



# Alpine Shire

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**M10 – 2 October 2018**

**Bright Council Chambers**

**7:00pm**

The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **2 October 2018** and commenced at **7:00pm**.

**PRESENT**

**COUNCILLORS**

Cr Ron Janas – Mayor

Cr Sarah Nicholas – Deputy Mayor

Cr John Forsyth

Cr Kitty Knappstein

Cr Tony Keeble

Cr Daryl Pearce

Cr Peter Roper

**OFFICERS**

Ms Nathalie Cooke – Acting Chief Executive Officer

Mr William Jeremy – Director Assets

Ms Emma Woolaston – Acting Director Corporate

**APOLOGIES**

Mr Charlie Bird – Chief Executive Officer

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## **1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS**

*The Acting CEO read the following statement:*

All council meetings are filmed with both video and audio being recorded.

Video is focused on a specific area however audio from the entire room is captured.

By speaking during question time, or at any time during the meeting, you consent to your voice and any comments you make being recorded.

In common with all narrative during council meetings verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes.

The reasoning behind recording council meetings is of course to hold us more accountable and improve transparency of council's decision making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

## **2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE**

*The Acting CEO read the following statement:*

The Alpine Shire Council acknowledges the traditional owners of the land we are now on.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

## **3 CONFIRMATION OF MINUTES**

### **3.1 ORDINARY COUNCIL MEETING – M9 – 4 SEPTEMBER 2018**

*Cr Roper*

*Cr Pearce*

*That the minutes of Ordinary Council Meeting M9 held on 4 September 2018 as circulated be confirmed.*

*Carried*

## **4 APOLOGIES**

Mr Charlie Bird – Chief Executive Officer

## **5 OBITUARIES / CONGRATULATIONS**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.



## **6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## **7 PUBLIC QUESTIONS**

Questions on Notice will be limited to two questions per person.

Questions on Notice can be written or from the floor.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## **8 PRESENTATION OF REPORTS BY OFFICERS**

### **8.1 DIRECTOR ASSETS – WILLIAM JEREMY**

#### **8.1.1 Myrtleford Indoor Sports Stadium Expansion**

File Number: CT18047

##### **INTRODUCTION**

This report relates to the award of a contract for the construction of the Myrtleford Indoor Sports Stadium Expansion. The work includes the construction of a new multipurpose sports stadium including a timber sprung floor, accessible facilities, two ambulant toilets and a meeting room.

*Cr Keeble*

*Cr Forsyth*

*That Council awards Contract No. 1804701 for the Construction of Myrtleford Indoor Sports Stadium Expansion to Joss Construction for the Lump Sum price of \$2,207,573+GST.*

*Carried*

##### **BACKGROUND**

In February 2017, Council was awarded grant funding of \$1.3 million from the State Government's Better Indoor Stadiums fund for the expansion of the Myrtleford Indoor Sports Stadium. A further \$1.25 million has been committed by Council, with a \$50,000 contribution from the Myrtleford and District Basketball Association bringing the total project budget to \$2.6 million. The project is being delivered across two financial years, and scheduled to be completed by 30 June 2019.

In September 2017, a contract was awarded to K20 Architecture for architectural services. The detailed design and documentation was completed in July 2018, and the construction was subsequently tendered.

The Invitation to Tender was advertised in the Herald Sun and Border Mail, and on the tenders.net and Alpine Shire Council websites. Tenders opened on 23 July 2018 and closed on 22 August 2018. The Tender documents were downloaded by 20 prospective tenderers and five conforming tender submissions were received.

##### **EVALUATION**

The evaluation panel consisted of the Director Assets, Manager Asset Development and the Project Manager.

The Tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualification & Previous Performance
- Delivery

- Social

Following the initial assessment of offers, three of the tenders were shortlisted to take part in further evaluation. The tenderers were invited to clarify aspects of their tender and provide further detail on their proposed program including their ability to meet the required timeframes. Reference checks were carried out. Through this evaluation process it was determined that the tender from Joss Construction best met the selection criteria.

### **POLICY IMPLICATIONS**

The tender was advertised and evaluated in accordance with Council's Procurement Policy.

This recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The total project budget is \$2.6 million, comprising \$1.3 million of grant funding from Sport and Recreation Victoria, a contribution of \$50,000 from the Myrtleford and District Basketball Association, and the remaining \$1.25 million funded by Council.

There is sufficient allocation within the project budget to deliver the stadium construction works through award of this Contract.

### **CONSULTATION**

A detailed feasibility study was carried out in support of the grant funding application, through which the needs and aspirations of the current and proposed user groups were identified, the existing facilities were assessed, and the local demographic and current sporting trends were considered.

The concept design and cost estimate were developed in consultation with the existing user groups, the State sporting organisations, and Sport and Recreation Victoria.

Further consultation with user groups and other stakeholders continued through the design refinement and detail design development.

### **CONCLUSION**

Following a comprehensive tender assessment, the tender from Joss Construction was considered to present the best value for Council.

**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Asset Development
- Project Manager

**ATTACHMENT(S)**

- Nil

### 8.1.2 Lock Hardware Replacement

File Number: CT18025

#### INTRODUCTION

This report relates to the award of a contract for the replacement of the locks on Council's assets with locks keyed to a new master key design.

*Cr Forsyth*

*Cr Pearce*

*That Council awards Contract No. 1802501 for Lock Hardware Replacement to Alpine Locksmith Services based on the tendered schedule of rates.*

*Carried*

#### BACKGROUND

Council's master key system is now 20 years old and Council can no longer buy lock barrels or keys that work with our existing system. Lock hardware is now being replaced outside of the existing master key system, increasing operational challenges and reducing asset security.

An Invitation to Tender for the design of a new master key system, the replacement of lock hardware, and the ongoing servicing of locks and keys, was advertised on tenders.net and on Alpine Shire Council's website on 6 August 2018, and in the Herald Sun and Border Mail. Tenders closed on 3 September 2018. The Tender documents were downloaded by 10 prospective tenderers. Three conforming and one non-conforming tender submissions were received.

#### EVALUATION

The evaluation panel consisted of the Director Assets, Manager Asset Development, Manager Facilities, Depot Operations Officer and Project Manager.

The Tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Social

Following the initial assessment of offers, two of the tenders were shortlisted to take part in further evaluation. The tenderers were invited to clarify aspects of their tender, and detailed reference checking was carried out. Through this evaluation process it was determined that the tender from Alpine Locksmith Services best met the selection criteria.

## **ISSUES**

Awarding this contract will result in a long-term commitment to the appointed locksmith, as the locksmith who designs the system will own the security key blanks, and will only be able to issue lock barrels and keys which work in Council's new master key system. Legal advice has been sought in preparing the contract to ensure that Council's rights are protected in the event that the successful tenderer ceases to trade in the future.

Lock hardware replacement will be carried out in two stages, addressing the highest priority locks in 2018/19, and completing the remaining replacements in 2019/20.

## **POLICY IMPLICATIONS**

The tender was advertised and evaluated in accordance with Council's Procurement Policy. This recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Lock hardware replacement and ongoing servicing has been tendered on a schedule of rates. Based on a preliminary assessment of the number and types of locks currently installed across all of Council's assets and the tendered rates, the total estimated cost for replacing Council's lock hardware is \$85,000, of which \$25,000 is associated with high priority works to be delivered in 2018/19, and the remaining \$60,000 to be budgeted for delivery in 2019/20.

There has been no budget allocated in 2018/19 due to uncertainty associated with the scope of works. However it is a priority to undertake these works to reduce overall costs and security risks.

In recent years, the annual cost of servicing Council's locks has been approximately \$4,500 per year.

## **CONSULTATION**

Consultation has been carried out with the following organisations and people:

- Local locksmiths;
- Manufacturers of lock hardware;
- Benalla Rural City Council, Falls Creek Resort Management Board, Towong Shire Council, and City of Wodonga; and
- Council's operations and maintenance staff.

## **CONCLUSION**

Following a comprehensive tender assessment, the tender submission from Alpine Locksmith Services is deemed to present the best value for Council.

**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Asset Development
- Manager Facilities
- Depot Operations Officer
- Project Manager

**ATTACHMENT(S)**

- Nil

### 8.1.3 Wide Area Mowers

File Number: AS.0082.00

#### **INTRODUCTION**

This report relates to the award of a Contract for the supply and delivery of two wide area mowers.

*Cr Nicholas*

*Cr Keeble*

*That Council awards a Contract for the supply and delivery of two Toro 4000-D wide area mowers to AGPower Mowers for the lump sum price of \$163,454+GST.*

*Carried*

#### **BACKGROUND**

Council currently operates two wide area mowers which are used to maintain large open space areas including town entries. The machines average 800 hours usage per year, and both have logged approximately 2,650 hours.

Maintenance costs for the machines increased over the last season, and experience in neighbouring councils is that the risk of failure increases with continued use beyond this point, which can result in expensive repairs and impact on the availability of the machines through the mowing season. Replacement of both machines is recommended whilst the trade-in value is still good.

Quotes were sought from three separate manufacturers through the Local Government Procurement Service provided by MAV Procurement. Three conforming and one non-conforming quotes were received.

#### **EVALUATION**

The evaluation panel consisted of the Director Assets, Manager Asset Maintenance, Civil Works Coordinator and the Depot Operations Officer.

The quotes were evaluated according to the following key selection criteria:

- Cost
- Suitability
- Previous Performance
- Capacity to Deliver
- Social

Through this evaluation process it was determined that the quote received from AGPower Mowers based on the supply and delivery of the Toro 4000-D mower best met the selection criteria.



**ISSUES**

There is a significant difference in the stated fuel economy for machines supplied by different manufacturers. Over the lifecycle of the machine this results in a significant difference in both the cost and the environmental impact of operating different machines. The quote evaluation process has resulted in a recommendation to award to the supplier of machines which do not have the lowest purchase price of the quotes received, however which have the best fuel economy and result in the lowest overall cost to Council when considered over the life of the machine.

**POLICY IMPLICATIONS**

Quotes were sought and evaluated in accordance with Council's Procurement Policy. This recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Infrastructure and open space that our community is proud of.

**FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient budget to purchase the wide area mowers.

**CONSULTATION**

Input was sought from a number of different local councils to assist in the preparation of the specification, and subsequent evaluation of the quotes received.

**CONCLUSION**

Following a comprehensive assessment process, the quote from AGPower Mowers for the supply of two Toro 4000-D wide area mowers is deemed to present the best value for Council.

**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Asset Maintenance
- Civil Works Coordinator
- Depot Operations Officer

**ATTACHMENT(S)**

- Nil

### 8.1.4 Eurobin Flood Bypass

File Number: CT18048

#### INTRODUCTION

This report relates to the award of a contract for the construction of the Eurobin Flood Bypass.

*Cr Keeble*

*Cr Pearce*

*That Council awards Contract No. 1804801 for the Construction of Eurobin Flood Bypass Road to Stadelmann Enterprises for the lump sum price of \$257,382.32+GST.*

*Carried*

#### BACKGROUND

In August 2017, Council was awarded grant funding of \$182,000 under the Natural Disaster Resilience Grants Scheme for the upgrading of a section of the Murray to Mountains Rail Trail, to act as a flood bypass road for the Great Alpine Road at Eurobin. A further \$182,000 has been committed by Council bringing the total available funding to \$365,000.

The project will deliver a widened and strengthened section of the rail trail capable of carrying traffic off the Great Alpine Road during times of closure due to flooding. The upgrade removes the need for a lengthy road detour via Rosewhite, Coral Bank, and Tawonga.

Detailed design was completed in July 2018, and the construction was subsequently tendered. The invitation to tender was advertised in the Herald Sun and Border Mail, and on the tenders.net and Alpine Shire Council websites. Tenders opened on 13 August 2018 and closed on 3 September 2018. The Tender documents were downloaded by 18 prospective tenderers and three conforming tenders were received.

#### EVALUATION

The evaluation panel consisted of the Director Assets, Manager Asset Development and the Project Manager.

The Tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualification & Previous Performance
- Delivery
- Social

Each of the tenderers was invited to clarify aspects of their tender and provide further detail on their proposed program including their ability to meet the required timeframes. Through this evaluation process it was determined that the tender from Stadelmann Enterprises best met the selection criteria.

### **POLICY IMPLICATIONS**

The tender was advertised and evaluated in accordance with Council's Procurement Policy.

This recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The total project budget is \$365,000, comprising \$182,000 of Commonwealth and State Government funding via the Natural Disaster Resilience Grants Scheme, and the remaining \$182,000 funded by Council.

There is sufficient allocation within the project budget to deliver the construction works through award of this Contract.

### **CONSULTATION**

VicRoads and emergency services organisations were engaged during the scoping of this project and were strongly supportive of the application for funding. This engagement has continued through the detailed design, and the focus is now on finalising the procedures and associated responsibilities for the operation of the bypass.

Adjacent landowners have been engaged during the scoping and design of the project to discuss any potential impacts.

During construction, access and use of the rail trail will largely be maintained, however with some delays and interruptions, particularly in the later stages during sealing of the pavement. Traffic management will be implemented by the contractor during the works.

### **CONCLUSION**

Following a comprehensive tender evaluation assessment, the Tender from Stadelmann Enterprises is considered to present the best value option for Council.

**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the Local Government Act 1989, the following officers declare that they have no interests to disclose in providing this report:

- Director Assets
- Manager Asset Development
- Project Manager

**ATTACHMENT(S)**

- Nil

## **8.2 ACTING DIRECTOR CORPORATE – EMMA WOOLASTON**

### **8.2.1 Alpine Shire Council Annual Report 2017/18**

File Number: 900.01

#### **INTRODUCTION**

The purpose of this report is to present Council's 2017/18 Annual Report for consideration by Council.

*Cr Keeble*

*Cr Nicholas*

*That in accordance with section 134 (1) of the Local Government Act 1989, Council note the Alpine Shire Council 2017/18 Annual Report.*

*Carried*

#### **BACKGROUND**

Council's 2017/18 Annual Report (the "Report") has been prepared in accordance with requirements of the *Local Government Act 1989* and includes a report on the operations of the Council, an audited performance statement, and audited financial statements.

The Financial Statements and Performance Statement included in the report have been approved in principle by Council, audited, endorsed by Audit Committee, and certified by two Councillors authorised by Council. In addition the Report has been submitted to the Minister for Local Government by the legislated date of 30 September, and the final Report must now be considered by Council.

The Report includes the following sections:

- Performance Report
- Governance Report
- Grants and Funding
- Financial Report.

#### **PERFORMANCE REPORT**

This section of the Report provides an overview of progress of the strategic themes outlined in the 2017-2021 Council Plan. This is the first year of reporting against this Council Plan. Key achievements include:

##### **A high performing organisation**

- Council achieved an overall score of 62 in Community Satisfaction Survey 2018 which exceeded the average for Small Rural Councils of 56.
- Council continued to advocate on behalf of the community to all levels of government. A key advocacy outcome in 2017/18 was securing funding for the

Mount Buffalo Business Case Assessment and Activation Project and establishment of the Mount Buffalo Task Force.

### **A responsible and sustainable organisation**

- Council reviewed the Dinner Plain Special Rate and its application is now aligned to the rest of the Shire, in that going forward only commercial properties will be charged the Special Rate of 43%, which aligns to the Commercial Differential Rate. This means a significant saving for Dinner Plain residential ratepayers who have paid the Special Rate in prior years.
- A number of financial functions were migrated to new software providing efficiency, accuracy and compliance benefits.
- Savings of \$0.1m were made through renegotiation of technology arrangements across Council's mobile plans and printer fleet.

### **Incredible places for our community and visitors**

- Council delivered 99% of its budgeted capital works expenditure of \$8.35m. Key deliverables included:
  - Alpine Better Places - Mafeking Square Precinct, Bright
  - Alpine Better Places - Porepunkah
  - Alpine Better Places - Myrtleford Stage 1 - Standish Street roundabout
  - Significant progress on the Alpine Events Park with completion scheduled for 2018/19

### **Infrastructure and open space that our community is proud of**

- Council's 2017/18 Reseals Program delivered significant improvements to roads in the Kiewa Valley.
- Council operated a community relief centre in Myrtleford following more than 100mm rainfall in one day in early December 2017. Council's outdoor crew promptly responded to drainage issues and tree removals following this event.
- An Asset Management software system was procured to improve Council's management, valuation and renewal of its assets.

### **Highly utilised and well managed community facilities**

- Kerbside collection services were reviewed and new contracts put in place. Landfill operations at Myrtleford ceased with all landfill waste now diverted out of the Shire.
- Council secured grant funding of \$467,000 for the upgrade of the Myrtleford Library, providing the opportunity to present a modern and welcoming space that better meets the needs of library user groups.

**A well planned and safe community**

- Council undertook extensive planning and building compliance checks resulting in a number of warning letters, enforcement orders and prosecutions in the most serious cases.
- Council adopted a Domestic Animal Management Plan with implementation planned to commence in 2018/19. Council continues to liaise with the RSPCA in relation to implementation initiatives.
- Council reunited sixty pets with their owners and rehomed twenty unregistered pets that were not claimed from Council's pound.

**A thriving and connected community**

- Council's community grants program assisted 25 projects to be delivered by community groups across the Shire. The Community Development team also delivered a number of initiatives including the Youth Awards, Children's Week events, the Youth Art Paste-Up project, and the Myrtleford Senior Citizen Centre activation project.
- Council's event funding program assisted 124 events to be delivered across the Shire with an estimated economic impact of \$42m.
- Twelve new tourism videos were produced and launched with strong online engagement. A short video of a local trail running identity gained 85,000 views on YouTube. Facebook followers increased by 16% to over 18,000 and Instagram followers increased by 41% to nearly 9,000.

**GOVERNANCE REPORT**

This section of the Report contains required statutory information including:

- Council's role and administrative details;
- How Council obtains best value for ratepayers;
- Council documents available for public inspection;
- Council's compliance to relevant Acts;
- An overview of Council's local laws.

**GRANTS AND FUNDING**

This section of the Report provides an overview of Grants awarded by Council through its community grants and tourism festival and events funding programs, including festival and events funding for Dinner Plain.

**FINANCIAL REPORT**

This section of the Report contains the audited Financial and Standard Statements, Audit Certificate, Performance Statement and Independent Auditor's Report.

## **Council's Financial Performance**

Council ended the 2017/18 year with a surplus of \$7.1m, which was \$4.4m in excess of the \$2.7m surplus projected in the 2017/18 Annual Budget (the "Budget").

### **1. Income**

The favourable surplus is largely attributed to Council receiving more income than expected in 2017/18. Altogether Council received \$31.5m in income which was \$4.7m favourable to the Budget projection of \$26.8m. This income can be broken down into the following categories:

#### *1.1 Additional rates and charges*

Council received total rates and charges of \$17.8m which was \$0.3m favourable to Budget due to unbudgeted supplementary development in the Alpine Shire.

#### *1.2 Additional grant income*

Council received total grant income (both operating and capital) of \$9.0m which was \$2.8m favourable to Budget. Major contributors to the favourable result included:

- Early receipt of half of the 2018/19 Victorian Grants Commission grant, being an unbudgeted payment of \$1.9m;
- A Roads to Recovery grant that was \$0.6m higher than expected;
- Unbudgeted grants, including:
  - \$0.5m for Alpine Better Places Myrtle Street;
  - \$0.5m for the upgrade of the Myrtleford Library;
  - \$0.2m for the Mount Buffalo Business Case Assessment and Activation;
  - \$0.1m for the Eurobin Flood Bypass.

These gains were partially offset by grants which had been budgeted for 2017/18 but which were received in late 2016/17, which included:

- \$0.2m for the Alpine Better Places Mafeking Square project;
- \$0.2m for the Mount Beauty Pool Upgrade.

In addition, \$0.4m of grants expected for the Alpine Events Park project were delayed from 2017/18 to 2018/19.

#### *1.2 User fees*

Council received \$1.6m in user fees which was \$0.6m favourable to Budget, primarily due to higher than expected user fees for Myrtleford Holiday Park as Council planned to lease the park earlier in the year, and this plan was delayed.

#### *1.3 Statutory fees and fines*

Council received \$0.7m in statutory fees and fines which was \$0.2m favourable to Budget, due to higher than anticipated property development activity resulting in an increase in statutory planning fees.



#### *1.4 Contributions non-monetary*

Council received \$0.6m in non-monetary contributions which was \$0.4m favourable to Budget due to higher than expected development activity in the Alpine Shire.

#### *1.5 Other Income*

Other Income was \$1.2m which was \$0.4m favourable to Budget due to increases in valuations of investment properties, including the Myrtleford Holiday Park and the Bright Holiday Park.

### **2. Expenses**

Overall expenses were \$24.4m which was \$0.3m higher than Budget. This was primarily due asset revaluations resulting in asset write-offs of \$0.4m and a net loss on disposal of property, infrastructure, plant and equipment of \$0.8m. These expenses were partially offset by savings in employee costs and materials and services. In further detail:

#### *2.1 Assets written-off / impaired*

\$0.4m in assets were written-off / impaired compared to a Budget projecting nil write-offs / impairments. This was due to a revaluation of properties held for sale, including Lyndhurst and assets expected to be sold as part of the lease of the Myrtleford Holiday Park.

#### *2.2 Employee Costs*

Employee costs were lower than budgeted by \$0.6m due to the ongoing impact of vacant positions, the majority of which are now filled.

#### *2.3 Materials and services*

Materials and services were \$0.2m less than budgeted. Significant areas which were favourable to budget included:

- Lower than expected asset maintenance costs (\$0.2m lower than the budget of \$2.7m);
- Carry forwards of selected planning projects due to vacancies (\$0.2m);
- Negotiated savings in the technology budget (\$0.1m).

These were partially offset by:

- Spend on contractors to support workforce vacancies (\$0.2m);
- Higher than expected operating costs for the Myrtleford Holiday Park due to a delay in plans to lease the park (\$0.2m).

#### *2.4 Depreciation*

Depreciation was \$4.6m which was \$0.3m higher than expected primarily due to a revaluation adjustment error in the Budget.

## *2.5 Landfill rehabilitation expense*

An adjustment was made to future landfill rehabilitation assumptions regarding the future impacts of inflation, resulting in an outcome \$0.2m favourable to Budget.

## *2.6 Net loss on disposal of property, infrastructure, plant and equipment*

Council made an overall loss of \$0.8m which was \$0.7m higher than Budget, primarily due to a review of recreation assets leading to selected assets being reclassified as non-capital expenses.

