 629).

The Environment Protection Act 1970 (EP Act) sets out the approval process for onsite wastewater systems with flow rates less than 5000 L/day, and Council can only issue a 'permit to install/alter' for system types that have been approved by EPA.

Previously the EPA provided approvals through a Certificate of Approval process. After a reform its administration of the onsite wastewater program, the EPA removed the requirement for individual treatment systems to hold a Certificate of Approval (CA), instead, now approving only 'types' of systems in line with Australian Standards 1546.1 to 1546.4. The four approved types are:

- AS/NZS 1546.1: 2008 – On-site domestic wastewater treatment units – Septic tanks
- AS/NZS 1546.2: 2008 – On-site domestic wastewater treatment units – Waterless composting toilets
- AS 1546.3: 2017 – On-site domestic wastewater treatment units – Secondary treatment systems\*
- AS 1546.4: 2016 – On-site domestic wastewater treatment units – Domestic greywater treatment systems.

Treatment system brands and models must be certified by an accredited conformity assessment body (CAB) as conforming to the relevant AS. This accreditation is given by the Joint Accreditation System of Australia and New Zealand. EPA then collates these certificates of conformity and maintains a list of the valid certificate holders against each system type.

Council's responsibility is then held with administering the responsibilities and permit conditions issued for the approved systems installed within its Municipality.

## 5. Modifications and Alterations to Properties

It is common for Council Officers to discover that a property has been extended, or a large permanent structure has been installed on a property that has disturbed the septic system. Reasons why these situations arise include:

- The works have been conducted without the private building surveyor first notifying and obtaining prior comment and/or consent from Council's Environmental Health Unit before issuing a building permit. This is a legal requirement under Part 6.1 of the Building (Amendment) Act 1996, but in practice rarely occurs. This section states:

*"The consent and report of the relevant council must be obtained to an application for a building permit which requires the installation of any soil or waste disposal reticulation system in an unsewered area."*

(Building (Amendment) Act 1996, Part 6.1)

- If the proposed alteration involves the upgrading or relocation of the septic system, a Permit to Alter the system is required to be obtained by the owner of the property.
- The modifications to a property have been conducted illegally by the owner who may be unaware that a permit is required to conduct works (such as concreting a courtyard area or constructing a balcony that effects the septic system), and the owner either;
  - i. does not know the location of the septic system,
  - ii. does not realise he/she is living in an unsewered area, or
  - iii. uses a private building surveyor who is unaware that the property is in an unsewered area, or is unaware of the permit requirements in relation to altering a septic system.

## 6. Information Management

### 6.1. Inaccurate Records

In the past, there were several factors that influenced the accuracy of a septic tank record held by Council. These factors are discussed in the next subsections.

Obtaining accurate plans of a septic system location can be difficult to achieve. For instance, measurements of distances between the septic tank and the house, the septic tank and the type of secondary treatment and/or disposal field, and the distance from a boundary or other permanent land use feature such as a tennis court or swimming pool. This information is desirable, but not always obtainable at the time of installation of the septic system. Some reasons why include:

- The septic system being installed prior to the house construction, usually because vehicles and machinery cannot access the effluent disposal area if house construction begins first. The location of the house is required on a septic tank application form, but may change during construction of the house for a variety of reasons;
- The owner of the property has not thought about, or is unsure where the driveway and other recreational structures or gardens will be placed in relation to the disposal area; and
- A property is very large, and the nearest boundary is very far away, making boundary measurements meaningless.

### 6.2. In the field changes

The method of data recording lends itself to human error, as there are inconsistencies because different people are using the same system. External variables exist which Council has no control over. Council may approve a plan, but on-site there are changes that have been made. It is problematic to get applicants to resubmit a plan for minor alterations if they already have an approved plan. Septic systems are one facet of the overall functions of the Environmental Health Unit at Manningham, and only a limited amount of time can be devoted to applications.

Situations that arise where modifications to an approved plan require the approved plan to be updated include:

- The plumber or drainer on-site changes the alignment of a drain because the planned alignment did not provide enough fall. The Environmental Health Officer may not discern this change during an installation inspection. This situation may be compounded when different officers inspect different stages of the same installation, and may not always have the job card on-site.
- A property is subdivided and the existing card for the original property is not altered to reflect the change in boundaries.
- A septic system is installed prior to the house being constructed, and when a final inspection is conducted before a Permit to Use the system is issued, measurements or subsequent details are not noted on the job card.



# APPENDIX TWO

## Waterwatch

## 1. Waterwatch

The Manningham Waterwatch program is a citizen science initiative that supports local communities to monitor the health of our local waterways. In Manningham, a network of community volunteers have initiated a municipal wide water quality monitoring program. The program aims to connect local communities with waterway health and sustainable water management issues. Waterwatch monitoring has been done in Manningham for over 10 years across 20 different sites. Waterwatch volunteers repeat their monitoring over consecutive months and years, and as a result trends in waterway condition have been detected particularly in catchments where new sewer services have been made available to local residents.

### 1.1. Ruffey Creek

Waterwatch groups have been monitoring Ruffey Creek at 3 monitoring sites including Ruffey Lake, King Street and Dellfield Drive since 2007. Initially (prior to 2012), Waterwatch data identified that highly polluted stormwater was impacting the creek between King Street and Dellfield Drive. With the completion of the new Templestowe sewer service in 2012, the water quality of Ruffey Creek improved quickly at Dellfield Drive. This likely indicates a decline in household wastewater impacting on Ruffey Creek.

### 1.2. Andersons Creek

Waterwatch monitoring in Andersons Creek indicates that the creek is being impacted by highly polluted stormwater discharging from the majority of the stormwater drains. The continuous nature of the stormwater discharge, even outside of rainfall, and the associated milky white colour, strong sewer-like odour and foamy consistency suggests that the discharge is likely to have originated as household waste water. Measurements of Ortho-phosphorus, electrical conductivity and ammonium, particularly in the upper parts of the catchment, are measured as highly degraded and can regularly exceed the limits of the Waterwatch equipment. Waterwatch data indicates that the creek is at its most polluted at the top of the catchment and improves with ground water dilution as the creek flows through the Warrandyte State Park.



*Figure 13: Algal bloom, Andersons Creek*

### 1.3. Mullum Mullum Creek

Waterwatch monitoring in Mullum Mullum Creek indicates that the water quality of the Creek deteriorates quickly after it enters the Manningham municipality. To determine what is impacting the creek Waterwatch volunteers established monitoring sites upstream and downstream of every stormwater discharge drain between Beckett and Park Roads. Monitoring results indicate that the water quality typically deteriorates after each stormwater drain. The rapid decline in water quality and the sharp increase of nutrient pollution indicates that household greywater from the 1,575 split greywater systems in the catchment is adversely impacting on the water quality of the creek. Continued Waterwatch monitoring of these sites will help assess the expected improvement to the water quality of Mullum Mullum when the new sewer service arrives in the coming years.

### 1.4. Jumping Creek

Jumping Creek provides a characteristic semi-rural catchment reference site against which Brushy, Ruffey, Andersons and Mullum Mullum Creeks can be compared. The water quality of Jumping Creek is rated as “Good” under the ANZECC water quality guidelines.

### 1.5. Brushy Creek

Waterwatch monitoring in Brushy Creek clearly indicates a reduction in nutrient pollution since the completion of the Wonga Park sewer service in 2012. Continued Waterwatch monitoring of Brushy Creek will confirm if this water quality trend will continue.

More information on waterwatch results and publications can be found at: [www.manningham.vic.gov.au/waterwatch-program](http://www.manningham.vic.gov.au/waterwatch-program)

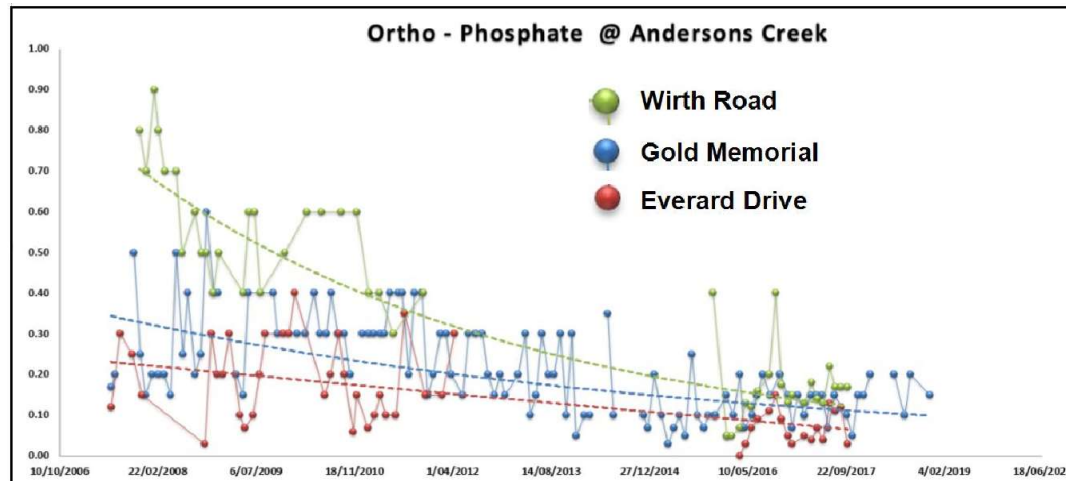


Figure 14. Andersons Creek Ortho-phosphate levels

## 2. Water sampling results

Water sampling has been conducted by the DWMP team since 2003 at several locations along creeks running throughout Manningham. Samples were taken 30cm below the surface to obtain a consistent sample representative of the water quality in that area. The table below indicates high levels of E.coli present in Manningham's creeks and is indicative of faecal contamination. In some instances, levels were considerably higher than those levels recommended for swimming.

Adults, children and animals that come into contact with contaminated creek or river water may experience diarrhoea, stomach infections, ear, eye and throat infections as a result of high levels of E.coli present in the water.

Following are the water quality parameters set by State Environmental Protection Policy in relation to E.coli levels:

- E.coli levels above 200/100ml are not recommended for swimming
- Levels above 1000/100ml are not recommended for fishing or boating activities.

