Victoria Government Gazette

By Authority of Victorian Government Printer

No. G 27 Thursday 7 July 2016

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GENERAL

TABLE OF PROVISIONS

Advertisers Please Note

As from 7 July 2016

The last Special Gazette was No. 220 dated 5 July 2016.

The last Periodical Gazette was No. 1 dated 18 May 2016.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
- or contact our office on 8523 4601 between 8.30 am and 5.30 pm Monday to Friday

PRIVATE ADVERTISEMENTS

VICTORIA POLICE

HOMICIDE OF ALBERT PISANI

$1,000,000 REWARD

The co-operation of the public is sought to establish the identity of the person or persons responsible for the death of Albert Pisani who disappeared under suspicious circumstances on 10 October 1986 and was located deceased on 9 June 1987 at Driffield.

A reward of up to one million dollars ($1,000,000) may be paid at the discretion of the Chief Commissioner of Police, for new information leading to the apprehension and subsequent conviction of the person or persons responsible for the death of Albert Pisani.

In appropriate cases, the Director of Public Prosecutions may consider, according to established guidelines, the granting of indemnification from prosecution to any person who provides information as to the identity of the principal offender or offenders in this matter.

Any information given will be treated as confidential and may be given at any time to Crime Stoppers on 1800 333 000.

Any payment of a reward will be subject to the applicant signing a deed of confidentiality prior to payment.

GRAHAM ASHTON
Chief Commissioner of Police

VICTORIA POLICE

MURDER OF KARMEIN CHAN

$1,000,000 REWARD

The co-operation of the public is sought to establish the identity of the person or persons responsible for the murder of Karmein Chan who was abducted from her home address in Templestowe on 13 April 1991 and located deceased on 9 April 1992 at Thomastown.

A reward of up to one million dollars ($1,000,000) may be paid at the discretion of the Chief Commissioner of Police, for new information leading to the apprehension and subsequent conviction of the person or persons responsible for the death of Karmein Chan.

In appropriate cases, the Director of Public Prosecutions may consider, according to established guidelines, the granting of indemnification from prosecution to any person who provides information as to the identity of the principal offender or offenders in this matter.

Any information given will be treated as confidential and may be given at any time to Crime Stoppers on 1800 333 000.

Any payment of a reward will be subject to the applicant signing a deed of confidentiality prior to payment.

GRAHAM ASHTON
Chief Commissioner of Police

VICTORIA POLICE

ATTEMPTED MURDER
OF
NICKOLAS SOLOMOS
$100,000 REWARD

The co-operation of the public is sought to establish the identity of the person or persons responsible for the attempted murder of Nickolas Solomos that occurred in Burnside on 21 May 2015.

A reward of up to one hundred thousand dollars ($100,000) may be paid at the discretion of the Chief Commissioner of Police, for new information leading to the apprehension and subsequent conviction of the person or persons responsible for the attempted murder of Nickolas Solomos.

In appropriate cases, the Director of Public Prosecutions may consider, according to established guidelines, the granting of indemnification from prosecution to any person who provides information as to the identity of the principal offender or offenders in this matter.

Any information given will be treated as confidential and may be given at any time to Crime Stoppers on 1800 333 000.

Any payment of a reward will be subject to the applicant signing a deed of confidentiality prior to payment.

GRAHAM ASHTON
Chief Commissioner of Police

DISSOLUTION OF PARTNERSHIP

Notice is given in accordance with section 41 of the **Partnership Act 1958** that Jesse Reader as trustee for the Reader Family Trust has retired, with effect on and from 30 June 2016, from the partnership known as 'AgFirst Australia' by mutual consent with the continuing partners, Ian Douglas Campbell Muir as trustee for the Manser Trust, AC2014 Limited and AgFirst Global HB.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership heretofore subsisting between Damian Gerard Flanagan, Miroslav Milanko, William Frederick Christophersen, Neil David Stitt and Douglas Kum Young, carrying on the business of general medical practitioners, has been dissolved by mutual consent on and from 30 June 2016.

DISSOLUTION OF PARTNERSHIP

On 30 June 2016, Dr Robert Roebuck retired from the partnership of medical practitioners carried on under the name and style of 'The Highton Clinic' from the premises at 10A Bellevue Avenue, Highton, Victoria.

Estate of YVONNE FINK, late of Unit 9, 1 Robertson Street, Toorak, Victoria 3142, company director, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 December 2015, are required by the personal representatives, care of the undermentioned lawyers, to send particulars to them by 7 September 2016, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

ARNOLD BLOCH LEIBLER,
lawyers and advisors,
Level 21, 333 Collins Street, Melbourne 3000,
probate@abl.com.au

CARMELINA NALON, late of 10 Mount View Road, Thomastown, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 December 2015, are required by the executrix, Loretta Maria Irani, care of Arthur J. Dines & Co., Solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to her by 5 September 2016, after which date the executrix may convey or distribute the assets, having regards only to claims to which she has notice.

Dated 7 July 2016

ARTHUR J. DINES & CO., solicitors,
2 Enterprise Drive, Bundoora 3083.

Creditors, next-of-kin and others having claims in respect of the estate of SHIRLEY ANN GREEN, late of 22 Alister Street, Fitzroy North, Victoria 3068, secretary, deceased, who died on 3 May 2015, are requested to send particulars of their claims to the executor, Raymond Henry

Paton, care of the undermentioned solicitors, on or before 16 September 2016, after which he will distribute the assets, having regard only to the claims of which he then has notice.

BAZZANI SCULLY PRIDDLE LAWYERS,
Level 15, 200 Queen Street, Melbourne 3000.
Telephone: 9670 0722.

Re: Estate of ALBERT JOHN BOWLES, late of Unit 1, 49 Plummer Street, Mentone, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 April 2016, are required by the trustees, Janet Roslyn Holper and Helen Margaret Dunne, to send particulars of their claims to the trustees, care of the undermentioned legal practitioners, by a date not later than two months from the date of publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

BRENDAN HOLLAND & MICHAEL CAHIR, legal practitioners,
130 Balcombe Road, Mentone 3194.

Re: URSULA MARY JEANETTE LE MESSURIER WARE, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of URSULA MARY JEANETTE LE MESSURIER WARE, late of 225 Webb Wares Road, Yea, Victoria, who died on 7 November 2014, are to send particulars of their claims to the personal representative/s, care of the undermentioned solicitors, by 8 September 2016, after which date the personal representative/s may convey or distribute the assets, having regard only to the claims of which they then have notice.

BRUCE M. COOK & ASSOCIATES, solicitors,
Level 4, 114 William Street, Melbourne 3000.

PETRUS JOZEF DEKKER, late of Glenlyn Aged Care Facility, 34 Finchley Avenue, Glenroy, Victoria 3046, retired artist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed, who died on 30 August 2015, are required by the executor, Elizabeth Fisher, care of 765D Hawthorn Road, Brighton East, Victoria 3187, to send particulars of their claim to her by 23 September 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 20 January 2016.

CITY PACIFIC LAWYERS,
765D Hawthorn Road, Brighton East,
Victoria 3187.
Ph: 03 9592 3356. Fax: 03 9592 3357.
EAM:IS:150123
Contact: Elizabeth Anne Michael.

Re: JOSEPHINE PIOTROWSKI, late of 25–27 Wiltshire Street, Sunshine North, factory hand/cleaner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 December 2015, are required by the trustee, Irena Sophia Jones, to send particulars to the trustee, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

PAMELA NONETTE GORDON (also known as Pamela Nonette Harris-Wright), late of Napier Street Aged Care Services, 179 Napier Street, South Melbourne, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 April 2016, are required by the personal representative, Armin Edmund Ellinghaus, to send particulars to him, care of the undermentioned solicitors, by 15 September 2016, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

ELLINGHAUS WEILL, solicitors,
79-81 Franklin Street, Melbourne, Victoria 3000.

Re: SYDNEY OLIVER LIQUORISH, late of 47 Oldershaw Road, Melton, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 August 2014, are required to send particulars of their claims to Equity Trustees Limited, ACN 004 031 298, of Level 2, 575 Bourke Street, Melbourne, Victoria, the

personal representative, by 6 September 2016, after which date Equity Trustees Limited may convey or distribute the assets, having regard only to the claims of which it then has notice.

EQUITY TRUSTEES LIMITED,
ACN 004 031 298,
Level 2, 575 Bourke Street,
Melbourne, Victoria 3000.

Re: GIUSEPPE ARCERI, late of 411 Murray Road, West Preston, Victoria, pensioner.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 June 2015, are required by Maria Giuseppa Tramontana (also known as Pina Tramontana), Maria Montagna Manago, Antonio Arceri (also known as Nino Arceri) and Rosina Branella (also known as Rosa Branella), the administrators of the estate of the abovenamed deceased, to send particulars of their claims to them, care of the undermentioned solicitors, by 12 September 2016, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

FRANK J. SAGARIA & ASSOCIATES,
solicitors,
149 Union Road, Ascot Vale, Victoria 3032.

Re: Estate of JOHN PHILLIP HALL.

Creditors, next-of-kin and others having claims against the estate of JOHN PHILLIP HALL, late of Apartment 61, 3 Seisman Place, Port Melbourne, Victoria, engineer, deceased, who died on 22 December 2015, are requested to send particulars of their claims to the executor, care of the undermentioned lawyers, by 10 September 2016 dated, after which date he will distribute the assets having regard only to the claims of which he then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,
lawyers,
The Central 1, Level 2, Suite 17,
1 Ricketts Road, Mount Waverley,
Victoria 3149.

Trustee Act 1958

SECTION 33 NOTICE

Notice to Claimants

JOHN WILLIAM CROSS, late of Villa Maria Aged Care, 5 Stud Road, Wantirna South, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 April 2016, are required by Equity Trustees Limited, of Level 2, 575 Bourke Street, Melbourne, Victoria, the executor of the estate of the deceased, to send particulars of their claims by 7 September 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which it then has notice.

HUNT & HUNT,
Level 26, 385 Bourke Street,
Melbourne,Victoria 3000.
Ref: 9612620.

Re: PAUL YEOMANS, late of 2/26 Prince Street, Gisborne, Victoria 3437, concreter, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 18 August 2015, are required by the trustee, John Yeomans, care of PO Box 60, Gisborne, Victoria 3437, to send particulars of their claims to them by 6 September 2016, after which date the trustee may convey or distribute the assets and the estate, having regard only to the claims of which the trustee then has notice. Probate was granted in Victoria on 11 March 2016.

Re: MARY BROWN, late of 7/9 Marysville Way, Boronia, Victoria, homemaker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 October 2015, are required by the trustee, Paul Kirton, care of 40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustee by 5 September 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

M & K LAWYERS GROUP PTY LTD,
40–42 Scott Street, Dandenong 3175.

Re: ANN McINNES CROMBIE, late of Arcare Aged Care, 478 Burwood Highway, Wantirna South, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 March 2016, are required by the trustee, Amanda Jane Leitch, to send particulars to the trustee, care of the undermentioned

solicitors, by 9 September 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MAHONS with Yuncken & Yuncken, solicitors,
101/177 Surrey Road, Blackburn,
Victoria 3130.
Ref No: CD:MK:2160486

Creditors, next-of-kin and others having claims in respect to the estate of MATTHEW WILDE, late of 16 Bon Vue Road, Balwyn North, Victoria, deceased, who died on 27 March 2016, are required to send particulars of such claims to the executors, care of the undermentioned solicitors, by 12 September 2016, after which date the executors will convey or distribute the assets, having regard only to the claims of which the executors then have notice.

PIETRZAK SOLICITORS,
222 La Trobe Street, Melbourne 3000.

LOIS ELEANOR GRAY, late of Geelong Aged Care Grovedale, 6A Perrett Street, Grovedale, Victoria.

Creditors, next-of-kin and others having claims against the estate of the deceased, who died on 1 April 2016, are required by the executors, Wendy Joy Brown and Jan Elizabeth Delcourt, to send particulars of such claims to the executors, care of Randall Bell Lawyer, Level 4, 117 Myers Street, Geelong, Victoria 3220, on or before 7 October 2016, after which date the executors will convey or distribute the assets, having regard only to the claims of which they have notice.

Re: RODERICK HUGH CHISHOLM, late of 30 Pettit Street, Warragul, Victoria, consultant, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 November 2015, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 15 September 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

Creditors, next-of-kin and others having claims in respect of the estate of TIMOTHY JAMES LOFT, deceased interstate, late of 18 Harris Avenue, Hoppers Crossing, motor mechanic, who died on 3 April 2016, are requested to send particulars of their claims to the administrator, Ian Arthur Loft, care of the undersigned solicitors, by 9 September 2016, after which date he will convey or distribute the assets, having regard only to the claims of which he then has notice.

SLATER & GORDON, solicitors,
100 Paisley Street, Footscray 3011.

EILEEN LOW, late of Centennial Lodge, 13 Lewis Road, Wantirna South, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 March 2016, are required by the executor, Anthony Michael Low of 445 Baxter Tooradin Road, Langwarrin South, Victoria, to send particulars to him, care of Stidston Warren Lawyers, by 10 September 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

STIDSTON WARREN LAWYERS,
Suite 1, 10 Blamey Place, Mornington 3931.

Creditors, next-of-kin and others having claims in respect of the estate of KEITH ARTHUR JOHNSON, late of 7 Hainthorpe Grove, Mulgrave, in the state of Victoria, retired council worker, who died on 12 December 2015, are to send particulars of their claim to the executor, care of the undermentioned lawyers, by 8 September 2016, after which date the executor will distribute the assets having regard only to the claims of which they then have notice.

TAYLOR, SPLATT & PARTNERS, lawyers,
PO Box 8278, Carrum Downs, Victoria 3201.
Telephone: (03) 9783 7700.
(Reference: AS:172383-5:DM)

Re: THERESE MUHLETHALER, late of 24 Quixley Grove, Wantirna 3152.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 May 2016, are required to

send particulars of their claim, care of the undermentioned solicitors, by 7 September 2016, after which date the said executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

TUCKER PARTNERS,
Level 34, 360 Collins Street, Melbourne 3000.

ADVERTISEMENT OF AUCTION BY THE SHERIFF

On Thursday 11 August 2016 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Chris Anagnostakos of 14 Mackie Road, Bentleigh East, as shown on Certificate of Title as Christopher Anagnostakos, joint proprietor with Angela Anagnostakos of an estate in fee simple in the land described on Certificate of Title Volume 8114 Folio 326, upon which is erected a residential home and known as 14 Mackie Road, Bentleigh East, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number V492196D) and Registered Caveat (Dealing Number AL317982X) affect the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services by email at realestatesection@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

ADVERTISEMENT OF AUCTION BY THE SHERIFF

On Thursday 11 August 2016 at 1.30 pm in the afternoon, at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of David P. Corstorphan of 88 Brackenbury Street, Warrandyte, as shown on Certificate of Title as David Paul Corstorphan, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 6644 Folio 724, upon which is erected a house and known as 88 Brackenbury Street, Warrandyte, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AL249778Y) affects the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services by email at realestatesection@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

ADVERTISEMENT OF AUCTION BY THE SHERIFF

On Thursday 11 August 2016 at 1.30 pm in the afternoon, at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Paul John Stevenson Motea of Unit 3, 7 Vaughan Crescent, Kew, as shown on Certificate of Title as Paul John Steven Motea, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 10201 Folio 403, upon which is erected a residential dwelling and known as Unit 3, 7 Vaughan Crescent, Kew, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number W792354F), Registered Caveat (Dealing Number AG821147R) and Owners Corporation Plan No. PS333888Q affect the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services by email at realestatesection@justice.vic.gov.au, for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

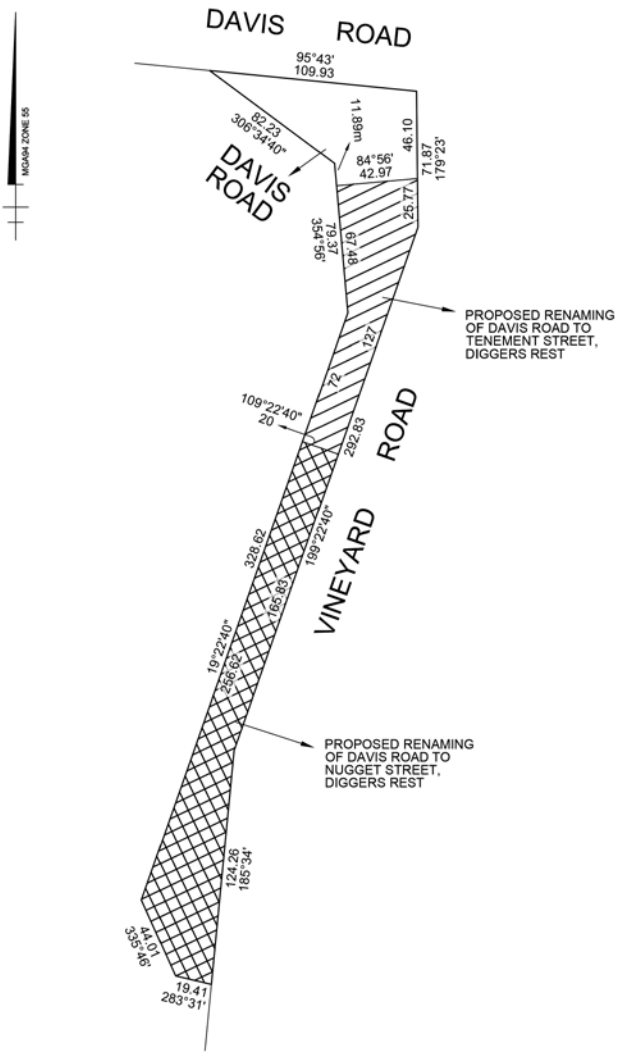
SHERIFF

GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES NOTICES

CITY OF MELTON

CHANGE OF ROAD NAME – PART OF DAVIS ROAD, DIGGERS REST TO NUGGET STREET AND TENEMENT STREET, DIGGERS REST

That Melton City Council having undertaken the statutory process pursuant to section 206 and Schedule 10, Clause 5, of the **Local Government Act 1989**, and having received no objections, hereby determines to rename part of the road in Diggers Rest known as Davis Road to Nugget Street and Tenement Street, as depicted on the plan below.



MR KELVIN TORI
Chief Executive Officer

CARDINIA SHIRE COUNCIL

Open Air Fires Amendment Local Law

Notice is hereby given that the Cardinia Shire Council at its meeting held on 20 June 2016 resolved to make Local Law 18, Open Air Fires Amendment Local Law.

The purposes and general purport of the Local Law are to:

- provide for the peace order and good government of the Cardinia Shire Council;
- promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community;
- prevent and suppress nuisances which may adversely affect the enjoyment of life or the health, safety and welfare of persons;
- prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life and the environment;
- prohibit and regulate the use of open air fires to reduce green waste and bush fire and wild fire risk in the municipal district; and
- provide for the consistent application and enforcement of this Local Law.

Copies of the Local Law can be obtained from the Cardinia Shire Council Offices, Siding Avenue, Officer, or by contacting Customer Service on 1300 787 624. The Local Law also appears on Council's website at www.cardinia.vic.gov.au

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MOORABOOL SHIRE COUNCIL

Notice of Adopted Meeting Procedure Local Law No. 9

Pursuant to section 119 of the **Local Government Act 1989**, the Moorabool Shire Council, at its meeting held on Wednesday 29 June 2016, resolved to adopt the Meeting Procedure Local Law No. 9.

The purpose and general purport of the Meeting Procedure Local Law No. 9 is to regulate proceedings and provide for orderly and fair conduct at all Council Meetings, Special Committee Meetings and Advisory Committee Meetings. The Meeting Procedure Local Law No. 9 will also regulate the proceedings for the election of the Mayor/Deputy Mayor and Chairperson/Deputy Chairperson of the committees in addition to regulating the use of the common seal or any device resembling the common seal.

A copy of the Meeting Procedure Local Law No. 9 may be inspected at the following locations: 15 Stead Street, Ballan; 182 Halletts Way, Darley; and Lerderderg Library, 215 Main Street, Bacchus Marsh.

Access to Meeting Procedure Local Law No. 9 is also available online at www.moorabool.vic.gov.au

ROB CROXFORD
Chief Executive Officer

CITY OF WHITEHORSE

NOTICE OF COMMUNITY LOCAL LAW 2014

Whitehorse City Council, through delegated authority, adopted changes to the following incorporated documents of the Whitehorse City Council Community Local Law 2014:

- Procedures for Work and Protection of Council Assets;
- Whitehorse City Council Domestic and Commercial Waste Management Procedures; and
- Fixed Penalties for Offences Dealt with by Infringement Notices.

The changes are effective 1 July 2016.

The Community Local Law 2014 and its revised incorporated documents can be viewed on Council's website at www.whitehorse.vic.gov.au

Copies of all the documents are available for inspection at, and obtainable from, Council's Service Centres located at 379–397 Whitehorse Road, Nunawading; Shop 275 Forest Hill Chase Shopping Centre, Canterbury Road, Forest Hill; and Box Hill Town Hall, 1022 Whitehorse Road, Box Hill.

Planning and Environment Act 1987

CASEY PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C223

The Casey City Council has prepared Amendment C223 to the Casey Planning Scheme.

The land affected by the Amendment is 191–195 Belgrave–Hallam Road, Narre Warren North.

The Amendment proposes to apply the Public Acquisition Overlay – Municipal Purposes (PAO 3) to the land at 191–195 Belgrave–Hallam Road, Narre Warren North.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: Casey City Council, Municipal Offices, Magid Drive, Narre Warren 3805.

The documents are also available at the City of Casey website: http://www.casey.vic.gov.au/building-planning/planning-scheme-and-amendments/on-exhibition-amendments and the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. The closing date for submissions is 8 August 2016. A submission must be sent to: Team Leader – Planning Scheme Implementation, City of Casey, PO Box 1000, Narre Warren, Victoria 3805.

Should you have any queries about this Amendment, please contact Council's Planning Department on (03) 9705 5200.

DUNCAN TURNER
Manager Planning

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C192

Greater Shepparton City Council has prepared Amendment C192 to the Greater Shepparton Planning Scheme.

The land affected by the Amendment is land generally within the commercial areas of Greater Shepparton.

The Amendment proposes to update the Municipal Strategic Statement and Activity Centre Zone to implement the recommendations of the 'Greater Shepparton Commercial Activity Centres Strategy, November 2015'.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Greater Shepparton City Council, 90 Welsford Street, Shepparton; at the Greater Shepparton City Council website, www.greatershepparton.com.au; and at the Department of Environment, Land, Water and Planning website, www.dtpli.vic.gov.au/publicinspection

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is Monday 8 August 2016. A submission must be sent to Greater Shepparton City Council, Locked Bag 1000, Shepparton, Victoria 3632.

The following panel hearing dates have been set for this Amendment:

- directions hearing: week starting 10 October 2016.
- panel hearing: week starting 31 October 2016.