## **Performance Statement**

The Performance Statement provides an overview of Council progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis for these indicators to enable a uniform Performance Statement across all Victorian councils.

The majority of indicators were consistent with last year with only minor movements.

Satisfaction with Council Decisions and Satisfaction with Sealed Local Roads both increased from 57 to 60, reflecting an overall positive result for Council across Community Satisfaction Survey results.

There was a reduction in follow-ups on critical and major non-compliance notifications in relation to Food Safety, from 45% to 33%. This was due to a vacancy within Council's Environmental Health unit which is now filled.

Generally the financial indicators show that Council is financially sustainable and that services are being delivered within expected parameters.

Council's Working Capital Ratio increased from 285% to 423% due to receiving income in excess of Budget by \$4.7m. This Working Capital Ratio is expected to reduce over the course of FY18/19, particularly in the light of this year's substantial major capital works program totalling \$11.3m.

Workforce turnover reduced from 31% in 2017 to 7% in 2018. The 2017 result was abnormally high due to Council's Home and Community Care service being recommissioned to another provider with the majority of staff transitioned on 1 July 2016.

## **ISSUES**

The surplus indicated in the Report has increased from \$6.6m to \$7.1m since the Financial Statements were approved in principle by Council. This was because the auditors found that the impact of some asset revaluations needed to be redistributed from Assets Written-Off / Impaired to other line items in the Comprehensive Income Statement, including Net Loss on Disposal of Property, Infrastructure, Plant and Equipment, and the Net Asset Revaluation Decrement / Increment. It is noted that the latter line item does not contribute to the surplus.

In addition, detailed reconciliation of asset revaluations during the audit process revealed that selected open spaces assets had been missed from the revaluation

process. As such the revaluation for open spaces has been removed from the Financial Statements and will be postponed until the FY18/19 Annual Report.

Finally, auditor feedback on improvements to the Performance Indicators was incorporated. This included advice to incorporate term deposits in unrestricted cash, which reduced the unrestricted cash ratio (unrestricted cash compared to current liabilities) from 334% to 1%. In addition some adjustments to Council's Capital Improved Value for the purpose of calculating rates were incorporated; increasing rates effort (rate revenue compared to property values) from 0.5% to 0.6%, consistent with prior years.

### **POLICY IMPLICATIONS**

Council has prepared its 2017/18 Annual Report in line with the requirements of the *Local Government Act 1989*.

### **CONSULTATION**

The Report will be made available on Council's website on Tuesday 2 October 2018. Printed hard copies will also be available at the following customer service locations:

- Alpine Shire Council, Great Alpine Road, Bright;
- Mount Beauty Library, Lakeside Avenue, Mount Beauty; and
- Myrtleford Library, Standish Street, Myrtleford.

### **CONCLUSION**

The 2017/18 Annual Report shows that Council is financially sustainable and that Council services are being delivered within expected parameters.

Council ended the 2017/18 year with a surplus of \$7.1 million, which is in excess of that predicted in the 2017/18 Annual Budget. The favourable surplus is largely attributed to Council receiving additional income in 2017/18 of \$4.7m.

### **DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Accountant
- Governance Officer

### **ATTACHMENT(S)**

- 8.2.1 Alpine Shire Council 2017/18 Annual Report

## **8.2.2 Audit Committee Meeting No. 2018/19-2, 12 September 2018**

File Number: 0900.06

### **INTRODUCTION**

The purpose of this report is to present the minutes and recommendations of the Audit Committee meeting held on 12 September 2018.

Key items presented to and considered by the Committee at this meeting included:

- 2017/18 Annual Financial Statements (Draft);
- 2017/18 Annual Performance Statement (Draft);
- Internal Audit Plan; and
- Health and Safety Report.

*Cr Nicholas*

*Cr Knappstein*

*That Council:*

- 1. Receive and note the minutes of the 12 September 2018 Audit Committee Meeting No.2018/19-2; and*
- 2. Adopt the confidential 2017/18 Quarter 4 Health and Safety Report.*

*Carried*

### **BACKGROUND**

Council must establish an Audit Committee under section 139 of the *Local Government Act 1989*. The Committee's charter requires it to report to Council its activities, issues and related recommendations. This report relates to Audit Committee Meeting No. 2018/19-2 held on 12 September 2018.

### **ISSUES**

#### **External Auditor**

The Audit Committee held a teleconference with Kathie Teasdale, Audit Partner, Richmond Sinnott Delahunty Pty Ltd to discuss the 2017/18 year-end financial audit results, the performance statement and closing report. In addition the Committee and the Auditor discussed matters relating to audit findings including kerbside waste collection, infrastructure valuations, IT general controls and the long service leave accounting model.

#### **2017/2018 Annual Financial Statements and Performance Statement**

Each year Council is required to prepare an Annual Financial Report containing financial statements that are audited according to Australian Accounting Standards.

The financial statements show Council's financial performance, financial position, and cash flows against the previous year and comprise a balance sheet and statements of income, changes in equity, cash flows and capital works.

The annual performance statement is a specific requirement of section 131 of the *Local Government Act 1989*, and is generated from indicators and measures from the Local Government Performance Reporting Framework. It consists of six sustainable capacity indicators, 12 service performance indicators, and 12 financial performance indicators – all of which are subject to audit.

The Committee noted and endorsed in principle the draft 2017/18 annual financial statement and performance statement.

### **Internal Audit Plan 2018/19 - 2020/21**

Development of an annual and longer term Internal Audit Plan is identified in Council's governance action sheet and the Committees Charter. The Internal Audit Plan responds to Council's identified risks and includes audit activities designed to improve Council's performance. The plan projects audits over the three year period 2018/19 to 2020/21. The Committee endorsed the Internal Audit Plan.

### **2017/18 Quarter 4 Health and Safety Report (Confidential)**

The Committee reviewed the confidential 2017/18 Quarter 4 Health and Safety Report. The 2017/18 Quarter 4 Health and Safety Report highlights that employee hazard, incident, injury and near-miss reporting was down on the first three quarters of the year; neither of the two injuries during the quarter progressed to a WorkCover claim; and a broad range of mandatory and discretionary health and safety training was undertaken during the quarter.

The Committee endorsed the 2017/18 Quarter 4 Health and Safety Report for Council adoption.

### **POLICY IMPLICATIONS**

Council complies with the following sections of the *Local Government Act 1989*.

Section 136:	Requires Council to implement the principles of sound financial management.
Section 139:	Requires Council to have an Audit Committee and act within the guidelines made by the Minister for Audit Committees.

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- A responsible and sustainable organisation.

**CONCLUSION**

The Audit Committee, being satisfied with the detail provided in its agenda and the officer reports, recommends Council adopt the detailed resolutions.

**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Health, Safety and Risk Officer

**ATTACHMENT(S)**

- 8.2.2 (a) Audit Committee Meeting No. 2018/19-2 Minutes, 12 September 2018
- 8.2.2(b) 2017/2018 Quarter 4 Health and Safety Report (CONFIDENTIAL)

## 9 ASSEMBLY OF COUNCILLORS

### INTRODUCTION

Section 80A of the *Local Government Act 1989* requires a written record of Assemblies of Councillors to be reported at an ordinary meeting of the Council and to be incorporated in the minutes of the Council meeting.

*Cr Keeble*

*Cr Pearce*

*That the summary of the Assemblies of Councillor for August / September 2018 be received.*

*Carried*

### BACKGROUND

The written records of the assemblies held during the previous month are summarised below. Detailed assembly records can be found in Attachment 9.0 to this report.

Date	Meeting
28 August	Briefing Session
4 September	Briefing Session
18 September	Briefing Session

### ATTACHMENT(S)

- 9.0 Assemblies of Councillors – August / September 2018

## **10 GENERAL BUSINESS**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to general business.

## **11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

Nil.

## **12 RECEPTION AND READING OF PETITIONS**

Nil.



### 13 DOCUMENTS FOR SEALING

*Cr Pearce*

*Cr Forsyth*

*That the following documents be signed and sealed.*

- 1. Contract No 1801901 awarded to JH Building and Renovation for the Bright Office Renewal Stage 2.*
- 2. Section 173 Agreement – Goulburn-Murray Rural Water Corporation and Dean James Sheppard. Lot 8 on Plan of Subdivision 534237 Volume 11466 Folio 473 Condition 11 of Planning Permit 2018.53.1 for construction of a dwelling at 10 Camping Park Road, Harrietville.*

*The Agreement restricts the number of bedrooms and provides for wastewater requirements.*

*Carried*

There being no further business the Chairperson declared the meeting closed at 7.40p.m

.....  
Chairperson

# **Community Local Law 2019**

## CONTENTS

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## PART 1 – INTRODUCTION

### Local Law

1.1 This Local Law is titled Community Local Law 2019.

### Objectives

- 1.2 The objectives of this Local Law are to:
- (a) provide for the peace, order and good government of the municipal district;
  - (b) protect, maintain and enhance the natural environment of the municipal district;
  - (c) ensure the protection of Council assets and the sustainable use of resources;
  - (d) protect the health and safety of persons within the municipal district;
  - (e) regulate the management of animals on land and in municipal places; and
  - (f) provide uniform and fair administration of this Local Law.

### Power to make this Local Law

1.3 This Local Law is made under section 111 of the Act and section 42 of the *Domestic Animals Act 1994*.

### Commencement and Revocation

- 1.4.1 This Local Law:
- (a) commences on [INSERT DATE] and
  - (b) unless it is revoked sooner, will cease to operate on [INSERT DATE].
- 1.4.2 From the date of commencement of this Local Law, the following Local Laws are repealed
- (a) Local Law No. 2 Municipal Places (2012);
  - (b) Dinner Plain Local Law No 3;
  - (c) Livestock Local Law No. 4;
  - (d) Amenity Local Law No. 5;
  - (e) Streets & Roads Local Law No. 6; and
  - (f) Murray to the Mountains Rail Trail Local Law No. 7.

### Application

- 1.5.1 This Local Law operates throughout the municipal district.
- 1.5.2 This Local Law does not apply where any act or thing regulated by it is authorised by any Act, other subordinate legislation or the Planning Scheme.

### Incorporated Documents

- 1.6.1 Schedule 1 of this Local Law incorporates, by reference, documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- 1.6.2 Where an incorporated document is applied to a use or activity a person must comply with the requirements specified for that use or activity.

## Other legislation

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

## Definitions

- 1.8 In this Local Law, unless inconsistent with the context:

**Act** means the *Local Government Act 1989*;

**advertising sign** means a placard, board, sign, card or banner, on any, fence, structure or pole whether portable or attached to any land, building or vehicle which -

- (a) provides information about a business, industry or organisation;
- (b) advertises goods, services, an event or a competition; or
- (c) contains offensive or inappropriate content as determined by an Authorised Officer;

**Authorised Officer** means a person appointed by Council under sections 224 or 224A of the Act;

**bond** means a sum of money, or another means of security acceptable to Council, the amount of which has been determined by Council, after taking account of -

- (a) the nature of the building work;
- (b) likely costs that would be incurred for repairs to Council infrastructure assets;
- (c) if damage does occur to them, during or as a result of the building work;
- (d) requirements which are commonly applied in comparable situations; and
- (e) any relevant Act, regulation or government policy directives;

**building work** means work for which a building permit is required to be issued under the *Building Act 1993*;

**built-up area** means an area in which there is urban development or in which street lighting is provided on roads;

**camping** means using a caravan, tent, motor vehicle or like structure for residential accommodation (either temporary or permanent) of a person and 'camp' has the corresponding meaning;

**caravan** includes a mobile home and moveable dwelling;

**Council** means Alpine Shire Council;

**Council asset** means any road, drain, drainage infrastructure, street, tree, street sign or other property vested in or under the control of the Council;

**Council building** means Council's municipal offices and buildings;

**Council land** 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;

**Domestic birds** includes canaries, finches, budgerigars, parrots and other similar sized birds;

**farm animals** includes horses, cattle, sheep, donkeys, mules, goats, pigs and deer or similar of any age;

**goods** includes but is not limited to produce, articles, items, tables, chairs, advertising signs, planter boxes, umbrellas and anything similar;

**incinerator** means an outside structure, device or equipment that is not a barbeque and which is designed, adapted, used or capable of being used for the burning of materials or substances;

**incorporated documents** means the list of documents applying to this Local Law as listed in Schedule 1;

**land** means any land in separate ownership or occupation and includes a shop, dwelling or a factory or part thereof as may be separately owned or occupied;

**liquor** means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius;

**Local Law** means Council's Community Local Law 2019;

**mobile recyclable bin** means a wheeled receptacle supplied by Council for the purpose of collecting recyclable material having a capacity no greater than 360 litres;

**mobile waste bin** means a wheeled receptacle supplied by Council for the purpose of collecting household, commercial or industrial waste having a capacity no greater than 360 litres

**municipal district** means the municipal district of Council;

**municipal place** means any land and/or building, reserve, river, creek, lake or body of water, which is owned, occupied or under the control of Council, but excludes roads;

**municipal waste facility** means a waste transfer facility operated by Council.

**noxious weed** has the meaning ascribed to it by section 3 of the *Catchment and Land Protection Act 1994*;

**nuisance** includes any behaviour or condition which is or is liable to be dangerous to health or is noxious, annoying or injurious to personal comfort;

**occupier** includes a resident, and in relation to land which has a lot entitlement or lot liability in respect of common property the Owners Corporation created upon the registration of a Plan of Subdivision affecting that land;

**penalty unit** means \$100;

**permit** means a permit, authorised or required under this Local Law;

**person** includes a corporation;

**person in charge** means:

- (a) a person in charge of a building site or land where building works are to be carried out;

- (b) a person who causes building works to be carried out;
- (c) the owner of the building site and in the case of a company, each director of the company; or
- (d) the person in charge of an animal or bird.

**planning scheme** means the Alpine Shire Planning Scheme;

**poultry** includes chickens, ducks, geese, peacocks, pheasants, turkeys and guinea fowl;

**recreational vehicle** means a wheeled device, propelled by an electric motor or motors and ordinarily used for recreation or play;

**redundant vehicle crossing** means a vehicle crossing no longer required for vehicular access to land, or vehicle crossing not approved by Council;

**residential area** means land zoned as residential or predominantly residential under the planning scheme;

**road** has the meaning ascribed to it by section 3 of the Act and includes every part of a road;

**Roadside trading** means selling or offering for sale or hire goods or services from a temporary location, vehicle or horse drawn vehicle;

**Scaregun** means a gas or scatter gun which produces an explosive noise by the ignition of gas or air or similar and is designed to deter birds from attacking crops, but does not include a firearm or any other bird scaring device;

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

**sell** includes -

- (a) sell by means of any machine or mechanical device;
- (b) barter or exchange;
- (c) agree to sell;
- (d) offer or expose for sale;
- (e) keep or have in possession for sale; and
- (f) directing, causing or attempting any such acts or things;

**unsightly** includes land which contains -

- (a) unconstrained rubbish such as paper, cardboard, plastic bags, styrene, house hold rubbish, second hand containers, pallets;
- (b) second hand timber or second hand building material;
- (c) discarded, rejected, surplus or abandoned solid or liquid materials;
- (d) graffiti;
- (e) machinery or machinery parts stored on the land for more than 2 months;
- (f) unregistered, unroadworthy, dissembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar stored on the land for more than 2 months;
- (g) anything being built which is left incomplete and is considered to be detrimental to the appearance of the surrounding area;
- (h) any other thing making the land visually repugnant; or
- (i) detrimental to the general amenity to the area;  
but excludes an enclosed building or structure on the land which complies with regulations made under the *Building Act 1993* or the *Planning and Environment Act 1987*.

**vegetation** includes any vegetation whether alive or dead, standing or not standing,

**vehicle** has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2017*;

**vehicle crossing** means a Council approved constructed surface between the property boundary and roadway required for vehicular access to land;

**vermin** includes rodents and insects likely, or with the potential, to cause a nuisance;

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## PART 2 - MUNICIPAL PLACES

### Behaviour in municipal places

- 2.1 A person must not, in a municipal place:
- (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 of the municipal place;
  - (c) act in a manner which endangers any person or animal;
  - (d) damage, destroy or interfere with anything located within a municipal place;
  - (e) carry firearms unless specifically authorised to do so;
  - (g) use any lifesaving or fire-fighting device unless during an emergency or with the approval of an authorised officer; or
  - (h) act contrary to any conditions of use which apply to the municipal place.

### Consumption of liquor in municipal places

- 2.2 A person must not, without a permit or unless the land has been designated for that purpose, in a municipal place;
- (a) dispense or consume liquor; or
  - (b) have in their possession an open receptacle that contains liquor.

## PART 3 – AMENITY, PUBLIC HEALTH & SAFETY

### Condition of land

- 3.1.1 An owner or occupier of land must not cause or allow the land to be:
- (a) unsightly;
  - (b) kept in a manner which is dangerous or likely to cause danger to life or property; or
  - (c) a haven for vermin, noxious weeds, insects or excessive vegetation growth.
- 3.1.2 An authorised officer may, by serving a notice to comply, direct an owner or occupier of land to:
- (a) carry out any necessary clean-up works on that land; and/or
  - (b) temporarily fence that land in a manner directed by the authorised officer so as to:
    - (a) conceal an unsightly condition of the land; or
    - (b) prevent persons from accessing the land if in the reasonable opinion of the authorised officer, the condition of the land constitutes a danger to any person who may enter the land.

### Fires in the open air or in an incinerator

- 3.2.1 A person must not light a fire in the open air or in an incinerator on land within a residential area unless;
- (a) the fire is lit between 10am and 3pm;
  - (b) the day has not been declared a day of total fire ban by the relevant authority; and
  - (c) the fire consists only of dry tree limbs and prunings, but not fallen leaves, lawn clippings and hulls, burrs and casings from nut trees.
- 3.2.2 For the purposes of clause 3.2.1, a fire lit in the open air or in an incinerator must:
- (a) not occupy more than three cubic metres of space;
  - (b) not be lit within 3 metres of the allotment boundary;
  - (c) be supervised at all times by a person over the age of 16 years;
  - (d) have adequate means readily available for extinguishing the fire;
  - (e) not be within 3 metres of any flammable material except for growing vegetation not exceeding 10cm in height;
  - (f) not contain offensive materials;
  - (g) only contain one lit fire; and
  - (h) not be lit on a road.

*NOTE: For the purpose of clause 3.3.2, "offensive materials" includes any manufactured chemical, rubber or plastic, petroleum or oil, paint or receptacle, food waste and any other material as determined by the Council to be offensive.*

- 3.2.3 If an authorised officer is of the opinion that the fire is causing a nuisance to any person, he or she may direct the owner or occupier of the land, or the person supervising the fire, to extinguish the fire.

### Recreational vehicles

- 3.3 A person must not use a recreational vehicle;
- (a) in a municipal place, unless the land has been designated for that purpose; or
  - (b) on private land within a residential area.

## Snowmobiles

- 3.4 A person must not, without a permit, use a snowmobile in a municipal place.

## Camping

- 3.5.1 A person must not, without a permit, camp:
- (a) in a municipal place; or
  - (b) on any road managed by Council.
- 3.5.2 An owner or occupier of land must not, without a permit, allow camping to occur on that land for more than 28 days in total, over a 12 month period.

## Keeping animals

- 3.6.1 An owner or occupier of property within a residential area must not without a permit keep or allow to be kept any more in number for each kind of animal than as set out in the following table:

Type of animal	Permitted number of animals (over the age of 3 months)
Bees and beehives	1
Cats	2
Cockatoos	2
Dogs	2
Domestic birds	50
Domestic rabbits	10
Farm animals	0
Ferrets	3
Goats	0
Guinea pigs	10
Horses	0
Peacocks	2
Pigeons	50
Pigs	0
Poultry	10
Reptiles	0
Roosters	0

## Animal housing

- 3.7.1 The owner or occupier of any land on which animals are kept must provide housing which is adequate and appropriate in the circumstances, taking into consideration:
- (a) the type and number of animals to be kept;
  - (b) the capacity to maintain the housing in a sanitary and inoffensive condition;
  - (c) the capacity to protect neighbours from noise from animals on the land; and
  - (d) any other matters considered by Council to be relevant.
- 3.7.2 All animal housing must be maintained so that:
- (a) all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition;
  - (b) all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of an authorised officer;

- (c) the ground surrounding the housing is drained to the satisfaction of an authorised officer;
- (d) the area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin;
- (e) all food, grain or chaff is kept in vermin proof receptacles; and
- (f) it is kept in a clean and sanitary manner to the satisfaction of an authorised officer.

### **Removal of animal faeces**

3.8 A person in charge of an animal must:

- (a) remove any faeces deposited by that animal on any road, municipal place or land occupied by another person;
- (b) dispose of the animal's faeces in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment; and
- (c) carry a suitable device for the collection of excrement from that animal.

### **Objectionable noises**

3.9.1 An owner or occupier of land within the municipal district must ensure that all animals and birds kept on that land do not:

- (a) habitually make an objectionable noise at unreasonable times; or
- (b) cause a nuisance by the emission of sounds.

3.9.2 If an authorised officer is of the opinion that an animal or bird is causing a nuisance, he or she may serve a Notice to Comply directing the nuisance to be abated.

### **Wasp nests**

3.10 An owner or occupier of land who is aware that there is a European wasp nest on that land must cause it to be removed.

### **Wandering animals and birds**

3.11.1 The owner or person in charge of any animal or bird must:

- (a) not allow that animal or bird to wander from where it is normally kept; and
- (b) ensure that the land on which the animal or bird is kept is adequately fenced to prevent the animal or bird from being at large or escaping.

3.11.2 Subclause 3.11.1(a) does not apply to dogs and cats.

*NOTE: Sections 24 and 25 of the Domestic Animals Act 1994 provide that an owner of a dog or cat found at large will be guilty of an offence.*

### **Waste collection**

3.12 The occupier of land must comply with *Council's Waste Services Policy*, being a document incorporated into and forming part of this Local Law.

### **Restriction of use of public place bins**

3.13 A person must not use a public place bin to dispose of waste or recyclables generated from domestic, commercial or industrial premises.

### **Municipal waste facilities**

3.14.1 A person who uses the municipal waste facility must:

- (a) comply with any specified conditions;
- (b) comply with any directions given by an authorised officer;
- (c) comply with any signage erected; and
- (c) pay any applicable fees and charges.