Although not conclusive, there appears to be an improvement in water quality results for the Penderal Court Drain and Creek and the Violet Court Drain compared to water sampling performed in previous years. The Penderal and Violet Court Drains are located in the Wonga Park backlog areas RA0005A & RA0005B where approximately 489 properties (88%) of properties have connected to sewer since 2013.

68 properties have not connected, 42 of which discharge to stormwater.

An improvement in the quality of the Ruffey Creek Drain has also been observed in recent years.

Figure 15: BOD by date and location

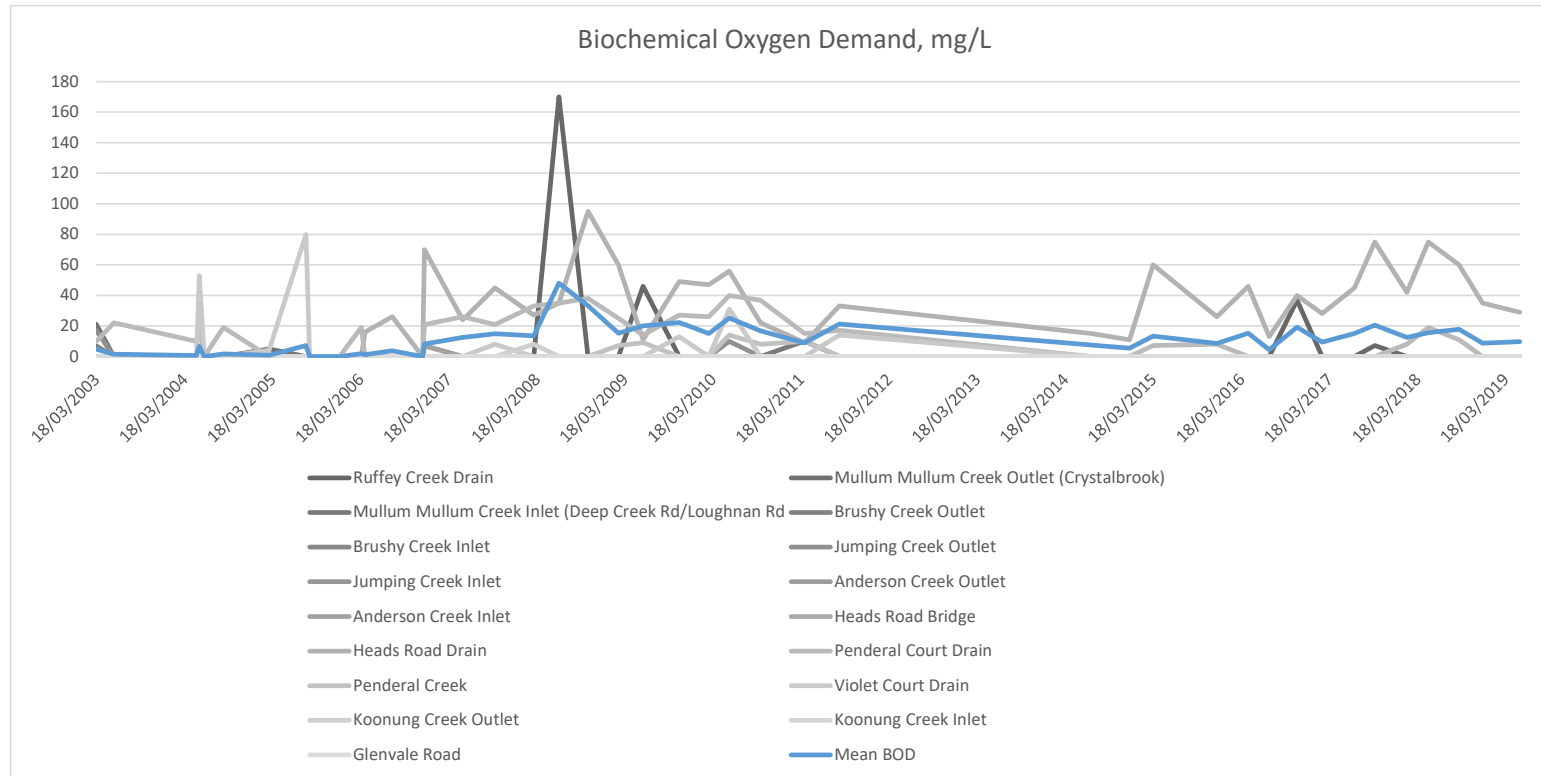




Figure 16: Suspended Solids by date and location

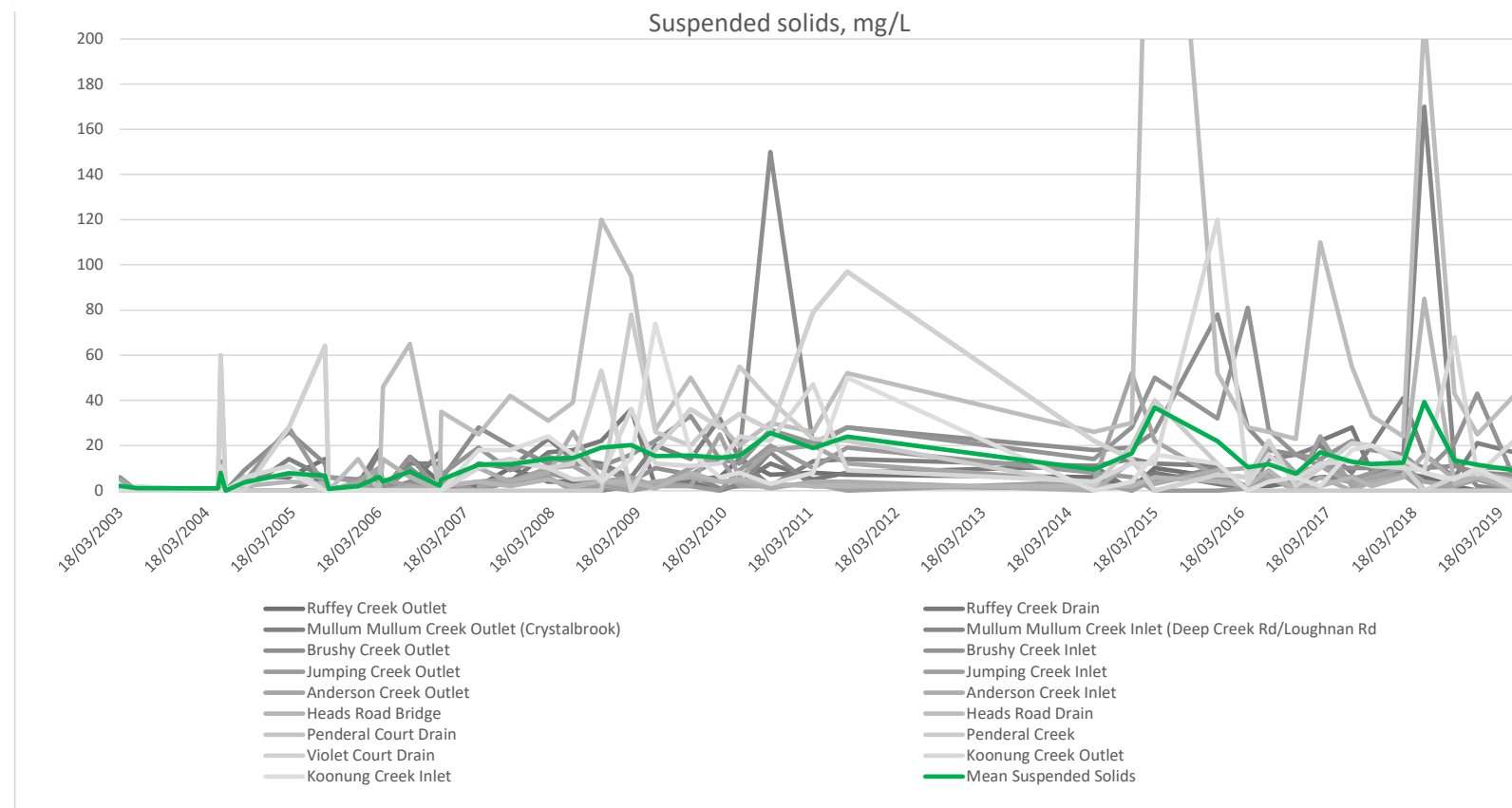
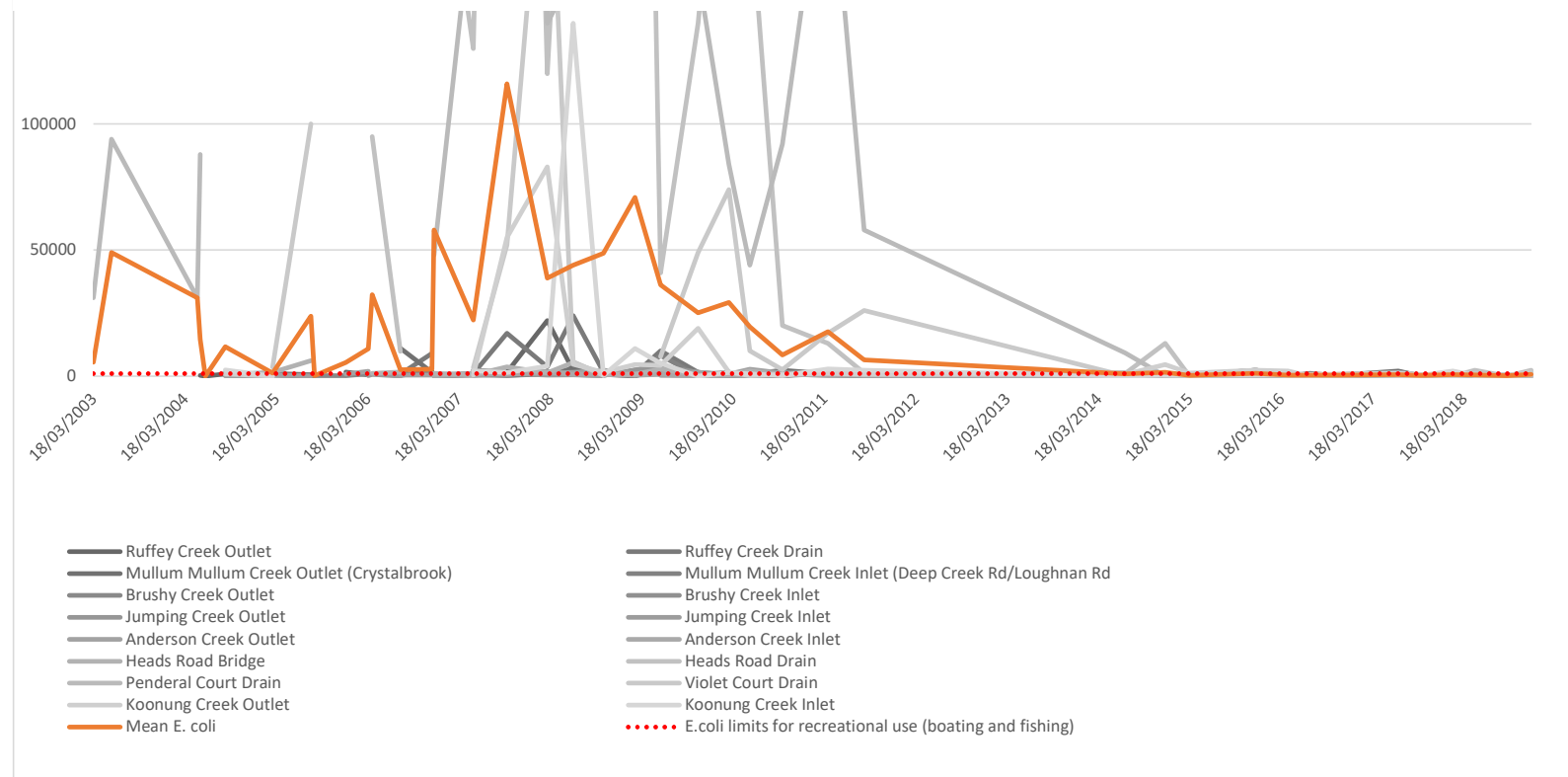