COLIN KALMS
Manager Planning

Planning and Environment Act 1987

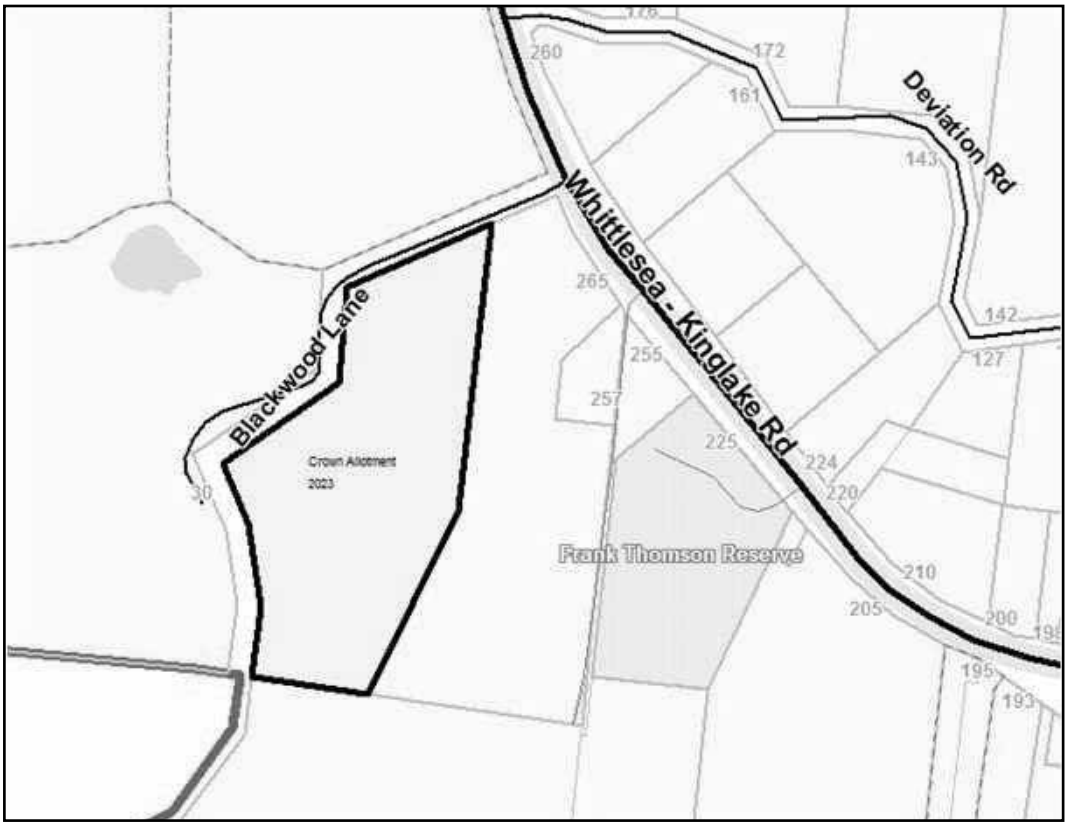
MURRINDINDI PLANNING SCHEME

Notice of the Preparation of an Amendment

Amendment C59

The Murrindindi Shire Council has prepared Amendment C59 to the Murrindindi Planning Scheme.

The land affected by the Amendment is known as part of 265 Whittlesea–Kinglake Road, Kinglake, is situated in Blackwood Lane and is formally described as Crown Allotment 2023, Parish of Kinglake.



The Amendment proposes to rezone Crown Allotment 2023, Parish of Kinglake, part of 265 Whittlesea–Kinglake Road, Kinglake, from Public Use Zone 7 (PUZ7) – Other to Public Use Zone 5 (PUZ5) – Cemetery and Crematorium.

The Amendment also proposes to remove the Environmental Significance Overlay Schedule 1 (ESO1) – High Quality Agricultural Land from the subject site.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Murrindindi Shire Council, at: Perkins Street, Alexandra, Victoria; 19 Whittlesea–Kinglake Road, Kinglake; The Semi Circle, Yea; Murrindindi Shire Council website, www.murrindindi.vic.gov.au; and at the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment and the application. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is Thursday 8 September 2016. A submission must be sent by mail to the Murrindindi Shire Council, PO Box 138, Alexandra 3714, or emailed to planning@murrindindi.vic.gov.au

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, until the end of two months after the Amendment comes into operation or lapses.

MARGARET ABBEY
Chief Executive Officer
Murrindindi Shire Council

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 6 September 2016, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

BUSCHEK, Karl Martin, late of Unit 2, 1 Browning Walk, South Yarra, Victoria 3141, pensioner, deceased, who died on 25 December 2015.

EVANS, Iris Beryl, late of Room 6, Uniting Agewell Noble Park Community, 1312 Heatherton Road, Noble Park, Victoria 3174, deceased, who died on 9 April 2016.

HARRISON, Joseph, late of Elmore–Raywood Road, Bridgewater, Victoria 3516, deceased, who died on 23 April 2016.

McBRIDE, Deirdre, late of 26 Barrington Street, Bentleigh East, Victoria 3165, retired, deceased, who died on 12 March 2016.

MEARS, Alice, late of Flat 63, 49 Union Street, Windsor, Victoria 3181, deceased, who died on 9 March 2016.

STARK, Mervyn, late of 72 Carigg Street, Dromana, Victoria 3936, deceased, who died on 25 February 2016.

SUTHERLAND, Dorothy Patricia, late of Noel Miller Centre, 9–15 Kent Street, Glen Iris, Victoria 3146, deceased, who died on 5 May 2016.

WILLIAMS, Margaret, late of Vasey RSL Care, 85 Overport Road, Frankston, Victoria 3199, deceased, who died on 19 April 2016.

Dated 28 June 2016

STEWART MacLEOD
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 7 September 2016, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

KOLODZIEJ, Adolf, late of Flat 178, 49 Union Road, Windsor, Victoria 3181, deceased, who died on 24 March 2016.

KURTUKOFF, George, late of 35 Columbia Road, Narre Warren, Victoria 3805, deceased, who died on 22 February 2016.

PLEWS, Allan Gordon, late of Unit 73, 60 Centre Dandenong Road, Cheltenham, Victoria 3192, deceased, who died on 2 May 2016.

WHITE, Robert Brewer, late of 1 Centre Avenue, Eildon, Victoria 3713, deceased, who died on 8 March 2016.

Dated 29 June 2016

STEWART MacLEOD
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 12 September 2016, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

BUIST, Rosemarie, late of Aurrum Aged Care Facility, 1 Aberdeen Street, Reservoir, Victoria 3073, deceased, who died on 23 May 2016.

CAREY, Anne, late of St Vincent's Aged Care – Eltham Lodge, 43 Diamond Street, Eltham, Victoria 3095, deceased, who died on 22 March 2016.

CLARIDGE, Jeremy James, late of Unit 3, 119 Fitzroy Street, Fitzroy, Victoria 3065, deceased, who died on 11 April 2016.

CONSIDINE, Annette, late of Unit 1, 6 Alexander Street, Cranbourne, Victoria 3977, deceased, who died on 28 December 2015.

DOULIS, Wilma Elizabeth, late of Serendip, 80 Clarks Road, Whittlesea, Victoria 3757, store person, deceased, who died on 31 March 2016.

ERICKSON, Carmel, late of Unit 1, 47 Adelaide Street, St Albans, Victoria 3021, pensioner, deceased, who died on 2 April 2016.

GRIFFIN, Rodney James, late of 68 Churchill Avenue, Ararat, Victoria 3377, deceased, who died on 12 January 2016.

HAWLEY, Arthur Graham Leete, late of 4 Punari Court, Seaford, Victoria 3198, retired, deceased, who died on 8 May 2016.

HILLOCK, Nola Dawn, late of Unit 8, 4 Karrakatta Street, Black Rock, Victoria 3193, deceased, who died on 21 February 2016.

MITCHELL, Harold, late of Flat 13, 260–284 Bank Street, South Melbourne, Victoria 3205, deceased, who died on 22 May 2016.

TREWEEK, Perle Joyce Irene, late of 37 Brumbys Road, Carrum Downs, Victoria 3201, retired, deceased, who died on 19 October 2015.

WILLIAMS, Marie Louise, late of Rosehill Private Nursing Home, 12 Maxflo Court, Highett, Victoria 3190, deceased, who died on 21 November 2015.

Dated 4 July 2016

STEWART MacLEOD
Manager

Associations Incorporation Reform Act 2012

SECTION 138

I, David Joyner, Deputy Registrar of Incorporated Associations, under delegation provided by the Registrar, hereby give notice that an application for the voluntary cancellation of incorporation, pursuant to section 136 of the Act, has been received by the Registrar from each of the associations mentioned below:

3556 Community Food Growers Network Inc.; Arabic Christian Community Melbourne Inc.; Barwon Heads Kindergarten Inc.; Bendigo Christian Fellowship Inc.; Calabria Senior Citizens Group Inc.; Candidates for Change Incorporated; Chinese Buddhist Centre Victoria Inc.; Deakin Queer Department Inc.; F.W. Kerr Playgroup Inc.; Help for Wildlife Inc.; Kingston Community Education Centre Inc.; Lockwood Community Water Inc.; Loud Empire Inc.; Mallacoota Community Association Inc.; Mandurah Community Bingo Inc.; Melbourne's Western District Honorary Justice Inc.; Mentone Hockey Club Inc.; Merryl Incorporated; Mount Beauty Bombshells Roller Derby Inc.; National Independent Trucking Association Inc.; Once Were Warriors Inc.; Portland and District Christian Emergency Relief Centre Inc.; Probus Club of McKinnon & Moorabbin Inc.; Probus Club of Syndal Inc.; Recovery Academy Australia Inc.; Roar Studios Inc.; Saint Mina Coptic Vacation Care Centre Inc.; Samoan Assembly of God in Australia Christian Fellowship Thomastown Vic. Inc.; Sandringham Hockey Club Inc.; Sandringham Senior Citizens Club Inc.; South West Coast Network Inc.; Southern Ethnic Advisory and Advocacy Council Inc.; Spire Australia Pty Ltd; St Bede's Tennis Club (North Balwyn) Inc.; St Mel's Primary School Football Club Inc.; The Burning Deck Inc.; Thursday Night Bays Inc.; Tolmie Riding and Equestrian Club Inc.; Victoria First Inc.; Victorian High Flying Pigeon Club Inc.; Victorian Motorcycle Tour Operators Association Inc.; Victorian Primary Skills Victoria-Victorian Primary Industries Training Board Inc.; Warringal Junior Baseball Club Inc.; Warrnambool & District Junior Tennis Association Inc.; Watts Street Child Care Centre Management Inc.; Western District Dahlia Society Inc.; Westgarth Cricket Club Inc.; World Malayalee Council Melbourne Province Inc.; Wyndham Carpet Bowls Group for All Abilities Inc.

I further advise that unless a person makes a written objection to cancellation to the Registrar within 28 days of the date of this notice, I intend to cancel the incorporation of the incorporated associations mentioned above.

Dated 7 July 2016

DAVID JOYNER
Deputy Registrar of
Incorporated Associations
GPO Box 4567
Melbourne, Victoria 3001

Crown Land (Reserves) Act 1978

ORDER GIVING APPROVAL TO GRANT A LEASE UNDER SECTIONS 17D(1) AND 17D(3)(A)

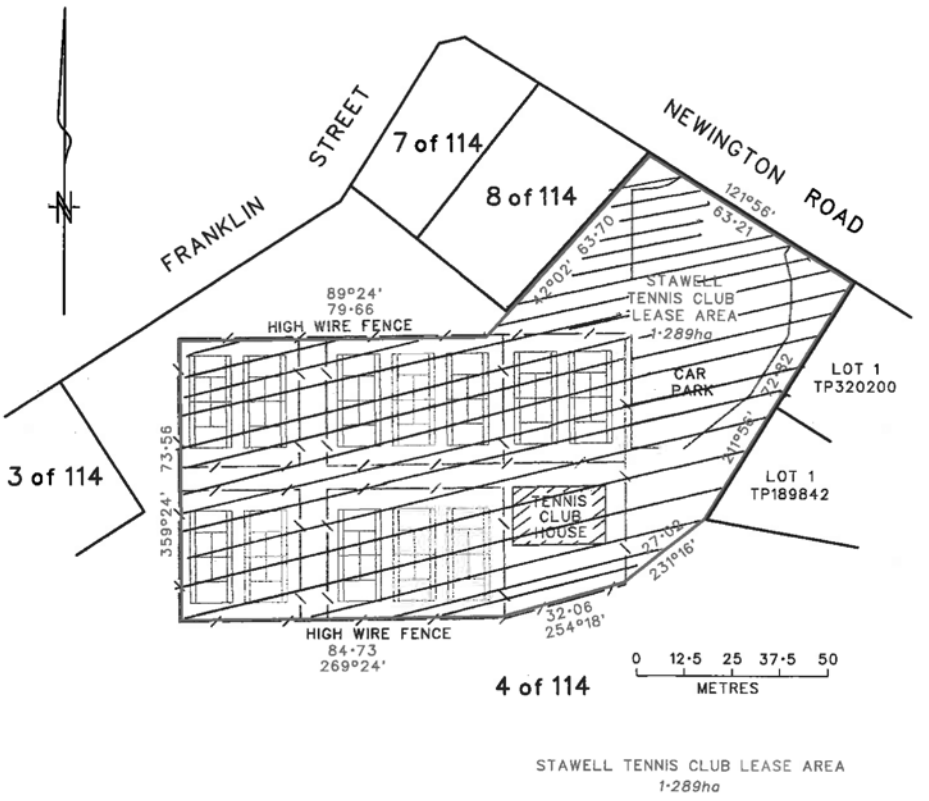
Under sections 17D(1) and 17D(3)(a) of the **Crown Land (Reserves) Act 1978,** I, the Hon Lisa Neville MP, Minister for Environment, Climate Change and Water, being satisfied that there are special reasons which make the granting of leases reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve Northern Grampians Shire Council as Committee of Management, granting a lease for the purpose of Sporting and Club Use to Stawell Tennis Club Incorporated over part of North Park Reserve described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that:

(a) there are special reasons which make granting of the lease reasonable and appropriate in the particular circumstances; and

(b) to do this will not be substantially detrimental to the use and enjoyment of any surrounding land reserved under the **Crown Land (Reserves) Act 1978**.

SCHEDULE

The land shown hatched on attached plan, being part of Crown Allotment 4, Section 114, Parish of Stawell, being temporarily reserved for Public Park by Order in Council of 8 July 1952 (vide Government Gazette of 16 July 1952, page 3762) and temporarily reserved for Public Recreation by Order in Council of 12 August 1952 (vide Government Gazette of 20 August 1952, page 4619).



Dated 12 May 2016
File No: 0203136

THE HON LISA NEVILLE, MP
Minister for Environment, Climate Change and Water

Crown Land (Reserves) Act 1978

ORDER GIVING APPROVAL TO GRANT A LEASE UNDER SECTIONS 17D(1) AND 17D(3)(A)

Under sections 17D(1) and 17D(3)(a) of the **Crown Land (Reserves) Act 1978** I, the Hon Lisa Neville MP, Minister for Environment, Climate Change and Water, being satisfied that there are special reasons which make the granting of leases reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve Northern Grampians Shire Council as Committee of Management, granting a lease for the purpose of a 'Fitness Facility' to The Young Men's Christian Association of Ararat Incorporated over part of North Park Reserve described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that:

(a) there are special reasons which make granting of the lease reasonable and appropriate in the particular circumstances; and

(b) to do this will not be substantially detrimental to the use and enjoyment of any surrounding land reserved under the **Crown Land (Reserves) Act 1978**.

SCHEDULE

The land shown cross-hatched on attached plan, being part of Crown Allotment 2003, Parish of Stawell, being temporarily reserved for Public Park by Order in Council of 8 July 1952 (vide Government Gazette of 16 July 1952, page 3762) and temporarily reserved for Public Recreation by Order in Council of 12 August 1952 (vide Government Gazette of 20 August 1952, page 4619).

Dated 29 April 2016
File No: 0203136

THE HON LISA NEVILLE, MP
Minister for Environment, Climate Change and Water

Environment Protection Act 1970

VARIATION TO THE CODE OF PRACTICE
FOR ONSITE WASTEWATER MANAGEMENT – (EPA VICTORIA PUBLICATION 891)[1]

Environment Protection Authority (EPA) Victoria

The Environment Protection Authority Victoria is varying the Code of Practice for Onsite Wastewater Management to reflect administrative changes to the EPA's approval processes for wastewater treatment systems in Victoria.

EPA Publication 891.4 (June 2016) replaces EPA Publication 891.3 (February 2013).

[1] This document is a legislative instrument as defined in section 3 of the **Subordinate Legislation Act 1994**.

CODE OF PRACTICE

ONSITE WASTEWATER MANAGEMENT

JUNE 2016

Publication 891.4*

* This replaces Publication 891.3 issued 2013.

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Chapter 1 – Overview of the Onsite Wastewater Framework

1.1 Purpose

This Code of Practice ('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).

This Code applies to wastewater (containing sewage) generated by a single domestic household or by multi-dwelling residential, commercial, industrial or institutional facilities. It provides guidance on:

1. the selection, approval, management and maintenance of onsite wastewater management systems which treat up to 5,000 litres (L) of wastewater per day;
2. systems which treat up to 5,000 L/day of greywater to a quality fit for toilet flushing and cold water supply to clothes washing machines and/or land application; and
3. land capability assessment procedures and wastewater flow calculations for designing effluent recycling and disposal systems.

This Code 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.

This Code, EPA Publication 891.4, supersedes:

- EPA Publication 891.3: Code of Practice – Onsite wastewater management

EPA Publication 746.1 Land Capability Assessment is superseded by this Code together with the Victorian Land Capability Assessment (LCA) Framework (MAV et.al. 2014, as amended).

1.2 Legal status

This Code is the Victorian guideline for best practice management of onsite wastewater systems and associated land capability assessment. It is referred to in Clause 32 of the State Environment Protection Policy – Waters of Victoria (SEPP WoV 2003). SEPP WoV is subordinate legislation to the Environment Protection Act 1970 ('the Act') and states that:

- occupiers of premises need to manage their onsite wastewater system in accordance with Council Permit conditions and this Code; and
- Councils need to assess the suitability of land for onsite wastewater management and ensure that Permits are consistent with the guidance provided in this Code (as amended).

The Act sets out legal obligations for Councils and premise owners (53J-53O). Key obligations are:

- Council may only permit the installation of an onsite wastewater system that is a type approved by the EPA [53M(7)(a)].
- Council must refuse to issue a Permit if it considers that the site is unsuitable or the area available for the system is not sufficient [53M(6)].
- Council must refuse to issue a Permit for a treatment system (or systems) that does not treat all the sewage from the premises [53M(7)(c)].
- A person must not construct, install or alter an onsite wastewater system unless they have a Permit from Council to carry out the works (53L).

- A person must not use an onsite wastewater system until Council has inspected the system and issued a Certificate to Use. A penalty may be issued for non-compliance (53MB).
- The occupier of premises where an onsite wastewater system is installed must maintain it in accordance with the conditions in the Council Permit. A penalty may be issued for non-compliance (53N).

Where an onsite wastewater system has caused pollution, appropriate compliance and enforcement action must be undertaken by Councils in line with their powers and responsibilities under the Act.

The terms 'must' and 'shall' in this Code indicate established best practice, requirements under the Act or other legislation and regulatory requirements. The term 'should' refers to desirable or recommended procedures and methods.

More detail on the legal framework for onsite wastewater systems is provided in Section 1.7 and information on the roles and responsibilities of key stakeholders in Section 1.8 of this Code.

1.3 Audience

The target audience of this Code is the professionals in the onsite wastewater industry. It was developed in consultation with a diverse group of onsite wastewater professionals, including Council officers, wastewater consultants, developers, land capability assessors, land application designers, irrigation installers, plumbing and drainage practitioners, service technicians, Water Corporation staff, government agencies and wastewater treatment system manufacturers and suppliers. For the roles and responsibilities of the various stakeholders see Section 1.8.

1.4 Wastewater definitions

Onsite wastewater is divided into five categories:

- Blackwater – toilet waste (water flush, incineration, dry composting systems)
- Greywater – water from the shower, bath, basins, washing machine, laundry trough and kitchen (also called sullage)
- Sewage – wastewater which includes both greywater and blackwater.
- Yellow water – urine with or without flush water (i.e. from urine-diversion toilets) (see Appendix F)
- Brown water – sewage without urine (Otterpohl, 2002).

A glossary defining key terms is provided on page 60.

1.5 Scope

This Code applies to all types of onsite wastewater (sewerage) systems which treat up to a maximum peak daily flow (not average) of 5,000 L of toilet wastewater and/or greywater generated from domestic (including multi-dwellings) and/or commercial premises on a single land title in unsewered or sewered areas.

This Code includes guidance on:

1. wastewater treatment systems that may be permitted in new subdivisions and on single allotments or for upgrading or retrofitting existing premises;
2. effluent recycling/disposal system options that may be permitted in new subdivisions and on single allotments or for upgrading or retrofitting existing onsite systems, including design requirements for land application systems;
3. calculating the appropriate size of onsite systems; and
4. the effective management of the systems.

In this context, commercial and multi-dwelling premises include, but are not limited to: schools, camping areas, food premises, wineries, government buildings, reception centres, housing complexes, conference centres, retail, business and public facilities which generate wastewater containing toilet water and/or greywater of human origin.

However, where a commercial premises, that is used intermittently, generates a peak load of more than 5,000 L/day, the wastewater may be stored in large balance tanks and piped to the onsite treatment system at a rate not exceeding 5,000 L/day. Onsite wastewater treatment systems and their associated effluent recycling systems are referred to as 'septic tank systems' in the Environment Protection Act, Part IXB, Clauses 53J–53O.

1.5.1 Exclusions

This Code does not include guidance for wastewater systems that treat more than 5,000 L/day, portable toilets, animal keeping premises or industrial wastewater that does not contain toilet wastewater or greywater of human origin. Refer to the EPA website for guidance on Works Approval applications for systems treating >5,000 L/day and to EPA Publication IWRG632: Industrial Waste Reuse Guidelines (2008) for industrial wastewater management.

This Code is not a design manual for onsite sewage treatment systems. The suitability of onsite treatment system designs is assessed and tested in accordance with Australian Standards by independent accredited bodies (see Section 1.7.4 of this Code).

1.5.2 Sewered and unsewered areas

This Code covers the requirements and procedures for site assessment, system selection, permitting, installation and sustainable management of onsite wastewater systems in unsewered and sewered areas. Greywater treatment systems, dry composting toilets and urine-diversion toilets may be installed and used in both sewered and unsewered areas.

The key differences between the guidance for sewered and unsewered areas are:

Sewered areas

- Land capability assessments are not required for irrigation systems in sewered areas because any water that is excess to plant requirements must be discharged to sewer.
- All-waste secondary treatment systems may only be installed in a sewered area where they are part of a sewerage system installed and managed by a Water Corporation, not by householders or premises owners (see Section 3.12.3).
- Water-based primary treatment systems (septic tanks and wet composting systems) are not permitted to be installed or used in sewered areas because the lower-quality primary treated effluent cannot be recycled. Therefore, the systems must be decommissioned when sewerage becomes available.
- The only onsite treatment systems permitted to be installed or used by premises owners in sewered areas are:
  - greywater treatment systems for single domestic households (see Table 2 for permitted uses);
  - greywater treatment systems for commercial and multi-dwellings establishments (see Table 2 for permitted uses); and
  - dry composting toilets (with all residual liquid discharged to sewer).

Unsewered areas

- Any current EPA-approved onsite wastewater treatment system (that is considered applicable by Council) may be installed in an unsewered area for:
  - a new development;
  - upgrading an existing failed onsite system;

- converting an offsite discharge to an onsite treatment and recycling/dispersal system; or
- upgrading to a larger system where a premises is being extended to accommodate more people.

Installation is subject to Council issuing a Council Septic Tank Permit to Install/Alter.

1.6 Cumulative impacts

While this Code primarily refers to single allotments, the cumulative impact of all wastewaters within a subdivision, a commercial precinct or a township should be taken into account when assessing the capability of a lot to absorb treated effluent without negatively impacting its surroundings. This is particularly important in areas scheduled as open potable water supply catchments (DSE 2012).

To minimise the cumulative impact of wastewater, effluent must be contained onsite within the boundaries of the allotment. This aims to prevent the transport of nutrients, pathogens and other pollutants to surface waters and to prevent any negative impacts on 'groundwater beneficial uses' within the catchment (Clause 32, SEPP WoV 2003; SEPP GoV 1997).

For existing premises with an offsite discharge or a failing system on a small blocklot the wastewater management system should be upgraded to contain as much of the effluent as possible on the allotment (see Section 2.3.6). However, where an existing building on a small blocklot is intermittently used, such as community centre, a pump-out tank may be installed. Transporting the pump-out wastewater to a centralised sewerage plant will prevent further impact to the local environment as well as protect public health (see Section 2.3.7).

Note: a pump-out tank must not be permitted for a new, development, allotment or building.

1.7 Legal framework

1.7.1 Environment Protection Act 1970

An onsite wastewater management system is referred to as a 'septic tank system' in the **Environment Protection Act 1970** (the Act). It includes both the onsite wastewater treatment system and the subsequent dispersal/recycling system, as well as the associated components (e.g. pipes, fittings, land area, etc.). This means both the treatment system and the dispersal/recycling system are defined by the legislation as a 'septic tank system'. However, the term 'septic tank', as commonly used in the water industry, only refers to a basic primary treatment tank which uses anaerobic microbes and physical settling processes to treat and clarify wastewater. Therefore, in any communication it is important to clearly distinguish which of the two meanings is intended.