3.14.2 Entry to the municipal waste facility may be refused in circumstances where a person fails to comply with the requirements of subclause 3.14.1.

### **Scavenging at municipal waste facilities**

3.15 A person must not remove material of any kind which has been deposited at the municipal waste facility, unless prior approval has been obtained from an authorised officer.

### **Drains on private land**

3.16 An owner and occupier of land must ensure that:

- (a) the land is adequately drained to the satisfaction of an authorised officer; and
- (b) any drain on the land is not kept in disrepair or in a condition which is a nuisance or dangerous to health.

### **Construction site details**

3.17 A person in charge of building work must ensure that emergency contact details of the person in charge are visibly displayed on the land.

### **Construction work**

3.18 A person in charge of building work must ensure that:

- (a) the construction works are contained within the land or within an area approved by an authorised officer;
- (b) the construction works do not cause detriment to the stormwater system or any Council asset;
- (c) any waste generated from the construction works are contained within the land or within an area approved by an authorised officer;
- (d) any waste generated from the construction works are stored in a manner that does not cause detriment to the visual amenity of the area in which the land is located;
- (e) any waste generated from the construction works is stored in an appropriate receptacle;
- (f) soil that is stripped from the land is stockpiled on the land for re-use or is transported to a legal place of disposal;
- (f) appropriate sediment and fencing barriers are in place to 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;

*Note: for the purposes of subclause 3.18, detriment to the stormwater system or Council asset occurs if:*

- *material, equipment, litter, waste, mud, silt, sand or another pollutant emanating enters or interferes with the stormwater system or Council asset; or*
- *there occurs any alteration to or interference with the stormwater system or Council asset.*

*In the event of Stormwater pollutants escaping, measures must be taken to protect the stormwater system or asset and to clean up, remove and legally dispose of any materials that have escaped the land.*

### **Scareguns**

3.19 A person must not use a scaregun within 1000m of a residential area.

### **Council owned airfields**

- 3.20 Unless arriving at the airfield by air and in accordance with Civil Aviation Safety Authority Regulations, a person must not, without a permit, use a Council owned airfield.

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## **PART 4 – STREETS & ROADS**

### **Vehicle crossings**

- 4.1.1 The owner of land must ensure that at each point of vehicular access from a carriageway on a road to the land there is a vehicle crossing that is constructed and maintained in accordance with any Council procedure or policy.
- 4.1.2 A person must not without a permit construct, install, remove or alter a vehicle crossing, whether temporarily or permanently
- 4.1.3 If an authorised officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise is in an unsatisfactory condition, the authorised officer may serve a Notice to Comply on the owner or occupier of the property.

### **Temporary vehicle crossings**

- 4.2.1 If it is likely that building works will involve vehicles leaving the carriageway or entering the property other than via properly constructed vehicle crossings, the person in charge of the building work must obtain a permit for the construction of a temporary vehicle crossing which protects the existing road including footpaths, nature strips, culverts, kerbing or other land or works forming part of the road.
- 4.2.2 The person in charge of the building work must repair any damage to the vehicle crossing to the satisfaction of an authorised officer.
- 4.2.3 If in the opinion of the authorised officer an existing driveway crossing, footpath, kerb or other part of the road may be damaged by the building work, the person in charge of building work must, when requested, pay a bond to the Council.

### **Redundant vehicle crossings**

- 4.3.1 Where works on a property involve the relocation or closure of a point of vehicular access, the owner and occupier of the land must ensure that any redundant part of a vehicle crossing is removed and the kerb, drain, footpaths, nature strip or other part of the road is reinstated to the satisfaction of an authorised officer.
- 4.3.2 An authorised officer may require the owner or occupier of a property to remove all or any part of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road.

### **Damage or interference with a municipal place**

- 4.4.1 A person must not permit any trees, plants or other matter to damage or interfere with a municipal place.
- 4.4.2 Where an authorised officer is of the opinion that trees, plants or any other matter are causing damage to or interfering with a municipal place, he or she may serve a Notice to comply to repair and reinstate the damage on the owner or occupier of the land.

### **Trees and plants**

- 4.5 A person must not allow any tree or plant in or growing on land owned or occupied by him or her to cause an obstruction to pedestrians or vehicular traffic.

**Signs and posts**

- 4.6 A person must not place a sign, post or other similar object in such a way that it causes an obstruction on Council land.

**Construction of garden beds on naturestrips**

- 4.7.1 A person must not, without a permit, construct a garden bed, plant a tree or carry out any works, on a nature strip.
- 4.7.2 Where an authorised officer is of the opinion that works have been undertaken to a naturestrip, he or she may serve a Notice to Comply to reinstate the naturestrip to the satisfaction of the authorised officer.

**Erecting or placing advertising signs**

- 4.8 A person must not, without a permit, erect or place an advertising sign, or authorise another person to erect or place an advertising sign;
- (a) on a road, including on a stationary vehicle on a road; or
  - (b) in a municipal place.

**Roadside trading**

- 4.9 A person must not, without a permit:
- (a) erect or place on a road or in a municipal place, a vehicle, caravan, trailer, table, chairs, stall or other similar structure for the purpose of selling or offering for sale any goods or services; or
  - (b) sell or offer to sell goods or services, including through the erection of signage, on a road or in a municipal place.

**Outdoor eating facilities on roads**

- 4.10.1 A person must not, without a permit, establish or continue to use an outdoor eating facility on any footpath or other part of a road.
- 4.10.2 A person must leave an outdoor eating facility when requested to do so by the permit holder or a member of the Police Force.
- 4.10.3 The holder of the Council permit in relation to an outdoor eating facility must move or remove the outdoor eating facility when requested to do so for reasons of public safety by an authorised officer or a member of the Police Force or an emergency service.

**Road occupation**

- 4.11.1 A person on a road under the control of the Council must not, without a permit:
- (a) occupy or fence off part of a road;
  - (b) erect a hoarding or overhead protective awning;
  - (c) use a mobile crane or travel tower for any building work;
  - (d) make a hole or excavation; or
  - (e) reinstate a hole or excavation.
- 4.11.2 The reinstatement of any part of the road damaged or affected by works of a type listed in sub-clause 4.11.1 must be carried out in accordance with any conditions contained in the permit.



**Busking and street entertainment**

- 4.12 A person must not, without a permit, busk or provide street entertainment on a road or in a municipal place.

**Repair of vehicles**

- 4.13 A person must not dismantle, paint, carry out maintenance on or repair a vehicle on a road or authorise another person to do so.

**Substances from vehicles**

- 4.14.1 A person must not permit any grease, oil, mud, clay or other substance to fall or run off a vehicle onto a road into any drain on or under the road or permit or authorise another person to do so.
- 4.14.2 A person in charge of a vehicle from which any substance has fallen or run off onto a road must take all reasonable steps to promptly remove the substance, make good any damage caused and remove any hazardous materials.
- 4.14.3 Where any damage or hazard remains, he or she must promptly notify the Council or member of the police force of the damage or hazard.

**Storage of materials and trailers**

- 4.15.1 A person must not, without a permit, store any materials or skip bins on a road.
- 4.15.2 A person must not, without a permit, store any trailers or vehicles on a road for a period exceeding 14 consecutive days.

**Firewood collection permits**

- 4.16 A person must not, without a permit, collect firewood from a road or municipal place.

**Snow clearing**

- 4.17 In areas subject to snowfall, the owner or occupier of an occupied premises, must keep any car parking space and access to the premises clear of snow so as to allow vehicular and pedestrian access.

## **PART 5 –LIVESTOCK**

### **Droving of livestock**

- 5.1 Without a permit a person must not move or drive any livestock in a public place unless the livestock are being –
- (a) moved in order to travel a reasonable distance within the municipality from one property to another;
  - (b) relocated by an authorised officer;
  - (c) relocated in an emergency to avoid or minimise danger; or
  - (d) moved in accordance with VicRoads guidelines.

### **Livestock on road reserve**

- 5.2.1 A person who owns or is in charge of livestock may allow the livestock to graze along the road reserve adjacent to their property without requiring a permit.
- 5.2.2 If a person allows livestock to graze in the manner specified in subclause 5.2.1, that person may erect temporary fencing along the road reserve to prevent the escape of livestock.

### **Fencing of land**

- 5.3.1 An owner or occupier of land on which livestock are kept must ensure that the fencing on that land is adequate to prevent the escape of livestock onto any municipal place.
- 5.3.2 Unless otherwise permitted under this Local Law, no person shall erect any fence on a road reserve, including an electric fence.
- 5.3.3 Where in the opinion of an authorised officer, there is a failure to comply with subclause 5.3.1 Council may serve a notice to comply on the owner or occupier of the land requiring the owner or occupier to install, repair, replace, remove or modify fencing, gates or grids.

## **PART 6 - PERMITS**

### **Applications for permits**

- 6.1 If this Local Law requires a permit to be obtained, the application for the permit must:
- (a) be made to Council in writing using the appropriate form; and
  - (b) be accompanied by the fee prescribed by Council.

### **More information**

- 6.2 Council may require a permit applicant to provide more information before it deals with the application.

### **Decision on permit application**

- 6.3 Council may decide:
- (a) to grant a permit;
  - (b) to grant a permit subject to conditions; or
  - (c) refuse to grant a permit on grounds it thinks fit.

### **Review**

- 6.4 An applicant for a permit may apply to Council for review of a decision to refuse to grant a permit or to grant a permit subject to conditions.

### **Correction of a permit**

- 6.5 Council may amend or revoke a permit granted by it under this Local Law.

### **Bonds**

- 6.6.1 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.
- 6.6.2 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.
- 6.6.3 Where the bond or any part is used pursuant to clause 6.6.2, the person to whom the permit was granted or the property owner may be directed to replenish or increase the bond amount.
- 6.6.4 On satisfactory completion of any works under a permit, Council must release any applicable bond or remainder of the bond.
- 6.6.5 If after 12 months, Council cannot locate a person entitled to the release of any bond, Council will remit the funds to the State Revenue Office.

## PART 7 - ENFORCEMENT

### Offences

#### 7.1 A person who:

- (a) contravenes or fails to comply with any provision of this Local Law or any document incorporated by reference;
- (b) contravenes or fails to comply with any condition contained in a permit under this Local Law;
- (c) knowingly provides false information in support of an application for a permit under this Local Law;
- (d) knowingly supplies false or misleading information to an authorised officer;
- (e) fails to comply with a verbal direction issued, or a Notice to Comply served, by an Authorised Officer;
- (f) fails to comply with a sign erected by Council; or
- (g) makes or attempts to make any agreement with an authorised officer to induce that Authorised Officer to compromise his or her duty -
  - is guilty of an offence and is liable to -
    - (i) a maximum penalty of \$2000; and
    - (ii) a further penalty of \$200 for each day after a finding of guilt or conviction for an offence during which the contravention continues.

### Infringement notices

- 7.2.1 As an alternative to a prosecution for an offence, an authorised officer may serve a person with an infringement notice in a form approved by Council.
- 7.2.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 7.2.3 The amount of the fixed penalty to be specified in an infringement notice is set out in Council's "*Register of Penalties for Infringement Notices*" being a document incorporated by reference into this Local Law.

### Notice to Comply

- 7.3.1 Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a written direction called a Notice to Comply requiring a person to stop offending and do anything necessary to rectify the offence.
- 7.3.2 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.
- 7.3.3 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.

**Urgent circumstances**

- 7.4 In any urgent circumstance arising under this Local Law, an authorised officer may take any reasonable action to remedy the situation circumstance without first serving a Notice to Comply.

**Impounding objects**

- 7.5.1 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:
  - i) obstructs a road, Council Building or municipal place;
  - ii) contravenes the conditions placed on a permit issued;
  - iii) is placed contrary to a provision of this Local Law;
- (c) return the object to its owner on payment of the prescribed fee; or
- (d) sell, dispose of or destroy the object if the owner has not paid the fee within 7 days of impounding.

- 7.5.2 Where any item has been impounded under this clause, Council must, if practicable, serve written notice of the impounding in person or by pre-paid mail on the person who appears to be the owner of the impounded item.

## **Schedule 1**

### **Table of incorporated and referenced documents**

Waste Services Policy

Register of Penalties for Infringement Notices

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## LOCAL LAWS COMMUNITY IMPACT STATEMENT

### Community Local Law 2019

#### PART A – GENERAL COMMENTS

Local Laws No. 2-7 have been in effect for some time and Council has successfully relied upon the Local Laws to regulate activities within the municipality and enforce breaches of the Local Law where necessary.

Prior to the Local Law Review Project commencing in mid -2018 Alpine Shire Council had become aware of a number of issues not being adequately regulated with the existing Local Laws. Interactions between councillors, executive and operational staff, and the Alpine Shire community had identified a number of issues and a number of solutions had been discussed.

A series of targeted stakeholder consultations were undertaken during September and October 2018 to test possible solutions to the known issues and check if there were other underlying issues.

Council officers consulted with:

- A total of 59 Representatives of 12 different community organisations from Myrtleford, Mt Beauty and Bright representing event-organisers, agriculture, service and business groups
- Agency stakeholder groups including, Victoria Police, Alpine health, EPA Victoria and Mt Hotham Alpine Resort Board
- Staff and contractors of Alpine Shire Council including CEO, Directors, Managers and operational staff
- Alpine Shire Councillors

The objectives of the proposed replacement Local Law are to –

- (a) provide for the peace, order and good government of the municipal district;
- (b) regulate activities related to, and ensure the protection of, Council assets;
- (c) protect the health and safety of persons who reside or work in, or visit, the municipal district;

- (d) regulate the management of animals on land and in municipal places;
- (e) protect, maintain and enhance the natural environment of municipal district; \
- (g) provide uniform and fair administration of this Local Law.

## **PART B – COMMENTS ON 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 year's 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 Council has considered State legislation is more appropriate to deal with particular issues, such clauses of the current local law have been removed in favour of relying on State legislation.
<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 Council's 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>	Council believes in the minimum imposition on the community with Local Laws.



	<p>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, provision of an internal review process for infringement notices and refusal of permit applications.</li> </ul> <p>Council has ensured that the proposed Local Law –</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• is not inconsistent with the principles, objectives or intent of the enabling <i>Local Government Act 1989</i> (<b>Act</b>);</li> <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>
Restriction of	Council has conducted a review of the proposed Local Law in accordance

<b>Competition</b>	<p>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>
<b>Penalties</b>	A table of penalties is included as an incorporated document to the proposed Local Law. These penalties may be changed at the discretion of Council depending on circumstances.
<b>Permits</b>	A number of provisions in the proposed Local Law require permits for various activities to be obtained.
<b>Fees</b>	The proposed Local Law allows Council to set fees annually and this will be done as part of the budget process.
<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 Indigo Shire Council, Towong Shire Council and Mansfield Shire Council which are neighbouring Councils to Alpine Shire.</p> <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> <p>The exercise confirmed a varied approach in drafting styles with Mansfield and Towong adopting one comprehensive Local Law to address amenity issues, whereas Indigo has four separate Local Laws.</p> <p>To assist with the efficient administration and enforcement of the local law, which will be of benefit both to the community and Council staff, it was decided to adopt a streamlined approach and incorporate all amenity and community issues within the one local law.</p> <p>Specific consideration was also given as to how each Council regulates alcohol consumption in township areas, the use of recreational or toy vehicles and the management of livestock.</p>
<b>Charter of Human Rights &amp; Responsibilities</b>	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.Council has assessed the proposed local law for compatibility with the Charter and has found no inconsistencies
<b>Submissions</b>	A submission process will be conducted in accordance with the legislative requirements prescribed under section 223 of the <i>Local Government Act 1989</i> . In summary, that process requires Council to publish a public notice calling for written submissions in relation to the proposed local law. Those submissions are then considered by the Council as part of the consultation process.
<b>Topical provisions</b>	Council does not regard the proposed Local Law as containing any provisions that may cause concern or controversy within the local community.



## Incorporated Documents

The following incorporated documents are referenced in the proposed Community Local Law 2019:

- Waste services policy
- Register of penalties for infringement notices

## Waste Services Policy

### PROVISION OF SERVICE

Council's kerbside waste and recycling collection service is compulsory for all premises within the Shire, except where:

- The volume of waste or recyclables generated by a premises is such that the mobile waste & mobile recyclables bins provided by the Council are inadequate;
- The type of waste generated by a premises is not permitted to be placed in the mobile waste & recyclable bins;
- It is not practicable for the service vehicles to access the premises; or
- The premise is outside the kerbside collection areas as determined by Council

In such cases, a premise may apply to be exempted from the waste and/or recycling collection service by an Authorised Officer.

### OCCUPIERS RESPONSIBILITIES

The occupier of every premise provided with Council's waste and/or recycling collection service must:

- Use only the mobile waste bin & the mobile recyclable bin supplied by Council
- Place the mobile waste bin & mobile recyclable bin out for collection prior to 6.00am on the designated day of collection, in the location designated by an Authorised Officer, with the lids in the fully closed position
- Not place the bins out more than one (1) day before or after the designated collection day
- Use the mobile waste bin & mobile recyclables bin only for the purpose and materials intended



- Not remove the mobile waste bin or the mobile recyclables bin from the premises to which they have been allocated, except when being taken to and returned from a municipal waste facility
- Remove, as soon as practicable, any material which has spilled onto the road, nature strip or surrounding area prior to collection
- Maintain the mobile waste bin & mobile recyclables bin in a clean, sanitary and tidy condition
- Maintain the area where the mobile waste bin and mobile recyclables bin are stored at the premises in a clean and sanitary condition
- Not deposit waste in a mobile waste bin or mobile recyclables bin at another property, without the occupiers consent
- Not remove waste or recyclables from any mobile waste bin or mobile recyclables bin at any property
- Notify Council as soon as possible if a mobile waste bin or mobile recyclables bin is damaged, develops a defect or is stolen or missing, and in the case of a stolen or missing mobile waste bin or mobile recyclables bin a statutory declaration must be submitted to Council prior to a new mobile bin being issued by an Authorised Officer
- Only put items in the recycle bin that is acceptable in the kerbside recycle stream and only acceptable domestic waste items must be placed in kerbside waste bin.



## Register of Penalties for Infringement Notices

Clause	Topic	Penalty Units (one penalty unit = \$100)
2.1	Behaviour in municipal places	2
2.2	Consumption of liquor in municipal places	2
3.1	Condition of land	3
3.2	Fires in the open air or in an incinerator	3
3.3	Recreational vehicles	2
3.4	Snowmobiles	2
3.5	Camping	2
3.6	Keeping animals	2
3.7	Animal housing	2
3.8	Removal of animal faeces	2
3.9	Objectionable noises	3
3.10	Wasp nests	2
3.11	Wandering animals and birds	2
3.12	Waste collection	2
3.13	Restriction of use of public place bins	2
3.14	Municipal waste facilities	2
3.15	Scavenging at municipal waste facilities	2
3.16	Drains on private land	3
3.17	Construction site details	3
3.18	Construction work	3
3.19	Scareguns	2
3.20	Council owned airfields	3
4.1	Vehicle crossings	2
4.2	Temporary vehicle crossings	2
4.3	Redundant vehicle crossings	2
4.4	Damage or interference with a municipal place	2
4.5	Trees and plants	2
4.6	Signs and posts	2
4.7	Construction of garden beds on nature strips	2
4.8	Erecting or placing advertising signs	2
4.9	Roadside trading	2
4.10	Outdoor eating facilities on roads	2
4.11	Road occupation	3
4.12	Busking and street entertainment	1
4.13	Repair of vehicles	2
4.14	Substances from vehicles	3
4.15	Storage of materials and trailers	2
4.16	Firewood collection permits	2



4.17	Snow clearing	2
5.1	Droving of livestock	3
5.2	Livestock on road reserve	3
5.3	Fencing of land	3



## Policies and Permit Conditions

Table 1 provides details of permit conditions and other policy requirements supporting the new Local Law. Detailed policies for footpath advertising, dining and trading, and roadside trading, are included below Table 1.

*Table 1: Summary of Permit Conditions / other requirements*

#	Title	Policy & Permit Conditions
1	Consumption of Liquor	<p>Council may grant a permit for the consumption of liquor or for the possession of liquor in unsealed containers in any municipal place identified in the maps detailing the standard restrictions on consumption of alcohol. In deciding whether to grant a permit, Council must take into consideration:</p> <ul style="list-style-type: none"> <li>• The impact of the sale or consumption of liquor on the amenity of the surrounding area</li> <li>• The impact of the likely number of patrons and hours of operation on the surrounding area</li> <li>• The presence of appropriate risk management strategies and actions</li> <li>• The views of Victoria Police and other relevant stakeholders and agencies</li> </ul>
2	Council owned airfields	<ul style="list-style-type: none"> <li>• Council may issue a permit for the use of an airfield for aviation related activities.</li> <li>• Permit conditions are determined by Council in consultation with the relevant Incorporated Association in charge of the airfield.</li> <li>• Air arrivals must comply with CASA regulations and will be exempt from the requirement to gain a permit.</li> </ul>
3	Snowmobiles	<p>Permit may be granted for use on Council Land, having regard for the following:</p>





#	Title	Policy & Permit Conditions
		<ul style="list-style-type: none"> <li>• Use is to be for commercial purposes</li> <li>• Routes to be defined on the permit</li> <li>• A copy of the applicant's public liability insurance provided to Council</li> </ul> <p><i>Note snowmobiles are allowed to be used on public roads if they are appropriately registered and insured</i></p>
4	Droving / grazing of livestock permit	<p>Permit may be granted by Council if an application is received with the following details:</p> <ul style="list-style-type: none"> <li>• Provision of public liability insurance</li> <li>• Provision of a plan showing number and type of livestock, route and duration of permit</li> <li>• Compliance with Livestock Management Act 2010, Livestock Disease Control Act 1994, Prevention of Cruelty to Animals Act 1986 and any other relevant legislation</li> <li>• Consultation with VicRoads if travelling on any Declared Roads</li> <li>• Compliance with any VicRoads requirements or restrictions</li> <li>• Notification of landowners along proposed route</li> </ul> <p>Note that no permit is required to graze livestock on a road reserve adjacent to own property, subject to compliance with VicRoads regulations</p>
5	Camping	<ul style="list-style-type: none"> <li>• Camping not permitted on Council land in Alpine Shire</li> <li>• Council may issue a permit through the events approval process on a case by case basis</li> </ul>
6	Keeping animals	<p>In considering whether to grant a permit, Council must take into consideration:</p> <ul style="list-style-type: none"> <li>• Land zoning</li> <li>• Proximity of adjoining properties</li> </ul>



#	Title	Policy & Permit Conditions
		<ul style="list-style-type: none"> <li>• Type and number of additional animals to be kept</li> <li>• Likely effect on adjoining properties</li> <li>• Any other matter relevant to the circumstances of the application</li> <li>• Whether written consent has been provided by neighbours</li> <li>• Whether noise control measures have been put in place to minimise the chances of noise nuisance, annoyance or complaints</li> </ul>
7	Horse drawn vehicles	Permits can be issued for Roadside Trading for horse drawn vehicle based businesses (refer to Portable advertising, footpath trading and footpath dining policy below)
8	Advertising signs, footpath trading and footpath dining	<ul style="list-style-type: none"> <li>• See separate policy below</li> </ul>
9	Roadside trading	<ul style="list-style-type: none"> <li>• See separate policy below</li> </ul>
10	Trees and plants	<ul style="list-style-type: none"> <li>• Vegetation should be trimmed back to the fence line and to a height of 2.1m above the footpath</li> </ul>
11	Occupation of road for works	<ul style="list-style-type: none"> <li>• Existing permit process – no change proposed</li> </ul>
12	Waste Services	<ul style="list-style-type: none"> <li>• See separate policy below</li> </ul>

## Portable advertising, footpath trading and footpath dining policy

Council may issue a permit for portable advertising, footpath trading and footpath dining on Council land.