Figure 17: E.coli by date and location





# APPENDIX THREE

Onsite management or reticulated sewer

## 1. Onsite management or reticulated sewer

Costs associated with installing an on-site septic system are generally expensive due to costs of hiring excavation machinery, installing the septic tank, sand filter and laying effluent lines. Labour and materials usually range from \$15,000 to \$20,000 per system.

Ongoing maintenance costs (depending on the type of system) are approximately \$380 every 3 years to carry out desludging. These costs double for treatment plants consisting of two chambers as both tanks require desludging. Service fees for treatment plants are approximately \$400 per year and include quarterly servicing. Power costs also apply to operate pumps and aerators on a regular basis.

Provision of Yarra Valley Water's sewer infrastructure includes a contribution fee. The contribution fee is a contribution customers pay towards the cost of Yarra Valley Water bringing sewerage infrastructure into their area. The fee is currently \$500 for all areas declared before 8 April 2014. All areas declared thereafter have a contribution of \$1,671.36 (in 2019/20).

YVW have reviewed and suspended the application of this charge for recently constructed areas, including Donvale. The future of the contribution charge will be reviewed as part of an overall review into the Community Sewerage Program funding approach and connections rates strategy.

Connection to sewer includes an annual service charge of \$458.26 as of 1 July 2019 (charged quarterly). Sewerage disposal fees are charged at \$1.1426 per kilolitre of water used. The charge is applied to an estimated volume of sewage that is disposed into the sewerage system from inside your home based on your water usage and adjusted for seasonal variations.

More information can be found on Yarra Valley Waters website under 'Fees and Charges' <https://www.yvw.com.au/help-advice/help-my-account/understand-my-bill/fees-and-charges>

There may also be power costs to run a pump for those properties connected to a pressure sewer. Costs are approximately \$40-\$70 per year.

Owners are also responsible for providing a service drain to the sewer point located on the property boundary. Costs will depend on the distance the house is from this service point and can be between \$3,000 to \$6,000 on average.

### Advantages of connecting to sewer

- No maintenance required by owners
- Connection costs cheaper than installation costs
- Cheaper maintenance costs in long run
- Reduces mosquito / vector breeding grounds
- Reduces risk of disease transmission
- Improved use of land (tennis courts, gardens, trees etc.)
- Prevents land from becoming water logged or contaminated
- Reduces odours emanating from the property

**Disadvantages of connecting to sewer**

- Water is discharged off-site and cannot be reused on garden (\*Grey water may be re-used if installed correctly).
- Exorbitant installation costs for some inaccessible properties
- Reinstatement expenses of assets
- Damage to environment during sewer construction



# APPENDIX FOUR

## Operating and Maintaining Septic System



## 2. Operating and Maintaining Septic Systems

The following table outlines all the maintenance requirements for septic systems and links to the community local law.

**Table 8: Septic system operating requirements**

CODE	TYPE OF SYSTEM	OPERATING PROCEDURES / MAINTENANCE REQUIREMENTS
1 to 12	All Systems	<p>Where applicable, the effluent absorption area must be maintained as a permanent, dedicated area.</p> <p>Vehicles and livestock must be excluded from the effluent absorption area.</p> <p>Unless a permit for offsite discharge is held, effluent from the septic tank must be contained onsite and must not be discharged beyond the boundaries of the allotment.</p> <p>Buildings, driveways, concrete, tennis courts, swimming pools, garden beds, large trees and the like must not be placed in or on effluent areas.</p> <p>The system must not be altered or modified, except with the approval of the Council. A <i>Permit to Alter the Septic Tank System</i> must be obtained from the Council before making any alterations to the system.</p> <p>Unless an owner of a property is operating an EPA approved secondary treatment system that contains all effluent onsite all-year round, the owner must arrange for connection to reticulated sewer as soon as reticulated sewer is made available.</p> <p>All access openings for the septic tank system must be brought up to ground level and comply with Australian Standard 1546, On-site domestic wastewater treatment units.</p> <p>All irrigation pipework and fittings must comply with Australian Standard 2698 Plastic pipes and fittings for irrigation and rural applications.</p>
1. TP/AGL	Treatment Plant with Absorbtion / Transpiration Trenches	<p>The treatment plant is to be maintained by an annual service contract by the manufacturer or serving agent and a copy of the contract forwarded to Council each year. A maintenance and service report is to be submitted to Council once every three months.</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council</p>



CODE	TYPE OF SYSTEM	OPERATING PROCEDURES / MAINTENANCE REQUIREMENTS
2. TP/SI	Treatment Plant with Surface Irrigation	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS); 3. E.Coli bacteria; 4. Free Residual Chlorine.</p> <p>The treatment plant is to be maintained by an annual service contract by the manufacturer or serving agent and a copy of the contract forwarded to Council each year. A maintenance and service report is to be submitted to Council once every three months.</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
3. TP/SSI	Treatment Plant with Sub Surface Irrigation	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS).</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>The treatment plant is to be maintained by an annual service contract by the manufacturer or serving agent and a copy of the contract forwarded to Council each year. A maintenance and service report is to be submitted to Council once every three months.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
4. SF/AGL	Sand Filter with Absorbtion / Transpiration Trenches	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS).</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>



CODE	TYPE OF SYSTEM	OPERATING PROCEDURES / MAINTENANCE REQUIREMENTS
5. SF/SI	Sand Filter with Surface Irrigation	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS); 3. E.Coli bacteria; 4. Free Residual Chlorine.</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
6. SF/SSI	Sand Filter with Sub Surface Irrigation	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS).</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
7. AW/AGL	All Waste to Absorbtion / Transpiration Trenches	<p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
8. AW/WF	All Waste to Worm Farm contained on site	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS).</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>

CODE	TYPE OF SYSTEM	OPERATING PROCEDURES / MAINTENANCE REQUIREMENTS
9. AW/RB	All Waste to Reed bed contained on site	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS).</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
10. TP/DIS	Treatment Plant discharging off site	<p>The treatment plant is to be maintained by an annual service contract by the manufacturer or serving agent and a copy of the contract forwarded to Council each year. A maintenance and service report is to be submitted to Council once every three months.</p> <p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS); 3. E.Coli bacteria; 4. Total Residual Chlorine.</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
11. WC/AGL (split system)	Water closet to Absorbtion / Transpiration Trenches	<p>The grease trap must be cleaned as required and the baffles replaced when necessary.</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>
12. SF/DIS	Sand Filter Discharging Off Site	<p>A sample of effluent must be taken every 12 months and analysed by a laboratory registered with the National Association of Testing Authorities (NATA) for the following tests: 1. Biological Oxygen Demand (BOD); 2. Suspended Solids (SS); 3. E.Coli bacteria; 4. Total Residual Chlorine.</p> <p>The septic tank system must be desludged (pumped out) at least every three years. Written evidence that this has occurred is to be provided to Council.</p> <p>A licensed plumber/drainer must inspect the septic system every three years and written evidence of each inspection must be forwarded to Council.</p>



## Contact Details

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(03) 9840 9333  
[manningham@manningham.vic.gov.au](mailto:manningham@manningham.vic.gov.au)



## LOCAL LAWS COMMUNITY IMPACT STATEMENT

### *Community Local Law 2023*

#### **PART A – GENERAL COMMENTS**

In order to promote the efficient and effective enforcement and administration of municipal activities and protect the amenity of the local community, Council is proposing to repeal the current *Community Local Law 2013* which is due to expire next year and replace it with the *Community Local Law 2023*.

The proposed replacement Local Law has removed unnecessary duplications, administrative matters and has refined Council's requirements, creating a user-friendly, 'Plain English' document which does not compromise Council's enforcement powers and functions.

Areas of concern and emerging issues which have been addressed by the proposed draft Local Law include:

- The introduction of a Building and Works Code of Practice to manage the condition of Buildings Sites to ensure that surrounding areas and Council assets are not adversely affected by building works;
- Imposing obligations on retailers to both improve the security of shopping trolleys through the introduction of mandatory locking mechanisms and to implement proactive measures to ensure the efficient collection of those trolleys; and
- Imposing restrictions on the keeping of long and heavy vehicles in residential areas.