The Act sets out a two-tier approval process for onsite wastewater treatment systems which treat up to 5,000 L/day:

- EPA defines and approves onsite wastewater management system *types*.
- EPA defines and approves system types in line with the classification structure adopted by the Australian Standards (1546.1 to 1546.4) for onsite sewage and greywater treatment systems which treat up to 5,000 L/day (see section 1.7.4). Council issues permits to property owners for the installation, use, maintenance and monitoring of site-specific treatment systems treating up to 5,000 L/day and the associated recycling/disposal systems:
  - A Septic Tank Permit to Install/Alter is issued once Council is satisfied an application nominating a preferred system meets the requirements of this Code and the relevant Australian Standard (certificate of conformity), a system type approved by EPA and any Council requirements.

- A Septic Tank Certificate to Use is issued once Council is satisfied the treatment unit and recycling/disposal system have been installed in accordance with the Council Permit to Install/Alter and the manufacturer's installation manual.

Councils have the power under the Environment Protection Act (sections 53L, 53MA, 53MB, 53N, 59(3) and Schedule A) to:

- enforce compliance with:
  - Council Permit conditions; and
- issue Penalty Infringement Notices to premises owners who:
  - use their onsite treatment system before being issued a Council Certificate to Use; or
  - do not have their system regularly maintained by a professional service technician.

1.7.2 State environment protection policies

The Environment Protection Act provides for the formulation and adoption of State Environment Protection Policies (SEPPs) by the Victorian Government. SEPPs identify beneficial uses of the environment that need to be protected, environmental objectives appropriate to those uses, and plans and programs for achieving these objectives. SEPPs are statements of Government policy and bind State Government agencies, local government, the private sector and individuals.

This Code describes the steps that regulators and other stakeholders should follow to meet the requirements of the State Environment Protection Policies Waters of Victoria [SEPP (WoV)] and Groundwaters of Victoria [SEPP (GoV)] with regard to onsite wastewater management.

Clause 32 of SEPP (WoV) sets out the management controls for onsite wastewater and requires Councils to use this Code when assessing Septic Tank Permit and planning applications. SEPP WoV also requires householders to manage onsite wastewater systems in accordance with this Code.

SEPP WoV and SEPP GoV require that surface waters and groundwater are protected from nutrients, pathogens and other pollutants and that waste discharges do not harm the designated beneficial uses of groundwater and surface waters. Councils should therefore consider the cumulative effect of onsite wastewater treatment systems when assessing permit and planning applications and planning amendments to ensure that groundwater quality is protected and contamination is kept at least to background levels (see Section 1.6).

1.7.3 Planning legislation and policies

The key legislation relating to land development in Victoria is the **Planning and Environment Act 1987** (the P&E Act). Paragraphs (c) and (d) of section 4(2) of the P&E Act set out the Act's environmental objectives:

'(c) to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;

(d) to ensure that the effects on the environment are considered and provide explicit consideration of social and economic effects when decisions are made about the use and development of land.'

The P&E Act requires each Council to ensure all land use and development occurs in accordance with the Planning Scheme for its municipal district. Each Planning Scheme refers to State policies for the environment and requires that any development not connected to reticulated sewerage be designed to ensure that wastewater can be contained on an

individual allotment in accordance with this Code (SEPP WoV 2003). The ability of proposed developments to meet this requirement should be assessed at the rezoning, subdivision and development stages.

The P&E Act requires Councils to consider the following environmental issues and documents when assessing land development proposals in unsewered areas:

- 'any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development' [section 60(1)(iii)]
- 'any strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal Council' [section 60(b)(ii)].

Under Clause 65.02 of the Victorian Planning Provisions, Councils are responsible for issuing Planning Permits with a requirement that reticulated sewerage is provided at the time of subdivision where allotments are not capable of containing wastewater within their property boundaries. A land capability assessment addressing onsite wastewater management should be conducted as early as possible in the planning phase. All stakeholders should be aware that, as development densities increase, there may be a risk to the environment and beneficial uses from cumulative detrimental effects. There must be no surface flow or seepage of effluent (out of the ground) from an allotment on to adjoining properties.

When assessing planning applications for unsewered sub-divisions or other developments, or when preparing amendments to planning schemes to allow rural residential type or low-density development, Councils must consider (where applicable) Department of Sustainability and Environment Guidelines Planning permit applications in open, potable water supply catchment areas (November 2012) (as amended). Where there are concerns a proposed subdivision, development or rezoning may cause environmental degradation or negative impacts on beneficial uses, or that certain parts of an assessment report raise unresolved questions, it may be necessary for Council to seek advice from the relevant Water Corporation (if sewer is nearby) or for the proponent to engage the same or a different consultant to provide more detailed land capability information.

1.7.4 Australian Standards

Onsite wastewater treatment systems and associated recycling/disposal systems should be designed, accredited and managed in accordance with the following relevant Australian Standards. For onsite wastewater stakeholders the most recent version of the following Standards are considered 'tools of the trade' or recommended reading. Standards No. 1 to 5 below are required by onsite wastewater treatment system manufacturers. Most plumbers may require Standards No. 6 to 8, while other professional onsite wastewater stakeholders will only need to refer to the eighth Standard:

1. Australian Standard AS/NZS 1546.1: On-site domestic wastewater treatment units – Part 1: Septic Tanks
2. Australian Standard AS/NZS 1546.2: On-site domestic wastewater treatment units – Part 2: Waterless composting toilets.
3. Australian Standard AS/NZS 1546.3: On-site domestic wastewater treatment units – Part 3: Aerated wastewater treatment systems.
4. Australian Standard AS/NZS 1546.4 – Greywater Treatment Systems (noting that this standard is yet to be ratified)
5. Australian Standard AS/NZS 4130: Polyethylene (PE) pipes for pressure applications.
6. Australian Standard AS/NZS 1319: Safety signs for the occupational environment.
7. Australian Standard AS/NZS 3500 [set]: Plumbing and Drainage.
8. Australian Standard AS/NZS 1547: On-site domestic-wastewater management.

If there is an inconsistency between an Australian Standard and this Code, this Code takes precedence. Where this Code does not cover a topic, the relevant Australian Standard should be followed. Until such time as the Australian Standard for greywater treatment systems is published, greywater treatment systems are required to have a current certificate of conformity with the most recent version of the NSW Health Accreditation Guidelines for Greywater Treatment Systems.

1.8 Roles and responsibilities

The following stakeholders have key roles and responsibilities in the sustainable management of onsite wastewater systems:

- EPA Victoria
- Councils (Local Government)
- Land capability assessors
- Water Corporations
- Department of Health and Human Services
- Victorian Building Authority (formerly the Plumbing Industry Commission)
- Plumbing and drainage practitioners
- Building surveyors
- Onsite treatment system manufacturers, importers and suppliers
- Onsite treatment system installers
- Service technicians
- Property owners.

1.8.1 EPA Victoria

EPA administers the EP Act, SEPP GoV and SEPP WoV and is responsible for:

- producing guidance documents for:
  - onsite wastewater management;
- providing advice on and interpretation of the guidance;
- providing information on approval requirements for wastewater treatment system types to be installed in Victoria; and
- keeping a web-based list of systems which have a certificate of conformity issued by Conformity Assessment Body (CAB)in accordance with the relevant Australian Standard. (see www.epa.vic.gov.au/your-environment/water/onsite-wastewater)

1.8.2 Local government

Council is responsible for:

- issuing planning permits with a requirement that reticulated sewerage is provided at the time of sub-division where wastewater cannot be contained within the boundaries of every allotment;
- assessing land development applications to determine the suitability of a site for an onsite wastewater management system;
- assessing onsite wastewater management permit applications;
- issuing Permits to Install/Alter and Certificates to Use onsite wastewater management systems;
- refusing to issue a Planning Permit or Septic Tank Permit for a proposed development where Council considers wastewater cannot be contained within the boundaries of the site and reticulated sewerage is not available or will not be provided at the time of sub-division;

- ensuring systems are installed in accordance with the conditions on any Planning or Septic Tank Permit issued for a site and the relevant Australian Standard;
- ensuring systems are managed in accordance with the Septic Tank Permit, this Code, the Public Health and Wellbeing Act (2007) and, where applicable, the most recent version of AS/NZS1547 through relevant compliance and enforcement programs; and
- developing Domestic Wastewater Management Plans (see Section 1.8.2.1).

Council assesses applications for Permits to Install or Alter and operate onsite wastewater management systems under the Act (s. 53J-O). Permits are issued with conditions. Council must refuse to issue a permit if:

- the proposed onsite wastewater treatment system and associated disposal/recycling system is contrary to any State Environment Protection Policy;
- the application and/or land capability assessment report does not satisfy Council that wastewater cannot be sustainably managed on that site; or
- the proposed onsite wastewater treatment system does not hold a current certificate of conformity with the relevant Australian Standard or standard specified in this Code (see section 1.7.4).Systems that hold a current certificate of conformity are listed online at www.epa.vic.gov.au/your-environment/water/onsite-wastewater.

Council must ensure that the proposed disposal/recycling system is assessed against and complies with this Code, holds a current certificate of conformity against the relevant Australian Standard or standard specifiedin this Code, and any land capability assessment for the site and/or catchment that has been conducted to Council's satisfaction. If no relevant State regulation exists that addresses a specific issue, the most recent version of AS/NZS1547: On-site domestic wastewater management must be followed. Once systems are installed and operating, Council must assess the service reports submitted by the service technicians to ensure that inspections, maintenance and the effluent quality testing results (if applicable) of each installed system is in accordance with the relevant Council Permit.

This Code cannot anticipate every potential environmental impact that may be associated with a development using onsite wastewater management systems. Council therefore needs to have a high degree of confidence and certainty about the investigation and conclusions made by land capability assessors (see Sections 1.8.3 and 4.4.3).

1.8.2.1 Domestic Wastewater Management Plans

Councils need to develop municipal Domestic Wastewater Management Plans (DWMP) in accordance with SEPP WoV, Clause 32(2)(e) to meet their responsibility of regulating onsite wastewater management. A DWMP is a planning and management document that provides a mechanism for the development, implementation and review of programs to protect public health, the environment and local amenity. The DWMP should articulate Council's policy on and commitment to sustainable ongoing wastewater management and their programs for compliance and enforcement. It should be developed in conjunction with Water Corporations and the local community.

A DWMP should establish processes to ensure early and comprehensive consideration of wastewater management in the planning cycle and Council's responsibility for the monitoring and compliance of the systems. The Municipal Association of Victoria (MAV) and EPA have developed a model DWMP based on trials conducted by a number of Councils across Victoria, representing urban fringe, provincial city and remote rural municipalities. The model plan, available from the MAV (www.mav.asn.au), assesses key issues including costs, impacts and barriers confronted when developing a Domestic Wastewater Management Plan.

1.8.3 Land capability assessors

Developers or individual landowners (not EPA or Councils) are responsible for engaging a suitably qualified soil science professional to undertake an assessment of the capability of the site, land and development proposal (a land capability assessment) to sustainably contain and manage wastewater on their property. The assessment must be sufficiently rigorous and provide sufficient information to allow Council to be fully informed when assessing the report and considering issuing a Permit for the development (see Sections 3.3 to 3.10). The assessment of a particular site must be more than an audit of the provisions and recommendations set out in this Code. It must demonstrate, to Council's satisfaction, the suitability or otherwise of the site and include all the technical data gathered by the assessor.

Land capability assessors may need to provide Councils with verification of the following requirements:

Qualifications

The assessor must have suitable professional training and experience. Personnel undertaking or supervising data gathering and assessment should have a relevant and acceptable tertiary-level scientific qualification from a reputable training institution in a discipline such as civil or geotechnical engineering, soil science, agricultural science, environmental science, chemistry or physical geography. The qualifications should include specific knowledge of soil, soil hydrological and soil chemical processes.

Experience

Knowledge of similar work having been undertaken or references from Councils and other bodies may allow Council officers, developers or individual landholders to judge the competency and capacity of individuals and organisations to carry out land assessments.

Professional membership

The assessor should be an accredited member of an appropriate professional body. In some instances, professional bodies will certify the competence of members to undertake particular works.

Professional indemnity

Individuals should hold relevant indemnity insurance to a level that will offer protection to Council if problems arise in the future due to inadequate assessment. Land assessors should not undertake assessments in areas where they do not hold insurance. Council may wish to verify the status of the policy with the insurance underwriter or actually see the relevant parts of the indemnity policy.

Independence

Assessors need to fully appreciate the consequences of their advice over the long term and follow professional Code of Ethics and Rules of Conduct. Engineers Australia advise their members that 'Consultants should place their responsibility for the welfare, health and safety of the community and environment before their responsibility to sectional or private interests' (Engineers Australia 2010). Assessors need to satisfy themselves that their recommended type of effluent recycling/disposal system and associated management program are the most appropriate in the circumstances and are suited to the proponent. It is recommended that land capability assessors familiarise themselves with the expectations of individual Councils through consultation with the relevant staff before conducting a land capability assessment.

1.8.4 Building surveyors

Building Permits are issued by registered building surveyors in accordance with the Building Regulations 2006 (as amended). Where an unsewered allotment requires the installation of an onsite wastewater management system and/or the erection or alteration of a building with an existing onsite system, building surveyors must obtain a 'Report and Consent' from the relevant Council before issuing a Building Permit [Building Regulations 801(1)(2)].

A Report and Consent or a Septic Tank Certificate to Use is required from Council before a building surveyor issues a Certificate of Occupancy or a Certificate of Final Inspection [Building Regulations 1003 (2)(3), Planning Minister's Guideline 97/02].

These requirements ensure that:

- a Building Permit is only issued for an unsewered property where suitable wastewater management arrangements have been made; and
- a Certificate of Occupancy or a Certificate of Final Inspection is issued only when Council has issued a Certificate to Use the onsite wastewater management system.

1.8.5 Onsite wastewater management system installers

Onsite wastewater treatment tanks can be installed on or in the ground by any suitable competent professional contractor.

However, the pipework from the premises to the treatment tank the treatment tank to the land application system, and the pipework for indoor effluent recycling and for the land application systems must be installed in compliance with the requirements of the Victorian Plumbing Regulations by appropriately licensed and registered plumbing/drainage practitioners.

Before installing and commissioning an onsite treatment system anywhere in Victoria (including on government land), the installer must ensure that the relevant Council has issued a Planning Permit (if required) and/or Septic Tank Permit to Install/Alter. The installer(s) must ensure the pipework from the house to the onsite wastewater management system, the treatment tank(s), any indoor effluent recycling system, the pipework to the land application system and the effluent disposal/recycling system complies with the following (where applicable):

- the most recent version of the Victorian Plumbing Regulations
- the manufacturer's specifications
- this Code
- Council Septic Tank Permit to Install/Alter conditions and the site land capability assessment recommendations
- AS/NZS 1547 (construction, installation and commissioning requirements)
- AS/NZS 1546.1, 1546.2, 1546.3 and 1546.4 (as amended) (see Section 1.7.4).

On completion of the installation, testing and commissioning of the treatment system, the licensed and registered plumbing/drainage practitioner(s) must issue and lodge up to three Plumbing Compliance Certificates with the Victorian Building Authority. The number of certificates issued depends on the number of plumbing/drainage practitioners doing the work. The three areas of work which require a Plumbing Compliance Certificate are:

1. the internal plumbing for effluent recycling using purple pipes and back-flow prevention devices;
2. the plumbing from the treatment system to the house; and
3. the plumbing from the treatment tanks to the land application system and the installation of the land application (i.e. effluent recycling or disposal) system.

The installer must also provide a number of documents to Council and/or the property owner/occupier including, but not limited to:

- a commissioning report in accordance with AS/NZS 1547 Part 6 (as amended)
- a 'work-as-built' plan and report of the plumbing, treatment and/or land application systems in relation to the house, driveway and allotment boundaries etc., in accordance with AS/NZS 1547 (as amended)

- statement of service life and warranty of parts
- manufacturer or distributor's warranty that the treatment system installed for a commercial or community premises is appropriate for the intended use
- owner's manual
- maintenance/service manual including a service report template
- a copy of the Plumbing Compliance Certificate.

Land disposal systems (e.g. soil absorption trenches) and land recycling systems (e.g. sub-surface and surface irrigation) must be designed in accordance with this Code and the most recent version of AS/NZS1547: On-site domestic wastewater management. Indoor recycling systems (i.e. for toilet flushing and cold water supply to clothes washing machines) must be designed and installed in accordance with the most recent version of the Victorian Plumbing Regulations and AS/NZS 3500 (set): Plumbing and Drainage.

1.8.6 Service technicians

Council Septic Tank Permits state the frequency of maintenance that is required for each treatment system, as well as the reporting requirements to Council. Professional service technicians must be suitably trained in the installation, operation and service requirements of the system. Service technicians should be accredited in writing by the system manufacturer or authorised distributor. The prescribed servicing must occur at the frequency nominated in the Council Permit to maintain system performance. The service technician must complete a service report detailing the operating condition of the system, the maintenance that was performed, the percentage of scum and sludge in the primary settlement tank (as required) and any remedial work the owner has not been willing to authorise. A copy of the maintenance report must be forwarded to Council and the property owner after each service.

Property owners or occupiers must not service their own treatment system, unless they:

1. are a registered (or retired) plumbing practitioner or wastewater engineer; and
2. have been trained and certified as competent by the manufacturer or distributor of their specific treatment system; and
3. have shown written evidence of their qualifications and certification to Council and satisfied Council of points 1 and 2.

1.8.7 Property owners and occupiers

Before installing an onsite wastewater management system (treatment unit and land application and/or indoor recycling), a property owner must obtain the relevant application forms from their Council, arrange for a site assessment to be completed by a suitably qualified consultant (see Section 1.8.3) and apply to Council for a Planning Permit (where required) and Permit to Install the treatment and disposal/recycling system. Applications for Council Permits must contain sufficient information to enable Council to properly assess the application. The application must prove to the satisfaction of Council that the proposed system will meet design, installation, performance and maintenance requirements for the proposed wastewater flow, site and soil characteristics and the land available for wastewater disposal/irrigation.

Before making any alterations to a wastewater system, the property owner must apply for a Permit to Alter their existing system. The property owner must also contact Council before undertaking any house alterations, as a new Permit may be required for an extension to a house. Property owners should satisfy themselves that contractors and consultants are qualified to undertake works on their property.

Council has up to 42 days to assess an application and issue a Permit. However, if the application is considered deficient, Council may suspend the time period ('stop the clock') and require the property owner to provide further information. The Permit to Install/Alter will include conditions to ensure the system is installed, managed and operated in accordance with this Code, the LCA and the relevant Australian Standards. If Council refuses to issue a permit, the system must not be installed. Under Clause 53L and Schedule A of the Act Council may issue a Penalty Infringement Notice if the system is installed without a Permit.

After inspecting the installation, Council will issue a Certificate to Use if the installation is in accordance with the conditions in the Permit to Install/Alter, the manufacturer's installation instructions and this Code. It is an offence under the Act to commission and use a treatment system before a Certificate to Use is issued. This may result in Council issuing a Penalty Infringement Notice (PIN) to the landowner or occupier under section 53MB and Schedule A of the Act.

Property owners or occupiers must ensure the onsite wastewater management system is operated, maintained and monitored in accordance with the Council Permit requirements. A Council Permit may require a property owner to pay for regular sampling of treated wastewater to demonstrate system compliance, unless a remote monitoring system transmits relevant data to the service technician and regulatory authority (i.e. Council and/or Water Corporation). If a person other than the property owner will be using the system, the property owner must ensure the person is aware of any responsibilities they have in relation to the system, especially the mandatory requirement for ongoing regular servicing of secondary treatment systems. A person who fails to comply with permit conditions could be subject to Council enforcement action and penalties under sections 53MA and/or 53N of the Act. Property owners may need to review their household public liability insurance policy to ensure the onsite wastewater management system is included. Anyone who becomes responsible for the operation and maintenance of an onsite system (such as new property owners) must make themselves aware of the responsibilities they are acquiring. Therefore, they must familiarise themselves with the type of system in place, the system's location, its performance, the potential relevance of existing garden plants (in regard to evapo-transpiration) and the ongoing management program required by the Council Permit. Specific conditions regarding each system can be obtained from Council.

Householders should check the stated service life of their prospective onsite wastewater treatment system and anticipate replacing it with a new system at that time. Onsite systems must have a manufacturer's statement of service life of at least 15 years, though individual parts will generally have a warranty of 1 to 5 years. It is recommended that householders research and compare the likely cost of spare parts throughout the expected life of the onsite wastewater treatment systems they are interested in purchasing (see Appendix C). Where the system is not working satisfactorily at the end of its service life, the treatment plant should be repaired. Where the treatment system is not able to achieve secondary standard effluent after servicing, desludging and the replacement of parts, it may need to be decommissioned and replaced with a new approved treatment system.

Note: Under Schedule A of the Environment Protection Act the penalties for infringement of sections 53L, 53MA, 53MB and 53N are 10 penalty units for body corporates and 5 penalty units for all other premises.

1.8.8 Water Corporations

Water Corporations (also called Water Businesses) have a major interest in the correct functioning of onsite systems under the Water Act 1989 (as amended), the **Water Industry Act 1994** (as amended) (for Melbourne metropolitan water retailers), the **Planning and Environment Act 1987** and the **Catchment and Land Protection Act 1994**. The key area of concern is failing onsite systems which may:

1. impact water quality in waterways, channels and reservoirs especially in Special Water Supply Catchments (this may result in increased health risks to customers and increased operational costs to manage the problems associated with additional treatment of that water); and
2. lead to providing reticulated sewerage and enforcing connection to the sewer mains within the sewerage district. (This involves major works and a significant capital cost that is ultimately passed on to the community.)

Section 65 of the Water Industry Act gives the Melbourne metropolitan retail water companies the power to require a property to connect to sewer. Regional Water Corporations have the same power under section 147 of the Water Act.

Due to their responsibilities to a range of beneficial users, Water Corporations in rural and regional Victoria are Referral Authorities for Planning Permit applications within their areas of operation. The referral powers are set out in section 55 of the Planning and Environment Act and permit a Referral Authority to:

1. object to the proposal, in which case the responsible planning authority must refuse to issue a Permit; or
2. consent with conditions, in which case the planning authority must include these conditions on any permit, if granted.

Under section 52 of the Planning and Environment Act, Water Corporations have the option to comment on or object to any development application in their area of operation, even where they are not a Referral Authority. Under the Water Act, Water Corporations with a sewerage district may also comment on Septic Tanks Permit applications and undertake enforcement action.

The Water Corporation's role is to assess all applications referred to it by Council (or which it becomes aware of) and respond to Council with the reasons for any objection and/or provide the exact wording of any condition it requires to be placed on the Planning Permit. In unsewered areas, especially in Special Water Supply Catchments, the Water Corporation may formally object where it considers onsite sewerage systems cannot be installed in compliance with the requirements of this Code, may fail due to poor land capability, require an unreasonable high level of management or where the density of development poses a high risk to ground and/or surface waters.

Water Corporations also have responsibilities under SEPP WoV, Clause 32(e) to support Councils in developing and implementing Domestic Wastewater Management Plans.

1.9 Onsite wastewater treatment system approval processes

The approval process for onsite wastewater treatment systems is two tiered:

1. Manufacturers/importers of onsite wastewater treatment systems must obtain a current certificate of conformity against the relevant Australian Standard or standard specified in the code from a Conformity Assessment Body. A list of systems with a current certificate of conformity and system types approved for use in Victoria can be found on the EPA website. www.epa.vic.gov.au/your-environment/water/onsite-wastewater.
2. Premises owners must obtain a Council Septic Tank Permit to Install/Alter before installation of the treatment system and the indoor recycling and/or land application system. Following inspection of the installation of both the treatment system and the recycling/land application system, the Council Delegated Officer (CDO) will issue a Certificate to Use when they are satisfied that the systems have been installed and commissioned correctly.

Note: Not all EPA-approved treatment system types are applicable for every site. It is important that the most appropriate type is selected to suit the characteristics of the site, the climatic conditions, the needs of the householders and the neighbouring land uses. The use of the system must comply with this Code, the conditions of the Council Permits, AS/NZS 1547, Council rules and the objectives of SEPP WoV and SEPP GoV.