Council's objectives are to promote a high standard of amenity, activation and vibrancy in our town centres, and provide for comfortable and safe pedestrian access. Businesses can play an important role in achieving these objectives through footpath based activities, however if poorly conceived these activities also have the potential to detract from the overall amenity or accessibility of an area.

Our streets and towns are all different and it is difficult to anticipate all circumstances that may arise in permit applications. Therefore Council retains absolute discretion to modify or amend the requirements in this policy on a case by case basis to achieve a high standard of access and amenity for the community.

The requirements for providing a high standard of access are detailed below:

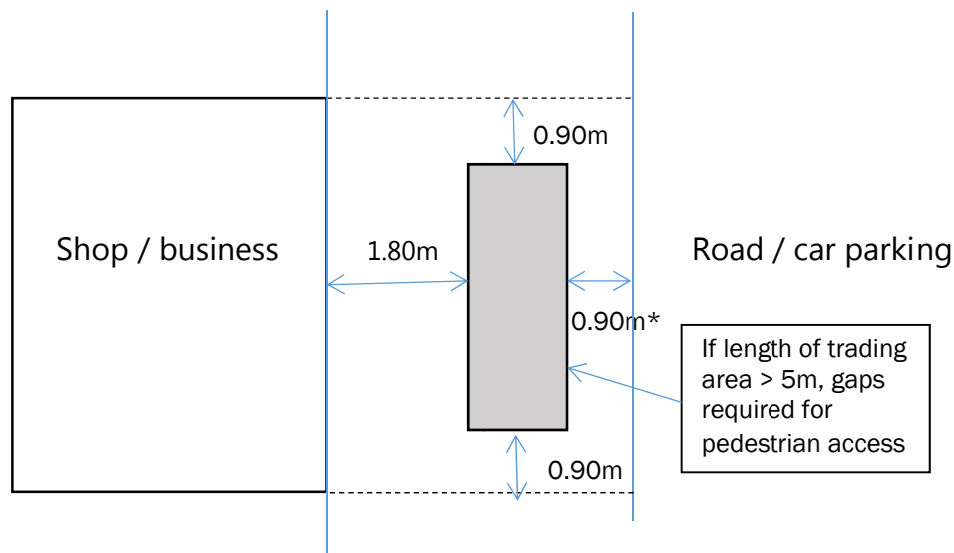
- Minimum 1.8m width needs to be provided to allow for safe passing of wheelchairs, prams, mobility scooters. This may be reduced to 1.5m width for short distances of up to 2.5m, and may need to be greater than 1.8m in high pedestrian traffic areas in town centres.
- Access and circulation is required between building edges and the roadway, and along the kerb line
- A maximum of one portable advertising sign will be permitted per business.

If the footpath is less than 1.8m wide, the plan must demonstrate how the placement of goods, signage or outdoor dining does not further restrict the footpath below its existing width.

In making a decision as to whether to issue a permit, Council requires the following:

- A copy of public liability insurance to the value of \$5 million
- A dimensioned plan of the items proposed to be placed on the footpath / roadway with appropriate clear areas provided as per the guidance below
- All items placed on a footpath must be secured appropriately against the wind
- A-frame signs are to be a maximum of 1m square per side, and 800mm wide, and 1.2m high
- Banner or flag type signs are to be a maximum of 2.0m high and not be able to move over or obstruct any pathway
- Umbrellas associated with footpath dining are to provide a minimum of 1.9m clear space underneath and must not protrude into pedestrian access or roadway areas

Standard minimum clear areas to be provided around footpath trading and portable advertising signs:



*\*Distance between items and kerb may be decreased at the absolute discretion of Council if it is deemed not to result in any restriction of access to car parking or pedestrian circulation.*

Note that there are other considerations that will need to be assessed that may impact what is ultimately approved by Council, for example:

- Presence of street trees, utility poles, planter boxes or other street furniture
- The need to maintain sight lines and visibility e.g. on street corners for the safety of pedestrians and vehicles
- The unobstructed width of the footpath may need to be increased in high pedestrian traffic areas
- Any kerb ramps will need to be kept clear
- Any access restrictions in adjoining areas may impact on what can be approved
- If there are disabled parking or other special access requirements
- Adjacent business trading areas, landscaping, veranda posts or other relevant limitations

Community or not for profit agencies are subject to the same considerations, however Council may elect to waive the permit application fee.

Signage for community events may be displayed up to three weeks prior to an event, in a location to be determined by Council, and must be removed within three days following the conclusion of the event.



Emergency services information (e.g. fire season awareness signs) may be placed out for the duration of the season, in a location to be determined in consultation with Council.

*Any advertising sign placed on or affixed to a building will be the subject of Planning Scheme controls, not Local Laws. However, such advertising should not protrude into Council land or obstruct any path or area.*



## Roadside trading policy

Council may issue a permit for mobile or roadside trading. This covers vehicles, caravans, trailers, tables, stalls or other similar structures for the purposes of selling or offering for sale any goods or services, not directly adjacent to or related with a fixed trading premises (i.e. a shop). It also covers busking, raffles and other activities such as the promotion of religion.

Council's objectives are to promote a high standard of amenity, activation and vibrancy in our town centres, and supporting events. Mobile or roadside trading can play an important role in achieving these objectives, however if poorly conceived these activities also have the potential to detract from the overall amenity or accessibility of an area.

Our streets and towns are all different and it is difficult to anticipate all circumstances that may arise in permit applications. Therefore Council retains absolute discretion to modify or amend the requirements in this policy on a case by case basis to achieve a high standard of access and amenity for the community.

In deciding whether to grant a permit, Council must take into consideration:

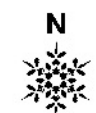
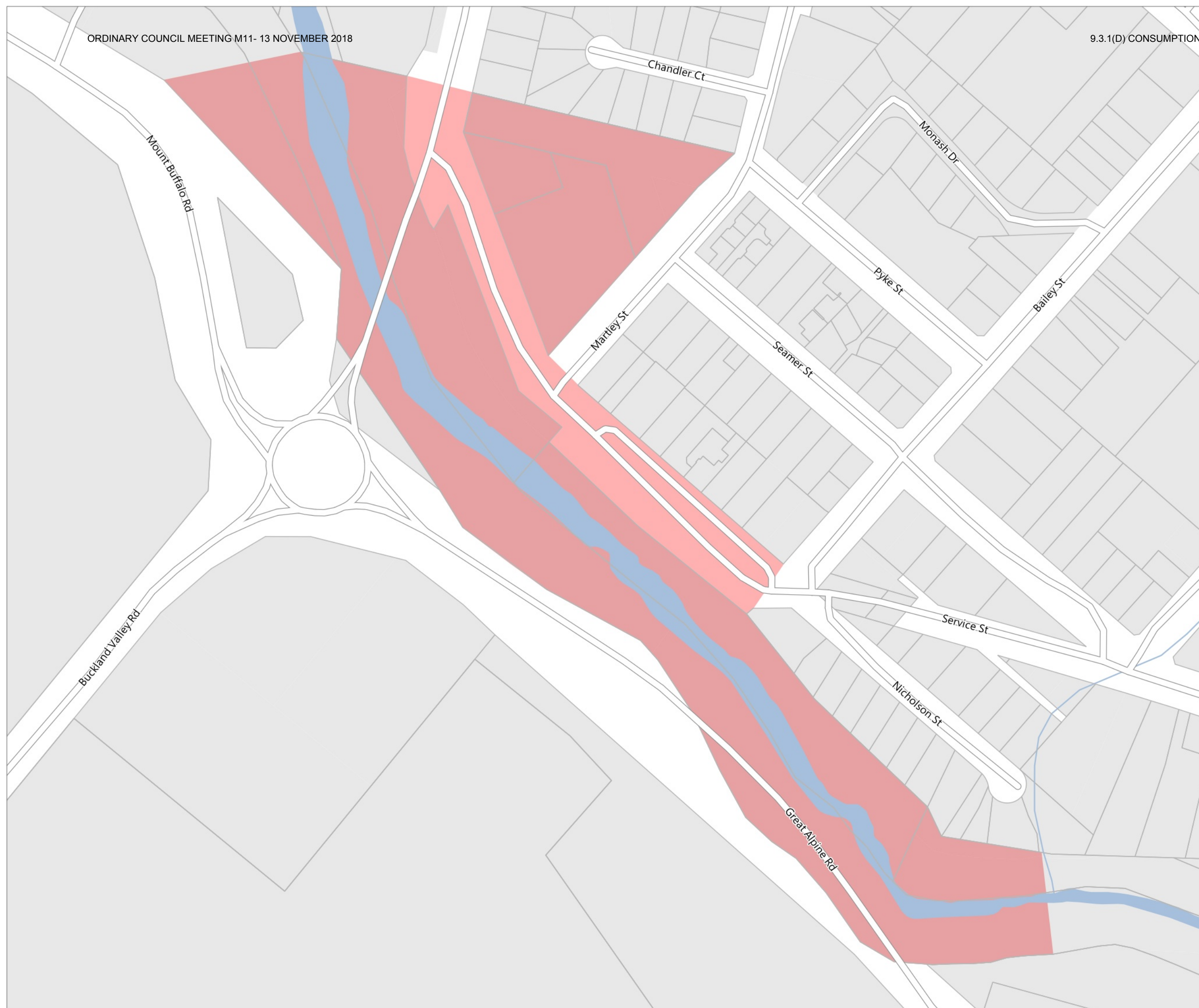
- If the activity is part of an approved event, market, festival or other similar activity endorsed by Council
- The safety of road users, pedestrians and the passage of vehicles
- Other relevant permits obtained such as those required by the Health Act 1958 and Food Act 1984
- Copies of Public liability insurance provided to Council
- If appropriate arrangements have been made for waste water disposal, impacts of litter and garbage, lighting and advertising signs
- A plan of the site to be provided with the application
- The potential impact on nearby property owners and businesses

Note that spruiking or touting for business is not permitted.



# Alcohol Restriction Areas

## Porepunkah



0 60 120 m

Coordinate System GDA94 MGA Zone 55

Created: 31/10/2018

While every care is taken by Alpine Shire Council Land Victoria and the Department of Sustainability and Environment to ensure the accuracy of this data, Alpine Shire Council, Land Victoria and the Department of Sustainability and Environment jointly and severally make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate or incomplete in any way and for any reason.



**ALPINE**  
SHIRE COUNCIL

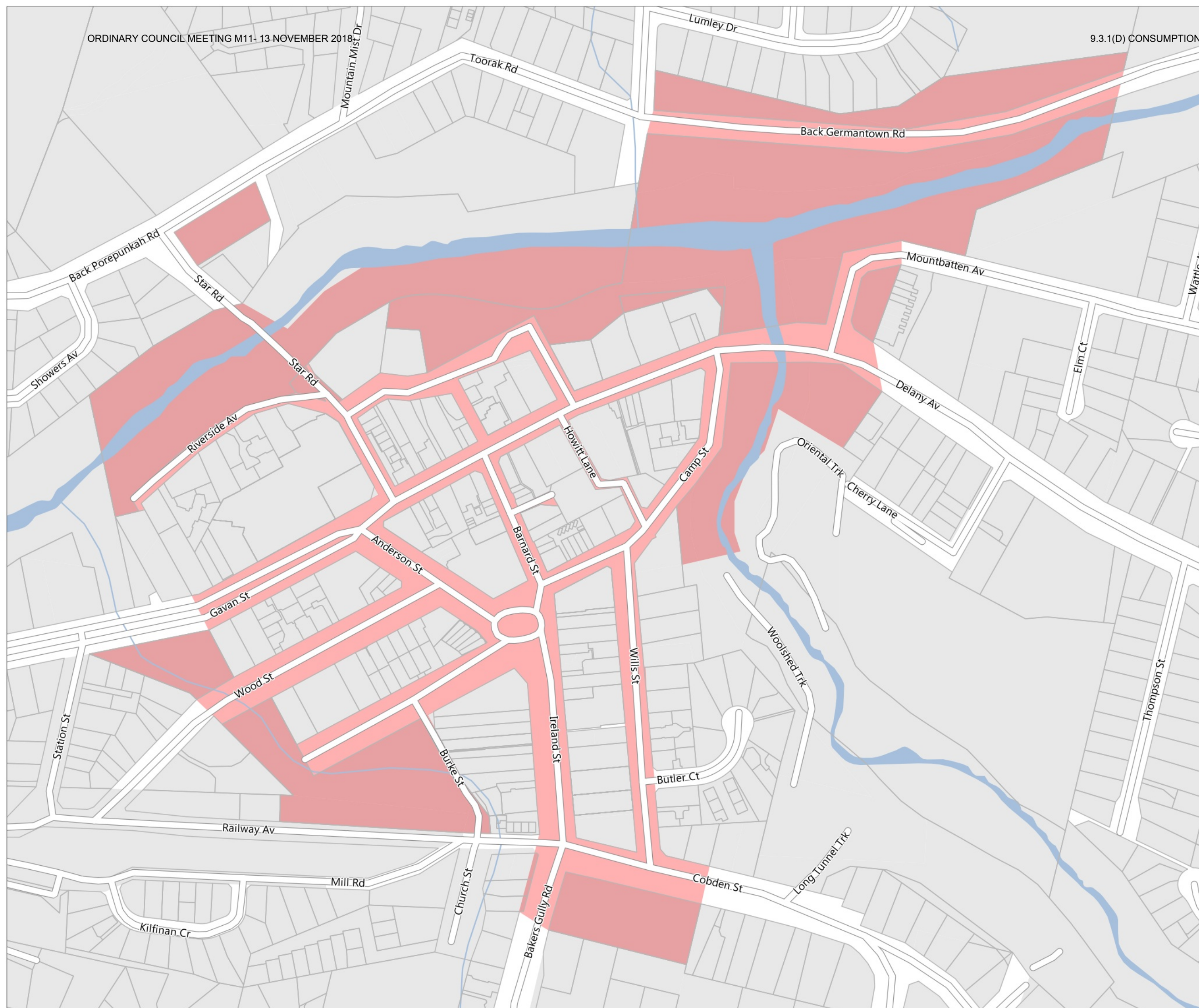
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# Alcohol Restriction Areas

Bright



0 70 140 m

Coordinate System GDA94 MGA Zone 55

Created: 31/10/2018

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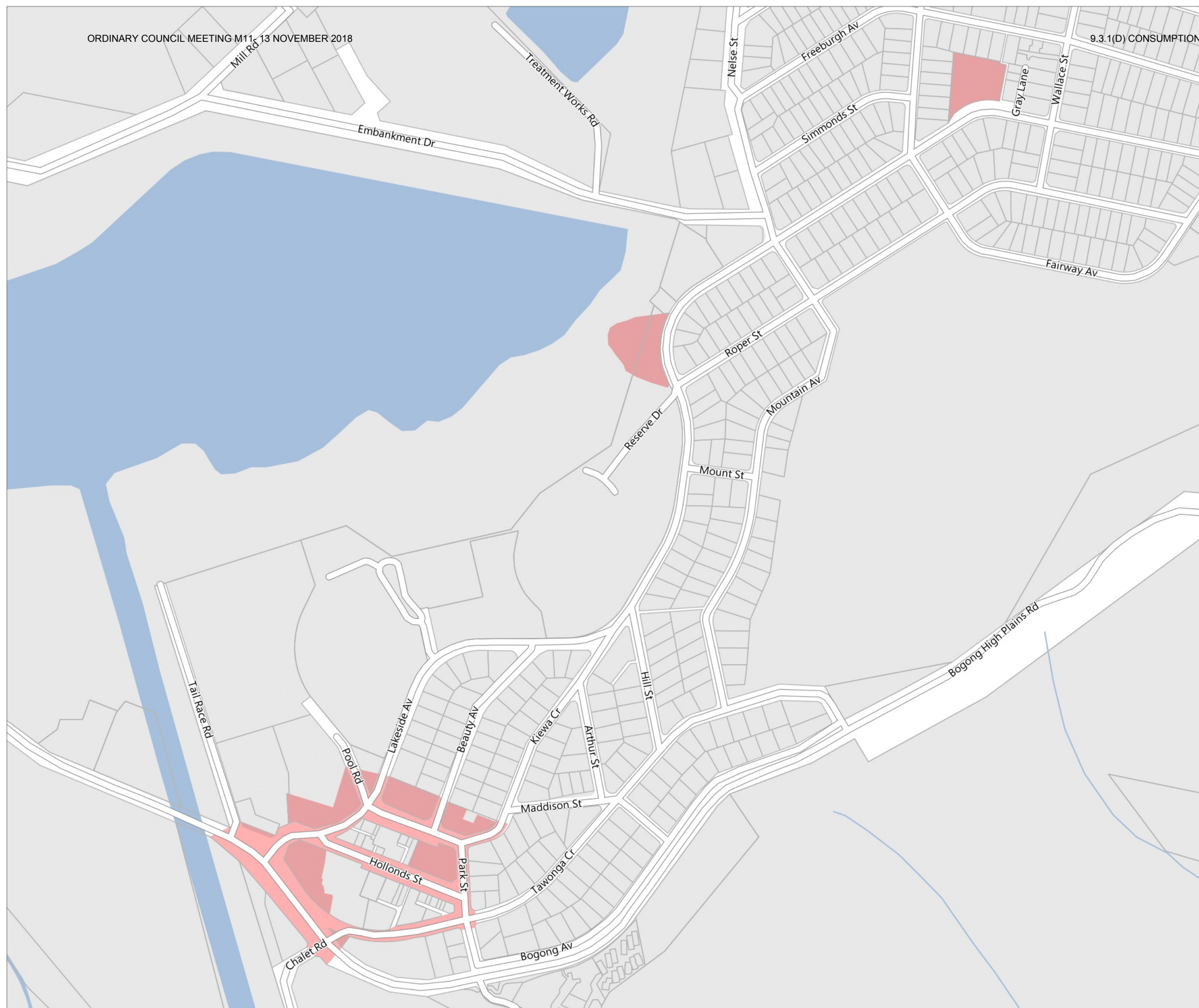
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## Mount Beauty



0 100 200 m

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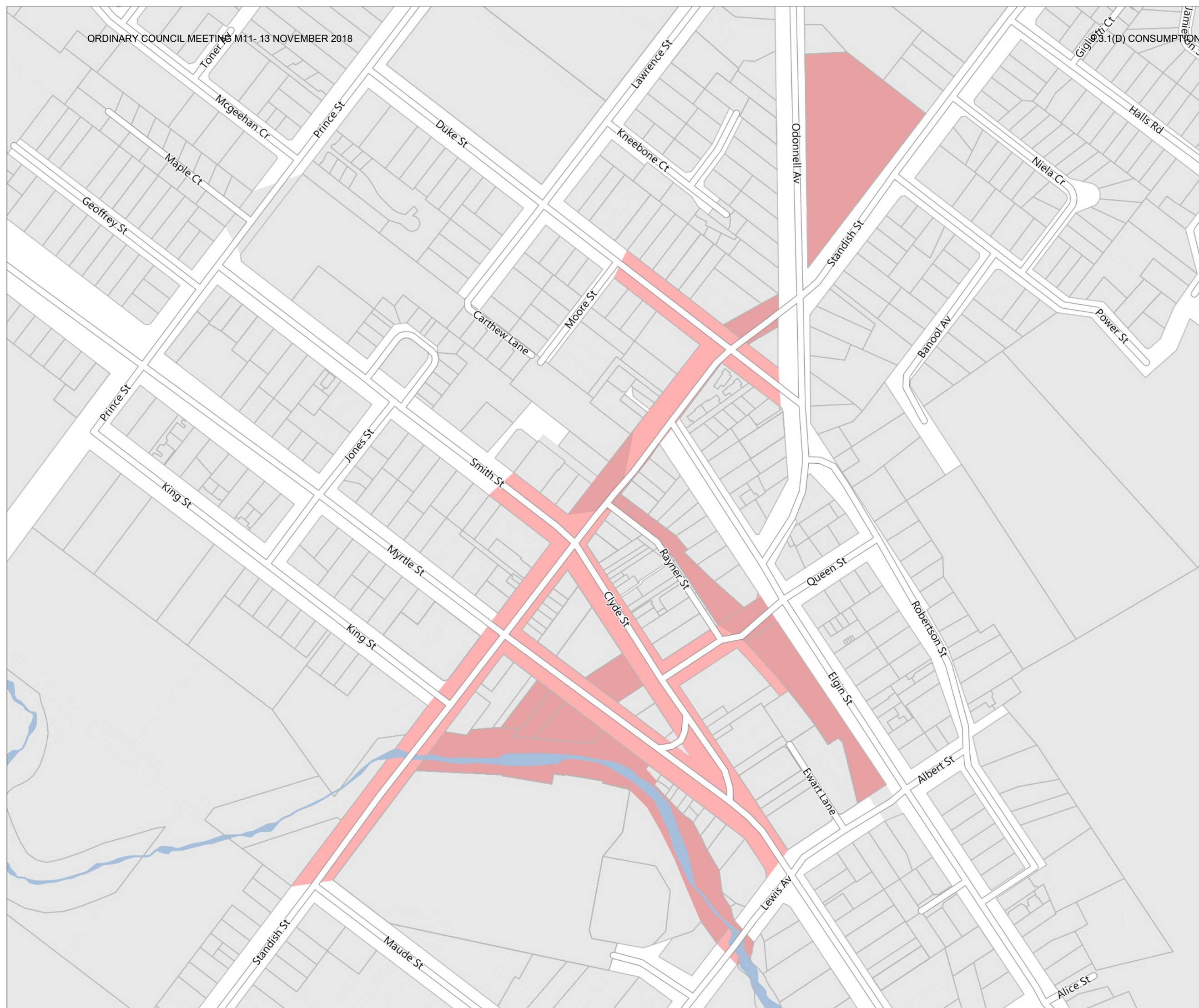
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## Myrtleford