In order to inform the preparation of the proposed Local Law, Council's Local Laws team engaged in extensive discussions as to how the proposed Local Law could meaningfully address municipal changes, regulatory concerns and emerging issues.

An internal consultation process was then undertaken where all Council departments were invited to provide written feedback as to:

- clauses which may no longer be utilised and should be removed;
- clauses which need to be amended because they do not properly address Council's concerns; and/or
- clauses which need to be introduced in response to new issues which have not been previously regulated by Council.

The objectives of the proposed replacement Local Law are stated as being to regulate activities and conduct for the benefit and wellbeing of the municipal community.

#### **PART B – COMMENTS ON THE PROPOSED LOCAL LAW**

<b>Measuring Success</b>	<p>Council will measure the success of the Local Law by -</p> <ul style="list-style-type: none"> <li>• monitoring the level of compliance;</li> <li>• comparing the level of compliance with the previous monitoring; and</li> <li>• assessing the resources required to administer and enforce the Local Law.</li> </ul> <p>Council will report annually to the community on the operation of the Local Law.</p>
<b>Existing Legislation</b>	The Local Law will supplement existing State legislation administered and enforced by Council.
<b>State Legislation</b>	In circumstances where State legislation regulates an activity or provides an enforcement pathway, the Local Law does not address such matters.
<b>Overlap of existing legislation</b>	Council does not consider that any provision of the proposed Local Law overlaps with existing State legislation.
<b>Overlap of Planning Scheme</b>	Council does not consider any provision of the proposed Local Law overlaps, duplicates or creates an inconsistency with the Planning Scheme.
<b>Risk Assessment</b>	Council has adopted a risk management approach to the review and development of the proposed Local Law.
<b>Legislative approach adopted</b>	<p>Council believes in the minimum imposition on the community with Local Laws. The proposed Local Law reflects this approach by providing for:</p> <ul style="list-style-type: none"> <li>• reasonable penalties;</li> <li>• minimum possible number of provisions which create offences;</li> <li>• where possible, provision for permits rather than prohibition of activities;</li> <li>• reasonable and appropriate permit conditions which will be relied on if a decision is made to issue a permit under the Local Law; and</li> <li>• reasonable enforcement procedures including provision for the giving of warnings where appropriate and allowing applicants the opportunity to make a submission if a decision to refuse to issue or cancel a permit is being proposed.</li> </ul> <p>Council has ensured that the proposed Local Law is expressed plainly and unambiguously and in a manner which is consistent with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria</p>

	<p>The Local Law has also been drafted in compliance with the Local Law requirements contained within s.72 of the <i>Local Government Act 2020</i>.</p> <p>In addition, the proposed Local Law:</p> <ul style="list-style-type: none"> <li>• does not make unusual or unexpected use of the powers conferred by the Act under which the local law is made having regard to the general objectives, intention or principles of that Act;</li> <li>• does not embody principles of major substance or controversy or contain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation;</li> <li>• does not unduly trespass on rights and liberties of the person previously established by law;</li> <li>• does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions;</li> <li>• is not inconsistent with principles of justice and fairness; and</li> <li>• does not duplicate, overlap or conflict with other statutory rules or legislation.</li> </ul>
<p><b>Restriction of Competition</b></p>	<p>Council has conducted a review of the proposed Local Law in accordance with National Competition Principles.</p> <p>Competition will be restricted in some instances because –</p> <ul style="list-style-type: none"> <li>• The benefits of the restriction to the community as a whole outweigh the costs; and</li> <li>• The objectives of the proposed Local Law can only be achieved by restricting competition.</li> </ul>
<p><b>Penalties</b></p>	<p>The penalty amounts stated in the proposed Local Law are designed as a deterrent and considered appropriate. They have been intentionally scaled to reflect the impact of the offence on the community and the prevalence of this type of offending. A distinction has been made between offences committed by individuals and bodies corporate with the latter imposing higher penalties where stated.</p>
<p><b>Permits</b></p>	<p>A number of provisions in the proposed Local Law require permits for various activities to be obtained. This practice is consistent with the general approach to the issuing of permits within the Local Government sector.</p>
<p><b>Fees</b></p>	<p>The proposed Local Law allows Council to set fees annually and this will be done as part of the budget process. Council also has the discretion to waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.</p>

<b>Performance standards or prescription</b>	Where appropriate and possible, Council has adopted a performance-based approach to Local Law provisions.
<b>Comparison with neighbouring Councils</b>	<p>In drafting the proposed Local Law, Council examined the local laws of the following neighbouring Councils:</p> <ul style="list-style-type: none"> <li>• Whitehorse</li> <li>• Maroondah</li> <li>• Nillumbik</li> <li>• Knox</li> <li>• Yarra Ranges</li> <li>• Banyule.</li> </ul> <p>The purpose of conducting this exercise was to assess the similarities and differences between the Councils so as to ensure a best practice approach was adopted in the drafting of Council's proposed Local Law.</p>
<b>Charter of Human Rights &amp; Responsibilities</b>	<p>Council regards the Victorian Charter of Human Rights and Responsibilities as an important reference in the development of local laws to ensure that such laws do not encroach upon a person's basic human rights, freedoms and responsibilities. As a public authority, Council appreciates its obligation to ensure that local laws are interpreted and applied consistently with human rights.</p> <p>Council has assessed the proposed Local Law for compatibility with the Charter and has found no inconsistencies.</p>
<b>Community Engagement</b>	An engagement process will be undertaken in accordance with Council's Community Engagement Policy following the release of the draft Local Law to the community.
<b>Topical provisions</b>	<p>The following are new provisions which have been introduced into the proposed Local Law:</p> <ul style="list-style-type: none"> <li>• Building &amp; Works Code of Practice;</li> <li>• Further regulations on the management of shopping trolleys by retailers; and</li> <li>• The requirement for an owner or occupier of residential land to obtain a permit to legalise the keeping of a heavy or long vehicle on that land.</li> </ul>



## 11 CITY SERVICES

### 11.1 Maintenance Responsibilities along Arterial Roads

File Number: IN22/570  
Responsible Director: Director City Services  
Attachments: Nil

#### EXECUTIVE SUMMARY

*The Department of Transport (DoT) under the Road Management Act 2004 (the Act) is responsible for the management and maintenance of arterial roads including road pavement, kerb and channel, signage, and drainage on arterial roads with Manningham being responsible for footpaths. The DoT is fully responsible for all works on freeways.*

*Council, under the Act, is responsible for the management, upgrade, and maintenance of local roads, including road pavements, table drains, footpaths, kerb and channel, signage, drainage, and other road-related infrastructure on local roads within Manningham.*

*Under the Act, a Code of Practice has been developed to “provide practical guidance for road authorities and works and infrastructure managers, in the performance of their functions and duties under the Act”.*

*The Code of Practice is effectively an agreement between the now Department of Transport (formerly VicRoads), and other authorities, predominantly local government. It provides guidance in determining the physical limits of operational responsibilities between road authorities for the different parts or elements within the road reserves of public roads.*

*As Councillors would be aware, Manningham has moved rapidly from rural to intense suburban densification and is still dealing with decades of legacy footpath, drainage, and local road issues. These legacy issues are also present along many of the arterial roads, particularly in the eastern parts of Manningham.*

#### 1. RECOMMENDATION

**That Council:**

- A. Requests officers to write to the Minister for Transport to advocate for funding improvements for the maintenance along arterial roads. With signatures to be requested from the CEOs from the Eastern Regional Group (ERG) of local government organisations.**
- B. Supports the ongoing partnership of Eastern Regional Group (ERG) to continue to work with the DoT to improve the level and consistency of maintenance along arterial roads across the region, and to request additional funds for maintenance to be included within the Manningham Council and DoT Maintenance Agreement; and**

- C. Notes that Manningham will continue to work in partnership with the Department of Transport to improve communication and maintenance standards along arterial roads given that Council is subsidising the state around \$165,000 per annum for works along arterial roads that Council is not responsible for.**

## 2. BACKGROUND

- 2.1 Council regularly receives requests for arterial road maintenance work on issues ranging from rubbish removal to pavement repairs. These requests generally come from members of the community, that may not know which roads are maintained by local or state government, and generally relate to varying issues including but not limited to potholes (pavement maintenance), graffiti, street sweeping, grass cutting, weeds, rubbish removal, drainage requests and general amenity issues.
- 2.2 Manningham arranges the cutting of the grass along some central and outer separator medians on arterial roads on behalf of the DoT. We have a roadside maintenance contract which receives some limited funding from the DoT however, this covers less than 50% of the total cost. Council typically spends approximately \$140,000 per year in addition to the funding provided by the DoT to ensure the grass is maintained to a reasonable standard for the area. Vegetation clearing, weed spraying, edging, mowing, and tree clearing is also included within the contract. Manningham also cuts along the edges of the rural arterial roads to improve safety and reduce the fire risk in warmer conditions.
- 2.3 Street sweeping and drainage maintenance is not included within the maintenance agreement, with the DoT responsible for drainage maintenance along arterial roads. There is very minimal street sweeping along arterial roads by DoT and we receive numerous requests from the community for street sweeping. We therefore include arterial roads within our street sweeping program, where we typically spend approximately \$18,000 per year. We have also on occasions, in response to an emergency/safety issue, swept or cleared open and underground drains along arterial roads. An example of this is the works Council undertook after the January 2020 hailstorm in Warrandyte.
- 2.4 There has been an increased level of deterioration in the condition of arterial roads within Manningham with significant potholes, inundation of water, and uneven pavement amongst others. This may be most noticeable along sections of Yarra Street, Ringwood-Warrandyte Road & Heidelberg-Warrandyte Roads within Warrandyte; and High Street, Manningham Road, Williamsons Road, and Doncaster Road within the Bulleen and Templestowe area.
- 2.5 When road networks are in poor condition, this impacts our community, through increased vehicle maintenance costs and travel times. When road surfaces, referred to as road pavements, are in poor condition and not maintained, they are also more expensive to repair.