1.9.1 Manufacturers' Approval process

Manufacturers and importers of onsite wastewater treatment systems who wish to sell and install their individual treatment system brands and models in Victoria, must have each system certified as conforming to the relevant Australian Standard (listed below) by a JAS – ANZ accredited Conformity Assessment Body (CAB). Manufacturers and importers of onsite wastewater treatment systems will need to provide EPA with a copy of current certificates of conformity, to demonstrate that the relevant standards have been certified against.

1. Australian Standard AS/NZS 1546.1: On-site domestic wastewater treatment units – Septic Tanks
2. Australian Standard AS/NZS 1546.2: On-site domestic wastewater treatment units – Waterless composting toilets.
3. Australian Standard AS/NZS 1546.3: On-site domestic wastewater treatment units – Aerated wastewater treatment systems.
4. Australian Standard AS/NZS 1546.4 – Greywater Treatment Systems (noting that this standard is yet to be ratified).

EPA will collate and publish a list of individual treatment system brands and models that hold current certificates of conformity. The list can be found on EPA website. www.epa.vic.gov.au/your-environment/water/onsite-wastewater.

Greywater Treatment Systems - Until an Australian Standard for greywater treatment systems is published and accepted by EPA (AS 1546.4), greywater treatment systems are required to have a current certificate of conformity with the most recent version of the NSW Health Accreditation Guidelines for Greywater Treatment Systems.

Vermiculture systems – Vermiculture systems are required to have a current certificate of conformity certified against AS 1546.1

Reed bed treatment systems – Reed bed treatment systems are required to have a current certificate of conformity certified against AS 1546.3

Sand filter – For premise owners who wish to install a sand filter treatment system, they must submit to Council, as part of their application to obtain a Council Septic Tank Permit to Install/Alter, detailed system design specifications that demonstrate compliance with the relevant specifications in Appendix G Sand filters. Council will then assess the system design specifications for compliance as part of the Council Septic Tank Permit to Install/Alter process.

1.9.2 Property owners' Permit process

The first step for the land owner is to contact their local Council and determine whether a Planning Permit is required or if planning controls apply. Where a Planning Permit is required or the planning controls require the owner to demonstrate that wastewater can be treated and retained onsite, the owner should obtain an application form for a Planning Permit and for a Septic Tank Permit (see Appendix B) and discuss any requirements and expectations with the relevant Council officer(s), including the requirement for a land capability assessment.

The landowner may need to engage a wastewater consultant and/or a land capability assessor in an unsewered area, or an irrigation designer and/or a plumber in a sewered area, to assist in the process of gathering and supplying Council with all the required information to apply for a Septic Tank Permit to Install/Alter (see Sections 1.8.2, 1.8.3, 1.8.7 and 3.1). Property

owners and consultants can review the list of EPA-approved onsite wastewater treatment system *types* with a current certificate of conformity against the relevant Australian Standard or standard specified in this code are listed on the EPA website: www.epa.vic.gov.au/your-environment/water/onsite-wastewater. To aid in the investigation and selection of onsite treatment systems, the list of systems is categorised under the headings of:

- 'Greywater Treatment Systems',
- 'Wastewater Secondary Commercial Treatment Systems'
- 'Wastewater Secondary Domestic Treatment Systems; and
- 'Wastewater Primary Treatment Systems'.

When Council is satisfied that the specified treatment and land application systems are suitable for the property, Council will issue a Septic Tank Permit to Install/Alter. After inspecting the installed (but not buried) systems, where Council is satisfied the installations are in accordance with this Code and the manufacturer's installation manual, Council will issue the property owner with a Septic Tank Certificate to Use.

Chapter 2 – Introduction to Onsite Wastewater Management

2.1 Sewage management options

In sewered areas, sewage is generated by toilets, bathrooms, kitchens and laundries and piped away to a centralised treatment plant, usually managed by the local Water Corporation. Stormwater is not part of the sewerage system in Australia, as it has a separate network of pipes. Stormwater must be directed away from effluent dispersal areas, usually via stormwater cut-off drains. In unsewered areas, it is the responsibility of the landholder to provide an onsite sewage treatment and disposal/recycling solution which can contain all the wastewater the household generates within the perimeter of the allotment. In Victoria, all newly installed onsite wastewater treatment systems must have a current certificate of conformity against the relevant Australian Standard or standard specified in this code at the time Council approves the householder's 'Septic Tank Permit to Install/Alter' (see EPA website for the current list of systems with a certificate of conformity).

2.1.1 Unsewered areas

When applying for a Planning Permit and/or a Septic Tank Permit to Install/Alter an onsite wastewater management system for a new building in an unsewered area, the property owner must propose a treatment system(s) and recycling/disposal system for all of the premise's wastewater which will prevent the treated effluent from flowing or seeping onto adjoining properties. The wastewater system may treat all wastewater streams in one treatment plant or have two separate systems for toilet water and greywater, or three systems for toilet, kitchen and greywater (see Tables 1 and 2). It is not permissible to install a treatment system for only the toilet wastewater and divert the raw greywater to land or the stormwater drain.

The treatment and recycling/dispersal system must be designed and managed to prevent any effluent flowing onto neighbouring properties, to prevent the transport of nutrients, pathogens and other contaminants to surface and groundwaters and to avoid any negative impacts on the beneficial uses of surface and groundwater. It is not possible or desirable to prevent all water from seeping into the watertable, but the wastewater contaminants must either be retained and utilised in the soil (preferably the topsoil) or reduced to a level that is less than the background level in the groundwater. Water seeping into the ground and the watertable provides the benefits of increased soil moisture available for plants and increased water flowing into the base of streams through groundwater recharge.

2.1.2 Sewered areas

In Victoria and other States, failing onsite wastewater management systems have jeopardised the health of householders, communities and the environment. As property owners in sewered areas already have a complete sewerage solution via the centralised sewerage system, the motivation to install an onsite sewerage system is to utilise the resources in the wastewater – the water, the nutrients and/or the organic matter. Therefore, to protect public health and the environment in areas which have an existing reticulated sewerage system, it is considered prudent to only allow greywater treatment and recycling systems and/or dry composting toilets to be retrofitted to homes or installed in new homes (see Table 1). It is of no concern that allotments in sewered areas are generally smaller than in unsewered areas, because only the amount of treated greywater required to sustain the garden in dry weather is utilised and the excess is discharged to sewer. As the organic matter in a dry composting toilet desiccates and matures during a specified time period, the pathogens die off and the resultant humus is considered suitable for burial in the garden following a set of safety precautions specified in the owner's manual. Any liquid discharge from the dry composting toilet must be piped to sewer (unlike in an unsewered area where it is piped to a small trench).

Onsite sewerage systems which treat wastewater that includes toilet water must not be installed (retrofitted) and managed by property owners or occupants in sewered areas. However, all-waste onsite sewerage and recycling systems can be installed by regional or metropolitan Water Corporations (not rural Water Corporations) as part of:

- a new reticulated sewerage system in a previously unsewered area;
- a program to upgrade existing onsite systems in a declared sewerage district (or a backlog sewerage area); or
- as part of an upgrade to failing assets in a sewered area.

These onsite systems are then managed by the Water Corporation or another approved entity, not the householder (see Section 3.12.3).

Table 1: Treatment systems allowed in sewered and unsewered areas

Treatment Type and Effluent End Use	**Sewered Area (Yes/No)**	**Unsewered Area (Yes/No)**
Advanced secondary greywater system (10/10/10) with indoor recycling for toilet flushing and/or use in washing machine	Yes[1]	Yes[1]
Advanced secondary greywater system (10/10/10) for watering gardens and lawn via a dedicated purple tap and purple hose	Yes[2]	No
Advanced secondary greywater system (10/10/10) for surface irrigation	Yes[2]	Yes[2,3]
Secondary greywater system (20/30 or 20/30/10) for sub-surface irrigation or other below-ground dispersal system	Yes	Yes
Secondary greywater system (20/30/10) for surface spray, trickle or drip irrigation	Yes[2]	Yes[2,3]
All-waste secondary sewage treatment system (20/30/10, 20/30) with sub-surface irrigation	No[4,5]	Yes
All-waste secondary sewage treatment system (20/30/10) with surface spray, trickle or drip irrigation	No[4,5]	Yes
Dry composting toilet	Yes[6,7]	Yes[6,7]
Incineration toilet	No	Yes
Wet composting system (primary treatment) and land application	No	Yes
Septic tank (anaerobic primary treatment) and land application system	No	Yes

1. Single households only (internal re-use of greywater is not permitted at any multi-dwelling, business, commercial or school premises).
2. Single households only.
3. The exception to footnote 2 is a commercial premises with an end use (for non-sensitive populations) that is best suited to surface irrigation with 20/30/10 or 10/10/10 effluent and has a service contract with an accredited service technician e.g. a vineyard that requires drip irrigation; an existing golf course with pop-up sprinklers and a 4-hour withholding period management plan.
4. Although property owners/occupiers must not retrofit all-waste secondary sewage treatment systems in sewered areas, Water Corporations may elect to install/upgrade and manage onsite all-waste systems as part of a sewerage system whether or not reticulated sewerage is being installed into an unsewered area or as part of an asset management upgrade in a sewered area (see Section 3.12.3).
5. The exception is an existing well-functioning all-waste secondary treatment system that has a service contract and a sustainable land application system which may be retained after notification a reticulated sewerage system has been provided (see Section 3.12.4).
6. Mature compost from an approved dry composting toilet must be buried in a hole at least 300 mm deep in the 'ornamental' section of the garden (i.e. away from food crops) and covered with loamy topsoil.
7. The liquid discharge from a dry composting toilet system must be piped to sewer or piped to a suitably sized trench in an unsewered area.

2.1.3 Onsite and cluster scale options for new and existing developments

Many different treatment methods and combinations of treatment systems (scenarios) have been developed to treat and manage domestic and commercial sewage in new developments or when upgrading existing unsewered communities. These scenarios range from fully-contained onsite treatment and recycling systems to various combinations of onsite and offsite treatment and recycling, to all wastewater reticulated offsite and treated at a central location. Scenarios 1 to 9 require Council Septic Tank Permits for installation and use. Scenarios 10 to 13 only require a Septic Tank Permit where a community-scale system treats less than 5,000 L/day, otherwise the proponents of scenarios 10 to 14 must obtain an EPA Works Approval before installation. Any of these sewerage scenarios may be used for new developments or to improve the management of wastewater in unsewered townships:

1. All effluent generated onsite is treated and disposed/recycled within the boundaries of the property.
2. Single household dual onsite system – separate treatment for:
    a. toilet and kitchen wastewater (and possibly laundry trough water) treated in a septic tank or wet composting system and disposed of onsite; and
    b. greywater treated to advanced secondary standard (10/10/10 – see Section 2.2.3) and used for toilet flushing, washing machine use and garden irrigation.
3. Single household dual onsite system – separate treatment for:
    a. toilet waste treated in a dry composting toilet with mature compost buried onsite; and
    b. greywater including kitchen wastewater treated to secondary standard (20/30 or better – see Section 2.2.2) for garden irrigation.
4. Single household triple onsite system – separate treatment for:
    a. toilet waste treated in a dry composting toilet with mature compost buried onsite;
    b. septic tank and trench for kitchen wastewater, and urine (where applicable); and
    c. greywater (excluding kitchen wastewater) treated to secondary standard (20/30 or better – see Section 2.2.2) for garden irrigation.
5. Onsite secondary sewage treatment and recycling, with excess effluent pumped/gravitated offsite for community-scale secondary treatment and recycling.
6. Onsite secondary sewage treatment and recycling with excess effluent reticulated offsite for community-scale recycling.
7. Onsite primary treatment and disposal of toilet and kitchen wastewater (and possibly laundry trough water), with greywater reticulated offsite for community-scale secondary treatment and recycling.
8. Onsite dry composting toilet, with all greywater reticulated offsite for community-scale secondary treatment and recycling.
9. Onsite advanced secondary greywater treatment (10/10/10) and recycling, with toilet and kitchen wastewater (and possibly laundry trough water) and excess greywater reticulated offsite for community-scale treatment and recycling.
10. Onsite primary treatment in a wet composting system with all effluent pumped offsite through a reticulated sewer to a community-scale secondary treatment system.
11. Onsite primary treatment in a septic tank with all effluent reticulated offsite to a community-scale secondary treatment system (i.e. STEP/STEG – a Septic Tank Effluent Pumped or Gravity system).

12. Toilet and kitchen wastewater discharged to centralised sewerage and greywater reticulated offsite for decentralised, cluster or community-scale secondary treatment and recycling.
13. All wastewater reticulated offsite to multiple decentralised, cluster or community-scale treatment and recycling systems (possibly at the sub-catchment scale).
14. All wastewater reticulated offsite and treated at a central location.

Note: Any of these onsite treatment options can incorporate urine-diversion toilets. Urine-diversion toilets do not require EPA approval because they are not a treatment system. However, a centralised management entity should develop a strategy to manage, collect and beneficially reuse the urine from these toilets.

2.2 Effluent quality standards

2.2.1 Primary effluent standard

Primary treatment systems (such as septic tanks and wet composting systems) use physical methods such as screening, flocculation, sedimentation, flotation and composting to remove the gross solids from the wastewater, plus biological anaerobic and aerobic microbial digestion to treat the wastewater and the biosolids. Unlike secondary standard effluent, primary treated effluent does not have a specific water quality standard. It can range from 150 to 250 mg/L BOD_5 and 40 to 140 mg/L TSS without an outlet filter, and from 100 to 140 mg/L BOD_5 and 20 to 55 mg/L TSS with an outlet filter (Crites & Tchobanoglous 1998, p. 83). The pathogen indicator, E. coli, can be in the hundreds of thousands to millions of organisms per 100 mL of septic tank effluent. Consequently, primary treated effluent can only be dispersed to land via belowground applications (see Table 1). However, where the septic tank or wet composting system is the first element in a secondary treatment train or is part of an effluent sewer, the primary effluent is treated to secondary quality before being recycled via an irrigation system.

The structural integrity of the tank that houses the primary treatment system must comply with the most recent version of AS/NZS 1546.1. After installation or desludging, and before use, a septic tank must be filled with clean water to provide ballast to prevent groundwater forcing the empty tank up out of the ground (AS/NZS 1546.1and to reduce odours.

2.2.2 Secondary effluent standard (20/30/10 and 20/30)

The water quality of secondary standard effluent in Victoria is <20 mg/L BOD_5, <30 mg/L TSS and, where disinfected, E. coli <10 cfu /100 mL. Due to the high risk to human health and the environment from unserviced and failing treatment systems which disperse poorly treated and undisinfected effluent onto the ground, sub-surface irrigation from all-waste treatment systems is the best practice land application system for secondary quality effluent (except for commercial applications such as non-contact sports fields, golf courses or vineyards in unsewered areas – see Tables 1 and 2). Effluent must be applied to land using one of the methods listed in Table 2 and detailed in the latest version of AS/NZS 1547 or Appendix E. However, sub-surface pressure-compensating irrigation (which ensures even distribution of effluent) with a disc or screen filter and scour and vacuum release valves is the default land application system for secondary treated all-waste sewage effluent. Sub-surface irrigation provides the most sustainable use of recycled water because the water is applied directly to the plant roots and is not dissipated by sun or wind, as it is when applied by spray irrigation.

In most cases, secondary treatment does not reduce the salinity and sodium levels or nutrients in wastewater. The sustainability of the land application system should take into account the longterm impact of the sodium in the effluent on the soil (see Section 2.2.4). For environmentally sensitive sites such as sandy soils adjacent to waterways, a nutrient balance may need to be calculated to determine the size of the sustainable irrigation area to limit the impact of nitrates and phosphorus on groundwater [see Victorian LCA Framework, MAV et. al. 2014 (as amended)].

Where Council considers there may be a risk of pathogen contamination of groundwater supplies in a sandy area (in Soil Categories 1 or 2a), the Council Delegated Officer (CDO) may require disinfected secondary treated effluent (<10 E. coli cfu/100 mL) to be applied to the sub-surface land application system, especially where there are bores in the vicinity (see Table 5 for setback distances from bores). A nutrient balance may also be required for Category 1 to 3a soils where nutrients may cause a risk to environmentally sensitive areas such as freshwater lakes.

Note: Sub-surface irrigation of secondary treated effluent is mandatory in New Zealand, Germany and most of the USA.

2.2.3 Advanced secondary effluent standard (10/10/10)

Onsite wastewater management systems that are capable of producing a higher quality effluent are greywater systems that have been tested and accredited to a 10/10/10 standard [i.e. <10 mg/L Biochemical Oxygen Demand (BOD_5), <10 mg/L Total Suspended Solids (TSS), <10 Escherichia coli cfu/100 mL] in accordance with the NSW Health Domestic Greywater Treatment Systems Accreditation Guidelines (2005). However, the salt and nutrient levels in the water may not have been reduced by the treatment process.

In unsewered areas 10/10/10 greywater effluent may be applied via low trajectory, coarse droplet, surface irrigation to:

- horticultural crops such as grape vines where drip irrigation is common practice and the effluent does not come in contact with the edible parts of the herbs, vegetable or fruit; and
- sporting fields with existing sub-surface irrigation systems and where the sport does not involve players' bodies coming in contact with the grass on the field (such as golf courses).

In addition, there must be a 4-hour withholding period between the application of the effluent and use of the sporting field. The property owner must also have a service contract with a service technician and regularly send the reports to Council.

Only greywater treatment systems that have been accredited to 10/10/10 effluent quality and have a current certificate of conformity against the NSW Health Domestic Greywater Treatment Systems Accreditation Guidelines (Feb. 2005) or AS 1546.4 – Greywater Treatment Systems (once ratified) are permitted to recycle effluent indoors for toilet flushing and for use as cold water supply to the washing machine in single households. Back-flow prevention devices must be installed to prevent greywater entering the drinking water supply. Garden irrigation is permitted at single households using sub-surface and surface pressure-compensating irrigation systems and hand-held purple hoses attached to child-proof purple standpipes (see Section 4.4.3). Indoor greywater recycling is not permitted in multi-dwelling, commercial and business premises (see Table 1) due to:

- the health risks of viruses and other pathogens not being adequately treated at the level of 10 E. coli cfu/100 mL;
- the risk of failing treatment systems and inadequate disinfection due to lack of servicing; and
- the risk of cross-connection between potable water and effluent supply pipes.

2.2.4 Secondary effluent standard with nutrient reduction

Several secondary quality onsite treatment systems have been tested and approved for their nutrient-reduction capabilities (total nitrogen, nitrates and total phosphorus). Only manufactured treatment units that have been tested for nutrient reduction during accreditation testing in accordance with AS/NZS 1546.3 or the NSW Health Domestic Greywater Treatment Systems Accreditation Guidelines (Feb. 2005) or AS 1546.4 – Greywater Treatment Systems (once ratified) can claim nutrient-reduction capabilities for the purposes of land application sizing. Systems with nutrient-reduction capabilities may be the most applicable option in

environmentally-sensitive areas, such as sandy areas with high water tables and in sensitive lake districts where the receiving waters may be at risk of algal blooms from high nutrient levels. However, the impact of salt (which may not have been reduced by the treatment process) should be taken into consideration in the land capability assessment.

All onsite wastewater treatment systems with a current certificate of conformity against the relevant Australian standard or standard specified in this code.

Sand filter – For premise owners who wish to install a sand filter treatment system, they must submit to Council, as part of their application to obtain a Council Septic Tank Permit to Install/Alter, detailed system design specifications that demonstrate compliance with the relevant specifications in Appendix G Sand filters. Council will then assess the system design specifications for compliance as part of the Council Septic Tank Permit to Install/Alter process.

at

www.epa.vic.gov.au/your-environment/water/onsite-wastewater. If a brand or model of treatment system does not have a current certificate of conformity against the relevant Australian standard or standard specified in this code, it cannot be installed in Victoria. However, when a certificate of conformity expires or is rescinded and is removed from the EPA website, units that have been installed can continue to be used in accordance with the Council Permit conditions.

Note: Onsite treatment systems are not tested to the Victorian Class A Recycled Water Standard. 'Class A' is the quality of recycled water required for high exposure uses including those in residential developments (e.g. 'dual pipe' systems for toilet flushing and garden use) and only applies to sewage treatment systems that have a design capacity and flow rate greater than 5,000 L/day. As onsite treatment systems are not tested to Class A standard, they must not be marketed using that term in Victoria. (Refer to EPA Publications 1015 and 464.2 for information on Class A requirements and recycled water schemes.)

Table 2: Onsite wastewater management options for sewered and unsewered areas

Onsite Wastewater Treatment Systems[1, 7]		For sewered or unsewered areas	Effluent recycling options[2, 3, 6, 7]	Effluent dispersal options
DRY	Primary Treatment Dry Composting Toilets	All areas	N/A	Excess liquid discharged to sewer, or to a soil Absorption Trench in unsewered areas
	Incineration Toilets	Unsewered only		
WATER-BASED	Primary Treatment Anaerobic (Septic Tank), Aerobic Biological Filter (wet composting, vermiculture)	Unsewered areas only	N/A	Absorption Trenches/ Beds Evapo-Transpiration Absorption (ETA) Beds Low Pressure Effluent Distribution (LPED) Mounds Wick Trench & Beds
	Secondary Treatment Sewage and Greywater AWTS (Aerated Wastewater Treatment Systems) Biological Filters (wet composting, vermiculture) Membrane Filtration Ozonation Reed beds Sand Filters Textile Filters Trickling Aerobic Filters: (foam, plastic, mixture of media)	All-waste sewage treatment systems in unsewered areas only [10]	Sub-surface irrigation Surface irrigation [11]	Absorption Trenches/ Beds Evapo-Transpiration Absorption (ETA) beds Low Pressure Effluent Distribution (LPED) Mounds Wick Trench & Beds
		Greywater systems in all areas	Single domestic households[5, 8, 9] 10/10/10: Toilet flushing Cold water supply to washing machines Surface irrigation Sub-surface irrigation Hand-held purple hose[12] 10/10, 20/30/10, 20/30: Sub-surface Surface irrigation	
			Multi-dwelling residential, business and community[4] 10/10, 10/10/10 20/30/10, 20/30: Sub-surface irrigation[13]	

1. It is recommended that onsite sewerage systems used by patients with transplants or on dialysis or chemotherapy are more frequently serviced and/or pumped-out as the drugs are likely to kill the beneficial microbes in the treatment system.
2. Sub-surface irrigation is the dispersal of water from pipes laid 100 mm to 150 mm below the ground surface (i.e. in the unsaturated biologically-active topsoil layer) (see AS/NZS 1547). The minimum water quality required is 20/30 standard.
3. Treated sewage or greywater must not come in contact with the edible parts of herbs, fruit or vegetables.
4. Treated greywater from multi-dwellings, schools, business or commercial premises must not be used for toilet flushing or used in the washing machine (see Section 2.2.3).
5. The use of treated greywater for clothes washing may not always result in the desired outcome, especially when washing light-coloured clothes. Householders should discuss the risks with the system manufacturer or supplier and be careful of the colours of cleaning and personal care products used.

6. No uses other than those stated are permitted.
7. See the relevant product owner's manual and Council Permit for information on installation, performance and management.
8. Only a purple-coloured hose with a left-hand thread which screws into the recycled greywater tap (coloured purple) is permitted to be used. The tap must have a removable child-proof handle and clear signage with words and symbols which indicate 'Recycled Water – Do Not Drink' (see Section 4.4.3).
9. Recycled water pipes must not be connected to the drinking water supply pipes. All recycled water plumbing works must be undertaken in accordance with the most recent version of AS/NZS 3500 [set]: Plumbing and Drainage.
10. The exception is a water business which may install all-waste sewage treatment systems as part of a new reticulated sewerage system or an upgrade to existing onsite wastewater systems within a sewerage district or as an asset management retrofit to an existing reticulated sewerage system.
11. The exceptions are multi-dwelling residences, schools, child care centres, medical centres, hospitals, nursing homes and premises for other sensitive populations which must use sub-surface irrigation.
12. Only permitted in sewered areas, where the excess greywater is discharged to sewer.
13. The exception is a commercial premises (other than multi-dwelling residences or a school, medical centre, hospital, child care centre, nursing home or premises for other sensitive populations) in an unsewered area which has a technical requirement for surface irrigation with 20/30/20 or 10/10/10 effluent (e.g. a vineyard using drip irrigation; an existing golf course with pop-up sprinklers provided it has a 4-hour withholding period after each irrigation event and a service contract with a professional service technician).