0 80 160 m

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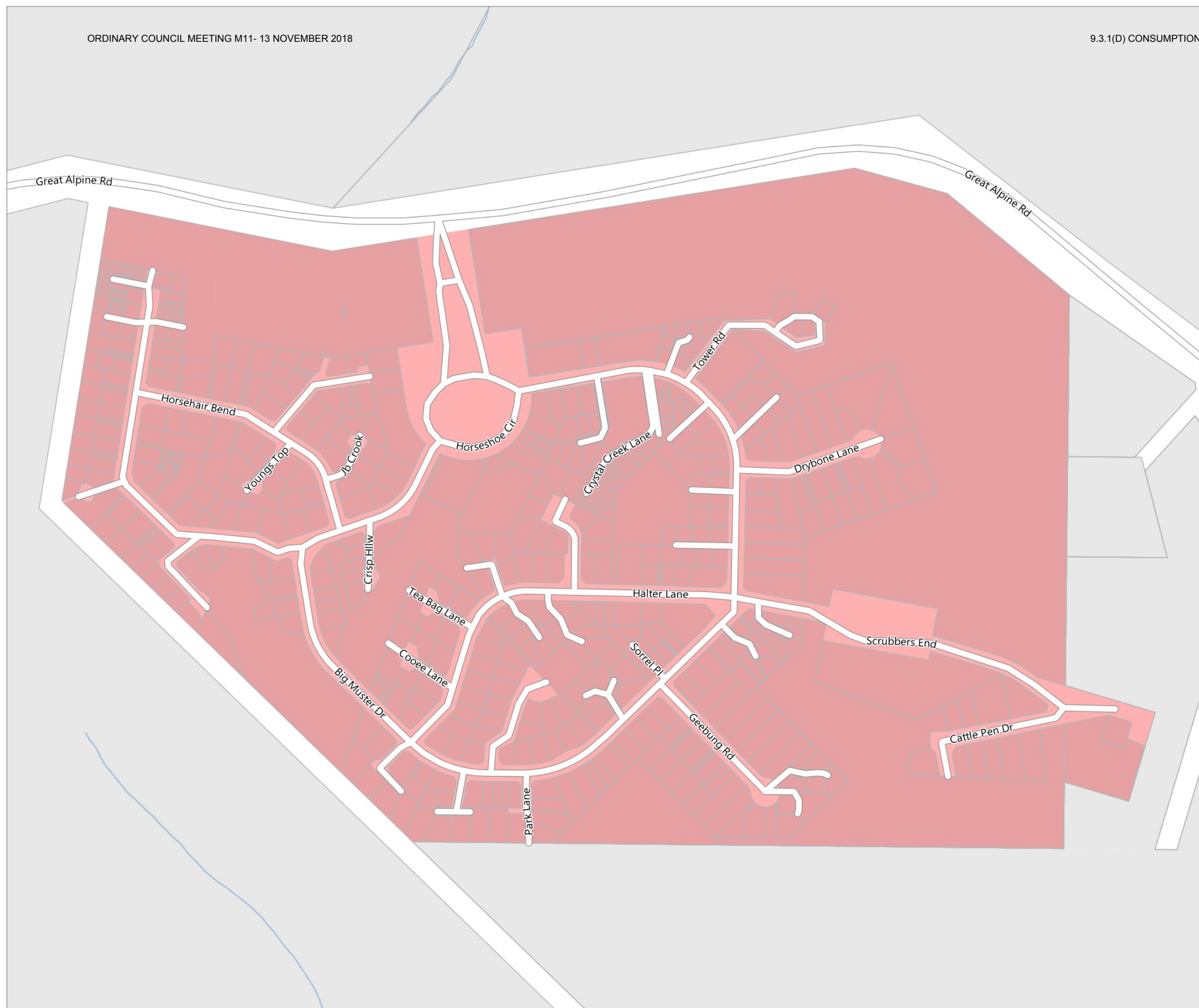
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# Alcohol Restriction Areas

## Dinner Plain



0 80 160 m

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Porepunkah



0 60 120 m

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Dinner Plain



0 80 160 m

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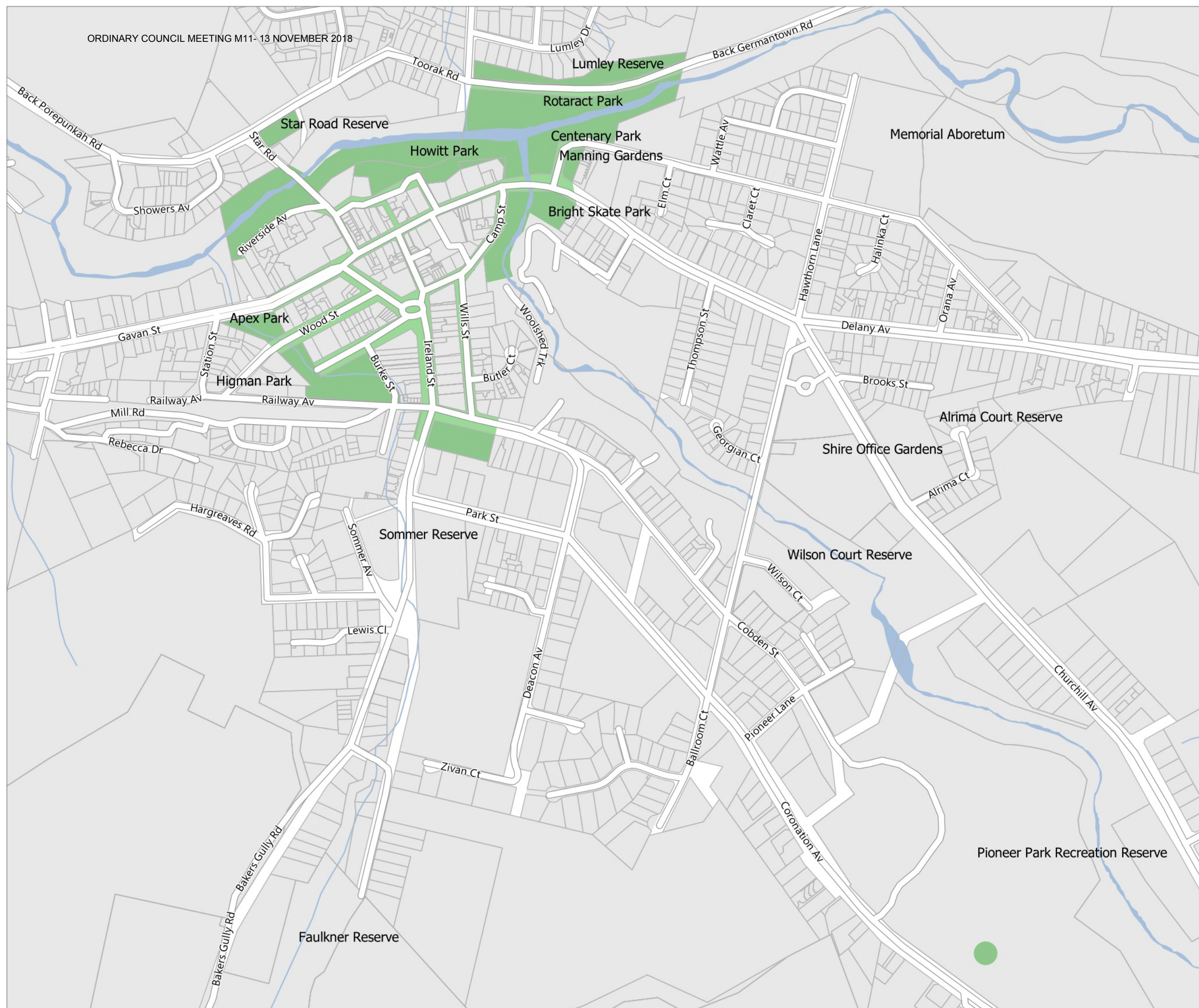
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Bright



0 160 320 m

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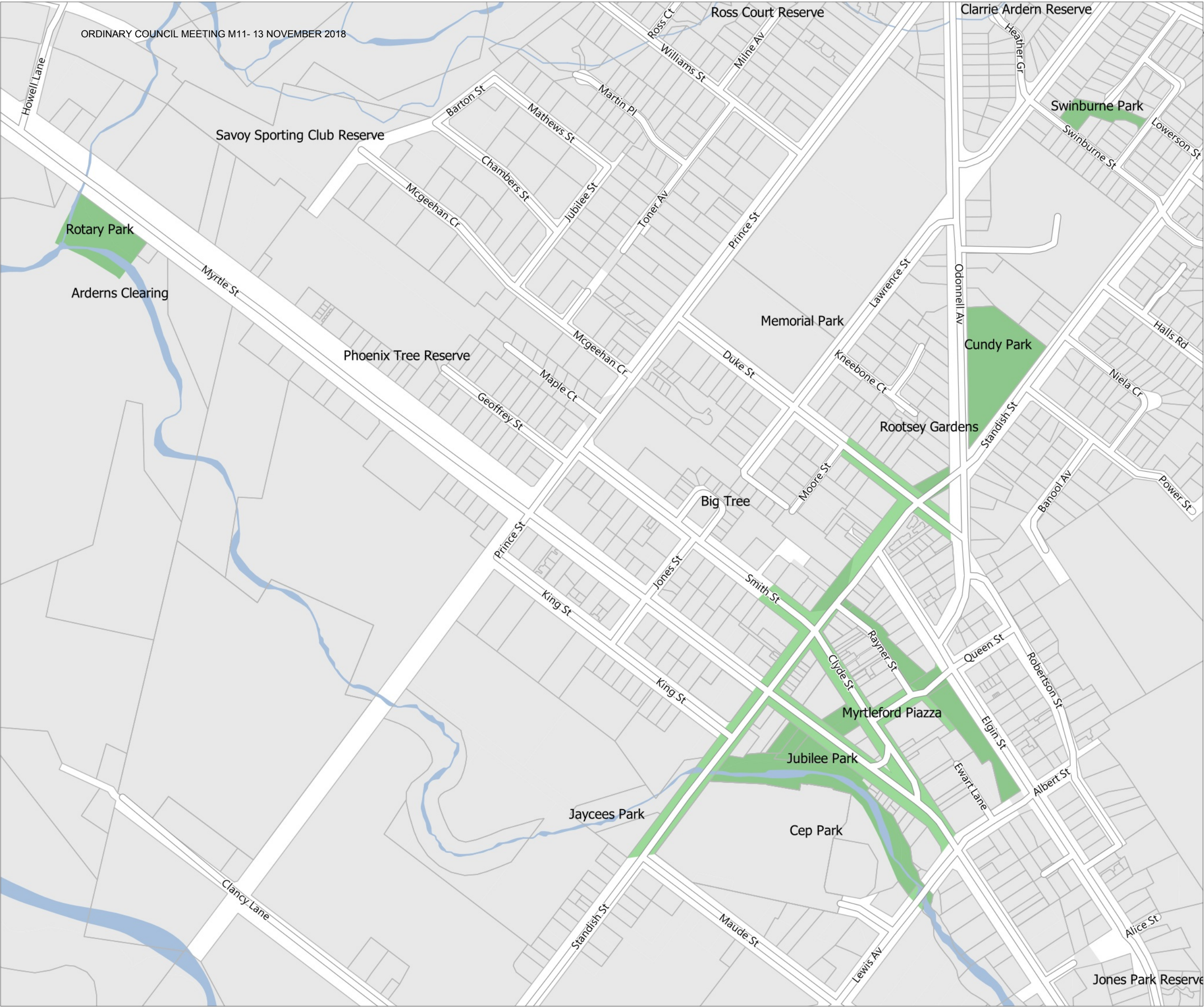


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ORDINARY COUNCIL MEETING M11- 13 NOVEMBER 2018

# Dogs on Lead Areas

9.3.1(D) DOGS ON LEAD AREAS

## Myrtleford



0 130 260 m

Coordinate System GDA94 MGA Zone 55

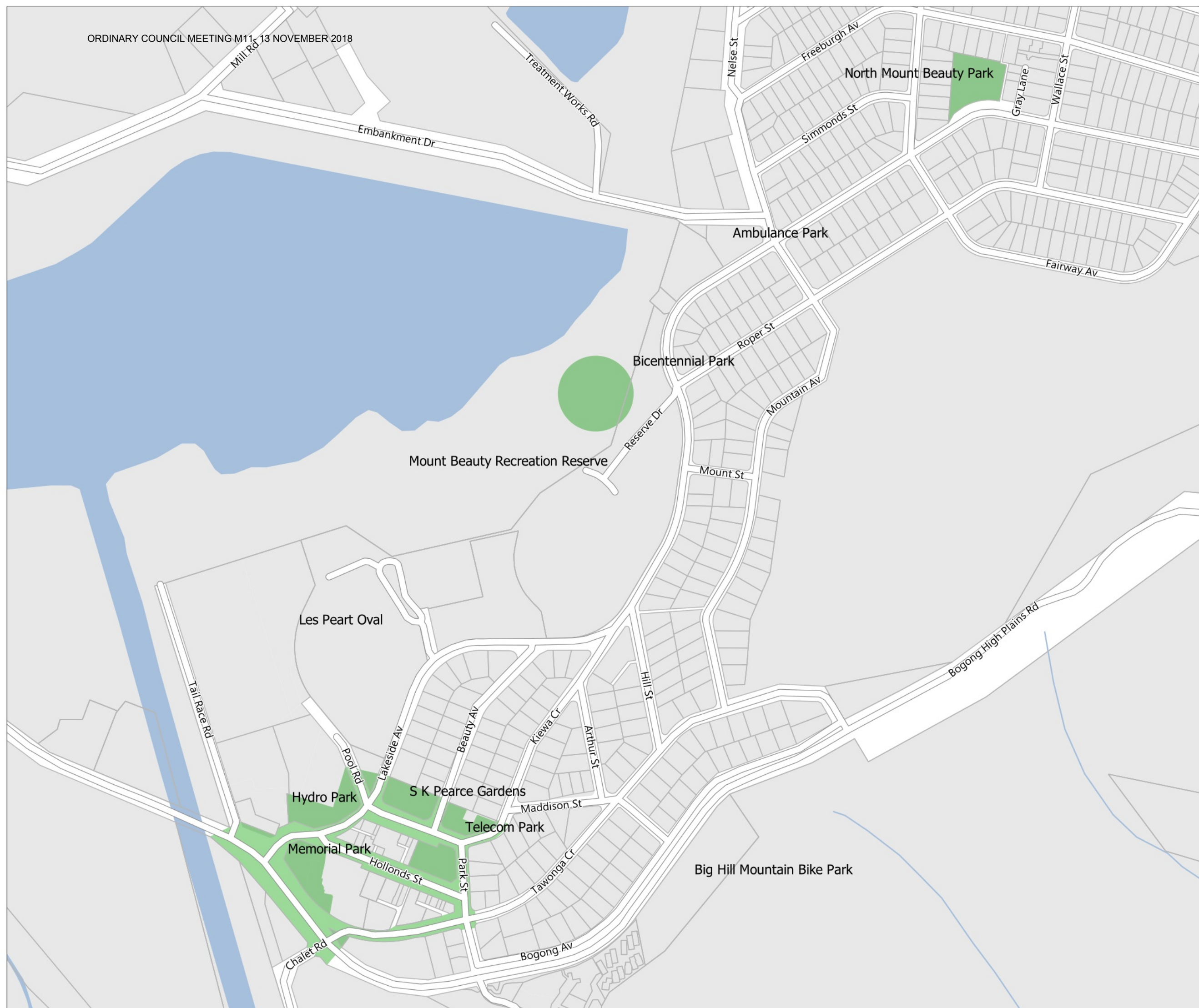
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Mount Beauty



0 100 200 m

Coordinate System GDA94 MGA Zone 55

Created: 31/10/2018

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# **Domestic Wastewater Management Plan 2018**

DRAFT DWMP

Alpine Shire Council

# Glossary

TERM	MEANING
The Act	<i>Environment Protection Act 1970</i>
AWTS	Aerated Wastewater Treatment System
Black Water	Wastewater from toilets only
Code of Practice	Environment Protection Authority <i>Code of Practice – Onsite Wastewater Management</i> 2016
DELWP	Department of Environment Land Water and Planning
DWMP	Domestic wastewater management plan
EPA	Environment Protection Authority
GMW	Goulburn Murray Water
Grey water	Wastewater from a shower, bath, hand basin, washing machine, laundry trough, kitchen sink and/or other household fixtures excluding toilets
NECMA	North East Catchment Management Authority
NEW	North East Water
SEPP	<i>State Environmental Protection Policy (Waters of Victoria), Environment Protection Authority 2003</i>
Septic Tank Systems	As defined in the Environment Protection Act: <i>means a system for the bacterial, biological, chemical or physical treatment of sewage, and includes all tanks, beds, sewers, drains, pipes, fittings, appliances and land used in connection with the system;</i>
Sewage	Any waste containing human excreta or domestic wastewater
Sewerage	Infrastructure that conveys sewage or runoff using sewers
Stakeholders	Persons and organisations who have an involvement in this DWMP

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# Executive Summary

Alpine Shire Council is committed to responsible and sustainable domestic wastewater management practices to protect the health of the community and the surrounding environment. This plan serves to fulfil Council's obligations with respect to Clause 32 of the State Environment Protection Policy (Waters of Victoria) and the *Environment Protection Act 1970* (the Act).

The SEPP was gazetted in 2003 and requires all councils to develop DWMP working together with government agencies, businesses and the community to protect Victorian waters. It recognises the key role councils play in domestic wastewater management in assessing the capability of land to retain wastewater prior to approving new systems and requires councils to assess existing systems to determine their risk.

A report by the Auditor General 'Managing the Environmental Impacts of Domestic Wastewater'- September 2018 found that responsible agencies are not adequately managing the individual and cumulative risks and impacts from poorly performing onsite wastewater systems for the following reasons:

- an overly complex, onerous and duplicative regulatory framework
- a continued lack of clarity around roles and responsibilities
- regulatory tools that do not adequately drive property owners' compliance with planning permits and legislation
- councils not being held to account for their role in domestic wastewater management.

In response to the above findings this plan outlines strategies to mitigate potential risks to the community and environment via wastewater generated from domestic wastewater systems<sup>1</sup> referred to in the Act as septic tank systems.

This document and the Act do not apply to any septic tank system designed to discharge more than 5000 litres of sewage a day. These systems fall under the direct jurisdiction of the Environment Protection Authority.

Within Alpine Shire, Council has incomplete data on the number, type, location and functionality of septic tank systems. The spatial risk assessment data that this document has been based around relates to septic system permits Council has issued (over the period records have been maintained for the Shire), and also an assessment of small townships without sewerage. The number and condition of existing systems will be more accurately determined over time as inspections are undertaken, however it is expected that the high risk areas will remain as those areas where there are higher density populations living without reticulated sewerage, and where there are nearby water courses or bodies.

This DWMP lists strategies in a phased approach to ensure existing septic tank systems and new installations in the municipality pose minimal impact to the health of the community and surrounding environment. The Actions are included at Appendix 1 and are phased as follows:

<sup>1</sup> The Act refers to septic tank systems as:

*'a system for the bacterial, biological, chemical or physical treatment of sewage, and includes all tanks, beds, sewers, drains, pipes, fittings, appliances and land used in connection with the system'.*

- Phase 1: Initial actions prior to full implementation of DWMP (FY 2018-19)
- Phase 2: Implementation of the DWMP from FY 2019-20 onwards, subject to Council budget processes and periodic review.

The DWMP provides a framework for Council to make clear and consistent decisions in relation to wastewater management, planning and building matters.

# 1 Introduction and Objectives

## 1.1 WHAT IS DOMESTIC WASTEWATER?

Domestic wastewater is the wastewater from:

- Toilet (called black water)
- Bathroom, laundry and kitchen (called grey water or sullage)
- All wastewater combined (all waste sewage)

## 1.2 RISKS ASSOCIATED WITH WASTEWATER

Wastewater contains pathogens like bacteria, viruses and protozoa, and also chemical pollutants (primarily nutrients and salts) that, if not managed appropriately, can pose a risk to:

- Public health - causing diseases such as hepatitis, gastroenteritis and cholera.
- Natural environment: salinity in soils, nitrogen and phosphorous which can cause algal blooms and weed growth, ammonia and organic matter which can impact aquatic life.
- Water supplies both surface and underground, which can become contaminated.
- Aesthetics, including visual and offensive odours
- Economic impacts – e.g. tourism or agriculture can be affected if waterbodies are unsafe.

## 1.3 WHAT IS A DOMESTIC WASTEWATER SYSTEM?

Onsite wastewater systems treat and dispose of domestic wastewater within the allotment boundaries. There are various types of systems used to treat wastewater and after treatment the wastewater must be retained within the allotment boundaries via a dispersal/ distribution method:

- Treatment processes include septic tank (anaerobic), aerated wastewater treatment systems (AWTS) (aerobic), compost system (dry systems), worm farms, reed beds and sand filters.
- Distribution methods include transpiration beds, absorption trenches, subsurface or surface irrigation and mound systems.

## 1.4 WHAT IS DOMESTIC WASTEWATER MANAGEMENT?

Councils are responsible for overseeing domestic wastewater management, which is the process by which homeowners, occupiers, local government and other authorities manage onsite systems. Owners of houses and other land uses that generate domestic wastewater in Victoria must, by law, treat and dispose of their domestic water within the boundaries of their own property, unless they are connected to a reticulated sewerage system.

Throughout history major outbreaks of disease and deadly epidemics have been attributed to the mismanagement of wastewater, through lack of education or forgetting past lessons. Where sewerage infrastructure is not available septic tank systems continue to be the most viable sewage management solution. Provided the system is adequately maintained and wastewater is contained

and disposed of effectively, septic tanks and wastewater treatment systems are one of the most valuable assets in the protection of our community and lifestyle.