### 3. DISCUSSION / ISSUE

- 3.1 Council receives many complaints regarding the operation and maintenance of the arterial road network. Like Council, the DoT is responsible for undertaking inspections and responding to hazards in accordance with their Road Management Plan (RMP). The RMP is adopted under the recommendations of the Act and guides the maintenance of the road network under the care and responsibility of each authority.
- 3.2 Customer Requests are received and recorded within Council's Customer Request Management (CRM) system. Requests are often forwarded through to staff within City Infrastructure for assessment before passing to the DoT. Alternatively, requests may be referred directly to the DoT via their email address. We often receive complaints concerning the arterial road condition and the lack of action by the DoT in response to concerns raised.
- 3.3 City Infrastructure maintenance staff are experienced in traffic management and general road awareness of the local and arterial road network however they are not as experienced in respect to undertaking works along the busier arterial roads, which also presents a higher safety risk for our staff.
- 3.4 DoT maintenance staff are specially trained with additional safety equipment to undertake works on busier, higher speed roads. Working on freeways and busy arterial roads comes with a higher level of risk to workers than working on local roads.
- 3.5 The Code of Practice under the Act is an informative document which defines maintenance responsibilities for local and state government. The document contains detailed information to ensure demarcation lines are clear. In addition, the document contains many images which diagrammatically represent maintenance responsibilities using different colours. This document is designed to ensure that maintenance staff are undertaking works in accordance with the Act.
- 3.6 Defined within the Code of Practice are areas of local government maintenance responsibility along arterial roads. Arterial roads serve a state-level function and benefit to users, and as such, are maintained by the State Government (DoT). Footpaths along an arterial road do not serve a state-level function or benefit, and as such are generally maintained by local government. Footpaths serve the local community and are a local government responsibility.

- 3.7 Similarly, there are elements of arterial roads which are a local government responsibility, and these items are explained in detail within the Code of Practice. Generally, road, drainage, kerb and channel and signage are the DoT's responsibility. Footpaths, vegetation and local signage are generally the responsibility of the local council.

State Responsibility (DoT)	Local Responsibility (Local Government)
Road pavement & surface	Drainage pipes collecting the local area
Line marking	Parking (including line marking & signage) – on & off road
Kerb & channel	Footpaths
Drainage pits & most pipes	Trees & vegetation (roadside)
Guardrail & other furniture	Signage for local purposes
Signage & street lighting	Service roads
Median strip maintenance including trees	Bus shelters
Bus-related infrastructure	
Turning lanes	
Traffic signals	

- 3.8 We meet with the DoT regularly to discuss ongoing operational and high-level issues. These meetings are attended by the City Services and the City Planning and Community directors, as well as various managers. Through these discussions, there has been regular conversation about the ongoing management and maintenance of the arterial and local road network within Manningham. More recently, we facilitated a discussion in relation to the review of the maintenance agreement.
- 3.9 The Eastern Regional Group (ERG) of local government organisations, together with DoT have also partnered on work to review current agreements of the eastern group of local government organisations for roadside maintenance with a view to collaborate on a regional agreement. Included to this is an advocacy campaign for further funding from State Government to improve levels of maintenance to an acceptable and consistent standard across the region. This will include drainage, general road maintenance and improvement of safety to arterial roads.

#### 4. IMPACTS AND IMPLICATIONS

- 4.1 Council will continue to work with Eastern Regional Group of local government organisations to improve the level and consistency of maintenance along arterial roads in the region.

**5. IMPLEMENTATION**

## 5.1 Finance / Resource Implications

Currently, it costs Council approximately \$140,000 in addition to the funding received through DoT to cut the grass along major arterial roads.

In addition, it typically costs Council approximately \$18,000 to clean the kerb and channel using street sweepers and around \$7000 to make hazards safe like missing pit lids etc along arterial roads within Manningham.

Given our current contracts and servicing along arterials roads Council is subsidising the state in the order of around \$165,000 per annum for works along arterial roads that Council is not responsible for.

We would be seeking that the state also include information in support of funding we are proposing to the Minister for arterial roads within Manningham.

**6. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

**12 EXPERIENCE AND CAPABILITY**

Nil

## 13 CHIEF EXECUTIVE OFFICER

### 13.1 Draft Freedom of the City Policy

File Number: IN22/582  
Responsible Director: Chief Executive Officer  
Attachments: 1 Draft Freedom of the City Policy [↓](#)

#### EXECUTIVE SUMMARY

*Council's Freedom of the City Policy (the Policy) outlines the three highest forms of recognition that Council can bestow namely: Freeman or Freewoman of the City, Key to the City, and Freedom of Entry to the City.*

*The Policy was endorsed by Council in December 2017 and is now scheduled for review. The draft Policy, shown in Attachment 1, proposes several amendments to strengthen the nomination process to reflect the importance of these honours. It has also been reformatted to improve readability and flow.*

*The revised draft Policy is presented to Council for consideration and endorsement.*

#### 1. RECOMMENDATION

**That Council endorse the revised Freedom of the City Policy shown at Attachment 1 to this report.**

#### 2. BACKGROUND

- 2.1 The Freedom of the City Policy (the Policy) was endorsed by Council in December 2017 and is now scheduled for review.
- 2.2 The Policy provides a framework for acknowledging outstanding contributions in the community across three categories; Freewoman or Freeman of the City; Key to the City and Freedom of Entry. Each of the titles are ceremonial in nature and carry no significant privileges - they are simply a means by which outstanding community contribution can be acknowledged.
- 2.3 The Policy supports flexibility in the decision-making process to consider the nominations received across all categories. These honours are generally awarded in rare and exceptional circumstances.
- 2.4 The Policy has served Council well to date in considering nominations, however, several amendments are being proposed to strengthen the nomination process and improve readability.

2.5 The revised policy has been developed following:

- consultation with Councillors at two separate briefings
- benchmarking with other local government authority's policies in Australia and the United Kingdom where these titles originated
- research of the process to nominate someone for the Order of Australia
- a review of the process for commemorative naming under the naming rules for places in Victoria.

### 3. DISCUSSION / ISSUE

3.1 The following proposed amendments have been included in the revised draft Policy for feedback:

3.1.1 The purpose has been simplified by removing the category descriptions which are also contained in section 2.

3.1.2 Minor amendments are proposed to the category definitions.

3.1.3 The nomination process has been strengthened with addition of the following new requirements:

- i. the nomination process has been standardised across all award categories to ensure consistency and given the prestigious nature of these awards.
- ii. any nomination must be supported by at least two other people who the nominator considers would support the nomination. In addition, the nomination must also include two referees.
- iii. nominations cannot be made by a family member, relative, employer or work colleague. One supporter however may be from this cohort provided the relationship is disclosed through the nomination process.
- iv. the nomination must address how the nominee meets the eligibility requirements and why they should be considered for the honour.
- v. should the nominee decline to accept the award, if appropriate, a suitable media statement will be prepared under the Mayor's signature.
- vi. posthumous nominations for Freeman or Freewoman of the City may be applied for within two years of the person passing.
- vii. where a nomination has not been successful in gaining support, the time period for resubmitting a subsequent nomination has been increased from 12 months to 3 years.

3.1.4 The draft Policy has been reformatted to reduce duplicated information and improve readability.



- 3.2 The revised draft Policy is presented to Council for formal consideration and endorsement.

**4. IMPLEMENTATION****4.1 Finance / Resource Implications**

- 4.1.2 This review is being undertaken within existing resources. No additional funding is required to support the implementation of this policy.

**4.2 Communication and Engagement**

- 4.2.1 Once endorsed by Council, it is proposed that a communications campaign be undertaken to highlight the policy in the hopes of encouraging nominations from the community. The campaign would include a particular focus on encouraging nominations that demonstrate diversity, inclusion and gender equality.

**4.3 Timelines**

- 4.3.1 The revised policy will come into effect immediately upon endorsement by Council and shall be applied to any nominations not yet resolved.

**5. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

## DRAFT FREEDOM OF THE CITY POLICY

<i>TRIM FILE NUMBER:</i>	POL/524
<i>VERSION NO:</i>	4
<i>RESPONSIBLE OFFICER:</i>	Chief Legal and Governance Officer
<i>APPROVED BY:</i>	Council
<i>NEXT SCHEDULED REVIEW DATE:</i>	30/9/2026

### 1. PURPOSE

1.1 This policy sets out the eligibility requirements and the process for the nomination, selection and bestowing of three prestigious honours by Manningham Council:

- Freeman or Freewoman of the City
- Key to the City
- Freedom of Entry to the City

### 2. CATEGORIES AND ELIGIBILITY

A Freedom of the City Award represents the highest honour that Manningham can confer on an individual or organisation.

Outlined below are the three category distinctions which may be conferred and the eligibility for each category. Prior to nominating, consideration should be given to the most relevant category based on the eligibility requirements. Council may on its own initiative, or following receipt of an application for another category, consider a nomination in a different award category. If you are unsure about which category best suits your nominee, please contact Council's Chief Legal and Governance Officer for a confidential discussion.

#### 2.1 Freeman or Freewoman of the City

2.1.1 Freeman or Freewoman of the City is awarded to individuals who have made an outstanding contribution to the City of Manningham such that the nominee's contribution can be seen to stand above the contributions made by most other people. The nominee should have given extensive and distinguished service to the community in a largely voluntary capacity that goes beyond extended service on the City Council. It should also encompass service to other organisations and community groups benefiting the Manningham community.

- 2.1.2 Eligibility should include most but not necessarily all of the following criteria:
- a. Nominees will be people demonstrating personal integrity and public spirit
  - b. Nominees should have lived within the City of Manningham for a significant number of years (significant would usually mean at least 20 years) and have had a long and close association and identification with the City
  - c. Nominees will have identifiable and long-standing connections with the Manningham community
  - d. The nominee's community endeavor, will have demonstrable benefits to both the Manningham and wider community
  - e. The nominee's specific achievements may not necessarily have been carried out within the municipality but are considered of great significance on the State, Australian and/or international stage, and as a consequence promote Manningham on these stages
  - f. The nominee's specific achievement must be of a nature, which would encourage the City to nominate that person for an honor under the Australian honors' system
  - g. Having simply been a Councillor or served a certain number of years on Council are not of their own justification for nomination. In addition to a Councillor serving above and beyond the normal service expectations of a Councillor, the Councillor would be expected to have made a substantial contribution in other respects to the Manningham community.