2.3 Principles of sustainable water resource management

Fresh, clean groundwater and surface waters are very valuable resources that are increasingly scarce in Victoria. Potable (drinking quality) water is used to flush wastes away in all sectors of our community. However, by conserving our water resources for drinking and bathing and for the beneficial uses of environmental flows (aquatic habitat, riparian health, wetland vitality, recreation and a sense of wellbeing) our water security can be increased.

2.3.1 Waste hierarchy

The principles of the waste hierarchy (EP Act Section 1I) (or resource use) can be utilised to value-add to our water resources and to extend 'the life' of water by reusing it. The hierarchy of resource use for wastewater generation is:

- avoid generating wastewater
- reduce wastewater volume (by minimising water use)
- reuse untreated greywater (for temporary purposes in dry weather)
- recycle treated wastewater.

2.3.2 Environmental sustainability

The environmentally-sound management of wastewater involves more than the sustainable use and management of water. Salts (especially sodium), pathogens and excess nutrients can have a detrimental impact on soils, vegetation, groundwater and/or surface waters. Excess sodium applied over a period of several years may affect the soil's ability to 'breathe' (utilise air) and absorb more effluent. The volume of nutrients, salts and sludge generated by each household depends on the types of food eaten, the cleaning products used and household and personal cleaning behaviours. Research on and lists of low sodium and low phosphorus cleaning products can be found at www.lanfaxlabs.com.au

Different sewage treatment system types, brands and models vary in their:

- use of electricity
- use of consumables (such as chlorine)
- frequency of servicing
- number and cost of parts that require replacing
- generation of greenhouse gases
- ability to reduce nutrients, salts and sludge.

Some of these details may be provided on the manufacturer's marketing material and owner's manual or by contacting the manufacturer or supplier (see Appendix C for a checklist guide).

2.3.3 Organic matter and nutrients

Organic matter and nutrients in wastewater are a combination of toilet excrement and paper as well as hair and skin particles from basins and showers, lint from the laundry, personal care and household cleaning products, and fats, oils and food particles from the kitchen. Fats, oils, milk, tea leaves, coffee grounds and other kitchen food liquids, particles and scraps should be composted in a garden compost bin. These organic wastes should not be disposed of into domestic secondary onsite wastewater treatment systems, because as these systems have been designed to treat sewage, any additional organic matter is likely to overload them and cause the system to malfunction, only partially treat the wastewater and/or require more frequent desludging. Putting food scraps into a secondary wastewater treatment system is also a waste of a valuable nutritious organic (fertiliser) resource, because they are contaminated by pathogens and not returned to biologically-active soil.

2.3.4 Salts

To protect the health, productivity and longevity of the soils receiving treated effluent, cleaning products (especially laundry detergents) which contain minimal salt (sodium) are recommended (see www.lanfaxlabs.com.au). The high salt content of many cleaning products can eventually cause the soil aggregates in the irrigation/disposal area to disperse and lose their structure resulting in reduced permeability to water or air. This limits the ability of the salts to move through the soil and increases the likelihood of salts accumulating to levels that are potentially toxic to plants. Soil microbes and plants subsequently die and the soil is rendered unproductive. This can be a high risk when untreated laundry water is continuously used to water gardens, but is also an important consideration for treated effluent. Reducing salts in the wastewater also reduces the risk of surface waters and groundwater being impacted by failing onsite systems.

To monitor the potential impact of salts, effluent should be tested at least annually for Electrical Conductivity (EC) and Sodium Absorption Ratio (SAR). Effluent with EC levels exceeding 0.75 dS/cm [500 mg/L of Total Dissolved Salts (TDS)] and/or a SAR level of 18 should be discharged to sewer (where applicable) and/or the use of household and personal cleaning products with high salt contents discontinued (Richards 1954) (see Appendix G).

2.3.5 Small lots

The principles of efficient resource use should also be applied when considering the options for all onsite wastewater management. This is especially the case for homes on small lots of land (<4000 m²) in unsewered areas which, to contain (recycle) all wastewater onsite, must minimise the amount of wastewater generated. The feasibility of providing a reticulated sewerage system should be seriously considered for the development of individual lots and for subdivision proposals that would result in allotments smaller than 10,000 m² (1 hectare). This area should not be seen as a minimum lot size but as a risk threshold, as lots smaller than 10,000 m² may be unable to retain all wastewater onsite. (See Section 3.6.1 for key risk factors such as proximity to waterways.)

Treating greywater and 'blackwater' separately (see Section 2.1.3 for options) and recycling a portion of the greywater effluent indoors for approved household uses is one way of reducing the volume of wastewater discharged to the land even though the nutrient and salt loads applied to the dispersal area remain the same. Wick Trenches (see Appendix E), which have been designed to facilitate dispersal of effluent to the atmosphere through evaporation and transpiration, and mound systems, may be suitable for some small lots.

2.3.5.1 Reducing wastewater

In accordance with the principles of the waste hierarchy, the following steps are recommended to limit the amount of wastewater generated and beneficially use the resultant water resource onsite.

I. Avoid generating excess wastewater by:
   1. constructing a house with fewer bedrooms
   2. installing a dry composting toilet
   3. not installing a spa
   4. not installing a bath (low flow rate shower only)
   5. not installing a kitchen food waste grinder.

II. Reduce the volume of wastewater generated by installing:
   6. High 'Water Efficiency Labelling Scheme' (WELS)-rated water-efficient fittings (minimum '3 Stars' for appliances and minimum '4 Stars' for all fittings and fixtures):
      a. water-efficient clothes washing machines (front or top loading)
      b. dual-flush (6.5/3.5L or less) toilets
      c. water-efficient shower roses
      d. water-efficient dishwashers
      e. aerated taps
      f. hot and cold water mixer taps (especially for the shower)
      g. flow restrictors
      h. hot water system fitted with a 'cold water diverter' which recirculates the initial flow of cold water until it is hot enough for a shower.

III. Reuse (another use without any treatment) wastewater by:
   7. washing fruit and vegetables in tap water in a container and reusing the water for another purpose in the house such as watering pot plants; and
   8. collecting the initial cold water from showers in buckets and using it for another purpose such as soaking feet, hand washing clothes or washing the car on the lawn.

IV. Recycle wastewater after treatment by using it to:
   9. water gardens and lawn areas
   10. flush toilets with effluent from an EPA-approved 10/10/10 greywater system
   11. supply effluent to the cold water tap of the washing machine from an EPA-approved 10/10/10 greywater treatment system (see Section 4.4).

2.3.6 No offsite discharge of wastewater

The State Environment Protection Policy, Waters of Victoria (SEPP WoV, 2003) (Clause 32) and the Victorian Planning Provisions (http://planningschemes.dpcd.vic.gov.au/vpps) prohibit offsite discharge of wastewater from onsite wastewater management systems to adjacent land, stormwater drains, waterways or beaches for all new developments.

The Victorian Planning Provisions require that, in Township Zones (Clause 32.032), Rural Living Zones (Clause 32.05-2), Farming Zones (Clause 35.03-2), Rural Activity Zones (Clause 35.07-2) and Low Density Residential Zones (Clause 35.08-2):

'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**.'

Therefore, new premises may only be built if it will be connected to a reticulated sewerage scheme or where the wastewater can be treated and contained on the lot in a Township, Rural Living, Farming, Rural Activity or Low Density Residential Zone.

2.3.6.1 Existing offsite discharges of wastewater

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

For existing offsite discharges in unsewered areas, it is recommended that wastewater management systems are upgraded and the effluent utilised in a land application system onsite. Where a land capability assessment indicates that a property which has an existing offsite discharge is too small to contain all the effluent onsite throughout the year, it is preferable to find a practicable solution [as per Clause 12 of SEPP (WoV)] that reduces the impact or risk e.g.:

- discharge a smaller quantity of higher quality effluent to a stormwater drain in wet weather than continue to discharge all untreated greywater or treated sewage offsite all year round (see section 2.1.3 for treatment options); or
- install a pump-out tank and periodically transport the excess wastewater to a centralised sewage treatment plant.

This will prevent further impact to the local environment and waterways as well as protect public health.

2.3.6.2 Existing discharge of primary treated effluent in sandy soils

In areas with sandy soils, instead of offsite discharge, many existing premises discharge primary treated effluent or untreated greywater to 'soak-away pits' or short trenches that would be considered inadequate to protect groundwater from pathogens or nutrients by current design requirements. The best environmental outcome in sandy soils with a high groundwater table may be achieved by upgrading septic tanks to secondary treatment systems with disinfection and nutrient reduction.

To ensure that the effluent is contained within the boundary of the property Council need to be satisfied that the upgraded system will provide an improved environmental and public health outcome.

2.3.6.3 Upgrade of existing onsite wastewater systems to 'best environmental outcome'

In some situations where an existing onsite wastewater system is discharging effluent overland or off-site and needs to be upgraded to protect public health and the environment, site constraints may not allow the proposed system to achieve full compliance with the requirements of this Code. In such situations Council may permit the upgrade if Council is satisfied that the new system will result in an improved environmental and public health outcome.

2.3.7 Pump-out tanks

Pump-out tanks are large septic holding tanks designed to contain effluent from premises usually for 1 week to 3 months. The tanks must be certified in accordance with AS/NZS 1546.1 and suitably sized for the application in accordance with AS/NZS 1547 (as amended).

A pump-out tank is an option of 'last resort', but may be installed on an existing lot which cannot be connected to sewer or contain all of its wastewater onsite. The contents of the tank are pumped into a sewage-sludge truck and transported and discharged to an approved sewer main access hatch or centralised sewage treatment plant. This is often not a sustainable option for sewage management, because of the economic and environmental costs associated with pump-out, transport and licences to discharge septic sewage effluent into a centralised sewerage system.

Pump-out tanks are best suited to premises with low or intermittent use. The most sustainable practice is to irrigate the maximum amount onsite and accumulate the residual wastewater in the pump-out tank.

Where a pump-out tank is considered suitable it should only be issued with a Septic Tank Permit where Council is satisfied the property owner has a suitable management program. Best practice should include:

- water conservation fittings and fixtures, including dual-flush toilets and spring-loaded taps to prevent excess water filling the tank;
- a suitably sized tank, generally a minimum storage capacity of 15,000 L for a residential premises where the effluent is pumped out on a fortnightly basis;
- a water meter on the water supply to the premises;
- a water meter on the effluent irrigation or disposal system;
- an audio/visual or telemetric alarm system which alerts the premises occupier when the tank is three-quarters full and requires pumping out, in the event the tank fills more quickly than the pump-out schedule;
- extra ballast to weigh down the tank to prevent groundwater lifting it out of the soil after the tank has been pumped out;
- a contract with a sewage/sludge pump-out operator to regularly educt the wastewater; and
- a strategy for sending a copy of the receipt and volume of wastewater educted for each pump-out to Council.

Pump-out tanks may be installed without a Septic Tank Permit for public toilet blocks on Crown Land, provided the responsible government entity (such as Councils, Parks Victoria, Water Corporations or the Department of Environment, Land, Water and Planning) has a suitable risk management plan and procedures for the management of the wastewater and the pump-out tank.

Although the effluent from a pump-out tank is not technically contained within the boundaries of the site, a pump-out tank does fulfil the intent of SEPP (WoV) and the Environment Protection Act. This is because effluent is transported and managed at a centralised sewage treatment plant and cannot impact neighbouring properties, public health or the local environment.

2.4 Effluent dispersal and recycling systems

An effluent disposal/recycling system must be selected from the following list of land application systems and designed and installed in accordance with the most recent version of Australian Standard AS/NZS 1547 and this Code:

- Sub-surface drip irrigation
- Surface spray, drip or trickle irrigation
- Evapo-Transpiration Absorption (ETA) trenches/beds
- Low Pressure Effluent Distribution (LPED) system
- Mounds
- Absorption trenches/beds
- Wick Trench and Bed system (see Appendix E).

(See Section 3.7 and Appendix E for information on each land application system).

The maximum design loading rates (DLR) and design irrigation rate (DIR) should be in accordance with the recommended maximums in Tables 3 and 9 of this Code. All pipework must be installed in accordance with the most recent version of the Victorian Plumbing Regulations.

Where this Code does not address an issue or a technology, the most recent version of AS/NZS 1547: On-site Domestic Wastewater Management must be used. However, where this Code does provide guidance on an issue or technology, it has precedence over any Australian Standard.

Note: The following land applications systems cited in AS/NZS 1547: 2012 (as amended) are not allowed in Victoria due to the high loading rate of wastewater, nutrients, pathogens and salts deep in the soil profile, which could impact on groundwater:

1. Box trenches with impermeable side walls (AS/NZS 1547, Figure 4.5A3, p. 149).
2. Discharge control trenches with impermeable side walls (AS/NZS 1547, Figure 4.5A4, p. 150).
3. Secondary treated effluent to reduced-length absorption trenches and beds (AS/NZS, Table 5.2 and L1).

However, reduced-length Wick Trench and Bed Systems may be installed using secondary quality effluent (see Table 9 for the recommended loading rates and Appendix E). Secondary treated effluent is a valuable resource which should be utilised in the biologically active topsoil layer, not discharged at high rates to sub-soil layers. Research has shown that secondary effluent discharged to absorption trenches can have a greater negative impact on groundwater than primary effluent, due to the lack of biomat build-up in the secondary trenches (Gill et al 2009). The Wick Trench and Bed System provides a substrate for the biomat to grow and facilitates the distribution of the wastewater into the biologically active topsoil layer.

Table 3: Recommended maximum design irrigation rates for secondary effluent irrigation systems in sewered and unsewered areas

Soil type	Irrigation rates [1, 2] ($L/m^2.day$)
Sands and gravels	5
Sandy loams	5
Loams	4
Clay loams	3.5
Light clays	3
Medium to heavy clays	2

1. From AS/NZS 1547: 2012
2. Lower application rates may be required to make allowance for reduced soil permeability in sodic and dispersive soils, and sandy soils with seasonally high water tables.

Note: The international colour-coded for plumbing installations for recycled water is lilac, but it is generally referred to as purple in Victoria (i.e. 'purple pipe'). The pipework connecting the treatment unit and irrigation area, the pipes in a new irrigation field and the pipes supplying treated greywater (10/10/10 standard) to fixtures within the house must be colour-coded 'purple' and have appropriate signage in accordance with the most recent version of AS/NZS 1319: Safety Signs for the Occupational Environment. Where a treatment system is retrofitted to existing irrigation pipes that are not purple-coloured, the above-ground fixtures such as taps, pumps and hatches, must be covered with purple paint or tape.

Chapter 3 – Onsite wastewater management in unsewered areas

In unsewered areas, all wastewater generated on a property must be treated and the effluent sustainably recycled/dispersed (see Table 1) within the property boundaries (unless a portion is reticulated off-site for further treatment or recycling via an effluent sewer – see Section 2.1.3).

3.1 Onsite wastewater planning process

When a property developer, potential buyer or land holder considers subdividing land or building one or more premises, they must first determine whether wastewater can be sustainably managed and absorbed by the land within the property boundaries without negatively impacting the beneficial uses of surface waters and groundwater. It is the responsibility of the property owner to prove to Council that the proposed onsite wastewater treatment and recycling system will operate sustainably on the property without adverse impacts on public health or the environment.

Developers must demonstrate that each lot within a proposed subdivision is capable of meeting this requirement. This may result in larger lots in those sections of the subdivision where soils with poorer effluent absorption characteristics cannot be ameliorated, or delaying the development until sewer becomes available.

In many unsewered areas, a Planning Permit is required for new developments in addition to a Septic Tank Permit. It is recommended that applicants contact their Council's Environmental Health Department, and in regional areas their local Water Corporation as well, to discuss wastewater requirements before applying for a Planning Permit. The local planning scheme mandates connection to sewer where it is practicably available.

Owners or potential buyers planning to apply for a Council Permit to Install an onsite wastewater management system in an unsewered area should follow these steps to have the best possible sustainable onsite system designed:

1. Decide on the proposed design criteria for the property (the 'wish list'):
   - location of the dwelling and outdoor paved areas (patio, sheds)
   - location of infrastructure (easements, sheds, driveway, paths, paddocks)
   - size of the buildings (the building envelope, including the footprint of the house or premises, sheds and all other hard non-absorbing surfaces in square metres)
   - number of bedrooms in the dwelling
   - maximum occupancy of the dwelling (i.e. will the premises accommodate large numbers of people at weekends and holiday periods and/or remain vacant for extended periods of time?)
   - is recycled greywater effluent required for toilet flushing or the clothes washing machine?
   - any extra water-generating fixtures such as spa baths?
   - use of high WELS-rated fixtures and fittings.
2. Arrange for a suitably qualified and experienced land capability assessor (see Section 1.8.3) to carry out a land capability and risk assessment (LCA) (see Section 3.6.1) on the lot, unless the relevant Council advises it is not required.

Note: an LCA is always required in a Special Water Supply Catchment.

3. Whether an LCA is required or not, the proponent should engage a suitably qualified consultant experienced in onsite wastewater land capability and/or irrigation systems to design an onsite wastewater recycling/dispersal system. This system should best fit the features of the land, the needs of the proponent and address the risks of the site with sustainable solutions. Designing the land application system is the role of

an independent consultant, not Council. Council's role is to assess the land capability and risk assessment report, flow rates, land application calculations and trench, bed, mound or irrigation design, not do the calculations or design the land application system for the property owner.

3.2 Onsite treatment system options

In Victoria, all newly installed onsite wastewater treatment systems must have a current certificate of conformity against the relevant Australian Standard or standard specified in this code as listed on the EPA website. www.epa.vic.gov.au/your-environment/water/onsite-wastewater. If a brand or model of treatment system does not have a current certificate of conformity against the relevant Australian Standard or standard specified in this code as listed on the EPA website, it cannot be installed in Victoria. Any onsite treatment system listed on the EPA website can be installed in an unsewered area, if the treatment system and the design loading rate of the effluent dispersal system are appropriate for the site.

The most common types of treatment systems and their associated recycling/land dispersal options are listed in Table 2. Different treatment trains or combinations of systems which are possible to treat all the wastewater streams onsite include:

- dry/wet composting for toilet waste plus a greywater treatment system which treats kitchen waterdry composting for toilet waste, a small septic tank for kitchen water, plus a greywater treatment system;
- septic tank (see Appendix D) or wet composting system for toilet and kitchen water, plus a greywater treatment system;
- all-waste secondary treatment system; and
- septic tank or wet composting system for all wastewater.

For details of these options see Section 2.1.3.

3.3 Wastewater generation

Minimum daily wastewater flow rates from domestic and commercial premises are set out in Table 4. However, a range of factors can increase or decrease these flow rates.

When calculating the daily wastewater flow rates for an existing commercial premise or an alteration/extension to an existing commercial premise, the metered flow rates should be used instead of the flow rates in Table 4. For a new commercial premise the flow rates in Table 4 are to be used unless metered flow rates are available from an equivalent type of premises.

Increased variations to these flows such as surges, peaks or intermittent flows should also be taken into consideration when calculating the wastewater volume generated.

3.3.1 Minimum flow rates and organic loading

The volume of wastewater treated and recycled/dispersed onsite can vary considerably. It depends on the type of premises, the occupancy throughout the year, water availability, the use of water saving fixtures and fittings, occupants' habits and how efficiently water is used. The minimum flow rates listed in Table 4 are conservative rates and take variable flows into account. However, where an increase in water use at premises may lead to system failure and an increased risk to human health and the environment, the system may need to be altered or enlarged, or water reduction fixtures and fittings installed.

For systems other than a single domestic residence, the organic loading must also be considered when designing an onsite wastewater management system (see Table 4). Due to water restrictions and water conservation practices, it is increasingly important to select a treatment system based on the appropriate organic loading, as well as the water flow rate.

3.3.2 Increasing flow rates

Household 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. Where the wastewater treatment and/or land application system are not large enough to cope with the increase in flow the system may fail, causing a risk to public health and the environment.

Before making any additions or renovations to a house or the water supply (such as installing a bore) owners must contact the Environmental Health Unit of their local Council. Council will need to determine whether the onsite wastewater management system needs to be or can be adapted to an increased flow rate and if there is sufficient room on the lot to enlarge the land application area. Council may direct the property owner to engage a consultant to consider these issues, design a solution and submit a report to Council.

Where there is not enough land to increase the size of the land application area, the house extensions cannot be approved. If the existing system can be altered, the owner must apply to Council for a Septic Tank Permit to Alter the wastewater management system before the house alterations begin. The treatment system and land application area must be protected and not impacted by any building works or vehicular access.

Where the wastewater treatment system is not enlarged to accommodate a greater volume, the householders should observe the onsite treatment system to monitor its performance and contact the service technician at any sign of the system being overloaded (e.g. noxious smells, the disposal area flooding especially in winter).

Swimming pool water must never be discharged to the onsite wastewater treatment system or applied to the onsite wastewater land dispersal area, because the additional water, chlorine and/or salt will disrupt the functioning of the treatment system and/or effluent dispersal area.

3.3.3 High flow rates and organic loadings

Where the proposed wastewater flow rate from a residential dwelling is expected to exceed 2,000 L a day, it is recommended that Council critically review the reason for the high flow rate and the concurrent organic load (see Section 3.3.6). Regular discharges exceeding 2,000 L a day may indicate a usage that is not purely domestic and may require additional equipment (i.e. septic or surge tanks) added to the treatment train. Procedures for estimating potential peak hydraulic loads (e.g. spa draining) and potential peak organic loads from commercial premises (e.g. from wine making, cheese making, home businesses) are not addressed in this Code. The wastewater system designer must calculate the hydraulic and organic loadings from commercial premises in accordance with EPA Publication 500: Small Wastewater Treatment Systems and justify these calculations to the satisfaction of Council on a case-by-case basis.

3.3.4 Irregular, intermittent and surge flows

The onsite wastewater treatment system and the recycling/disposal system must be designed so they can deal with irregular and surge flows without untreated or partly-treated wastewater being discharged into the land application system or the indoor water recycling system. Irregular and surge flows may occur when social gatherings take place, from fittings such as spa baths or when a bath and washing machine are discharging at the same time. These flows may be greater than the design capacity of the treatment system. Surges have the potential to force untreated solids through the treatment plant into the effluent storage tank which when discharged can clog filters, soil absorption trenches and effluent irrigation pipes. Manufacturers and suppliers of onsite treatment systems should educate system owners to minimise surge flows. However, if high surge flows are likely, the system must be designed to adequately deal with them, such as by incorporating an additional septic tank, a larger balance tank or a larger model of treatment system.

Where the dwelling will be used as a holiday home or intermittently for social, business or educational purposes, Land Capability Assessors and Council should consider the potential effects of possible peak flows and whether the proposed wastewater treatment and recycling system can handle the variable flows and operate effectively under stop/start conditions. Council may require the proponent to engage a wastewater consultant to increase the design flow rate and use the weekend peak loads as the regular flow rates. Consequently, a larger than normal pre-treatment balance tank, treatment plant and/or effluent storage tank may need to be installed to ensure that effluent is dispersed to land over a longer time period than the weekend or holiday period.

Treatment systems powered by electricity that must run continuously may not be suitable for sites with irregular or intermittent flows such as holiday homes, public toilets, community halls or sporting facilities which are subject to irregular peak hydraulic and organic loads.

Aerated wastewater treatment systems must not be switched off when not in use, otherwise the aerobic microbiological ecosystem in the tank will die and the water becomes anaerobic. Some aerated systems have a low-flow switch that recirculates effluent during periods of non-occupancy to ensure the aerobic microbes are provided with oxygen and can stay alive. After a power outage or being switched off for more than 48 hours, most aerobic microbes in an AWTS will die. However, the microbiological ecosystem will gradually regenerate after the treatment system is turned back on. To give the aerobic microbes time to recolonise, water use should be restricted for several days (i.e. use water only for bathing, toilet flushing and kitchen activities and not for clothes washing). The system may take 2 to 3 weeks to be fully functional again. Trickling filters can cope with intermittent flows or no electricity for several days or weeks because the aerobic microbes that are attached to the media (sand, gravel, foam, glass, peat, plastic, textile etc.) continue to live in the moist air environment.

3.3.5 Reduced water flows

Wastewater flow rates based on water-reduction fixtures and fittings should only be accepted when Council is satisfied the fixtures were installed at the time the treatment system was commissioned and operational and they are unlikely to be replaced by higher-flow fittings in the future (because of already planned renovations, change of ownership, etc.). This may be implemented through the use of a section 173 agreement under the Planning and Environment Act. Sections 181 and 182 of this Act enable these agreements to be recorded on the land title at the time they are registered, thus binding future owners.