## **1.5 AIM OF THIS PLAN**

This Domestic Wastewater Management Plan (DWMP) is a document that sets out management processes for Alpine Shire Council to successfully manage domestic wastewater throughout the municipality.

The goal of domestic wastewater management is to protect the natural environment, community health, social wellbeing and economic stability against the risks posed by domestic wastewater. The objectives of this DWMP are to:

- Recognises the current risks and status of domestic wastewater management in Alpine Shire
- Develop a proactive approach to improve domestic wastewater management
- Promote ongoing evaluation of existing onsite systems
- Promote sustainable wastewater practices for future development
- Meet legislative responsibilities and achieve ongoing compliance with relevant legislation

## **1.6 STAKEHOLDER MANAGEMENT**

The following stakeholders are relevant for the preparation and implementation of the DWMP:

- North-East Water Authority (NEW)
- Goulburn Murray Water Authority (GMW)
- North-East Catchment Management Authority (NECMA)
- North-East Region Environment Protection Authority
- Department of Environment, Land, Water and Planning (DELWP)
- Residents and visitors to Alpine Shire
- Septic tank system owners and operators
- Plumbers and installers of septic tank systems

## **1.7 CONCEPTUAL FRAMEWORK**

Domestic wastewater management aims to ensure that existing and future houses in unsewered areas install and maintain onsite systems that can manage wastewater within the boundary of the property in a manner that protects public health and the environment.

Table 1-1 shows a conceptual framework for domestic wastewater management. Elements of domestic wastewater management fall within one of four cells of the matrix. This DWMP is structured in a way that deals with each of these four categories of houses and onsite systems in turn. The table summarises the generic key actions for local government in each of the four quadrants.



**Table 1-1: A conceptual framework for domestic wastewater management showing generic examples of local government actions.**

	UNSEWERED LAND	SEWERED (SEWERABLE) LAND
Existing onsite systems	<p>Identify all septic tank systems in the municipality.</p> <p>Monitor and inspect onsite systems in a risk management approach.</p> <p>Educate operators and users of septic tank systems in safe and sustainable practices.</p> <p>Identify and rectify non-compliances.</p> <p>Develop and maintain information management tools (such as an onsite system database) for the purposes of managing existing onsite systems.</p> <p>Assess existing systems as part of planning processes (such as planning permits and building permits for house extensions and subdivisions) and request upgrades where necessary.</p> <p>Encourage water authorities to prepare sewerage management plans where the risk posed by a cluster of non-compliant onsite systems may justify the investment.</p>	<p>Facilitate the abandonment of onsite systems by ensuring owners to connect existing houses to sewer where available.</p> <p>Identifying high risk areas, monitor to determine whether further action or sewerage management scheme may be required (in conjunction with NEW).</p>
Future onsite systems	<p>Issue permits which comply with relevant Acts, Australian Standards, ministerial guidelines and codes of practice as applicable.</p> <p>Issue permits in line with planning and building requirements and guidance such as the planning scheme.</p> <p>Ensure land subdivision creates allotments that can sustain onsite systems.</p> <p>Encourage water authorities to prepare sewerage management plans where the desired urban development density is incompatible with onsite wastewater management.</p>	<p>Avoid the installation of any new onsite systems in sewered areas.</p> <p>Ensure that new houses connect to sewer at the time of their construction.</p> <p>Liaise with water authorities to establish clear sewerage districts.</p>

## 2 Legislation and Policy

### 2.1 LEGISLATION AND STATUTORY RESPONSIBILITIES

#### *Environment Protection Act 1970*

The purpose of this act is to regulate the impact of human activity on the environment and maintain community wellbeing. The Environment Protection Authority administers the Act with Part IXB specifically dealing with septic tank systems, and Council and owner responsibilities in relation to installation and management. Council issues permits under the Act before a treatment and disposal system can be installed in Victoria.

Councils are required to lodge with the Authority an annual return containing the following:

- The number of permits issued for the septic tank systems;
- The number of septic tank systems disconnected
- The number of septic tank systems inspected
- The number of septic tank systems which have been in use within the municipality during the reporting period.

#### *State Environment Protection Policy (Waters of Victoria) 2003*

The SEPP (section 10.3) sets out a statutory framework for the protection of the uses and values of Victoria's fresh and marine water environments. As required by the Environment Protection Act 1970, the SEPP includes:

- the uses and values of the water environment that the community and government want to protect – these are known as beneficial uses;
- the objectives and indicators which describe the environmental quality required to protect beneficial uses;
- guidance to catchment management authorities, coastal boards, water authorities, communities, businesses and local government and state government agencies to protect and rehabilitate water environments to a level where environmental objectives are met and beneficial uses are protected – this is known as the attainment program.

The SEPP requires council to ensure permits are consistent with EPA Septic Tank Code of Practice and Australian Standards, monitor existing systems, develop and implement a DWMP and ensure waters in their municipality are not being contaminated.

#### **Code of Practice – Onsite Wastewater Management**

The Code provides standards and guidance to ensure the management of onsite wastewater (up to 5000 L/day) protects public health and the environment, and uses our resources efficiently. It has been written to support the onsite wastewater industry, regulators and premise owners design, install and/or manage sustainable sanitation and re-use systems in accordance with the Environment Protection Act 1970 and the State Environment Protection Policies Waters of Victoria (SEPP WoV) and Groundwaters of Victoria (GoV). It is based on current State, national and international best practice principles in public health and environmental protection, wastewater treatment, land capability assessment and effluent minimisation, reuse, recycling and disposal.

## **AS/NZ 1547:2012 Onsite Domestic Wastewater management**

There are several Australian standards which form best practice for the construction, design, installation, operation and maintenance of wastewater systems installed in Australia, these include:

- AS/NZS 1547:2012 Onsite Domestic Wastewater management
- AS/NZS 1546.1:2008 – Onsite Domestic Wastewater Treatment Units – Septic Tanks
- AS/NZS 1546.3:2008 – Onsite Domestic Wastewater Treatment Units – Aerated Wastewater Treatment Systems
- AS/NZS 3500 – National Plumbing and Drainage – Domestic Installations

## ***Public Health and Wellbeing Act 2008***

The purpose of the Public Health and Wellbeing Act is to promote and protect public health and wellbeing in Victoria and local councils have a duty of care in the prevention and control of threats to public health and the environment in their municipal district. In relation to wastewater the nuisance provision of the Act has been used to manage and mitigate public health risks. Section 58-60 applies to nuisances which are, or are liable to be, dangerous to health or offensive and requires council to remedy as far as is reasonably possible all nuisances existing in its municipal district. Therefore if there are failing Septic tank systems in the municipality that are creating a nuisance authorized officers have the provisions under the Public Health and Wellbeing Act to require rectification to abate the nuisance.

## ***Building Act 1993***

Under the Building Act and Regulations, consent from council or a permit to Install a Septic Tank System must be obtained before a Building permit can be issued which requires the installation of a septic tank system.

## **Planning Legislation and Policy**

Planning, and the Planning Scheme, plays an important role in domestic wastewater management. Council has within its control many of the tools and powers to ensure that new development occurs in a manner consistent with the constraints and opportunities provided by onsite wastewater management. Appendix 1 looks at the relevant parts of the Alpine Shire Planning Scheme and discusses their relevance to domestic wastewater management.

## **Water and Sewerage**

Victoria's water sector is made up water corporations under the Water Act 1989 which provide customer service in water supply and sewage, Alpine Shire's water corporation is North East Water. A large portion of the Alpine Shire is situated in within a declared catchment zone (North East Catchment) and council is required to refer any application for a septic tank system within a declared drinking water catchment area to Goulburn Murray Water and other relevant Authorities for their consideration.

## **Alpine Shire Council Plan 2017-2021**

The Alpine Shire council plan defines how council will continue to deliver high quality projects and services to the community and to continue prioritising the health and wellbeing of the community. There are a number of strategies and directions within the council plan which directly relate to the Domestic Wastewater Management Plan including:

- **Part 2. A responsible and sustainable organization:**
  - Identify and manage council's risk.
  - Balance financial, environmental and community outcomes.
- **Part 6. A well planned and safe community:**
  - Plan for and manage development to enhance livability.
  - Raise awareness and educate community about laws, regulations and codes.
  - Enforce local laws, regulations and codes.

## **Alpine Shire Stormwater Management Plan 2004**

The purpose of the Stormwater Management Plan is to improve the management of stormwater in urban areas throughout the Shire in order to protect and enhance the receiving water environments. The Stormwater Plan is supported by more detailed capital investment plans for each township.

### ***Local Government Act 1989***

Part five of the Local Government Act empowers council 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. A number of councils have chosen to develop Local Laws and introduce wastewater levies to make it easier to fulfill their statutory responsibilities.

## **2.2 ALPINE SHIRE WASTEWATER POLICY AND PROCEDURES**

Council wastewater policy and procedures are required to ensure consistency, efficiency, best practice and to minimise the risk wastewater systems have on health, environment, social and economic outcomes. As part of the DWMP, Council needs to review and update policy and procedures in the following areas:

- Determining when a permit to alter is required.
- Educate community, land owners and plumbers on the process of Issuing permits to use, install and alter.
- Undertaking inspection of wastewater treatment systems
- Maintaining council's electronic wastewater database.
- Logging complaints, investigation and follow up.
- Issuing fines, notices or legal action.
- Following up non-compliant systems and compliance issues.
- Developing education material

- Developing standard forms
- Determining if an LCA is appropriate for some alteration applications (outside SWSC areas) or scaled back assessment as appropriate.

*Action 1: Review and/or develop wastewater policy and procedures.*

## 3 Assessment of Wastewater Profile

### 3.1 OVERVIEW OF ALPINE SHIRE

The Alpine Shire is in a mountainous region in north-east Victoria. Ninety-two per cent of the shire is public land. Freehold land and residential development is mainly confined to the narrow valleys of the Ovens and Kiewa Rivers and their tributaries.

The municipality is characterised by the fertile river valleys of the heritage Ovens River and the foothills and mountains of the Great Dividing Range. Productive rural land supports viticulture, agriculture and horticulture, while tourism is also an important local industry. Except for the Kiewa River valley downstream of Mount Beauty, the remainder of the municipality is within one or other Special Water Supply Catchments and most of the land in the Shire is public land (Appendix 3).

The findings from a spatial risk assessment are used throughout this plan. Appendix 3 shows the distribution of overall risk across Alpine Shire based on system permit data. Alpine Shire has recorded and environmental characteristics of the different areas. There is incomplete data on the number, type, location and functionality of septic tank systems in the municipality. A review of existing systems and data gaps will be undertaken in phase one of the Action Plan. It is expected that the high risk areas will remain in areas where there are higher density populations and water courses or bodies. Full details of the spatial risk assessment are presented in a separate report (RMCG 2017, *Spatial Risk Assessment – Alpine Shire Council DWMP*).

Key aspects relevant to domestic wastewater management in Alpine Shire are:

- The whole of the Shire is subject to high rainfall and a cooler climate than many other Victorian locations. Average annual rainfall ranges from a little over 900mm at Myrtleford and Dederang, up to nearly 1200 mm at Harrietville. This reduces the potential for wastewater uptake via evapotranspiration, resulting in a need for larger land application areas.
- This area has high quality surface water and groundwater supplies that are in demand for potable water supply as well as irrigation and industrial use. Onsite systems need to be designed and installed such that downstream surface and groundwater systems are not contaminated by nutrients, salt or pathogens.
- The region is a key tourist destination. Many houses are holiday homes or holiday rentals. As such, wastewater flows are irregular or intermittent and consequently certain systems do not function well on intermittent or shock flow rates.
- There are a few towns within the municipality with a legacy of small lots (<4,000 m<sup>2</sup>) that remain available for development. Consideration is given to the conditions for use of these lots with onsite systems.
- An average of 45 wastewater permits to install and 43 permits to use are issued annually across Alpine Shire. There is limited freehold land and a number of natural constraints (e.g. soil, slope, native vegetation, water supply catchments), so any development that does occur needs to be carefully planned.

***Action 2: Determine number and location of all septic tank systems in the municipality, and any data gaps by collating data from North East Water, Council's rate database and other sources.***

### 3.2 SPATIAL RISK ASSESSMENT

A spatial risk assessment was undertaken concurrently with the development of this DWMP. A total of twelve risk factors were mapped and using an algorithm developed for nearby shires of Mansfield and Benalla. Based on this a map of overall risk has been prepared (Appendix 5). Full details of the spatial risk assessment are contained in a separate report (RMCG 2017, *Spatial Risk Assessment - Alpine Shire Council DWMP*). As previously noted the risk assessment was based on existing records of permits issued by Alpine Shire, which tend to be newer systems. There are likely to be a number of older systems that Council does not have records for, which will be investigated through the implementation of the DWMP, and the Spatial Risk Assessment can be updated accordingly.

Conclusions drawn from the spatial risk assessment include:

- The key risk for the Shire as a whole is high rainfall.
- While most the Shire is within Special Water Supply Catchment areas, actual offtake points for potable water supply are generally high in the catchments, upstream of the towns and associated with public land, or are a long way downstream of the Alpine Shire boundaries (e.g. on the Ovens at Wangaratta). The main exception to this is the offtake for Bright – there are several existing onsite systems in and around Freeburgh that are within 2 km of this offtake, and Harrierville is 15 km upstream.
- The key locations with existing onsite systems at high density are Wandiligong, Tawonga and Harrierville. There are also small areas east of Myrtleford and at the southern edge of Tawonga South. These areas are generally associated with development potential risk as well.
- Groundwater use is common along the Ovens Valley. The density of bores and shallowness of good quality groundwater means this risk is generally moderate. However, there are pockets of high risk near Porepukah and downstream of Myrtleford.
- Risk associated with soil capability and slope are generally spatially aligned. Most of the non-public land is rated at moderate risk for both aspects. There are some high-risk areas at higher elevations and further distance from the rivers, where dwelling development is minimal.
- Land historically subjected to sluicing in the search of gold (tailings) needs to be assessed site by site assessment as the modified soil characteristics can severely change its suitability for effluent disposal.

## 4 Managing existing systems

### 4.1 INTRODUCTION

This chapter discusses existing onsite wastewater systems in unsewered areas and identifies actions for their improved management, including:

- Initiate a risk based inspection and monitoring program to determine the risk systems pose and provide education to operators.
- Encourage house owners to achieve compliance and act to rectify non-compliances.
- Develop and maintain information management tools (such as an onsite system database) for the purposes of managing existing onsite systems.
- Assess existing systems as part of planning processes (such as planning permits and building permits for house extensions and subdivisions) and request upgrades where necessary.
- Work with water authorities to investigate potential future sewerage management plans where the risk posed by a cluster of non-compliant onsite systems may justify the investment.

Council will improve the compliance of onsite domestic wastewater systems through an integrated program of education, monitoring and compliance.

### 4.2 SEWERAGE MANAGEMENT PLANS

Much of the urban development in Alpine Shire is clustered along main watercourses, simply because that is where the land suitable for housing is located.

The town of Harrietville provides a typical example of the potential problems of higher density development in an unsewered area. NEW undertook a waterway monitoring program between December 2014 and February 2016. The report, dated March 2016, found that although there are theoretical reasons to be concerned about effluent disposal in Harrietville (no sewerage, heavy seasonal tourist load, commercial as well as residential premises, proximity to the river, permeable soil types), this was not borne out by the independent monitoring undertaken.

This lack of evidence of impact by onsite systems on water quality is reassuring, but whether it will be sustained in Harrietville in the long term, and whether it can be translated to similar areas like Wandiligong, Freeburgh, Tawonga South is another question.

In early 2016, Council and North East Water investigated the potential options for waste water management at the community level and at the individual site level in Harrietville. The conclusion from the investigation was:

At this point, there is no environmental or financial driver to develop a centralised waste water management system in Harrietville. However, the limitation on further residential development has a strong adverse impact on the sustainability of the town. There are, however, some options for land owners and for Council that could make land development easier for some land owners. These options are:

1. Council should engage a consultant to provide an assessment of the development potential of the Tailings area, including an understanding of the capacity of the soils to rehabilitate waste water



and the feasibility of using a centralised location and alternative technology to service the tailings development area.

2. Council should advise landowners who wish to develop to engage a recommended LCA consultant to give advice on development and waste water treatment feasibility. For highly constrained sites, consideration of a dry treatment system for waste will reduce the land area required to treat waste water.

3. Council should advise landowners who wish to sell that a Land Capability Assessment will answer the questions of potential buyers as to where they would be allowed to site a building. This can provide some certainty to buyers and may improve the likelihood that a potential buyer converts into a land sale.

Harrietville is remote from existing reticulated sewerage systems so collection systems and treatment and disposal areas would all be required if it were to be sewerred. However, several of the other high-risk clusters of onsite systems (such as Wandiligong, Freeburgh, Tawonga, around Bright and around Myrtleford) could be more readily connected to existing sewerage networks.

Validation of the desktop risk assessment through an inspection regime and water quality monitoring is required to determine any future business case for potential new sewer districts in Alpine Shire. As such, consideration of any new infrastructure would only occur if risks to health and / or the environment are confirmed and other risk mitigation methods have been investigated.

***Action 3: Consult with NEW on management of identified risk areas through new Sewage Management Plans.***

#### **4.3 SURFACE WATER AND GROUND WATER QUALITY**

The Spatial Risk Assessment recommends that water quality monitoring programs be considered in three high-risk areas – Wandiligong, Tawonga and Harrietville.

- Given the existing density of development and small lot sizes in central Wandiligong, it is recommended that further assessment is undertaken in relation to water quality impacts to Morses Creek and the connected shallow water table.
- Tawonga (Cooper Street / Charles Street area) has a very high density of onsite systems. An inspection of these systems in line with the risk matrix framework will be carried out to determine if this area warrants further investigation and monitoring programs to better understand and reduce potential risks.
- Due to the existing density of onsite systems, the small lot sizes and proximity to the Ovens River, Harrietville has the potential for water quality pollution concerns. Although the waterway monitoring program between December 2014 and February 2016 found “there is minimal evidence to suggest septic tanks in the Harrietville Township impact water quality in the Ovens River”, continued water quality monitoring should be undertaken to confirm this finding.

Water quality monitoring programs should involve other agencies with responsibilities and expertise relating to waterways, water quality or pollution, such as North East CMA, to ensure the design of the monitoring and the data generated are suitable and that any monitoring is set up based on understanding the groundwater flow paths, identified through tracing or other means, to ensure where the monitoring was being undertaken that it was appropriate. The urgency of water quality testing can be informed by the results from the onsite system inspections.

*Action 4: Consult with NEW, NECMA and GMW on the potential need to implement a water testing / monitoring program for high risk areas in Alpine Shire.*

#### 4.4 ONSITE SYSTEM DATABASE

While Council does have extensive historical data and hard copy permits for onsite systems, it is not all recorded on an electronic database, nor is it all validated for currency. Council uses a program known as Health Manager for the purposes of managing the environmental health administrative workflows. New system permits are being entered into this database, however older permits are not included on the system, and the data is not integrated with Council's GIS database.

Thought will need to be given as to whether the cost of entering in historic data would provide efficiencies and gains. Consultation with Council's GIS officer is required to determine what information can be integrated and mapped cost effectively and efficiently.

*Action 5: Integrate onsite system data into Council's information systems.*

#### 4.5 PERFORMANCE OF EXISTING SYSTEMS

There is incomplete data on the number, type, location and functionality of septic tank systems in the municipality. Therefore it is recommended a dedicated inspection program be implemented to accurately assess the risks of the existing onsite systems and sensibly plan for their ongoing management. Appendix U of AS 1547 provides a standard inspection form, including site information, onsite assessment and soil investigation refer to Appendix 4.

The spatial risk assessment has established the highest risk areas which will be validated in phase one when all systems are mapped through rates and North East Water sewerage data. The high-risk areas identified in the spatial risk assessment are:

- Wandiligong
- Freeburgh
- Harrietville
- Peripheral areas of Myrtleford
- Tawonga (Cooper Street / Charles Street area)
- Tawonga South (Simmonds Creek Road / Glenbourn Drive area)

Council will need to determine how many systems are to be inspected and assessed over the three years of implementation of this DWMP and dedicate resources. The number and location of systems to be inspected will be informed by a risk approach identifying properties by the following risk factors:

1. Properties in special water supply catchment.
2. Properties without a known permit to install and/or use.
3. Properties' proximity to sensitive areas including watercourse.
4. Properties where there are no records or systems are over 20 years old.
5. Density of development.
6. Properties on the periphery of sewered areas where sewer is readily available to connect.

#### 7. Properties on blocks less than 4,000m<sup>2</sup>.

These risk factors will be used in conjunction with the review of system numbers and locations to determine an appropriate inspection regime to validate the high level spatial risk data, and meet Council's legislative responsibilities. The inspection regime will be planned for in Phase 1 and implementation will be undertaken subject to budget bids in subsequent years.

*Action 6: Undertake an appropriate inspection regime using the risk indicators and onsite system data.*

### 4.6 MANAGING HIGH RISK SYSTEMS

To determine the risk of systems inspected a risk matrix has been developed to inform the course of action to be taken and to quantitatively assess data at the review of this plan. A score of:

- Score 0 minimum risk
- Score 1 - 11 moderate potential risk
- Score 12 – 30 High potential risk

RATING	RISK			SCORE
	NO	Somewhat / unsure	Yes	
Signs of failure / failure	0	2	11	
System/ disposal type not site appropriate	0	1	2	
Small lot size	0	1	2	
Close proximity to Bores	0	1	2	
In SWSC area	0	NA	1	
Flood prone	0	1	2	
Proximity to water courses	0	1	2	
Density of development	0	1	2	
System 20+ years	0	1	2	
Tailings area	0	1	2	
No permit to install or use	0	1	2	
TOTAL				

\*note- all allotments and systems will be assessed individually and appropriate action taken where officer deems necessary.

## 4.7 HOUSE EXTENSIONS OR RENOVATIONS

Household wastewater flow rates can increase with a change of ownership, a higher number of occupants, connection to reticulated water supply and/or the addition of a bedroom, bathroom, spa or other water-using fixture. The original system land application area may not cope with the increase in flow, causing a risk to public health and the environment. This is particularly the case on older systems where irrigation areas are most likely at the end of their capacity and generally alterations occur on older properties for obvious reasons.