## 2.2 Key to the City

The Key to the City is awarded to acknowledge the contribution of an individual, group or organisation for outstanding achievement in their chosen field at a local, national or international level. For example, a chosen field may include, but is not limited to, humanitarian or community work, excellence in science or research, significant accomplishment in visual arts, performing arts or sport.

This award is open to all individuals, groups and organisations for eminent achievement and/or merit of the highest degree in service to Manningham and its citizens. The recipient must be prepared to act as an ambassador for Manningham.

## 2.3 Freedom of Entry

Freedom of Entry to the City is awarded in circumstances that reflect a special relationship between a local Emergency Services Unit or an Australian Defence Force unit and the local Manningham community.

This award is restricted to Units of local Emergency Services, the Australian Defence Force or ancillary organisations that have a significant and long-standing attachment to the City of Manningham. It is awarded as a mark of respect and gratitude for their outstanding efforts in the protection and support of the community of the City of Manningham.

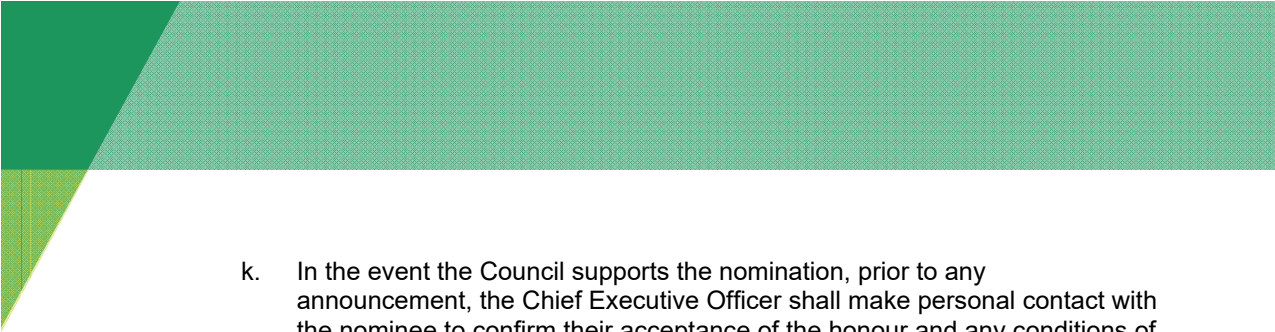
### 3. NOMINATION PROCEDURE AND ENTITLEMENTS

This section outlines the nomination procedure for each of the categories. Clause 3.1 below sets out the general nomination process that applies across all three categories. The clauses that follow detail specific additional requirements for relevant categories.

#### 3.1 General Nomination Procedures – All Award Categories

To preserve the integrity and importance of bestowing honours under this Policy, the following nomination procedures shall apply:

- a. Nominations can be made by any individual, group or organisation in writing to the Chief Executive Officer subject to the conditions outlined below.
- b. Nominations are to be made without the nominee's knowledge and held in the strictest confidence until a decision has been made by Council and the nominee has accepted the award.
- c. Nominations cannot be made by a family member, relative, work colleague or employer.
- d. Nominations must include two people who the nominator considers would support the nomination and two referees who are familiar with the contributions and/or achievements of the nominee.
- e. To maintain the integrity and confidentiality of the process, supporters and referees should not be advised that they have been put forward in support of the nomination. Supporters and referees may be contacted by Manningham staff to confidentially discuss the nomination further.
- f. One supporter may be a family member, relative, work colleague or employer. This relationship must be disclosed through the nomination process.
- g. Nominations must clearly outline the reasons the nominee meets the eligibility requirements and why they should be considered for the honour.
- h. On receipt of the nomination, the Chief Executive Officer will circulate the nomination to Councillors for initial consideration on a strictly confidential basis.
- i. Councillors shall have reasonable time, being not less than four weeks, to familiarise themselves with the nomination and seek further information or clarification if required.
- j. A confidential report containing details of the nomination will be submitted to Council for determination. Any decision to support the nomination shall be resolved by not less than a two-thirds majority of the Council.

- 
- k. In the event the Council supports the nomination, prior to any announcement, the Chief Executive Officer shall make personal contact with the nominee to confirm their acceptance of the honour and any conditions of the award.
  - l. Should a nominee decline to accept the award, all Councillors will be informed and, if appropriate, a suitable media statement will be prepared under the Mayor's signature.
  - m. Should the nomination be accepted, the award shall be presented to the nominee at a meeting of Council or at a special event to be determined by Council.

### **3.2 Specific Nomination Requirements**

In addition to the general nomination procedures, the following specific requirements also apply.

#### **3.2.1 Freeman or Freewoman of the City of Manningham**

- a. Nominations must clearly outline in chronological order the history of community service of the nominee.
- b. Nominations must be countersigned by at least 3 Councillors.
- c. Posthumous awards may be applied for within two years of the person passing.
- d. Nominations not successful in gaining initial support may be resubmitted with additional information after a minimum period of 3 years.

#### **3.2.2 Freedom of Entry**

- a. The nomination is to have the Australian Defence Force Unit's endorsement but be held in strictest confidence until a decision has been made by Council.

### **3.3 General Entitlements – All Award Categories**

The following entitlements are attached to each award:

- a. An illuminated certificate signed by the Mayor and Chief Executive Officer under the seal of Council is to be prepared and presented to the recipient
- b. The recipient's name and the details of their nomination are to be kept in an official register.
- c. The recipient's name is to be inscribed on an honour roll on display in the City offices.

### 3.4 Specific Entitlements

In addition to the general entitlements, the following specific entitlements are attached to each award.

#### 3.4.1 Freeman or Freewoman of the City of Manningham

- a. Any person upon whom the title Freeman or Freewoman of the City has been conferred may designate him/herself "Freeman or Freewoman of the City of Manningham"
- b. The recipient shall be presented with a special badge which identifies them as Freeman or Freewoman of the City.
- c. Each Freeman or Freewoman of the City shall be invited to the following Civic Functions:
  - Annual Council Meeting
  - Mayoral Ball; and
  - Declarations of Freeman or Freewoman of the City of Manningham.

#### 3.4.2 Key to the City of Manningham

- a. Recipients shall be presented with a token key to the City.

## 4. SUSPENSION OR DISQUALIFICATION OF FREEDOM OF THE CITY AWARD

A person is not capable of becoming or continuing to be a Freeman or Freewoman of the City of Manningham or having the Key to the City granted if he or she has been convicted of an offence committed when he or she was of or over 18 years of age which is punishable upon first conviction for a term of imprisonment of 5 years or more under the law of Victoria or the law of any other State or Territory of the Commonwealth of Australia or the law of the Commonwealth of Australia.

**13.2 Appointment of Authorised Officers - Planning and Environment Act 1987**

File Number:	IN22/553
Responsible Director:	Chief Executive Officer
Attachments:	1 S11A Instrument of Appointment and Authorisation - Mireille Assaad <a href="#">↓</a>
	2 S11A Instrument of Appointment and Authorisation - Nicoletta Kormas <a href="#">↓</a>
	3 S11A Instrument of Appointment and Authorisation - Gino Pettinella <a href="#">↓</a>

**EXECUTIVE SUMMARY**

*In accordance with the Planning and Environment Act 1987 (the Act), Council is required to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officers detailed below as an Authorised Officer pursuant to Section 147(4) of the Act.*

*The Local Government Act 1989 also empowers Council to appoint a person, other than a Councillor, to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.*

*A person who is appointed to a position has the powers of that position under the legislation which they have been appointed. Authorisations are necessary to facilitate the efficient and effective function of councils as they enable authorised officers to carry out compliance or enforcement under legislation related to their functions and powers of the Council.*

*Authorised officers will continue to be appointed under s224 of the Local Government Act 1989, as there are no provisions for appointing authorised officers under the Local Government Act 2020.*

**1. RECOMMENDATION**

**In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instruments of appointment and authorisation, Council resolves that:**

- A. the following Council Officers be appointed as an authorised officer:**
- Mireille Assaad
  - Nicoletta Kormas
  - Gino Pettinella
- B. the instrument will come into force immediately upon execution and will remain in force until Council determines to vary or revoke the Instrument or the officer ceases their employment with Council; and**
- C. the Instrument be signed and sealed.**

**2. BACKGROUND**

- 2.1 The *Planning and Environment Act 1987* (the Act) regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.
- 2.2 The Act, unlike the *Local Government Act 1989*, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make appointments by formal resolution.
- 2.3 The Instrument of Appointment and Authorisation has been prepared based on advice from Maddocks Lawyers and empowers the relevant officer to exercise those powers granted in the Instrument.
- 2.4 The appointment will come into force immediately upon its execution under the Seal of Council and will remain in force until varied or revoked by Council or the officer ceases employment with Council.
- 2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the *Local Government Act 1989*, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated officers, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

**3. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Mireille Assaad**

**By this instrument of appointment and authorisation Manningham City Council -**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 27 September 2022.

The Common Seal of            )  
Manningham City Council        )  
was hereunto affixed            )  
in the presence of:                )

Mayor .....

Chief Executive Officer .....

Date: .....

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Nicoletta Kormas**

**By this instrument of appointment and authorisation Manningham City Council -**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

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The Common Seal of                    )  
Manningham City Council            )  
was hereunto affixed                )  
in the presence of:                    )

Mayor .....

Chief Executive Officer .....

Date: .....

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Gino Pettinella**

**By this instrument of appointment and authorisation Manningham City Council -**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 27 September 2022.

The Common Seal of            )  
Manningham City Council        )  
was hereunto affixed            )  
in the presence of:                )

Mayor .....

Chief Executive Officer .....

Date: .....