Where Council is satisfied a household or premises is unlikely to be provided with a reliable water supply (e.g. a rural farming property where groundwater or surface water is unavailable), the design flow rates for Onsite Roof Water Tank Supply listed in the most current version of AS/NZS 1547 may be used instead of the flow rates in Table 4.

3.3.6 Organic loads

With more water efficient appliances and fixtures being used in domestic and commercial premises the organic concentration and BOD of wastewater is increasing. Therefore, the organic load from a premise must be appropriately matched with the capabilities of the treatment system (see the EPA CA for the maximum organic load).

Wastewater consultants and Council officers must consider the organic load of the wastewater as the primary design component when selecting a treatment system for toilet blocks and for food premises such as cafes, restaurants, food factories and function centres etc. Otherwise, treatment systems which are overloaded with organic matter will fail to achieve the required effluent quality and may produce noxious odours and pose a risk to public health and the environment.

3.4 Daily wastewater flow rates

Daily household wastewater generation is estimated by multiplying the potential occupancy, which is based on the number of bedrooms (plus one person), by the Minimum Wastewater Flow Rates in Table 4 The table shows the minimum water usage per person for a range of different activities. There is no differentiation between the various sources of water supply because, over time, most households and commercial premises will be supplied with a reticulated water supply or have access to bore water, surface water or tankered water, usually before reticulated sewerage is available (also see Table 4, footnote 5).

3.4.1 Calculations for minimum daily domestic flow rates

Using the formula 'number of bedrooms plus one' takes into consideration the potential future occupancy, not just the (possibly smaller) number of people who may be intending to live in the house. Assessors should include any additional room(s) shown on the house plan such as a study, library or sunroom that could be closed off with a door, as a bedroom for the purposes of the following calculations. However, Council may choose to reduce the number of potential bedrooms based on evidence (from the floor plan or building layout etc.) that the room is unlikely to be used as a bedroom.

Calculations for household wastewater generation:

a. Water-reduction fixtures

i. For a 4-bedroom house with water reduction fixtures and fittings, the daily minimum wastewater generated is:

Daily Wastewater Volume = (Number of bedrooms + 1) x L/person.day
= (4 + 1) x 150
= 5 x 150
= 750 L/day.

ii. For a 2-bedroom house with water reduction fixtures and fittings, the daily minimum wastewater generated is:

Daily Wastewater Volume = (2 bedrooms + 1) x L/person.day
= 3 x 150
= 450 L/day.

b. Standard water fixtures

i. For a 4-bedroom house with standard water fixtures and fittings, the daily typical wastewater generated is:

Daily Wastewater Volume = (Number of bedrooms + 1) x L/person.day
= (4 + 1) x 180
= 5 x 180
= 900 L/day.

ii. For a 2-bedroom house with standard water fixtures and fittings, the daily typical wastewater generated is:

Daily Wastewater Volume = (2 bedrooms + 1) x L/person.day
= 3 x 180
= 540 L/day.

3.5 Commercial premises

3.5.1 Organic loads from commercial premises

Commercial premises dealing with food or other organic matter in the wastewater stream (with peak daily flows into the treatment system of less than 5,000 L/day) will need to consider not only the hydraulic aspects of the design but also the capacity of the system to deal with high and irregular organic loadings (see Table 4). Premises in this category include (but are not limited to) hotels, motels, guesthouses, bed and breakfast establishments, restaurants, cafes, wineries, poultry farms, mushroom farms, cheese factories, take-away food premises, shops, schools, toilet amenity blocks, childcare centres, reception centres, conference centres, nursing homes, hospitals, environment centres, sport centres, community halls and public recreational areas.

The provision of an additional septic tank, a larger balance tank or larger model of treatment system may provide the additional capability for the higher organic loading. Any proposed premises with a commercial kitchen should consider installing a suitably-sized additional septic tank at the start of the treatment train to cope with the high organic load. Best practice may be two septic tanks in sequence followed by a secondary treatment system of appropriate organic and hydraulic load capacity. Two complete treatment systems such as a primary wet composting system and a secondary treatment system, may also be coupled together to treat commercial wastewater with high BOD to a 20/30 or 20/30/10 standard.

All treatment systems installed on commercial premises should have a flow meter fitted to the discharge pipe to measure the daily volumes of effluent in litres (not megalitres).

Note: Two or more complete treatment systems may be installed in series at a commercial site to produce the required effluent quality. All the elements in both treatment trains must be installed.

3.5.2 Daily flow rates for community and commercial premises

Use the 'Minimum daily wastewater flow rates' in Table 4 or data collected from a water meter at the site. The organic loading from any commercial kitchen or trade waste facility must be calculated using the values in Table 4 as a minimum.

Table 4: Minimum daily wastewater flow rates and organic loading rates[1, 10]

Source	**Design hydraulic flow rates for all water supplies**[2, 4, 5] **(L/person.day)**	**Organic material loading design rates (g BOD/person.day)**[7]
Households with extra wastewater producing facilities[6]	220	60
Households with standard water fixtures	180	60
Households with full water-reduction fixtures[3]	150	60
Motels/hotels/guesthouse – per bar attendant – bar meals per diner – per resident guest and staff with in-house laundry – per resident guest and staff with out-sourced laundry	 1000 10 150 100	 120 10 80 80
Restaurants (per potential diner)[9] – premises <50 seats – premises >50 seats – tearooms, cafés per seat – conference facilities per seat – function centre per seat – take-away food shop per customer	 40 30 10 25 30 10	 50 40 10 30 35 40
Public areas (with toilet, but no showers and no café)[8] – public toilets – theatres, art galleries, museum – meeting halls with kitchenette	 6 3 10	 3 2 5
Premises with showers and toilets – golf clubs, gyms, pools etc. (per person)	50	10
Hospitals – per bed	350	150
Shops/shopping centres – per employee – public access	 15 5	 10 3
School – child care – per day pupil and staff – resident staff and boarders	20 20 150	20 20 80
Factories, offices, day training centres, medical centres	20	15
Camping grounds – fully serviced – recreation areas with showers and toilets	 150 100	 60 40

1. Based on EPA Code of Practice for Small Wastewater Treatment Plants, Publication 500 (1997).
2. When calculating the flow rate for an existing commercial premise, use this table or metered water usage data from the premise's actual or pro-rata indoor use.
3. WELS-rated water-reduction fixtures and fittings – minimum 4 Stars for dual-flush toilets, shower-flow restrictors, aerator taps, flow/pressure control valves and minimum 3 Stars for all appliances (e.g. water-conserving automatic clothes washing machines).
4. These flow rates take into consideration the likelihood of a reliable water supply being currently provided to a premises or in the future (e.g. from groundwater, surface water or reticulated water supply, or a tankered water supply).
5. Where Council is satisfied a household or premises is unlikely to be provided with a reliable water supply (e.g. a rural farming property where groundwater or surface water is unavailable or used only for stock) the design flow rates for Onsite Roof Water Tank Supply listed in the most current version of AS/NZS 1547 may be used.
6. Extra water producing fixtures include, but are not limited to, spa baths.
7. Based on Crites & Tchobanoglous (1998) and EPA Publication 500 (1997).

8. For premises such as public areas, factories or offices that have showers and toilets, use the flow rates for 'Premises with showers and toilets' in the calculations.
9. Number of seats multiplied by the number of seatings i.e., may include multiple seatings for breakfast, morning and afternoon teas, lunch and/or dinner.
10. The organic loading rate must be considered as well as the hydraulic flow rate when selecting the most suitable treatment system.

3.6 Land capability assessment

In unsewered areas, a land capability assessment (LCA) should be undertaken for each site that requires the installation of an onsite wastewater treatment system, unless Council is satisfied the site is low risk or sufficient information (e.g. soil permeability rates, soil types, depths to watertable, fractured rock and other limiting factors) has already been gathered about the site. The information may have been obtained through previous Council investigations such as a regional, catchment or township-based land capability assessments. However, a large area LCA is only a general guide because soils and landscapes can be highly variable within an allotment and between neighbouring properties. A 'best practice' regional or catchment-scale LCA will identify high, medium and low risk areas and can recommend minimum lot sizes as well as the most appropriate management solutions.

An LCA is mandatory for any allotment within a Special Water Supply Catchment Area. In potable water supply catchments, a greater density of rural lifestyle allotments not only involves potential pathogen contamination risks from onsite wastewater management systems, but also added risks factors such as domestic animals, horses, chemical sprays and increased traffic.

It is very important an LCA is performed early in the planning phase of land developments. An LCA should be conducted before rezoning, or subdivision if the land does not require rezoning. The information gathered through the LCA process is used to determine the areas most and least capable of managing wastewater onsite and the required size of the lots to ensure sustainable onsite wastewater management.

Land capability assessments should only be conducted, or overseen and signed-off, by suitably qualified, experienced and independent soil scientists and/or hydro-geologist (with suitable professional indemnity insurance) who can analyse the capacity of the land to sustainably absorb treated wastewater onsite without negatively impacting householder and public health and local environmental health [e.g. land, vegetation, surface waters and groundwater (see Section 1.7.3)]. On the basis of the information collected, the land capability assessor will recommend the required effluent quality and design the land application system. The Council officer's role is to assess land capability assessment reports and applications for Planning and Septic Tank Permits, not do the LCAs or design the land application areas. Unsewered residential developments and new buildings should only proceed on land the local Council has determined, after review of the LCA report and from consideration of local knowledge, has an acceptable capability for sustainable onsite wastewater management.

The objectives of the land capability assessment process are to:

- assess the capability of the site to sustainably utilise and manage wastewater within the allotment boundaries;
- assess the capability of catchments to sustainably utilise and manage wastewater within sub-catchments or specific regions;
- determine high risk and sensitive areas within allotments and within catchments;
- gather the relevant geographical and social information to adequately inform the process of designing the best practicable and most sustainable type of onsite wastewater treatment and effluent recycling/disposal system that should protect the health of the householders and the community and protect the local environment from pollution;

- formulate a sustainable management plan (in accordance with this Code and the conditions in the Council Permit) that:
  a. must be carried out by the property owner to ensure that impacts on the environment or public health do not occur or are minimised; and
  b. will ensure the beneficial reuse of the treated water, organic matter and nutrients (where applicable).

3.6.1 LCA procedure

Land capability assessors should follow the conservative and 'best practice' Victorian LCA Framework [MAV el. al., 2014 (as amended)] procedures for carrying out land and soil assessments and hydrological calculations for designing land application areas. Either the constant-head Soil Permeability method or site-and-soil evaluation procedures detailed in Part 5.2 of AS/NZS 1547:2012 (as amended) are to be employed to analyse and estimate the permeability of the soil.

Note: The soil percolation (falling-head) test method is no longer allowed as it is not based on valid scientific evidence and it tends to produce data that results in the land application area being undersized.

Soil permeability testing conducted in situ using the constant head well permeameter method (AS/NZS 1547) to determine the likely rate of flow of wastewater through the soil of the dispersal area is best practice. In situ permeability testing must be conducted on the limiting soil layer (frequently the B horizon) unless soil saturation or high swelling clays or cracked low-to-moderate swelling clays are present. The visual or tactile estimation of indicative permeability based on the latest version of AS/NZS 1547 'Site-and-Soil Evaluation' procedures, which includes soil texture, structure and swell potential tests, may be used as a substitute for actual measurements of soil permeability.

Although the Victorian LCA Framework [MAV et. al., 2014 (as amended)] recommends digging pits to identify the soil profiles, the procedure of augering the soil to at least 2 m and laying the retrieved soil on the ground in sequence for description, identification (bore logging) and photographing is also valid. However, should there be a dispute or any doubt or uncertainty regarding the soil category derived by visual/tactile methods, in situ permeability testing must be undertaken.

When conducting LCAs assessors must take into consideration the following issues:

- Soil permeability testing is not appropriate when soils are waterlogged.
- Soil that is frequently or seasonally waterlogged is a good indication the land is not capable of dispersing wastewater and therefore must not have wastewater applied to it.
- A distinction must be made between temporary perched water tables lying over a subsurface layer of lower permeability after a heavy rainfall and permanent shallow ground water tables.
- Soil permeability testing is not appropriate in any soils with low to moderate shrink/swell properties when there are desiccation cracks due to prolonged dry weather or in soils with high shrink/swell properties at any moisture content.
- Shrink/swell soils must be tested for soil permeability in moist condition when no drying cracks are visible.

A best practice procedure for land capability assessment is a 12-stage process:

1. List the relevant LCA criteria for the site in consultation with the developer or householder, Council Town Planners and the Environmental Health CDOs. This will determine whether a detailed or more basic land capability report is required by Council.

2. Gather and collate a land, surface water and groundwater inventory and climatic information (www.bom.gov.au – 'climate data' and 'design rainfalls for engineers') to develop water balances for the site. Particular attention must be given to features or factors that may impose a constraint on the application of treated wastewater to land, including constraints on adjacent land, such as bores used for domestic water supply, dams and/or waterways. For groundwater and bore water information consult: http://nremap-sc.nre.vic.gov.au/MapShare.v2/imf.jsp?site=water (also see Maps in this Code).
3. Gather any Council, Water Corporation, Catchment Management Authority and State Government requirements, including restrictions, caveats, planning/building/bushfire/flood zones, Environmental Significant Overlays, potable water supply and Special Water Supply Catchment information (including Special Area Plans) and maps. Overlay this information on a base map which shows all title boundaries, especially where the property is comprised of more than one title.
4. Visit the site and carry out a site inspection and field investigations including (but not limited to) soil profiling, soil texture classification and/or soil permeability tests. Where there is a risk of land slippage a geotechnical assessment may be needed to determine the extent, especially if the soil is likely to be saturated during winter.
5. Collate and analyse the information in relation to both the development site and any possible cumulative detrimental impacts that the development may have on beneficial uses of the surrounding land, surface water and groundwater.
6. Assess the capacity of the land to assimilate the treated wastewater based on the data collected and the total dissolved salts (TDS) in the potable water supply (see Section 2.3.4 and Appendix G) for both levels of effluent quality – primary and secondary.
7. Based on the LCA criteria, the data collected and the owner's requirements, calculate the size and design the layout of the most appropriate type of land application area (LAA) in accordance with this Code and the most recent version of Australian Standard AS/NZS 1547 and the Victorian LCA Framework [MAV et. al., 2014 (as amended)]. This determines the effluent quality that the treatment system must achieve.
8. On the basis of the effluent quality required for the land application system, the property owner selects an applicable onsite treatment system(s) (see the EPA website for the list of currently approved systems).
9. Create a site plan(s) to scale showing the dimensions and, where relevant, include the following details:
    a. the site address, including lot number and street number;
    b. title boundaries;
    c. Council zoning and Environmental Significant Overlays;
    d. type of catchment (e.g. a potable or other special water supply catchment);
    e. direction of north;
    f. location, depth and specified use of the groundwater bores on the site and adjacent properties from the register of the relevant Rural Water Corporation;
    g. contour lines (at 1 to 10 m intervals), direction of slope and slope analysis;
    h. location of soil profile test pits or auger holes;
    i. location of other utilities i.e. electricity, gas, telecommunications (which must be located outside the land application area);
    j. depth to groundwater table in winter;
    k. presence of soil/water features indicative of springs and prolonged surface ponding or topsoil waterlogging;

l. rock outcrops;
m. shallow bedrock and other impervious layers;
n. location of surface water onsite and on adjoining properties and applicable setback distances (Table 5);
o. drainage lines and springs;
p. flood potential (1% and 5% Annual Exceedance Probability contour lines), location of floodways (see Maps for water resources);
q. landslip potential and erosion potential;
r. location and types of trees and other vegetation cover;
s. relevant setback distances (see Table 5);
t. proposed stormwater cut-off drains adjacent to land application area and treatment system;
u. location of actual and proposed buildings, sheds, driveways, paths and paddocks;
v. type and location of actual and proposed infrastructure, especially drains;
w. landuse, vegetation, bores and any constraints on adjoining properties;
x. the location and dimensions of the proposed wastewater treatment plant;
y. the location and dimensions of the proposed land application area; and
z. the location and dimensions of the duplicate reserve area (see Section 3.10).

10. Develop a management plan that addresses any site or local constraints, risks and potential impacts, and procedures for the householder to carry out, to sustainably manage the treatment plant and the effluent recycling/disposal area.
11. Write a report which details the LCA objectives, process, findings and proposed onsite treatment, land application and management strategies. Clearly identify any assumptions and design requirements that should be included on the Council Permit (e.g. assumed water conservation fixtures and fittings or required surface water drainage diversions).
12. The site and land capability assessment report submitted to Council should include the following items:
    a. location map
    b. the site plan to scale (detailed in Stage 9)
    c. Certificate of Title for the property, including property description and plan
    d. building floor plans
    e. design maximum peak daily hydraulic flow
    f. design maximum daily organic load
    g. water balance calculations
    h. nutrient balance calculations (where applicable for sensitive sites)
    i. a log of all soil test pits and auger holes
    j. the site management plan including wastewater system design and installation plan
    k. any other documentation supporting the risk management of the proposed onsite wastewater treatment and land application system.

When analysing the LCA report, Council will overlay and consider other relevant issues and determine the appropriateness, or otherwise, of the proposal. The practicality of the proposed land application system, the management plan in the larger context of the sustainability of

the catchment and the community may also be considered. Council will refer the LCA report to the relevant Water Corporation for their consideration and decision as part of any Planning Permit application that requires referral under the planning scheme for that Council. The Water Corporation has the right to object to any planning proposals which may negatively impact the beneficial uses of groundwater or surface water within its catchments.

The onus of proof rests with the proponent to demonstrate that the proposal is environmentally sustainable. Council will not approve applications if the proponent's LCA report and supporting information is inadequate or if the proposed management plan is impracticable (that is beyond the capacity of those who would be responsible for managing the onsite wastewater system). Council and the Water Corporation (where relevant) must be satisfied that the treatment type, land application type and area, and the management plan are appropriate for the site and the residents and capable of protecting public health and the environment.

Note: Property owners must submit an application for a Planning Permit (where applicable) and an application for a Septic Tank Permit to Council and include a site plan detailing the relevant items listed in Stage 9 above with the LCA report. Where any items have been omitted, an explanation as to why those items are not relevant must be provided. All data collected and the calculations used should be provided to demonstrate the suitability or otherwise of the soils. If Council is not satisfied the Land Capability Assessor has conducted a full and thorough LCA, Council may return the LCA to the applicant detailing the deficiencies and refuse to issue a permit.

3.7 Onsite land dispersal and recycling options

3.7.1 Primary treated effluent land application systems

Land application systems for dispersing primary treated effluent onsite must be designed and installed in accordance with latest version of Australian Standard AS/NZS 1547, this Code and the latest version of the Victorian LCA Framework [MAV et. al. 2014 (as amended)]. The possible options are:

- Evapo-Transpiration Absorption (ETA) beds and trenches
- Mounds
- Low Pressure Effluent Distribution system (LPED)
- Soil absorption trenches
- Wick Trench and Bed system (see Appendix E).

For the recommended maximum Design Loading Rates and Design Irrigation Rates see Appendix A - Table 9 (adapted from AS/NZS 1547: 2012).

3.7.1.1 Soil absorption trenches

Absorption trenches for primary treated effluent should be designed for Soil Categories 2b to 5a (see Appendix A and AS/NZS 1547) in accordance with monthly water balances and the design loading rates (DLR) in Table 9. Even though effluent will infiltrate through the side walls of the trench, as well as the base, the DLRs only use the base of the trench to calculate the application area.

Absorption trenches should not be used in Soil Categories 1 and 2a [unless the soil does not have a high perched or seasonal (winter) watertable] due to the high infiltration rates of wastewater that can carry pathogens, salts and nutrients to the groundwater. It is not recommended that trenches are installed in Soil Categories 5b, 5c and 6. However, where an LCA has been conducted in accordance with the Victorian LCA Framework [MAV et. al. 2014 (as amended)] procedures and this Code, absorption trenches may be proposed for Soil Categories 5b, 5c and 6 if a sustainable management program is considered feasible.

Depending on the soil type, trench spacings from side wall to side wall will vary between 1 m (for sandy loams) and 2 m (for clayey soils), and may be greater where required. The minimum spacing of 1 m is in accordance with AS/NZS 1547 and other State regulations. The maximum trench length for a gravity-flow trench is 30 m and the base of all trenches must be level. Land must be allocated for a duplicate absorption trench area [known as the 'reserve area' (see Section 3.10)], which can be utilised if the initial land application area fails or more trenches are required when the house is extended or a groundwater spring is found in the vicinity which will impede the proper functioning of the trench.

3.7.1.2 Low Pressure Effluent Distribution (LPED) system

A Low Pressure Effluent Distribution (LPED) system is a series of narrow gravel-filled trenches with good quality friable, humus-rich topsoil between and above the trenches. Where the local soil is inadequate good topsoil must be imported to the site. This system was designed in the USA for difficult sites such as an impervious B horizon. The system utilises the permeable nature of friable humus-rich topsoil to spread effluent through the side walls into the 1 to 1.5 m trench spacings. The topsoil helps maximise evaporation and transpiration through the grass cover. Pump dosing is essential to evenly spread the effluent along the trenches (see Appendix A for application rates and AS/NZS 1547 for design information).

Limitations of the LPED system are the risk of distribution holes becoming blocked by biosolids and roots, and limited effluent storage capacity between the trench aggregate. Therefore, even distribution along the trench is crucial to utilise the land available and prevent failure of the system (ARC Technical Publication, No. 58, 2004).

3.7.1.3 Effluent dispersal in sands and gravels

Neither soil absorption trenches/beds nor primary treated effluent should be used in sands and gravels (i.e. Soil Categories 1 or 2a – see Appendix A) unless the soil does not have a high perched or a seasonal (winter) watertable. The best practice land application systems for sands and gravels are surface irrigation, sub-surface irrigation, mounds and Wick Trench and Bed Systems.

3.7.1.4 Rectification of a failed soil absorption trench system

If a trench system fails, the householder may investigate the installation of a secondary treatment unit and sub-surface irrigation system with suitable soil remediation techniques such as the application of gypsum in clayey soil (~1 kg/m²) and good quality loamy topsoil with a high level of organic matter, preferably in conjunction with deep ripping. However, if it is found that the trenches were installed without a distribution box or with a faulty one, the installation of a new distribution box which will allow the soil in the trenches to be 'rested' between dosing, may solve the land degradation problem. Other installation problems include:

- trenches not installed parallel to the contour;
- trenches installed too deep;
- root infestation (e.g. cypress, eucalyptus and other water seeking trees and shrubs); and
- the septic tank not level – sludge builds up at one end and may flow out of the tank and into the trenches or causes the tank to have to be desludged more frequently.

A root infestation problem can be rectified by installing a root barrier i.e. digging a 1 m deep narrow trench, 1 m to the side of the trench where the trees and shrubs are sending out their roots and lining it with plastic (Norm Sherar, Gippsland Septic Tank & Concrete Products Pty Ltd, pers. comm., 2009).

Note:

a. In Soil Categories 1 and 2a (AS/NZS 1547 and Appendix A) – gravels and sands – the disposal of primary treated effluent to land via soil absorption trenches / beds or LPEDs should not permitted because of the risk of pathogens and nutrients moving rapidly through the soil profile and negatively impacting the groundwater (unless the soil does not have a high perched or seasonal watertable). [The preferred methods of land application in Category 1 and 2a soils are Wick Trench/Bed Systems, irrigation systems and mounds for secondary quality effluent.]

b. Discharge Control Trenches and Boxed Trenches (AS/NZS 1547) are not allowed in Victoria due to the lack of side wall absorption and because the effluent is directed to groundwater.

c. The conservative Design Loading Rate in the most recent version of AS/NZS 1547 should be used for primary treated effluent applied to Soil Categories 2b to 6 via soil absorption trenches and beds (see Table 9).

3.7.2 Secondary treated effluent land application systems

The default land application system for sustainably recycling secondary treated sewage or greywater effluent to land is pressure-compensating sub-surface irrigation (with disc or mesh filters and scour and vacuum valves) which evenly distributes effluent throughout the irrigation area. The distribution pipes (drip-lines) fill up with effluent until a certain pressure is reached which opens the emitter valves. For a 450 m² irrigation field with 13 mm diameter pipes, at least 60 L may be required to be pumped into the pipes to reach the required pressure to open the emitters. More controlled pressure can be applied when the field is divided into two or more zones and these smaller areas are intermittently dosed using a sequencing valve.