It is best practice and opportunity to review system functionality with extensions or renovations to determine if the system is functioning as intended and risks to health and the environment are minimised.

Before making any additions or renovations to a house or the water supply, owners must contact Council's Environmental Health team. Council will need to determine whether a Permit to Alter the system is required. If required, the owner must apply to Council for a Septic Tank Permit before the house alterations begin. A Land Capability Assessment may also be required, table 5.3 details specific requirements for permit applications.

As previously noted the Environment Protection Act defines a septic tank systems as:

*'a system for the bacterial, biological, chemical or physical treatment of sewage, and includes all tanks, beds, sewers, drains, pipes, fittings, appliances and land used in connection with the system'.*

A Permit to Alter is required if any of these parts of the system are being altered.

There is a requirement for a clear and consistent approach to when a Permit to Alter is required. This topic has the potential for different interpretations and approaches, which has historically made it difficult for environmental health officers to undertake their responsibilities in this area. This policy and procedure will be developed as part of Action 2.

## 4.8 EDUCATION AND ADVICE

Education for system owners and users on the management, use and maintenance requirements of their wastewater system will assist in minimising impacts on the surrounding environment from poorly performing or failing systems. Council environmental health staff routinely receive requests in relation to failing systems, or owners who are not aware of the location or condition of their wastewater system, and many people are not aware of the system requirements for ongoing maintenance of wastewater treatment systems.

Section 32 Vendor Statements provide a mechanism by which Council can inform prospective new owners of properties reliant upon onsite wastewater systems.

There is an opportunity to educate system owners and users when Permits to Alter or Use are issued, and to include written information. Section 7.3 of AS/NZ 1547:2012 lists the attributes in relation to advice and regulation those with responsibilities in overseeing wastewater management should have or be able to provide.

***Action 7: Provide community education on the correct operation and maintenance of onsite wastewater systems***

*Action 8: Develop fact sheets and other resources advising and educating on wastewater.*

*Action 9: Investigate options to provide information to homebuyers on onsite systems and the associated domestic wastewater management requirements.*

## 5 New onsite wastewater systems

### 5.1 ONSITE SYSTEMS IN WATER SUPPLY CATCHMENTS

One of the key requirements related to domestic wastewater management and planning is the Ministerial document: *Planning permit applications in open, potable water supply catchment areas - November 2012*. These guidelines limit development to a maximum density of 1 house per 40 ha, with the exception that water corporations will consider allowing a higher density of development where certain conditions are met. These conditions are outlined in table 5.1 below.

Column one of the table specifies direct actions council must undertake to implement higher density living and column two addresses how this DWMP will meet these conditions.

**Table 5-1: Conditions for implementing a higher development density (than 1 in 40 ha) in special water supply catchments**

CONDITION	HOW THIS DWMP MEETS THE CONDITION
The minimum lot size area specified in the zone for subdivision is met in respect of each lot.	Not addressed in this DWMP, but is covered in normal statutory planning assessment processes.
The water corporation is satisfied that the relevant Council has prepared, adopted and is implementing a Domestic Wastewater Management Plan (DWMP) in accordance with the DWMP Requirements.	Involving GMW in the development and review of this plan. Ensuring agreed action plan is carried out and where required actions or timeline amended.
<p>The proposal does not present an unacceptable risk to the catchment having regard to:</p> <ul style="list-style-type: none"> <li>the proximity and connectivity of the proposal site to a waterway or a potable water supply source (including reservoir);</li> <li>the existing condition of the catchment and evidence of unacceptable water quality impacts</li> <li>the quality of the soil;</li> <li>the slope of the land;</li> <li>the link between the proposal and the use of the land for a productive agricultural purpose;</li> <li>the existing lot and dwelling pattern in the vicinity of site;</li> <li>any site remediation and/or improvement works that form part of the application; and</li> <li>the intensity or size of the development or use proposed and the amount of run-off that is likely to be generated.</li> </ul>	<p>This DWMP includes:</p> <ul style="list-style-type: none"> <li>The spatial risk assessment tools and data can inform of high risk areas and ensure council monitors these areas and implements appropriate controls where necessary.</li> <li>LCA is a mandatory requirement before new developments and subdivisions occur as part of the planning or building processes.</li> <li>LCA is a mandatory requirement for alterations with additional flowrate estimates in SWSC areas.</li> <li>Development and revision of standardised policy and procedures, including alteration of systems where flow rates are not increased.</li> </ul>
The DWMP must comprise a strategy, including timelines and priorities, to prevent discharge of wastewater beyond property boundaries; and prevent individual and cumulative	This strategy includes a three year action plan, a targeted inspection and compliance program and risk assessment that considers

CONDITION	HOW THIS DWMP MEETS THE CONDITION
impacts on groundwater and surface water beneficial uses.	impacts to groundwater and surface water beneficial uses.

The above mentioned planning guidelines also outline a set of DWMP requirements that must be met in addition to those set out in the SEPP. Table 5.2 summarises the way each of these requirements has been addressed in the preparation of this DWMP.

**Table 5-2: Domestic Wastewater Management Plan Requirements (page 4 Planning permit applications in open, potable water supply catchment areas November 2012)**

REQUIREMENTS	HOW THIS DWMP MEETS THE REQUIREMENTS
<p>The DWMP must be prepared or reviewed in consultation with all relevant stakeholders including:</p> <ul style="list-style-type: none"> <li>Other local governments with which catchments are shared</li> <li>EPA</li> <li>Local water corporations.</li> </ul>	<p>The DWMP has been prepared in consultation with Goulburn-Murray Water, North East Water, North Central CMA and Rural City of Wangaratta.</p> <p>Consideration has been given to the DWMPs in place for the neighboring municipalities of Mansfield Shire and the Rural City of Benalla.</p>
<p>The DWMP must comprise a strategy, including timelines and priorities, to:</p> <ul style="list-style-type: none"> <li>Prevent discharge of wastewater beyond property boundaries</li> <li>Prevent individual and cumulative impacts on groundwater and surface water beneficial uses.</li> </ul>	<p>A risk-based approach to preventing these type of discharges and impacts is presented in this plan and an action plan has been developed to address potential risks.</p> <p>Timelines and priorities are presented in the Action Plan.</p>
The DWMP must provide for the effective monitoring of the condition and management of onsite treatment systems, including but not limited to compliance by permit holders with permit conditions and the Code.	Compilation and maintenance of an onsite system database, along with inspections of existing systems, will be undertaken as set out in the Action Plan.
The DWMP must provide for the results of monitoring being provided to stakeholders as agreed by the relevant stakeholders.	Agreements between Council and stakeholders are in place and can be modified from time to time as required.
The DWMP must provide for enforcement action where non-compliance is identified.	The action plan identifies the need for policy and procedures for compliance and enforcement which will be developed in phase one.
The DWMP must provide for a process of review and updating (if necessary) of the DWMP every five years.	The Action Plan provides for updating the DWMP in line with the SEPP, every three years.
The DWMP must provide for independent audit by an accredited auditor (water corporation approved) of implementation of the DWMP, including of monitoring and enforcement, every 3 three years.	The Action Plan provides for a three-yearly review.

REQUIREMENTS	HOW THIS DWMP MEETS THE REQUIREMENTS
The DWMP must provide for the results of audit being provided to stakeholders as soon as possible after the relevant assessment.	The Action Plan provides that the results of the three-yearly audit will be provided to Stakeholders.
The DWMP must provide for councils are required to demonstrate that suitable resourcing for implementation, including monitoring, enforcement, review and audit, is in place.	Resourcing of the Action Plan is discussed in Section 7.3.

## 5.2 COMPLIANCE OF FUTURE WASTEWATER SYSTEMS

Key action areas have been identified by staff from their experience and lessons learned, as instrumental to ensure that onsite systems installed in the future, meet best practice and pose minimal risk. These action have been detailed to be addressed with policy and procedure development or as action items throughout this document.

*Action 10: New onsite systems are to be installed in line with the Code, Standard and other relevant legislation, policy and guidelines.*

*Action 11: Ensure staff who review, approve, inspect and assess wastewater treatment have experience in onsite domestic wastewater treatment systems best practice, design and legislation.*

## 5.3 LCA REQUIREMENTS AND REFERRALS

Land capability assessments (LCAs) are required across most of the Shire due to the majority of the municipality being located in a Special Water Supply Catchment area. For consistency and best practice, it is recommended that the LCA requirements described here are applied to the whole Shire. LCAs must be submitted at the planning permit application stage, or if no planning permit is required, at building permit stage with the application for a Permit to Install an on-site wastewater management system.

It is recommended council has a system in place (as required under clause 1.8.3 of the Code of Practice, EPA Publication 891.4) to verify that land capability assessors working in the Shire have the necessary:

- Qualifications
- Experience
- Professional membership
- Professional indemnity
- Independence

Council Environmental Health officers also need to have the skills, qualifications and experience to interpret LCAs and determine their suitability for the site.



The following table summarises requirements for land capability assessments in catchment areas and non-catchment areas within the Alpine Shire Council.

**Table 5-3: Land Capability Assessment requirements and referrals**

LOCALITY	TYPE OF APPLICATION	REQUIREMENT
Special Water Supply Catchment Area.	Subdivision	LCA required in line with the Code of Practice and Victorian Land Capability Assessment Framework. Must include water and nutrient balance. Referral to relevant authorities including GMW and NEW.
	New buildings with onsite wastewater disposal	
	Alteration increasing flow rate	
	Alteration	Requirements determined on individual application at EHO discretion
Non Special Water Supply Catchment Area.	Subdivision	LCA required in line with the Code of Practice and Victorian Land Capability Assessment Framework.
	New buildings with onsite wastewater disposal	
	Alteration increasing flow rate	Requirements determined on individual application at EHO discretion (likely LCA)
	Alteration	Requirements determined on individual application at EHO discretion.

Note: LCAs and soil test information provided with applications must refer to current standards and systems. Council EHOs cannot assess and issue permits for systems that do not meet the current standards, or tests which have been based on outdated scientific data. In these instances further testing or amendments made to system design will be required.

GMW acknowledge that some low risk applications within SWSC areas will not require referral to the agency as they pose low risk and council permit process are adequate for such applications.

*Action 12: Develop a Clause 66 Agreement between GMW and Council regarding planning referrals so that GMW do not have to assess lower risk proposals.*

## 5.4 SEWERAGE

Installing sewerage in high risk areas where there are clusters of existing systems was discussed in Section 4. The other potential benefit of sewerage systems is that it allows future houses to connect to sewer and correspondingly obviates the need for onsite systems thus enabling more intensive housing development.

In areas where there is a drive for development at a density higher than can be sustained by onsite systems, sewerage should be considered. At the time of preparing this DWMP there was not significant pressure for new houses to warrant the need for sewerage in any particular area. However, this may change and the need for sewerage can be reassessed in future as need be.

North East Water has advised that there are no plans at this stage for any new sewerage schemes in Alpine Shire. However, if the monitoring and inspection program or other information identifies poor water quality outcome in a particular area, Council would work with NEW to further investigate the issue. As part of this it may be necessary to investigate the development of a sewerage management plan for the area in question.

It has been identified by environmental health staff that there are a number of properties on the fringe of sewered areas which are capable of connecting to the sewer. Identifying these properties and feasibility of connecting to sewer will be undertaken in phase two and three of this plan in conjunction with the property owners and North East Water.

*Action 13: Investigate the number of properties in proximity to existing sewerage infrastructure and the feasibility of these properties to connect.*

## 6 Sewered areas

### 6.1 EXISTING ONSITE SYSTEMS IN SEWERED AREAS

There are limited records on the operation of existing onsite systems within sewerred areas. Where properties are identified which have the potential to connect to sewer council will liaise with NEW to determine the best viable outcome.

### 6.2 FUTURE HOUSES IN SEWERED AREAS

New dwellings inside declared sewer districts are required to connect to reticulated sewer network. North East Water may consider allowing development on the fringe of sewer areas and connection to reticulated sewer, if viable to do so.

*Action 14: Ensure maps and databases of sewerable land prepared and reviewed by North East Water are updated on Council's information systems.*

During the development of this DWMP sewerage district boundaries were reviewed and amended, with updates provided to council.

# 7 Plan Management

## 7.1 DWMP PLANNING COMMITTEE-

The Alpine Shire DWMP planning committee is made up of both internal and external stakeholders including:

- Internal: Environmental Health, Planning, Building, Environment.
- External: North East Water, North East Catchment Management Authority, Goulburn Murray Water.

The objectives of the committee are to develop and have adopted by council a Domestic Wastewater Management Plan which will inform sustainable and risk based wastewater management decisions to benefit the community and the environment over the three year period.

## 7.2 COMMUNITY CONSULTATION

Alpine Shire Council understands the importance of informed decisions from listening and discussing aims and outcomes with the public through a community consultation processes. Community consultation process for this plan are as follows:

- Plan is released to public for review.
- Hold community information and feedback sessions.
- Send or email out brochures on domestic wastewater management and the plan.
- Taking into account community submissions amend the plan accordingly.
- Final draft document presented to council for adoption.

## 7.3 PLAN IMPLEMENTATION, COST AND RESOURCES

There are a number of factors impacting council's wastewater management strategies, aims and outcomes. These include:

- Council's statutory responsibilities.
- Risks to the community, environment and economic impacts from domestic wastewater.
- Economic and resource capacity to undertake wastewater strategies.

Alpine Shire currently focuses attention on issuing permits to use and alter septic tank systems, deals with complaint and enquiries and makes comments on planning and building referrals. However, council's statutory responsibilities require greater action to planning, investigation, monitoring and compliance of systems and therefore resourcing.

Consideration will need to be given to the costs of resourcing activities required to satisfactorily carry out statutory responsibility and the risks associated with delaying accountabilities or negating statutory requirements.

Financial costs associated with the DWMP will largely depend on the level of risk identified by the in the inspection regime findings, and will be subject to Council's normal budget processes. Some of the costs and resources to be considered and allocated are mentioned below:

- Field equipment – ipad, car, phone
- Officer time – inspections, developing process and procedure, updating plans, compliance, data management, reporting.
- Education material
- Database management
- Compliance and enforcement activities.

State government funding may be available for priority domestic wastewater management projects in the region. If wastewater is causing significant risk in areas in Alpine Shire, council will apply for funding assist with projects to mitigate risks.

## 7.4 DWMP IMPLEMENTATION AND EVALUATION PROCESS

Alpine Shire Council is committed to develop and implement a robust and transparent policy basis for management of domestic wastewater systems. This is Alpine Shire Council's first domestic wastewater management plan. The key element of the plan is the action plan, presented in Appendix 1. The implementation process for the DWMP is essentially the process of undertaking the action steps identified in the timeframes suggested.

Most actions, will require additional resources if they are to be implemented. Council will need to investigate and evaluate the economic cost of undertaking the action plan and allocate resources accordingly, through Council's normal budget process.

On an annual basis, Council will review the action plan, consulting with external stakeholders to determine progress against milestones and adapt future actions in response to lessons learned. The DWMP will be comprehensively re-evaluated every three years; which will require a risk assessment of the domestic wastewater management issues and re-development of the most appropriate action plan at that time.

The key to the successful implementation of the DWMP will be in its flexible and adaptable implementation, periodic reviews and realistic resourcing. It is important council adopt and implement this domestic wastewater management plan, to meet Council's regulatory obligations.

*Action 15: Undertake periodic review and improvement of this DWMP, including:*

- I. Annual review and adaptation of the action plan*
- II. A full review of the DWMP three years after its adoption by Council as specified in the SEPP (Waters of Victoria)*
- III. A review of funding and resourcing requirements for the DWMP.*

## 7.5 MONITORING AND REPORTING

The effectiveness of this plan will be measured by a number of monitoring and reporting indicators including:

- Feedback from community.
- Number of systems being used within the municipality.

- Number of complaints received about wastewater treatment systems.
- Number of new septic tank permits to use, alter and install.
- Number of systems inspected each year.
- Number of systems needing rectification.
- Number of enforcement actions undertaken.
- Number of known system posing high risk which require follow up/ rectification.
- Findings and reports from external stakeholders – i.e., NEW and GMW.
- Funding and expenditure.
- Targets met and action items outstanding.
- Number of planning applications referred to GMW, NEW and NECMA
- Number of planning applications that are referred and which are refused.

## 7.6 DEVELOPMENT, REVISION AND AMMENDMENTS

Development, revision and amendments of this plan have been provided in Appendix 6.

**Draft 1:** The initial draft of this plan was developed by Duncan Wallis, RM Consulting Group, 35 Mollison Street, Bendigo, Victoria 3550.

Major amendments and revisions to this draft were made by:

### **Environmental Health Staff:**

Verity Jennings

Suzanne Walker

### **Acting Manager Building and Amenity:**

Tom Courtice.

### **North East Water:**

Arun Nirmalaraja – Graduate Engineer

### **Goulburn Murray Water:**

Ranine McKenzie – Section Leader, Statutory Planning

# Reference Documents

- Alpine Shire Council Plan – 2017- 2021
- Auditor Generals Report (2006)- *Protecting our environment and community from failing septic tanks.*
- Auditor Generals Report (2018)- *Managing the impacts of onsite wastewater in Victoria.*
- Australian and New Zealand Standards 1547:2012 – Onsite Domestic Wastewater Management.
- *Environment Protection Act 1970.*
- Environment Protection Authority *Code of Practice – Onsite Domestic Wastewater Management (EPA Publication 891.4)*
- Environment Protection Authority, *State Environment Protection Policy (Waters of Victoria) 2003.*
- *Local Government Act 1989*
- Municipal Association of Victoria (2005) *Domestic Wastewater Management, a planning guide for Local Government, MAV, Melbourne.*
- Department of Sustainability and Environment - *Planning permit applications in open, potable water supply catchment areas- 2012.*
- *Public Health and Wellbeing Act 2008.*
- Victorian Land Capability Assessment Framework- January 2018

# Appendix 1: Action Plan

ITEM	ACTION	PHASE 1	PHASE 2		
		2018-19	19-20	20-21	21-22
Action 1	Review and/or develop wastewater policy and procedures.	X	X		
Action 2	Determine number and location of all septic tank systems in the municipality, and any data gaps by collating data from North East Water, Council's rate database and other sources.	X			
Action 3	Consult with NEW on management of identified risk areas through new Sewage Management Plans.				X
Action 4	Consult with NEW, NECMA and GMW on the potential need to implement a water testing / monitoring program for high risk areas in Alpine Shire.		X		
Action 5	Integrate onsite system data into Council's information systems.	X			
Action 6	Undertake an appropriate inspection regime using the risk indicators and onsite system data		X	X	X
Action 7	Provide community education on the correct operation and maintenance of onsite wastewater systems	X	X	X	X
Action 8	Develop fact sheets and other resources advising and educating on wastewater.		X		
Action 9	Investigate options to provide information to homebuyers on onsite systems and the associated domestic wastewater management requirements.		X		



ITEM	ACTION	PHASE 1	PHASE 2		
Action 10	New onsite systems are to be installed in line with the Code, Standard and other relevant legislation, policy and guidelines.	X	X	X	X
Action 11	Staff who review, approve, inspect and assess wastewater treatment are to have experience in onsite domestic wastewater treatment systems best practice, design and legislation.	X	X	X	X
Action 12	Develop a Clause 66 Agreement between GMW and Council regarding planning referrals so that GMW do not have to assess lower risk proposals.	X			
Action 13	Investigate the number of properties in proximity to existing sewerage infrastructure and the feasibility of these properties to connect.			X	
Action 14	Ensure maps and databases of sewerable land prepared and reviewed by North East Water are updated on Council's information systems.	X	X	X	X
Action 15	Undertake periodic review and improvement of this DWMP, including: <ul style="list-style-type: none"> <li><i>I.</i> Annual review and adaptation of the action plan</li> <li><i>II.</i> A full review of the DWMP three years after its adoption by Council as specified in the SEPP (Waters of Victoria)</li> <li><i>III.</i> A review of funding and resourcing requirements for the DWMP.</li> </ul>		X	X	X

# Appendix 2: Planning considerations

## INTRODUCTION

Planning, and the planning scheme, play an important role in domestic wastewater management. Council has within its control many of the tools and powers to ensure that new development occurs in a manner consistent with the constraints and opportunities provided by onsite sewerage management.

This appendix looks at the relevant parts of the Alpine Shire planning scheme and discusses their relevance to domestic wastewater management. Conclusions are drawn and recommendations made for inclusion in the DWMP operational document.

## PLANNING PROVISIONS

The following extracts from the Alpine Planning Scheme illustrate the key clauses related to “sewer” and “effluent” and “domestic wastewater”. Note, Particular Provisions, Special Use Zones, Design and Development Overlays, Realigning Common Boundaries and other incidental references are ignored in this summary.

### **State Planning Policy Framework 11 Settlement (p24)**

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

### **State Planning Policy Framework 11.02-4 Sequencing of development (p31)**

Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for new developments.

State Planning Policy Framework 19.03 Development Infrastructure – Water supply, sewerage and drainage

To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

### **Municipal Strategic Statement 21.03-4 Built form and heritage 21.03-4**

Ensure new residential development is serviced with water, sewerage, stormwater, underground electricity and sealed roads, appropriate for the area.

Investigate the development of a Domestic Wastewater Management Plan to assist in assessing the servicing of towns with reticulated sewerage.

### **Municipal Strategic Statement 21.04-6 Catchments and waterways**

There are six Special Water Supply Catchment Areas which affect a significant proportion of the Shire. These catchments are protected under the Catchment and Land Protection Act 1994.

These Special Water Supply Catchment Areas have significant values as a source of water for urban water supplies, and domestic and stock use.

As a consequence of the Ministerial Guidelines restricting development and subdivision in these catchments there are implications not only for farm restructuring but also development in unsewered townships, villages and rural residential areas.

The strategies related to water will be implemented through the planning scheme by: using policy and the exercise of discretion. All development in rural areas will be required to retain and treat all effluent on site. Any application to construct a building within 100 metres of a waterway which would generate effluent should include evidence that the building site is capable of containing an appropriate water treatment system by providing an appropriate land capability assessment in accordance with the requirements of the relevant EPA "Code of Practice – Onsite Wastewater Management".

Liaise with Department, Environment, Land, Water and Planning, Goulburn – Murray Water, North East Water Corporation, North East Catchment Management Authority and East Gippsland Catchment Management Authority to prepare a regional water catchment policy so as to adequately address land use planning issues raised by designation of land as Special Water Supply Catchment Areas.