### 13.3 Informal Meetings of Councillors

File Number:	IN22/503
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none"><li>1 Library Governance and Financial Modelling - 4 July 2022 <a href="#">↓</a></li><li>2 Strategic Briefing Session - 16 August 2022 <a href="#">↓</a></li><li>3 Open Space and Streetscapes Advisory Committee - 22 August 2022 <a href="#">↓</a></li><li>4 Councillor and CEO Only Time - 23 August 2022 <a href="#">↓</a></li><li>5 Heritage Advisory Committee - 31 August 2022 <a href="#">↓</a></li><li>6 Councillor Strategic Planning Day - 3 September 2022 <a href="#">↓</a></li><li>7 Affordable Housing - 5 September 2022 <a href="#">↓</a></li><li>8 Councillor and CEO Only Time - 6 September 2022 <a href="#">↓</a></li><li>9 Strategic Briefing Session - 6 September 2022 <a href="#">↓</a></li><li>10 Liveability, Innovation and Technology Committee - 12 September 2022 <a href="#">↓</a></li><li>11 Strategic Briefing Session - 13 September 2022 <a href="#">↓</a></li></ol>

#### EXECUTIVE SUMMARY

*Chapter 6, sub rule 1 of Manningham's Governance Rules requires a record of each meeting that constitutes an Informal Meeting of Councillors to be reported to Council and those records to be incorporated into the minutes of the Council Meeting.*

#### RECOMMENDATION

**That Council note the Informal Meetings of Councillors for the following meetings:**

- **Library Governance and Financial Modelling – 4 July 2022**
- **Strategic Briefing Session – 16 August 2022**
- **Open Space and Streetscapes Advisory Committee – 22 August 2022**
- **Councillor and CEO Only Time – 23 August 2022**
- **Heritage Advisory Committee – 31 August 2022**
- **Councillor Strategic Planning Day – 3 September 2022**
- **Affordable Housing – 5 September 2022**
- **Councillor and CEO Only Time - 6 September 2022**
- **Strategic Briefing Session – 6 September 2022**
- **Liveability, Innovation and Technology Committee - 12 September 2022**
- **Strategic Briefing Session – 13 September 2022**

**1. BACKGROUND**

- 1.1 Section 60 of the *Local Government Act 2020*, requires a Council to develop, adopt and keep in force Governance Rules (the Rules).
- 1.2 Chapter 6, sub rule 1 of Manningham's Governance Rules requires the Chief Executive Officer to ensure a summary of matters discussed at an informal meeting is tabled at the next convenient Council meeting and recorded in the minutes of that meeting.
- 1.3 An Informal Meeting of Councillors is a meeting that:
  - is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Chief Executive Officer for the purpose of discussing the business of Council or briefing Councillors; or
  - is a scheduled or planned meeting of all Councillors (irrespective of how many Councillors attend) with the Executive Management Team for the purpose of discussing the business of Council or briefing Councillors; or
  - is a scheduled or planned advisory committee meeting attended by at least one Councillor and one member of Council staff; and
  - is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

**2. DISCUSSION / ISSUE**

Summaries of the following informal meetings are attached to this report:

- Library Governance and Financial Modelling – 4 July 2022
- Strategic Briefing Session – 16 August 2022
- Open Space and Streetscapes Advisory Committee – 22 August 2022
- Councillor and CEO Only Time – 23 August 2022
- Heritage Advisory Committee – 31 August 2022
- Councillor Strategic Planning Day – 3 September 2022
- Affordable Housing – 5 September 2022
- Councillor and CEO Only Time - 6 September 2022
- Strategic Briefing Session – 6 September 2022
- Liveability, Innovation and Technology Committee - 12 September 2022
- Strategic Briefing Session – 13 September 2022

**3. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Library Governance and Financial Modelling				
<b>Date:</b>	Monday, 4 July 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6:00pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>7:30pm</td> </tr> </table>	<b>Time Opened:</b>	6:00pm	<b>Time Closed:</b>	7:30pm
<b>Time Opened:</b>	6:00pm				
<b>Time Closed:</b>	7:30pm				
<b>Location:</b>	Council Chambers				
<b>Councillors Present:</b>	Cr Michelle Kleinert (Mayor), Cr Laura Mayne, Cr Anna Chen, Cr Geoff Gough, Cr Andrew Conlon, Cr Carli Lange, Cr Deirdre Diamante, Cr Stephen Mayne, Cr Thomas Lightbody				
<b>Officers Present:</b>	Andrew Day, Lee Robson, Niall Sheehy, Kerryn Paterson, Rachelle Quattrocchi, Jon Gorst				
<b>Apologies:</b>	Nil				
<b>Items discussed:</b>	1. Future Governance and Financial Modelling				
CONFLICT OF INTEREST DISCLOSURES					
<b>Were there any conflict of interest disclosures by Councillors?</b>	No				

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Strategic Briefing Session				
<b>Date:</b>	Tuesday, 16 August 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6.30pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>9.59pm</td> </tr> </table>	<b>Time Opened:</b>	6.30pm	<b>Time Closed:</b>	9.59pm
<b>Time Opened:</b>	6.30pm				
<b>Time Closed:</b>	9.59pm				
<b>Location:</b>	Council Chambers				
<b>Councillors Present:</b>	Cr Michelle Kleinert (Mayor), Cr Deirdre Diamante (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Carli Lange, Cr Tomas Lightbody and Cr Stephen Mayne				
<b>Officers Present:</b>	<p><b>Executive Officers Present</b></p> <p>Andrew Day, Chief Executive Officer            Rachelle Quattrocchi, Director City Services            Kerryn Paterson, Director Experience and Capability            Lee Robson, Acting Director City Planning and Community            Jon Gorst, Chief Financial Officer</p> <p><b>Other Officers in Attendance</b></p> <p>Kim Tran, Governance Officer            Krishen Soobrayen, Manager City Projects            Mark Gladman, Senior Leisure Facilities Officer            Helen Napier, Manager City Amenity            Heather Callahan, Coordinator Recreation            Robert Morton, Recreation Planner</p>				
<b>Apologies:</b>	Cr Laura Mayne, Cr Geoff Gough				
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Strategic Property Portfolio Project Update (Confidential)</li> <li>2. Aquarena Outdoor Redevelopment</li> <li>3. Sportsground Lighting and Netting Standards</li> <li>4. Draft Manningham Templestowe Leisure Centre Master Plan and Netball Facilities Update (Confidential)</li> </ol>				

## CONFLICT OF INTEREST DISCLOSURES

Were there any conflict of interest disclosures by Councillors? No

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Open Space and Streetscapes Advisory Committee				
<b>Date:</b>	Monday, 22 August 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6:00pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>8:00pm</td> </tr> </table>	<b>Time Opened:</b>	6:00pm	<b>Time Closed:</b>	8:00pm
<b>Time Opened:</b>	6:00pm				
<b>Time Closed:</b>	8:00pm				
<b>Location:</b>	Online via Zoom				
<b>Councillors Present:</b>	Cr Carli Lange, Cr Geoff Gough, Cr Anna Chen				
<b>Officers Present:</b>	Frank Vassilacos, Carrie Lindsay, Helen Napier, Michael Tregonning, Samantha Cimati				
<b>Apologies:</b>	Cr Tomas Lightbody				
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>Proposed Liveable Places and Spaces Advisory Committee</li> <li>Ruffey Lake Park - Victoria Street Playspace Project</li> </ol>				

CONFLICT OF INTEREST DISCLOSURES	
<b>Were there any conflict of interest disclosures by Councillors?</b>	No



# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	CEO and Councillor Only Time				
<b>Date:</b>	Tuesday, 23 August 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>5:30pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>6:00pm</td> </tr> </table>	<b>Time Opened:</b>	5:30pm	<b>Time Closed:</b>	6:00pm
<b>Time Opened:</b>	5:30pm				
<b>Time Closed:</b>	6:00pm				
<b>Location:</b>	Koonung Room				
<b>Councillors Present:</b>	<ul style="list-style-type: none"> <li>• Cr Kleinert (Mayor)</li> <li>• Cr Chen</li> <li>• Cr Cr Conlon</li> <li>• Cr Gough</li> <li>• Cr Lange</li> <li>• Cr Lightbody</li> <li>• Cr L Mayne</li> <li>• Cr S Mayne</li> </ul>				
<b>Officers Present:</b>	Andrew Day - CEO				
<b>Apologies:</b>	Cr Diamante – Deputy Mayor				
<b>Items discussed:</b>	Council Agenda items - Council Meeting 23 August 2022				

CONFLICT OF INTEREST DISCLOSURES	
<b>Were there any conflict-of-interest disclosures by Councillors?</b>	No

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS			
<b>Meeting Name:</b>	Heritage Advisory Committee (HAC)		
<b>Date:</b>	Wednesday, 31 August 2022	<b>Time Opened:</b>	6:00pm
		<b>Time Closed:</b>	8:00pm
<b>Location:</b>	Online via Zoom		
<b>Councillors Present:</b>	Cr Deidre Diamante		
<b>Officers Present:</b>	Frank Vassilacos, Matthew Lynch		
<b>Apologies:</b>	Fiona Troise		
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Presentation – Reconciliation Action Plan (RAP)</li> <li>2. Report from Council’s Heritage Advisor</li> <li>3. Historical Societies Working Group proposal</li> <li>4. The concreting and ‘formalisation’ of Warrandyte</li> <li>5. The exchange of ideas to assist in the ongoing management and enhancement of heritage in Manningham</li> </ol>		

CONFLICT OF INTEREST DISCLOSURES	
<b>Were there any conflict of interest disclosures by Councillors?</b>	No

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Councillor Strategic Planning Day				
<b>Date:</b>	Saturday, 3 September 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>10:00am</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>4:00pm</td> </tr> </table>	<b>Time Opened:</b>	10:00am	<b>Time Closed:</b>	4:00pm
<b>Time Opened:</b>	10:00am				
<b>Time Closed:</b>	4:00pm				
<b>Location:</b>	Victory Room, Warrandyte Community Centre				
<b>Councillors Present:</b>	<ul style="list-style-type: none"> <li>• Cr Kleinert (Mayor)</li> <li>• Cr Diamante (Deputy Mayor)</li> <li>• Cr Chen</li> <li>• Cr Conlon</li> <li>• Cr Gough</li> <li>• Cr Lange</li> <li>• Cr Lightbody</li> <li>• Cr L Mayne</li> <li>• Cr S Mayne</li> </ul>				
<b>Officers Present:</b>	Andrew Day, Jon Gorst, Andrew McMaster, Kerryn Paterson, Rachelle Quattrocchi, Lee Robson, Niall Sheehy and Krishen Soobrayen				
<b>Apologies:</b>	Nil				
<b>Items discussed:</b>	Defining Council key priorities for the Council term and beyond.				