A gravity-flow effluent irrigation system is not allowed, due to the lack of even distribution. Irrigation distribution pipes must not have dripper-holes drilled or cut into them after purchase because the effluent will flow out of the holes in the first few metres of pipe at a far higher rate than the system is designed for and higher than the soil is capable of sustainably absorbing.

Other land application systems suitable for secondary treated effluent are:

- Evapo-Transpiration Absorption (ETA) beds (AS/NZS 1547)
- Low Pressure Effluent Distribution (LPED) system (AS/NZS 1547)
- Mounds (AS/NZS 1547)
- Soil Absorption Trenches/Beds (AS/NZS 1547)
- Wick Trench and Bed system (Appendix E)

(see Table 9 for recommended application rates).

3.7.2.1 Secondary effluent irrigation designs

Secondary treated effluent should be applied using the design irrigation rates specified in Tables 3 and 9 as a maximum. Secondary quality effluent is a valuable water and nutrient resource and should be used beneficially to support vegetation growth, not be discharged deep in the soil profile where it provides very little beneficial use to the land or to the residents. The default for recycling secondary quality effluent is sub-surface irrigation because water is not wasted by evaporation or runoff, flexible garden designs are possible, water is delivered to the plants' roots in the topsoil layer and it provides the highest protection for environmental and public health.

Where secondary treated effluent from commercial premises will be irrigated, consideration should be given to the retention of surge loadings in a holding tank and timer-dosing the effluent to the irrigation field to evenly spread the dispersal over 24 hours. This will reduce the possibility of effluent surfacing during peak usage.

3.7.2.2 Advanced secondary treated greywater effluent (10/10/10) for outdoor uses

Approved greywater treatment systems producing a 10/10/10 standard of effluent may recycle effluent from single domestic households to land using either sub-surface or surface irrigation or dedicated hand-held (purple) hoses (see Tables 1 and 2) in accordance with the most recent version of the Victorian Plumbing Industry Commission's Technical Solutions Grey or Recycled Water (Non-drinking Water) and AS/NZS 1319 (for safety signs).

Multi-dwelling residential developments, hospitals, child care facilities and schools must only use sub-surface irrigation, not surface irrigation nor hoses for garden watering. Only in unsewered areas may advanced secondary greywater effluent be used for commercial applications via low trajectory, coarse droplet, surface irrigation to:

- horticultural crops such as grape vines where drip irrigation is common practice and the effluent does not come in contact with the edible parts of the herb, fruit, nut or vegetable; and
- sporting fields with existing surface irrigation systems and where the sport does not involve players' bodies coming in contact with the grass on the field (such as golf courses).

In addition, there must be a 4-hour withholding period between the application of the effluent and use of the sporting field. The property owner must also have a service contract with a service technician and regularly send the reports to Council.

3.8 Indoor uses for advanced secondary treated greywater effluent (10/10/10)

Only single domestic households are allowed to use treated greywater (10/10/10 quality or better) for toilet flushing and/or cold water supply to the clothes washing machine (see Section 4.4.2). The householder must arrange and pay for the recycled water to be annually tested by a NATAaccredited laboratory for Biochemical Oxygen Demand (BOD_5), Total Suspended Solids and E. coli, and where it is also used outdoors Electrical Conductivity (EC) and Sodium Absorption Ratio (SAR) is recommended as well (see Section 2.3.4 and Appendix G for guidance on EC and SAR). The test results are to be sent to the local Council and the service technician. Where the effluent quality results show the treatment system is not functioning at the advanced secondary quality standard, the treatment system must be serviced to achieve 10/10/10 or all the greywater must be dispersed to land via a sub-surface irrigation system.

Treated greywater must not be used indoors in multi-dwellings, hospitals, aged care centres, schools, commercial, community or business institutions for any purpose due to the higher risks to public health from plumbing cross-connections and potential failure of the treatment system from lack of servicing.

3.9 Setback distances

Even when onsite wastewater management systems are properly designed, installed and maintained, potential environmental and public health risks always exist. The consequences of failing onsite treatment and land application systems are diverse and depend on the type of treatment system, the characteristics of the site and the wastewater, the sensitivity of the surrounding environment and proximity of neighbouring households and landuse.

To minimise the potential risks, onsite wastewater management systems must be installed with a 'buffer' or 'setback distance' to the property structures and the surrounding environment. Setback distances from primary and secondary sewerage and greywater systems are listed in Table 5.

The setback distances in potable water catchments are based on the Sydney Catchment Authority's requirements for residential developments in drinking water catchments (SCA 2010). These setback distances are based on in-depth scientific investigations and assessments using groundwater dye and plume studies, in-ground viral die-off studies, surface water flow studies, sophisticated modelled and ground-truthing which have been carried out over more than a decade.

Using Council's local knowledge, a comprehensive LCA undertaken in accordance with this Code and the latest version of the Victorian LCA Framework [MAV et. al. 2014 (as amended)], Council may:

- increase these setback distances where it considers that there is an increased risk to public health and/or the environment; or
- reduce the setback distances in non-potable water supply catchments where it considers that the risk to public health and the environment is negligible
  - reduce the setback distance to a waterway in a potable water supply catchment up to a maximum of 50% for a secondary treatment system where the conditions of footnotes 4 and 5 in Table 5 are met.

Research (CRC WQ&T 2007) has shown that system failure usually occurs under wet conditions. Consequently, any consideration of a reduction to setback distances should consider the cumulative impacts of a number of systems failing during wet weather.

3.9.1 Treatment tanks

Onsite wastewater treatment tanks which are installed below ground must be designed, constructed and accredited in accordance with the latest version of AS/NZS 1546.1 'Onsite Wastewater Management: Part 1 Septic Tank'. The buffer distance required between in-ground onsite wastewater tanks and building footings or boundary fences is the appropriate 'angle of repose' (based on soil type, tank depth etc.). Above-ground and in-ground treatment systems must comply with the same setback distances as land application systems.

3.9.2 Flood-prone areas

Onsite wastewater management systems are generally not suitable for areas likely to flood more frequently than every 20 years (on average) unless the treatment system is watertight and has mechanisms in place which prohibit floodwaters or wastewater from the land application system from flowing into the tank and from the tank into the premises. Systems which are not watertight may only be installed in areas that have an 'annual exceedance probability' (AEP) of flooding of more than 20 years (i.e. are likely to flood less frequently than every 20 years).

3.9.3 Bores

Category 1 and 2a soils (see Appendix A and AS/NZS 1547) are highly porous and often have numerous bores where the water table is high, easily accessible and contains good quality water. Dispersing treated, but un-disinfected, sewage effluent into porous soils may pose a health risk where bore water is used to top-up rainwater tanks used for domestic purposes (i.e. to supplement potable water supplies). Therefore, primary treated effluent must not be applied to Category 1 and 2a soils near bores. Sub-surface land application systems which disperse un-disinfected secondary effluent (20/30) needs to be at least 50 m from a bore. However, where the secondary effluent is disinfected to ≤10 cfu / 100 mL the setback to a bore can be reduced to 20 m.

Table 5: Setback distances for primary and secondary treatment plants and effluent disposal/ irrigation areas in sewered and unsewered areas (where applicable)[1, 2, 6, 10]

Landscape feature or structure	Setback distances (m)		
	Primary sewage and greywater systems	Secondary sewage and greywater systems	Advanced secondary greywater systems[3]
Building			
Wastewater field up-slope of building[7]	6	3	3
Wastewater field down-slope of building	3	1.5	1.5
Wastewater up-slope of cutting/escarpment[12]	15	15	15
Allotment boundary			
Wastewater field up-slope of adjacent lot	6	3	1
Wastewater field down-slope of adjacent lot	3	1.5	0.5
Services			
Water supply pipe	3	1.5	1.5
Wastewater up-slope of potable supply channel	300	150	150
Wastewater field down-slope of potable supply channel	20	10	10
Gas supply pipe	3	1.5	1.5
In-ground water tank[14]	15	7.5	3
Stormwater drain	6	3	2
Recreational areas			
Children's grassed playground[15]	6	3[16]	2[16]
In-ground swimming pool	6	3[16]	2[16]
Surface waters (up-slope of:)			
Dam, lake or reservoir (potable water supply)[8, 13]	300	300[4]	150
Waterways (potable water supply)[9, 13]	100	100[4, 5, 17]	50
Waterways, wetlands (continuous or ephemeral, non-potable); estuaries, ocean beach at high-tide mark; dams, reservoirs or lakes (stock and domestic, non-potable)[8, 9]	60	30	30
Groundwater bores			
Category 1 and 2a soils	NA[11]	50[19]	20
Category 2b to 6 soils	20	20	20
Watertable			
Vertical depth from base of trench to the highest seasonal water table[18]	1.5	1.5	1.5
Vertical depth from irrigation pipes to the highest seasonal water table[18]	NA	1.5	1.5

1. Distances must be measured horizontally from the external wall of the treatment system and the boundary of the disposal/irrigation area, except for the 'Watertable' category which is measured vertically through the soil profile. For surface waters, the measuring point shall be from the 'bank-full level'.
2. Primary water-based sewerage systems must only be installed in unsewered areas; secondary sewerage systems must only be installed and managed in sewered areas by Water Corporations; secondary greywater systems can be installed in sewered and unsewered areas (see Section 3.12.3).

3. Advanced secondary greywater systems treating effluent to ≤10/10/10 standard.
4. The setback distance in a Special Water Supply Catchment area may be reduced by up to a maximum of 50% conditional on the following requirements (otherwise the setback distances for primary treatment systems apply):
   - effluent is secondary treated to 20/30 standard as a minimum;
   - a maintenance and service contract, with a service technician accredited by the manufacturer, is in place to ensure the system is regularly serviced in accordance with Council Septic Tank Permit conditions; and
   - Council is satisfied the reduction in set-back distance is necessary to permit the appropriate development of the site and that risks to public health and the environment are minimised.
5. Effluent typically contains high levels of nutrients that may have a negative impact on native vegetation and promote the growth of weeds. When determining setbacks, Council should consider not only the potential impact of nutrients from the proposed onsite wastewater management system, but the cumulative impact of the existing onsite wastewater management systems in the area.
6. Establishing an effluent disposal/irrigation area upslope of a building may have implications for the structural integrity of the building. This issue is beyond the scope of this Code and should be examined by a building professional on a site-by-site basis.
7. Does not apply to dams, lakes and reservoirs located above ground-level which cannot receive run-off.
8. Means a waterway as defined in the **Water Act 1989**.
9. The setback distances for flat land are equivalent to 'down-slope' setback distances.
10. See Table 9 for other land application options for Category 1 and 2a soils.
11. A cutting or escarpment from which water is likely to emanate.
12. Applies to land, adjacent to a dam, lake, reservoir or waterway that provides water for a public potable water supply, which is:
    a. subject to a Planning Scheme Environmental Significant Overlay (ESO) that designates maintenance of water quality as the environmental objective to be achieved (contact the relevant Water Authority to determine whether the ESO is in a potable water supply catchment)

       and/or

    b. within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994.
14. It is recommended that any primary or secondary treatment system and its associated land application system are installed downslope of an in-ground water tank.
15. Means a school, council, community or other children's grassed playground managed by an organisation which may contain play equipment (but does not mean a sports field).
16. Sub-surface irrigation only.
17. Where an intermittent stream on a topographic or orthographic map is found through ground-truthing to be a drainage line (drainage depression) with no defined banks and the bed is not incised, the setback distance is 40 m (SCA 2010). The topography of the drainage line must be visually inspected and photographed during the LCA site inspection and reported upon in writing and photographs in the LCA report.
18. The highest seasonal watertable occurs when the watertable has risen up through the soil profile and is closest to the ground surface. This usually occurs in the wettest months of the year.
19. The setback distance to a groundwater bore in Category 1 and 2a soils can be reduced to 20 m where treated and disinfected greywater or sewage (20/30/10 or better standard) is applied and the property owner has a service contract with an appropriately qualified technician to regularly maintain the treatment system.
20. See Section 3.9 for more details on setback distances from treatment tanks and land application areas.

3.10 Reserve areas

3.10.1 Absorption trench systems

A reserve area is a (duplicate) land area of equal size to the designated land application area (LAA) which may be used as the LAA in the event that the original area fails or is inadequate or needs to be rested. A reserve area is required for all primary and secondary effluent trench and bed systems (including LPED systems) unless Council is satisfied that based on local knowledge and evidence from a comprehensive LCA (see Section 3.6.1), there is a low risk of negative impact on the environment or public health. However, an LCA and a duplicate reserve area are mandatory in all Special Water Supply Catchment areas. The reserve area should be identified on the site plan as an area of land separate to the LAA.

Absorption trench systems and their duplicate reserve area must be designed, installed and maintained in accordance with the latest version of AS/NZS 1547. The spacing between the trench side walls must be a minimum of 1 m and although the spacing typically ranges from 1 m in sandy loams to 2 m in clayey soils in Australia and internationally, the spacing may be larger. The maximum length of a trench is 30 m. A root guard installed to a depth of 1 m on either side of the absorption field is a best practice method to protect the trench system from infestation, damage and blockage from plant roots.

Note:

The primary cause of trench failure (75% of cases) in the Gippsland area over the last 25 years has been plant root infiltration. Other causes include:

- trenches not installed on the contour
- the slope of the trench is too steep across the contour (a grade of <1:20 is required for gravity flow systems i.e. a drop of 2 mm every 3 m is best practice)
- no distribution box
- the concrete in the distribution box disintegrated making the box inoperable
- plastic arch collapsed after approximately 20 years.

All these problems were not dependent on climate or location and were rectified without utilising the reserve area (Norm Sherar, Gippsland Septic Tanks & Concrete Products Pty Ltd, pers. comm. 2010).

However, in the Ballarat area the primary cause of trench failure has been poor installation, overloading the system and impact by vehicles. In all but one instance, a new trench system was installed in the reserve area.

3.10.2 Irrigation systems

A reserve area is not required for a surface or sub-surface pressure-compensating irrigation system where the size of the system has been calculated and designed using the latest version of the Model LCA Report and the recommended Design Irrigation Rates in Tables 3 and 9, unless Council considers the site maybe subject to environmental or operational risks. The low application rates are designed to create irrigation systems that are sustainable over the life of the system. If a fault occurs with a pressure-compensating irrigation system it is an equipment fault which needs maintenance, it is not a soil degradation problem. Pumps and disc/mesh filters will fail before the soil is overloaded.

3.11 System installation, use and maintenance

A Council Permit to Install is required before the installation of any treatment system and the associated effluent recycling/disposal system. Once installed, the onsite wastewater management system may not be used until Council has issued a Certificate to Use. Before commissioning, Council must be given suitable notice (the required timeframe will vary between Councils) that the treatment and irrigation systems have been installed (but not buried) and are ready for Council inspection. The Certificate to Use is issued after Council has received the Plumbing Compliance Certificate and is satisfied the treatment and irrigation systems were installed in accordance with the Permit to Install and this Code. Council may fine a property owner under section 53MB and Schedule A of the Act for using an onsite wastewater management system before a Council officer has inspected the installation and issued a Certificate to Use.

3.11.1 Service contracts

The treatment and irrigation/disposal systems must be operated and maintained in accordance with the conditions in the Council Permit to Install/Alter and this Code to ensure that human health and the environment are protected. Where a property is served by a treatment system other than a gravity-flow primary treatment and land application system, it is mandatory that

the property owner has a service contract with an accredited and trained service technician who will routinely service and maintain the treatment unit and land application system in accordance with the Permit conditions. Council may fine a property owner under section 53N and Schedule A of the Act for failing to have the treatment system regularly serviced on an ongoing basis in accordance with the conditions on the Council Septic Tank Permit.

3.11.2 Maintaining land application area (LAA)

To ensure that a LAA functions efficiently long-term, all the following actions should be undertaken by the land application designer and/or property owner:

- Realistic estimates of water, salt and sodium balances should be made to ensure that sufficient leaching occurs and no salts or sodium can accumulate in the root zone of vegetation. Sufficient gypsum should be applied to the garden to displace sodium from the soil particles and replace lost calcium (see Appendix G).
- New land application areas should be vegetated immediately after installation (see manufacturer's or Council's list of suitable plants).
- Care should be taken to protect the vegetation growing across soil absorption trenches because plants, together with sunlight and wind, play a vital role in supporting the utilisation and dispersal of wastewater.
- Effluent recycling/disposal areas should be isolated as much as possible from other domestic facilities and activities to protect people and pets from potential contamination with wastewater and to protect the land from disturbance.
- Signs should be erected to inform householders and visitors of the proximity of the LAA and to limit their access and impact on the area.
- Paving, driveways, patios, fences, building extensions, sheds, children's playgrounds, utility service trenching must not be built over or encroach on the disposal/recycling area.
- The long-term functionality of the LAA will depend on the actual (as distinct from the proposed) hydraulic loading, the composition of the wastewater and the ongoing maintenance of the treatment plant and LAA system (see the Council Septic Tank Permit/Alter for management and maintenance conditions and recommendations).

3.12 Connection to sewer

For new developments, SEPP WoV (Clause 32.2.b) requires Councils to issue Planning Permits with a requirement that reticulated sewerage is provided at the time of subdivision, where the use of onsite wastewater management would result in wastewater being discharged offsite or negatively impacting groundwater beneficial uses.

SEPP WoV (Clause 34) requires that premises connect to sewer where it is available, unless the wastewater is being recycled in accordance with this Code and is retained with the allotment boundaries. Consequently any premises with an offsite discharge or a primary treatment and disposal system must connect to sewer. However, a secondary treatment system can continue to be used if it can be shown that it is beneficially recycling effluent within the boundaries of the allotment in accordance with Section 3.12.4.

3.12.1 Split systems

Property owners with a 'split system', where toilet wastewater is treated by a septic tank and absorption trench system and greywater is discharged offsite to the stormwater system, should connect both the blackwater and greywater to the reticulated sewerage when it is available.

3.12.2 Primary treatment systems

Primary treatment anaerobic septic tanks and aerobic wet composting systems must not be used after reticulated sewerage has been provided to an allotment, unless all the effluent from the tanks is piped to the reticulated sewer system i.e. to an effluent sewer system (also

known as a STED, STEP or STEG system). Otherwise, home owners with primary treatment systems should decommission the tanks to the satisfaction of the Council (see Appendix D) and connect to the sewer when it is available. Dry composting toilets, however, may continue to be used provided any residual liquid is piped to sewer.

3.12.3 Retrofitting secondary treatment systems

As an alternative to the effluent sewer scenario in Section 3.12.2 a Water Business may choose to install and manage onsite secondary treatment systems where:

a. the treatment system has an EPA approval for the production of secondary quality effluent (20/30) or better;

b. the treatment system continues to treat to 20/30 standard or better;

c. a remote monitoring device is installed to continuously monitor electrical components and the alarm signals and relay the information to the service technician and the Water Business; and

d. the annual effluent quality results (e.g. BOD, SS, EC and SAR) of each onsite wastewater treatment system are reviewed by the Water Business to determine whether the minimum secondary effluent quality standard is being maintained. (Where a treatment system is not achieving secondary quality effluent it may either be fixed and brought up to standard or decommissioned and the premises connected to the sewer, or replaced with another secondary treatment system.)

3.12.4 Existing secondary treatment systems

Where a property has an existing EPA approved secondary treatment system that was installed before the property owners were formally notified by the Water Corporation that a reticulated sewerage system is available, the treatment system may be retained under the following conditions:

- the effluent quality is verified, via independent effluent sampling and analysis at a NATA-registered laboratory, to be 20/30 secondary standard or better;
- the premises owner has demonstrated to the satisfaction of the relevant Council that the effluent is being sustainably recycled and contained onsite in all weather conditions;
- service reports which verify that the premises owner/occupier has had an on-going service history with a professional service technician have been provided to Council at regular intervals in accordance with the conditions in the Council Septic Tank Permit; and
- the treatment and recycling system is managed and serviced in accordance with the conditions on the Council Septic Tank Permit to Install/Alter.

Householders with well-functioning secondary treatment systems which meet the above conditions may elect to:

- connect their onsite treatment plant to the reticulated sewer and discharge treated effluent or raw wastewater to sewer during wet weather; or
- where there is no or insignificant impact, continue to irrigate all-year round.

Where a well-functioning onsite secondary treatment system continues to be used after reticulated sewerage is available, the householder should arrange and pay for the effluent to be analysed by a NATA-accredited laboratory for Biochemical Oxygen Demand (BOD_5), Total Suspended Solids, Electrical Conductivity, Sodium Absorption Ratio and, if applicable E. coli on an annual basis. The results should be sent to the relevant Council and Water Corporation each year. Where the effluent quality results show that the treatment system is no longer functioning at the secondary quality standard, the treatment system should be serviced to achieve secondary standard or the house connected to the reticulated sewerage.

Chapter 4 – Onsite wastewater management in sewered areas

4.1 Onsite systems allowed and not allowed in sewered areas:

Systems allowed:

- Greywater treatment and recycling systems are allowed to be installed in new or existing homes.
- Dry composting toilets are allowed to be installed in new or existing homes provided the liquid discharge is piped to sewer.
- Urine separating toilets (a collection system not a treatment system – see Appendix F) may be installed provided a centralised entity, such as a Water Corporation manages the collection and beneficial reuse of the urine.
- An existing secondary treatment system installed before reticulated sewerage became available may be retained, provided it is regularly serviced, is achieving secondary standard and is sustainably recycling effluent to the garden (see Section 3.12.4).
- A secondary treatment system may be installed, maintained and monitored by a Water Corporation as part of a reticulated sewerage system (see Section 3.12.3).

Systems not allowed:

- Primary treatment sewerage systems (anaerobic or aerobic) are not allowed in sewered areas, unless managed by a Water Corporation as part of an effluent sewer system (i.e. a STEP and/or STEG system).
- All-waste secondary sewage treatment and recycling systems are not allowed to be installed where reticulated sewerage is already available (see the exceptions immediately above).
- Greywater treatment systems used in multi-dwelling or commercial buildings must not recycle effluent for any indoor purposes such as toilet flushing.

4.1.1 Greywater overview

It is a common misconception that greywater does not contain pathogens and that it is only sewage and blackwater that require treatment before disposal or recycling. Treated greywater can contain pathogens, and if poorly managed, can present a risk to human health and the environment. Both raw and treated greywater contain salts, especially sodium from powdered detergents, which can have a detrimental effect on soil structure and health. Raw kitchen wastewater which contains fats, oils and grease (FOG) should not be diverted to gardens because the FOG can reduce the availability of air to plants and harm micro-organisms. However, when greywater is treated using an EPA-approved wastewater treatment system the resultant effluent can be applied to land by following the guidelines in this Code and the most recent version of AS/NZS 1547: On-site Domestic Wastewater Management.

4.2 Onsite sewerage options in sewered areas

All currently approved dry composting toilets and greywater treatment systems are listed on the EPA website www.epa.vic.gov.au/your-environment/water/onsite-wastewater. The range of onsite wastewater scenarios that are possible in sewered areas are listed in Tables 2 and 6. All greywater in excess of a treatment system's daily maximum hydraulic capacity and the garden's needs (i.e. in wet weather) must be discharged to sewer.

Due to the difficulty of treating fats, oils, grease and high loads of organic matter in kitchen wastewater, most greywater treatment systems exclude kitchen water from the waste stream. Kitchen wastewater must, therefore, be diverted to sewer (or to a septic tank in unsewered areas) unless the treatment system is specifically designed for treating kitchen wastewater. Most greywater treatment manufacturers instruct householders to exclude greywater from the laundry trough when it is polluted with contaminants such as dirty nappies, soiled clothing or cleaning chemicals etc. A greywater treatment system's ability to treat kitchen or laundry trough wastewater is detailed in the owner's manual.

Most dry composting toilets have a liquid waste stream, consisting mainly of urine. A plumbing practitioner must connect pipe-work to the dry composting toilet to discharge this liquid waste to the sewer, not to a greywater treatment system or to a land application system. The mature composted material from a dry composting toilet must be buried in a 300 mm deep hole in the ornamental section of a garden and covered with loamy topsoil in accordance with the compost handling and safety procedures in the manufacturer's written instructions.