Investigate the development of a Domestic Wastewater Management Plan to assist in assessing the servicing of towns with reticulated sewerage.

And, investigate the development of a Domestic Wastewater Management Plan liaising with Department, Environment, Land, Water and Planning, Goulburn - Murray Water, North East Water Corporation, North East Catchment Management Authority and East Gippsland Catchment Management Authority.

#### Municipal Strategic Statement 21.06 Infrastructure

Bright, Mount Beauty, Tawonga South, Myrtleford, Porepunkah and Tawonga (part only) are serviced with reticulated sewerage.

Investigate the development of a Domestic Wastewater Management Plan to assist in assessing the servicing of towns with sewerage.

Encourage the use of alternative systems (effluent/power/water) in rural areas of the Shire.

#### **Municipal Strategic Statement 21.07 Local Areas Harrietville**

Investigate the development of a Domestic Wastewater Management Plan to assist in assessing the servicing of towns with reticulated sewerage.

Require Land Capability Assessments to ensure the ability of a site to adequately contain and treat any on-site effluent in accordance with the requirements of the relevant Environment Protection Authority "Code of Practice – Onsite Wastewater Management".

Investigate and implement the use of alternative effluent treatment systems to septic tanks.

**Municipal Strategic Statement 21.07 Local Areas Tawonga**

There is no reticulated sewer. Other urban services are limited.

Investigate the development of a Domestic Wastewater Management Plan to assist in assessing the servicing of towns with reticulated sewerage.

**Municipal Strategic Statement 21.07 Local Areas Wandiligong**

There is no reticulated sewer. Other urban services are limited.

Ensure future subdivision provides for a variety of lot size and lot layout patterns on land capable of disposing of waste water and effluent on site.

**Local Planning Policies 22.01.02 Settlement, Built Form and Heritage – Rural Residential Living**

It is local policy that in respect of development that cannot be serviced with reticulated sewer that a land capability assessment report be prepared in accordance with the Environment Protection Authority Code of Practice for Onsite Waste Water Treatment, demonstrating the capability of the land to contain and treat effluent on-site.

The design response should show: Proposed building envelopes, effluent disposal envelopes and vehicular access and egress.

**Local Planning Policies 22.02 Environment and Natural Resources**

It is local policy that: Buildings and works, including on-site effluent disposal fields and access tracks, should be sited and designed to minimise any potential to destroy or threaten native flora and fauna habitats.

**Local Planning Policies 22.02 Alpine Areas**

It is local policy that: Any development within alpine areas or sub-alpine areas: Retains and treats any on-site effluent to such a level that no environmental harm results from discharges.

And, requiring land capability assessments to demonstrate site suitability and recommend effluent disposal systems that are best suited to local conditions and provide the highest level of environmental performance.

**Local Planning Policies 22.04 Infrastructure**

Ensure that all forms of residential subdivision and/or development are connected to reticulated sewerage, water, power and stormwater facilities

It is local policy that applications for the subdivision and/or development of residential land will have regard to where it is impractical to connect low-density residential development to reticulated sewerage a report should accompany the application demonstrating how effluent is to be treated and disposed of. And an infrastructure report should be submitted with each application demonstrating that the site can be connected to reticulated water, sewerage and power. Comments from all servicing authorities should be submitted with this report.

**Low Density Residential Zone 32.03**

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

A lot may be used for one or two dwellings provided the following requirements are met: each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

A permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least: 0.4 hectare for each lot where reticulated sewerage is not connected; and 0.2 hectare for each lot with connected reticulated sewerage, based on Victorian planning provisions.

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must: In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970. The report must also show for each lot: In the absence of reticulated sewerage, an effluent disposal area.

#### **Township Zone 32.05**

A lot may be used for a dwelling provided the following requirements are met: Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

For subdivision, each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by: A land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970. And a plan which shows a building envelope and effluent disposal area for each lot.

#### **Rural Living Zone 35.03 & Rural Conservation Zone 35.06 & Farming Zone 35.07**

A lot used for a dwelling must meet the following requirements: The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

#### **Neighbourhood Character and Infrastructure 55.02**

To ensure development is provided with appropriate utility services and infrastructure and to ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

**Particular Provisions 56.07 Integrated Water Management**

Waste water management objective: To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner. Standard C24 Waste water systems must be: Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan. Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

**Referral and Notice Provisions 66**

An application to subdivide land must be referred to the relevant water, drainage or sewerage authority as a determining referral authority.

A permit granted to subdivide land in a manner that does not require referral under Clause 66.01 must contain the following conditions: The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

**Municipal Strategic Statement 21.04-4 Environmental Risk (Flooding)**

Flooding within parts of the Alpine Shire is a severe constraint on development with the extent of flooding in the Ovens River and tributaries being well documented. Strategies identified include:

- Discourage buildings, works, land use and subdivision that would be detrimental to the maintenance of the natural systems of land affected by flooding and inundation.
- Prevent inappropriate development in areas subject to flooding.
- Ensure residential development is not located on land ... that is flood prone
- Apply the Land Subject to Inundation Overlay and Flood Overlay over identified land affected by the 1:100 year flood level. Land is identified in the Upper Ovens Flood Study 2015, The Myrtleford Floodplain Management Study and the Harrietville Floodplain Management Study.

Areas mapped with a Land Subject to Inundation Overlay (LSIO) require:

- A permit to subdivide land.
- A permit to construct a building or construct or carry out works.
- Applications must be referred to the relevant floodplain management authority (which is the NECMA) or must satisfy requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

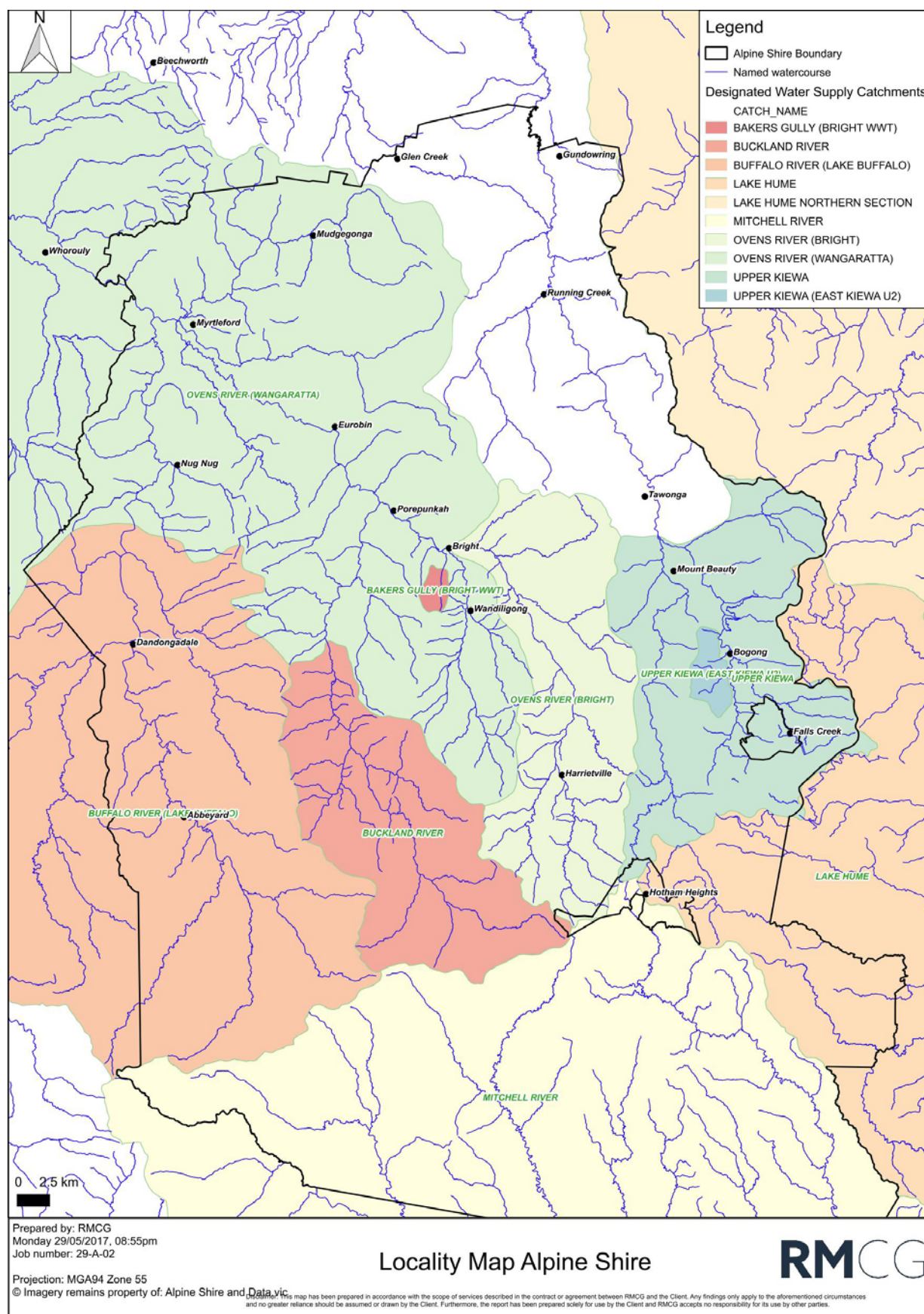
Land subject to the 1 in 100 year or 1% flood frequency level is not considered suitable for rural residential development (refer to 21.03-2).

**CONCLUSIONS**

As shown in this appendix, Council's planning Scheme outlines numerous relevant planning provisions related to domestic wastewater management. The key conclusions from this summary are:

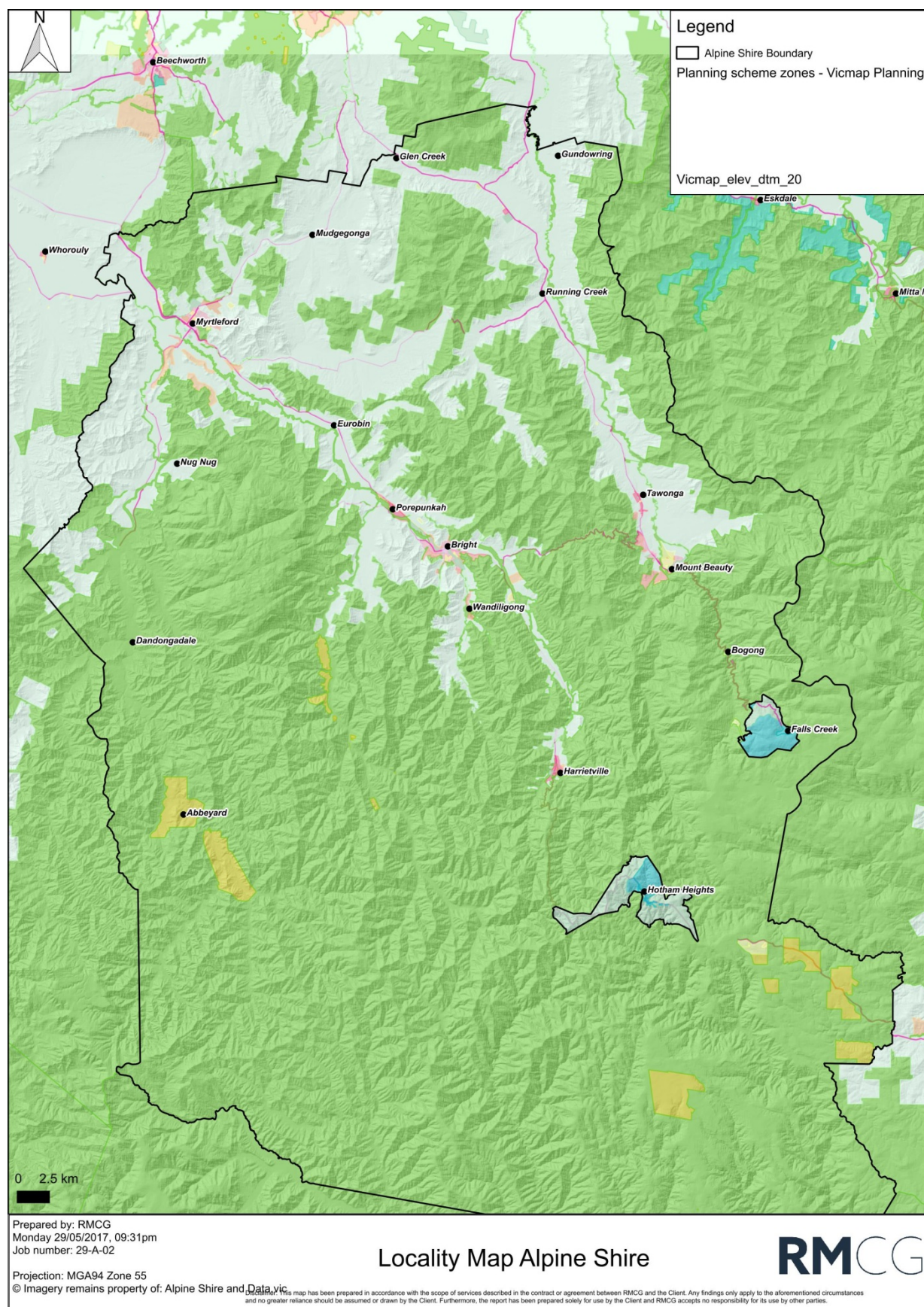
- a) The preparation of this first Domestic Wastewater Management Plan for Alpine Shire Council is an important obligation under the planning scheme.
- b) The planning system enforces logical thinking and sequencing of development, including the concept that where sewerage is available (or can be made available) it is preferred over onsite effluent management.
- c) The catchment and waterways section of the MSS requires Council to prepare both a regional water catchment policy and a domestic wastewater management plan. Council needs to be clear about the distinct purposes of these two documents to avoid any confusion or duplication.
- d) Three Local Area discussions in the MSS (Tawonga, Harrietville and Wandiligong) mention sewerage and effluent, suggesting these are the key areas for investigation of reticulated sewerage.
- e) The zone provisions provide relatively standard and reasonable controls in relation to subdivision and dwelling development for unsewered lots.
- f) Flooding control on houses is explicitly addressed in the planning scheme in its own right.
- g) The referral and notice provision in regard to Goulburn-Murray Water is currently subject to an MOU that should be able to be lifted once this DWMP has been adopted.

# Appendix 3: Alpine Shire Maps

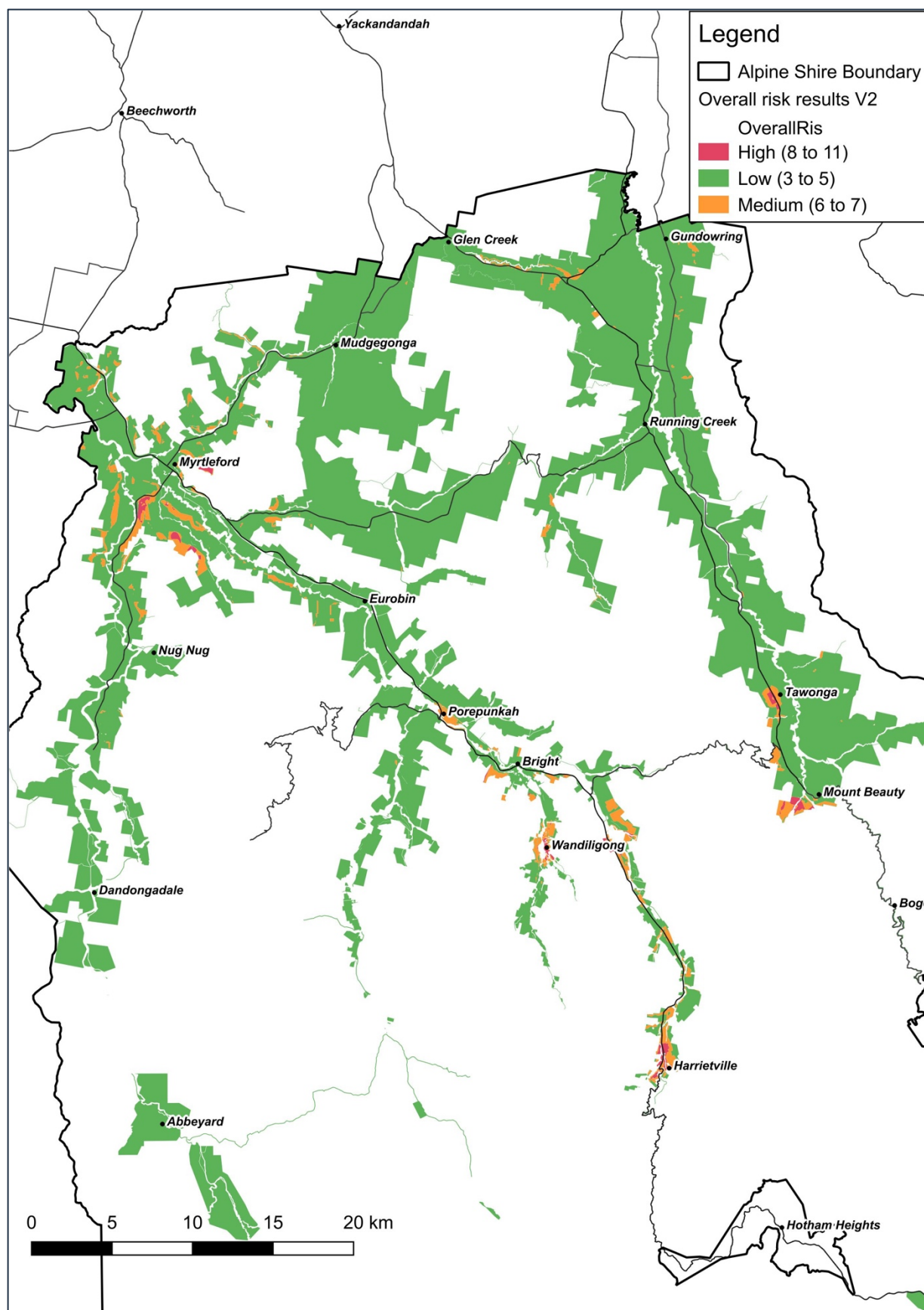




**Map 1: Designated water supply catchments**



**Map 2: Town planning zones**



**Map 3: Overall DWMP risk – extract from spatial risk assessment (RMCG 2017)**

# Appendix 4: Audit Assessment Tool

**Figure 1: Inspection form (Appendix U from AS 1547)**

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## **Appendix 5: Spatial Risk Assessment**

## Appendix 6: Development and Review

VERSION REVIEWED		DATE ADOPTED
1	Development of the plan	



**RECORD OF ASSEMBLY OF COUNCILLORS**

**Meeting Title:** Briefing Session  
**Date:** 25 September 2018  
**Location:** Committee Room, Bright Office  
**Start Time:** 3.00pm  
**Chairperson:** Cr Ron Janas, Mayor

**Councillor and staff attendees:**

<b>Name</b>	<b>Position</b>	<b>Name</b>	<b>Position</b>
Cr Ron Janas	Mayor	Nathalie Cooke	A/Chief Executive Officer
Cr Sarah Nicholas	Deputy Mayor	Will Jeremy	Director Assets
Cr Tony Keeble	Councillor		
Cr John Forsyth	Councillor		
Cr Daryl Pearce	Councillor		
Cr Kitty Knappstein	Councillor		

**Councillor and staff apologies:**

<b>Name</b>	<b>Position</b>		
Cr Peter Roper	Councillor	Charlie Bird	Chief Executive Officer

**1. Conflict of interest disclosures**

Nil

**2. Record of Councillors that have disclosed a conflict of interest leaving the assembly**

Nil

**3. Matters considered**

- Councillor only time
- Sale of land for unpaid rates
- Internal Audit Plan
- Local Laws – Amenity
- Refusal of Planning application – Morses Creek – use of train carriage
- Ordinary Council Meeting agenda review

**RECORD OF ASSEMBLY OF COUNCILORS**

**Meeting Title:** Briefing Session  
**Date:** 2 October 2018  
**Location:** Committee Room, Bright Office  
**Start Time:** 5.00pm  
**Chairperson:** Cr Ron Janas, Mayor

**Councillor and staff attendees:**

<b>Name</b>	<b>Position</b>	<b>Name</b>	<b>Position</b>
Cr Ron Janas	Mayor	Nathalie Cooke	A/Chief Executive Officer
Cr Sarah Nicholas	Deputy Mayor	Will Jeremy	Director Assets
Cr Tony Keeble	Councillor		
Cr John Forsyth	Councillor		
Cr Daryl Pearce	Councillor		
Cr Peter Roper	Councillor		
Cr Kitty Knappstein	Councillor		

**Councillor and staff apologies:**

<b>Name</b>	<b>Position</b>		
		Charlie Bird	Chief Executive Officer

**1. Conflict of interest disclosures**

Nil

**2. Record of Councillors that have disclosed a conflict of interest leaving the assembly**

Nil

**3. Matters considered**

- Councillor only time
- Review of October Ordinary Council Meeting agenda.



**RECORD OF ASSEMBLY OF COUNCILORS**

**Meeting Title:** Briefing Session  
**Date:** 23 October 2018  
**Location:** Committee Room, Bright Office  
**Start Time:** 3.00pm  
**Chairperson:** Cr Ron Janas, Mayor

**Councillor and staff attendees:**

<b>Name</b>	<b>Position</b>	<b>Name</b>	<b>Position</b>
Cr Ron Janas	Mayor	Charlie Bird	Chief Executive Officer
Cr Sarah Nicholas	Deputy Mayor	Will Jeremy	Director Assets
Cr Tony Keeble	Councillor	Nathalie Cooke	Director Corporate
Cr Kitty Knappstein	Councillor		
Cr Daryl Pearce	Councillor		

**Councillor and staff apologies:**

<b>Name</b>	<b>Position</b>	
Cr Peter Roper	Councillor	
Cr John Forsyth	Councillor	

**1. Conflict of interest disclosures**

Nil

**2. Record of Councillors that have disclosed a conflict of interest leaving the assembly**

Nil

**3. Matters considered**

- Local Laws: Livestock, Governance and Dinner Plain
- Planning Report: Butler Court, Bright
- Planning Report: Centenary Avenue Wandiligong
- Planning Report: Showers Avenue, Bright
- Planning Application: Freeburgh Stone Extraction
- Proposal to introduce Planning Delegates Report
- Outcome of Transfer Stations Market Test
- Building Better Regions Funding Opportunity