CONFLICT OF INTEREST DISCLOSURES	
<b>Were there any conflict-of-interest disclosures by Councillors?</b>	No

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	External Briefing to Councillors – Affordable Housing				
<b>Date:</b>	Monday, 5 September 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6:00pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>7:00pm</td> </tr> </table>	<b>Time Opened:</b>	6:00pm	<b>Time Closed:</b>	7:00pm
<b>Time Opened:</b>	6:00pm				
<b>Time Closed:</b>	7:00pm				
<b>Location:</b>	Council Chambers				
<b>Councillors Present:</b>	Cr Michelle Kleinert (Mayor), Cr L Mayne, Cr Chen, Cr Conlon, Cr S Mayne, Cr Gough, Cr Conlon, Cr Diamante, Cr Lange				
<b>Officers Present:</b>	Andrew Day, Lee Robson, Frank Vassilacos, Gabrielle O’Halloran, Lydia Winstanley, Vanessa Bove, Catherine Simcox.				
<b>Apologies:</b>	Cr Lightbody				
<b>Items discussed:</b>	This briefing serves as the foundation for Councillors to consider the draft Affordable Housing policy that is currently being prepared by officers.				

CONFLICT OF INTEREST DISCLOSURES	
<b>Were there any conflict of interest disclosures by Councillors?</b>	No

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	CEO and Councillor Only Time				
<b>Date:</b>	Tuesday, 6 September 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>5:30pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>6:00pm</td> </tr> </table>	<b>Time Opened:</b>	5:30pm	<b>Time Closed:</b>	6:00pm
<b>Time Opened:</b>	5:30pm				
<b>Time Closed:</b>	6:00pm				
<b>Location:</b>	Koonung Room				
<b>Councillors Present:</b>	<ul style="list-style-type: none"> <li>• Cr Kleinert (Mayor)</li> <li>• Cr Diamante (Deputy Mayor)</li> <li>• Cr Chen</li> <li>• Cr Conlon</li> <li>• Cr Gough</li> <li>• Cr Lange</li> <li>• Cr Lightbody</li> <li>• Cr L Mayne</li> <li>• Cr S Mayne</li> </ul>				
<b>Officers Present:</b>	Andrew Day - CEO				
<b>Apologies:</b>	Nil				
<b>Items discussed:</b>	<ul style="list-style-type: none"> <li>• MAV Gala Dinner</li> <li>• Sportspersons recognition</li> <li>• Planning for a Safe Climate – Advocacy Letters</li> <li>• ALGWA VIC Conference</li> <li>• Suburban Rail Loop (SRL)</li> <li>• Sport and Recreation</li> <li>• Mayoral Ball</li> </ul>				

## CONFLICT OF INTEREST DISCLOSURES

Were there any conflict-of-interest disclosures by Councillors? No

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Strategic Briefing Session				
<b>Date:</b>	Tuesday, 6 September 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6:30pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>9:34pm</td> </tr> </table>	<b>Time Opened:</b>	6:30pm	<b>Time Closed:</b>	9:34pm
<b>Time Opened:</b>	6:30pm				
<b>Time Closed:</b>	9:34pm				
<b>Location:</b>	Council Chambers				
<b>Councillors Present:</b>	Cr Michelle Kleinert (Mayor), Cr Deirdre Diamante (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Carli Lange, Cr Tomas Lightbody and Cr Stephen Mayne, Cr Laura Mayne, Cr Geoff Gough				
<b>Officers Present:</b>	<p><b>Executive Officers Present</b></p> <p>Andrew Day, Chief Executive Officer            Rachelle Quattrocchi, Director City Services            Kerryn Paterson, Director Experience and Capability            Lee Robson, Acting Director City Planning and Community            Andrew McMaster, Chief Legal and Governance Officer            Jon Gorst, Chief Financial Officer</p> <p><b>Other Officers in Attendance</b></p> <p>Carrie Bruce, Senior Governance Lead            Vicki Miller, Strategic Risk and Assurance Advisor            Michelle DePasquale, Leisure Facilities Officer            Molley Qi, Manager Procurement and Contracts            Helen Napier, Manager City Amenity            James Paterson, Manager City Infrastructure            Kurt Pitts, Coordinator Roads and Infrastructure</p>				
<b>Apologies:</b>	Nil				
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Audit and Risk Committee Chair's Biannual Report</li> <li>2. Facility Management and Leisure Services EOI Process (Confidential)</li> <li>3. Maintenance Responsibilities along Arterial Roads</li> <li>4. Draft Freedom of the City Policy</li> <li>5. 2021/22 Financial Report and Performance Statement: Approval in Principle</li> </ol>				
CONFLICT OF INTEREST DISCLOSURES					
<b>Were there any conflict of interest disclosures by Councillors?</b>	No				

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS	
<b>Meeting Name:</b>	Liveability, Innovation and Technology Committee meeting
<b>Date:</b>	Monday, 12 September 2022
	<b>Time Opened:</b> 6:30pm
	<b>Time Closed:</b> 8:30pm
<b>Location:</b>	Koonung Room
<b>Councillors Present:</b>	Cr Diamante, Cr Conlon
<b>Officers Present:</b>	Kerryn Paterson, Lee Robson, David Bellchambers, Michelle Zemancheff, Christine Gibbins, Jude Whelan
<b>Apologies:</b>	Cr Lightbody
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Review action items</li> <li>2. Co-working</li> <li>3. Community engagement and website</li> <li>4. Committee reflections of the past three years</li> </ol>

CONFLICT OF INTEREST DISCLOSURES	
<b>Were there any conflict of interest disclosures by Councillors?</b>	No

# Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020



MEETING DETAILS					
<b>Meeting Name:</b>	Strategic Briefing Session				
<b>Date:</b>	Tuesday, 13 September 2022				
	<table border="1"> <tr> <td><b>Time Opened:</b></td> <td>6:30pm</td> </tr> <tr> <td><b>Time Closed:</b></td> <td>9:34pm</td> </tr> </table>	<b>Time Opened:</b>	6:30pm	<b>Time Closed:</b>	9:34pm
<b>Time Opened:</b>	6:30pm				
<b>Time Closed:</b>	9:34pm				
<b>Location:</b>	Council Chambers				
<b>Councillors Present:</b>	Cr Michelle Kleinert (Mayor), Cr Deirdre Diamante (Deputy Mayor), Cr Anna Chen, Cr Carli Lange, Cr Tomas Lightbody and Cr Stephen Mayne, Cr Laura Mayne, Cr Geoff Gough				
<b>Officers Present:</b>	<p><b>Executive Officers Present</b>            Andrew Day, Chief Executive Officer            Rachelle Quattrocchi, Director City Services            Kerryn Paterson, Director Experience and Capability            Lee Robson, Acting Director City Planning and Community            Jon Gorst, Chief Financial Officer</p> <p><b>Other Officers in Attendance</b>            Kim Tran, Governance Officer            Michelle DePasquale, Leisure Facilities Officer            Molley Qi, Manager Procurement and Contracts            Zion Tiong, Senior Procurement and Compliance Specialist            Vanessa O'Toole, Manager People Experience            Sarah Gilhooly, Senior Organisation Development Consultant            Michelle Zemancheff, Group Manager Community Programs            Niall Sheehy, Group Manager Approvals and Compliance</p>				
<b>Apologies:</b>	Cr Andrew Conlon				
<b>Items discussed:</b>	<ol style="list-style-type: none"> <li>1. Facility Management and Leisure Services Tender - Specification of Service Overview (Confidential)</li> <li>2. People Experience - Culture Report</li> <li>3. Doncare COVID Recovery (Confidential)</li> <li>4. Draft Community Local Law 2023</li> <li>5. Community Legal Services in Manningham</li> <li>6. Library Future Directions (Confidential)</li> </ol>				
CONFLICT OF INTEREST DISCLOSURES					
<b>Were there any conflict of interest disclosures by Councillors?</b>	No				



**13.4 Documents for Sealing**

File Number: IN22/504  
Responsible Director: Chief Executive Officer  
Attachments: Nil

**EXECUTIVE SUMMARY**

*The following documents are submitted for signing and sealing by Council.*

**1. RECOMMENDATION**

**That the following documents be signed and sealed:**

**Community Services Lease  
Council and Twin Hills Pre School Inc.  
39-41 Mayfair Avenue, Templestowe Lower**

**Consent to Build Over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and JC Wells  
5 Toronto Avenue, Doncaster**

**2. BACKGROUND**

The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the recommendation section of this report.

**3. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

## 14 NOTICES OF MOTION

### 14.1 Notice of Motion by Cr Stephen Mayne (NOM No. 5/2022)

File Number: IN22/592

Attachments: Nil

#### **MOTION**

**That Council authorises management to proceed with the proposed Facility Management and Leisure Services Tender in October 2022 with the following conditions:**

- 1. Successful tenderers must commit to have no commercial ties with the gambling industry for the duration of the Manningham contract or, if they currently operate poker machine venues, must undertake to be fully divested from the gambling industry before the conclusion of the first 5 years of the contract in June 2028.**

**15 URGENT BUSINESS****16 COUNCILLOR REPORTS AND QUESTION TIME****17 CONFIDENTIAL REPORTS****17.1 Library Future Directions**

This report contains confidential information as defined in the *Local Government Act 2020*. The relevant grounds applying is S3(1)g(ii) of the Act concerning private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. Additionally section 3(1)(k) applies as this matter concerns the future management of library services and has industrial relations implications.