Table 6: Onsite wastewater collection and treatment options in sewered areas

Toilet waste	Kitchen wastewater	Other household greywater (with excess to sewer)
Dry composting toilet	To sewer	
Dry composting toilet	To sewer	Onsite treatment
Dry composting toilet	All greywater treated onsite	
To sewer	To sewer	Onsite treatment
To sewer	All greywater treated onsite	

4.3 Greywater treatment system installation, use and maintenance

A Council Permit to Install is required before a greywater treatment system is installed. A greywater treatment system must be operated and maintained in accordance with the conditions in the Council Permit to ensure that human health and the environment are protected. It is mandatory that the householder has a service contract with an accredited and trained service technician to service and maintain the treatment unit and irrigation system in accordance with Council Permit conditions and the manufacturer's Service Manual.

4.3.1 Soil type assessment and site plan

In sewered areas, the soil type assessment for an irrigation system can be undertaken in accordance with the 'Site and Soil Properties' procedures in Appendix E of AS/NZS 1547: 2012 (as amended) or another method approved by the relevant Council before the site investigations begin. The irrigation designer, land capability assessor, wastewater consultant or other suitable professional undertaking the soil type assessment and designing the irrigation system must prepare a site plan, incorporating the relevant features and information listed in Section 3.6.1 (9) and the applicable setbacks lists in Table 5, to accompany the application for a Septic Tank Permit to Install/Alter. The design irrigation rates for surface or sub-surface irrigation should be equal to, or less than, those listed in Tables 3 and 9 for the relevant soil type.

4.4 Treated greywater recycling and reuse

Climate change and population growth have resulted in increasing pressure on drinking water supplies. Greywater is a resource that can be recycled for indoor and/or outdoor purposes (see Tables 1, 2 and 7). Replacing the use of potable water for toilet flushing, cold water supply to the clothes washing machine and/or garden irrigation with greywater will reduce the demand on drinking water supplies and the amount of sewage effluent discharged to the environment. By using treated greywater instead of drinking quality water for these purposes, more water is available in potable supply dams providing greater water security for cities and towns.

Greywater treatment systems provide a permanent supply of treated effluent. The use of treated greywater inside the house requires more stringent conditions for the installation and performance of the treatment system than is required for garden irrigation only. The greywater treatment and storage system must be designed so the volume of greywater collected matches the household recycled water needs (e.g. for toilet flushing, washing machine use and garden irrigation). Large effluent storage tanks may be installed to ensure a ready supply of water

for indoor uses, garden irrigation and/or fire fighting. The requirement for 24-hour maximum storage time only applies to untreated greywater, not to treated, disinfected greywater. Where there may be insufficient effluent for continuous supply to the toilets and/or washing machine, the system can be supplemented with potable quality water, provided that a suitable backflow prevention device is installed in accordance with AS/NZS 3500.

Table 7: Options for treated greywater recycling in sewered areas[1]

Secondary[1] Treated Greywater Effluent Quality BOD / SS / E. coli	Single domestic household				Multi-dwellings, schools, hospitals, commercial and business premises			
	Surface[2, 5] Irrigation – spray, drip	Sub-surface[2, 3] Irrigation	Toilet Flushing	Clothes Washing Machine Coldwater Supply[4]	Surface Irrigation – spray or drip only	Sub-surface[2, 3] irrigation	Toilet Flushing	Clothes Washing Machine Coldwater Supply
10/10/10	Yes[6, 7]	Yes	Yes	Yes	No	Yes	No	No
10/10	No	Yes	No	No	No	Yes	No	No
20/30/10	Yes	Yes	No	No	No	Yes	No	No
20/30	No	Yes	No	No	No	Yes	No	No

1. In sewered areas, excess treated greywater and water polluted with dyes or nappy faeces must be diverted to sewer.
2. Treated greywater must not come in contact with the edible parts of herbs, fruits or vegetables.
3. For sustainable garden irrigation, liquid laundry detergents should be used, because powdered laundry detergents can contain a high level of salts which may degrade soil health over time (see www.lanfaxlabs.com.au).
4. Greywater recycling for clothes washing may not always result in the desired outcome, especially when washing light-coloured clothes. A carbon filter may need to be added to the treatment train to remove colour from greywater effluent.
5. Surface irrigation of treated greywater must be in accordance with Section 4.4.3.
6. Advanced secondary greywater may be dispersed via a hand-held purple hose that is connected to a purple tap with a left-hand thread in sewered areas where the excess treated greywater is discharged to sewer. The recycled greywater can be used to water lawns and gardens, but not hard surfaces such as paths and driveways because the nutrients and pathogens in the greywater would flow through the stormwater drains and could negatively impact the local waterways.
7. Recycled greywater may be used for fire-fighting.

4.4.1 Prohibited uses of greywater

Treated greywater effluent must NOT be:

- consumed by humans or animals
- used for food preparation or washing dishes or kitchen appliances
- used for bathing or showering
- used to fill or top-up swimming pools or spas
- used for car washing
- used for hosing pavements and other hard surfaces that will result in greywater flowing into stormwater drains
- used for irrigating in a way that the greywater will come in contact with edible parts of herbs, fruit or vegetables
- used in evaporative coolers
- piped to hot water services
- stored in rainwater tanks
- discharged off the property and beyond the allotment boundary.

4.4.2 Indoor use of treated greywater in single domestic households

The indoor use of treated greywater is only permitted in single domestic households, not in any commercial, business, community, school, child care, hospital or multi-dwelling residential premises.

The internal plumbing of pipes to the toilet cistern and/or clothes washing machine for greywater recycling must be undertaken by the licensed plumber in accordance with the most recent version of AS/NZ 3500: Plumbing and Drainage and the Plumbing Industry Commission's Technical Solution Grey and Recycled Water (Non-drinking Water) which specifies the use of management controls such as back-flow prevention devices and purple colour-coded pipes.

Greywater recycling systems for indoor use (see Tables 1, 2 and 7) must include:

- back-flow prevention devices
- purple colour-coded pipework for internal recycled water plumbing
- an appropriate back-up supply of potable water in the event that the supply of recycled greywater fails
- an automatic valve to divert effluent to sewer if the system fails as a result of a malfunction or power failure or if the effluent storage tank is full
- a manual valve to divert wastewater contaminated with chemicals, dyes or faecal matter from any sink, bath or shower to the sewer.

Note: Treated greywater pipes must not be cross-connected to the potable water supply pipes. Appropriate back-flow prevention devices must be installed on any potable water backup to the treated greywater supply in accordance with the most recent version of AS/NZS 3500, after consultation with the relevant Water Corporation where reticulated drinking water is supplied. Back-flow prevention devices must be tested annually by a licensed plumbing practitioner and the results submitted to the relevant Water Corporation.

Flow estimates for the proportion of greywater that can be used for designing household greywater recycling systems are provided in Table 8. The Permit applicant can propose alternative flow volumes based on local or site specific data or relevant literature.

Table 8: Recommended estimates for greywater flows[1]

Household flow estimates[2]	
Source	**% of Total Household Wastewater**
Household showers, baths, basins	40%
Household laundry	30%
Toilet wastewater	30%

1. Adapted from AS/NZS 1547: On-site domestic wastewater management.
2. Flows from the kitchen sink and laundry troughs are considered insignificant in this context and are not differentiated in these general estimates.

4.4.3 Outdoor use of treated greywater

Greywater recycling for garden irrigation (see Table 7) must be designed, installed and maintained in accordance with this Code and the most recent versions of AS/NZS 1547: Onsite domestic wastewater management, AS/NZS 1319: Safety Signs for the Occupational Environment and the Victorian Technical Solution Grey and Recycled Water (Non-drinking Water) (PIC, 2008a) and ensure that:

a. Greywater is treated to the required effluent quality for the intended uses (see options in Tables 1, 2 and 7).

b. New irrigation systems use purple coloured pipes and fittings, or if an existing irrigation system is being used, the external connection to the greywater supply is retro-fitted with purple coloured tape or painted purple (Note: lilac (purple) is the international colour code for secondary effluent quality recycling).

c. Disc or mesh filters are installed to protect the irrigation system from solids being carried over from the treatment system.

d. Flush/scour valves or an equivalent system are installed to enable periodic flushing to clean the pipes in the irrigation system.

e. Vacuum breakers are installed to stop soil and other particles being sucking into and clogging the drippers.

f. Failsafe diversion valves divert greywater to sewer (or to blackwater systems in unsewered areas):

   i. during wet weather

   ii. in the event of a power outage or system malfunction

   iii. when greywater production exceeds demand and the storage capacity limit is reached.

g. Prohibition and safety signs with the symbols and/or words indicating 'Recycled Water – Do Not Drink' are clearly displayed on the treatment unit and adjacent to any dedicated recycled greywater hose tap in accordance with the most recent version of AS/NZS 1319.

h. Recycled water hose tap outlets:

   i. are coloured purple

   ii. are located at least 300 mm from any drinking water tap

   iii. have a non-standard 'five-eighths of an inch' connecting thread, and

   iv. have a removable 'child-proof' handle.

i. Recycled water hoses are purple and have a non-standard left-hand thread which screws into the recycled water taps (the opposite of drinking water taps).

j. Effluent is contained within allotment boundaries and not discharged to drains, waterways and does not negatively impact the beneficial uses of groundwater (see Table 5 for setback distances).

k. The effluent is dispersed throughout the land application area via a pressure-compensating drip irrigation system in accordance with the Design Irrigation Rates in Tables 3 and 9 after the irrigation designer has determined the soil type on the property (see Appendix A)

l. The irrigation rate and volume of effluent applied to the irrigation area does not exceed the plant or soil requirements.

m. The irrigation area contains good quality loamy topsoil (native or imported soil) with substantial organic matter to support the growth of healthy plants and soil microbes.

n. Soil moisture sensors and/or rain sensors are integrated into the irrigation system to automatically divert treated effluent to sewer before the soil becomes saturated in sewered areas (consult the soil moisture or rain sensor manufacturer for advice on installation to ensure the location is representative).

o. Treated effluent does not come in contact with the edible parts of herbs, fruit or vegetables.

p. Any evidence of effluent pooling, odours or increase in noise receives the attention of the service technician.

q. Householders monitor their gardens and use information about plant type, soil type and soil profile to ensure the irrigation rate meets the plants' water requirements and is at a level suitable for the hydraulic capacity of the soil.

Appendix A:

Table 9: Soil Categories and Recommended Maximum Design Loading/Irrigation Rates (DLR/DIR) for Land Application Systems[1, 2, 5]

Soil texture	Soil structure	Soil category	Indicative permeability (Ksat) (m/d)	Design Loading Rates and Design Irrigation Rates (DLR / DIR) (mm/day)					
				Absorption trenches/beds and Wick Trench & Bed Systems 6 for primary effluent (see Table L1 in AS/NZS 1547: 2012)	(ETA) Evapo-transpiration absorption beds and trenches (see Table L1 in AS/NZS 1547: 2012)	Secondary treated effluent applied to Wick Trench & Bed System[4]	Sub-surface and surface irrigation (see Table M1 in AS/NZS 1547: 2012)	LPED (see Table M1 in AS/NZS 1547: 2012)	Mounds (basal area) (see Table N1 in AS/NZS 1547: 2012)
Gravels and sands	Structureless (massive)	1	>3.0	NA[3]	NA[3]	25	5[6] (see Note 2 in Table M1)	NA[3]	24
Sandy loams	Weakly structured	2a	>3.0						24
	Massive	2b	1.4 – 3.0	15	15	30		4	24
Loams	High / moderate structured	3a	1.5 – 3.0	15	15	30	4 (see Note 1 in Table M1)	3.5	24
	Weakly structured or massive	3b	0.5 – 1.5	10	10	30			16
Clay loams	High / moderate structured	4a	0.5 – 1.5	10	12	30	3.5 (see Note 1 in Table M1)	3	16
	Weakly structured	4b	0.12 – 0.5	6	8	20			8
	Massive	4c	0.06 – 0.12	4	5	10			5 (see Note to Table N1)

<table>
<tr><th rowspan="2">Soil texture</th><th rowspan="2">Soil structure</th><th rowspan="2">Soil category</th><th rowspan="2">Indicative permeability (Ksat) (m/d)</th><th colspan="6">Design Loading Rates and Design Irrigation Rates (DLR / DIR) (mm/day)</th></tr>
<tr><th>Absorption trenches/beds and Wick Trench & Bed Systems 6 for primary effluent (see Table L1 in AS/NZS 1547: 2012)</th><th>(ETA) Evapo-transpiration absorption beds and trenches (see Table L1 in AS/NZS 1547: 2012)</th><th>Secondary treated effluent applied to Wick Trench & Bed System[4]</th><th>Sub-surface and surface irrigation (see Table M1 in AS/NZS 1547: 2012)</th><th>LPED (see Table M1 in AS/NZS 1547: 2012)</th><th>Mounds (basal area) (see Table N1 in AS/NZS 1547: 2012)</th></tr>
<tr><td rowspan="3">Light clays</td><td>Strongly structured</td><td>5a</td><td>0.12 – 0.5</td><td>5</td><td>8</td><td>12</td><td rowspan="2">3 (see Note 1 in Table M1)</td><td rowspan="2">2.5 (see Note 4 in Table M1)</td><td>8</td></tr>
<tr><td>Moderately structured</td><td>5b</td><td>0.06 – 0.12</td><td rowspan="5">(see Notes 2 and 3 in Table L1)</td><td rowspan="5">5 (see Notes 2, 3 & 5 in Table L1)</td><td>10</td><td rowspan="5">5 (see Note to Table N1)</td></tr>
<tr><td>Weakly structured or massive</td><td>5c</td><td><0.06</td><td>8</td><td rowspan="3">2 (see Note 2 in Table M1)</td><td rowspan="3">NA</td></tr>
<tr><td rowspan="3">Medium to heavy clays</td><td>Strongly structured</td><td>6a</td><td>0.06 – 0.5</td><td rowspan="3">5 (see Notes 2 and 3 in Table L1)</td></tr>
<tr><td>Moderately structured</td><td>6b</td><td><0.06</td></tr>
<tr><td>Weakly structured or massive</td><td>6c</td><td><0.06</td></tr>
</table>

1. Adapted from Australian Standard AS/NZS 1547: 2012 – On-site domestic wastewater management.
2. The DIR and DLR are recommended maximum application rates for treated effluent. A water balance may indicate that a reduced application rate is required for a specific site.
3. The exception is where the soil does not have a high perched or high seasonal (winter) watertable (see AS/NZS 1547).
4. See Appendix E for design, installation and maintenance details.
5. Lower application rates may be required for reduced soil permeability in sodic and dispersive soils, soils with a perched or seasonally high watertable or soils with a limiting layer.
6. The application rate may be increased in sandy soils with a high watertable where an advanced secondary treatment system with disinfection replaces a primary treatment system on an existing lot that is too small to accommodate the maximum DIR for category 1 to 2b soils.

Appendix B: Council Septic Tank Permit Application Process

Overview of the main steps in applying for a Council Septic Tank Permit:

1. The property owner contacts the local Council Planning Department to determine whether a Planning Permit is required or planning conditions apply.
2. The property owner contacts the local Council Environmental Health Unit to collect a Septic Tank Permit application form, to determine which documents are required to accompany the application form and what level of detail is required for the land capability assessment (if applicable).
3. The property owner engages a land capability assessor, wastewater consultant and/or plumber to carry out the required investigations and write a report which will include maps and plans.
4. The property owner applies for their Planning Permit.
5. The property owner engages a land capability assessor (where applicable) to undertake the land capability assessment (LCA) and create a report for Council. The completed Septic Tank Permit, LCA report, any other required documents and the prescribed fee can be submitted to the Environmental Health Unit by the owner, builder or plumber.
6. The Planning Department refers the Planning Permit application to the relevant Water Corporations, the Environmental Health Unit and other agencies as required under the Planning and Environment Act.
7. Where the Planning Permit application is satisfactory the Planning Department issues the property owner with a Planning Permit, with the condition that the property owner must apply for a Septic Tank Permit.
8. The Planning Permit and LCA report are attached to the Septic Tank Permit application to ensure that all conditions on the Planning Permit are included in the Septic Tank Permit.
9. When the Environmental Health Unit is satisfied the application meets all requirements it issues a Septic Tank Permit to Install or Septic Tank Permit to Alter.
10. When the treatment system and indoor recycling and/or land application system are installed but not buried, the installer contacts Council to arrange an inspection of the installation.
11. When the Council Environmental Health Unit has received:
    a. the Plumbing Compliance Certificate
    b. the ‘As Laid Plan; and
    c. the commissioning form from the plumber

    and is satisfied the system is installed correctly in accordance with the manufacturer’s Installation Manual and the Council Permit to Install/Alter, Council issues a Certificate to Use to the property owner.

Appendix C: Useful factors to consider when selecting an EPA-Approved Onsite Wastewater Treatment System

Physical features	
Dimensions of the treatment plant	
Location of treatment unit – above-ground or below-ground	
Number and power of pumps, aerators and other electrical components	
Size of effluent storage tank	
Type of treatment processes	
Type of disinfection used if applicable	
Chemicals used	
Capital and installation costs	
Council Permits – e.g. Permit to Install, Permit to Alter and Certificate to Use	
Capital and delivery charge for the treatment system components including the septic tank, sump and sump pump (if applicable) and effluent storage tank	
Cost of manoeuvring the treatment unit into the back yard (i.e. is vehicular access or a crane required or can it be carried by several people?)	
Cost of digging the hole and removing the debris (if applicable)	
Concrete pad (if required)	
Cost of electrician's work to lay power cords to connect the treatment plant to the house, including a dedicated weather-proof power point and any modifications required to the switch board	
For greywater systems – cost of internal plumbing for toilet flushing, washing machine, backflow prevention device and automatic diversion valve to sewer	
Cost of the plumber/drainer digging trenches and laying pipes to connect the treatment system to the house	
Cost of land application/irrigation system including ancillary equipment (e.g. effluent pump, disc or mesh filter, vacuum breakers, scour valves, soil moisture sensors or rain gauges)	
Cost of the audio-visual alarm system and/or remote monitoring system	
Performance	
Minimum and maximum daily volumes that can be effectively treated	
Effluent quality (primary, secondary 10/10/10, 10/10, 20/30/10 or 20/30)	
Commissioning time to achieve approved effluent quality	
Total pump run time per day	
How does the system cope with:	large shock loads or surge flows? toxic substances like bleach, oil, paint thinners etc.? 24-hour power failure? 72-hour power failure? being switched off for 1 week, 1 month, 3 months? no inflow for 1 week, 1 month, 3 months?
kWh of electricity per kilogram of BOD removed	
Estimated lifetime of the treatment systems and its component parts	
Sustainability features of the treatment system	
Maintenance	

Desludging frequency or what is the fate of the biosolids?
Number of service visits per year
Number of hours of maintenance per year
Expected maintenance tasks during each service call
Qualifications and training of service technicians
Ongoing costs
Electricity usage per day; electricity cost per kL of wastewater; electricity cost per year
Service fees per year (labour and travel costs)
Annual cost of chemicals used
Annual cost of replacing the UV lamp, membranes
Annual cost of testing any backflow prevention devices
Average annual cost of consumables, spare parts, pumps and desludging per year (annualised over 30 years)
Annual effluent monitoring cost
Cost of desludging the system every 3 to 5 years
Total annual cost to run the treatment plant (including annualised spare parts and desludging)

Appendix D: Septic Tanks

Commissioning

After installation or desludging, and before use, a septic tank must be two-thirds filled with clean water to:

- provide ballast in the tank to prevent groundwater lifting the tank out of the ground
- reduce odours
- enable any subsequent secondary treatment plant to be switched on, commissioned and used immediately.

When domestic wastewater from the dwelling flows into the septic tank it contains sufficient microbiological organisms to start and continue the treatment process. There is no need to 'feed' or dose a new or desludged septic tank with starter material or micro-organisms. If odour occurs after the commissioning of a system, a cup of garden lime can be flushed down the toilet each day until the odour disappears. If the odour persists, the property should seek professional advice from a plumber.

Sludge and scum

As organic matter from the wastewater and inert material, such as sand, settle to the bottom of the tank a layer of sludge forms. This layer contains an active ecosystem of mainly anaerobic micro-organisms which digest the organic matter and reduce the volume of sludge. Scum forms as a mixture of fats, oils, grease and other light material floats on top of the clarified liquid that has separated from the solids. When the clarified liquid flows out of the septic tank it is called 'primary treated effluent'.

It is not necessary or recommended that householders pour commercial products that are reputed to dissolve sludge build-up, down the toilet or sink. A teaspoon of granulated yeast flushed down the toilet once a fortnight may assist with microbial activity, though such a procedure is not an alternative to regular sludge and scum pump-out (Lord 1989).

Desludging septic tanks

Over time, the sludge and scum layers build up and need to be removed for the tank to function properly. The level of solids accumulation in the tank cannot be accurately predicted, and will depend on the waste load to the tank. Therefore, the sludge and scum depth should be checked annually by a contractor. If a septic tank is under a maintenance contract, regular assessment (every 1 to 3 years) of the sludge and scum layers must be part of the maintenance agreement.

The sludge and scum need to be pumped-out with a vacuum suction system when their combined thickness equals 50% of the operational depth of the tank. The frequency of pump-out depends on:

- whether the tank is an adequate size for the daily wastewater flow
- the composition of the household and personal care products
- the amount of organic matter, fat, oil and grease washed down the sinks
- the use of harsh chemicals such as degreasers
- overuse of disinfectants and bleaches
- the use of antibiotics and other drugs, especially dialysis and chemotherapy drugs
- whether any plastic or other non-organic items are flushed into the tank.

A well-functioning septic tank – one that is not overloaded with liquid, organic matter or synthetic material – typically only needs to be desludged once every 3 to 8 years (depending on the size of the tank). A septic tank connected to a home with a frequently used dishwasher will need to be pumped out more frequently (typically every 3 to 4 years) than a home with no dishwasher connected (typically every 5 to 6 years). A holiday home will need to be pumped out less frequently. Large (6,000 L) domestic septic tanks which are common in New Zealand and the USA and have started to be installed in Victoria, have been proven to require desludging only once every 10 to 15 years (Bounds, 1994).

After pump-out, tanks must not be washed out or disinfected. They should be refilled with water to reduce odours and ensure stability of plumbing fixtures. A small residue of sludge will always remain and will assist in the immediate re-establishment of bacterial action in the tank.

Householders should keep a record of their septic tank pump-outs and notify the local Council that a pump-out was undertaken in accordance with the Council Permit.

Septic tank failure

It is critical that a septic tank is not used as a rubbish receptacle. Septic tanks are designed solely for the treatment of water and organic materials. Items such as sanitary napkins, tampons, disposable nappies, cotton buds, condoms, plastic bags, stockings, clothing and plastic bottles will cause the septic tank to fail and require costly removal of these items. If a tank is contaminated or poisoned by household materials it should be pumped out immediately to enable the microbiological ecosystem to re-start.

Without the removal of the scum and sludge, sewage biosolids will increasingly be discharged into the soil absorption trenches and will eventually cause them to fail. This can force untreated sewage onto the ground surface and cause:

- noxious odours;
- a boggy backyard;
- a health hazard to the family, pets, visitors and neighbours from the pathogens in the sewage;
- environmental degradation of the property, surrounding area and waterways from the nutrients, organic matter and other pollutants in the discoloured water; and
- a public health risk to drinking water supplies in potable water supply catchments.

Positive actions a property owner can take to help a septic tank function well:

- Use soapy water (made from natural unscented soap), vinegar and water or bi-carbonate of soda and water to clean toilets and other water fixtures and fittings.
- Read labels to learn which bathroom and laundry products are suitable for septic tanks. Generally plain, non-coloured, unscented and unbleached products will contribute to a well-functioning septic tank.
- Use detergents with low levels of salts (e.g. liquid detergents), sodium absorption ratio, phosphorus and chlorine (see www.lanfaxlabs.com.au).
- Wipe oils and fats off plates and saucepans with a paper towel and dispose of in the kitchen compost bin.
- Use a sink strainer to restrict food scraps entering the septic system.
- Ensure no structures such as pavements, driveways, patios, sheds or playgrounds are constructed over the tank or absorption trench area.
- Ensure the absorption trench area is not disturbed by vehicles or machinery.
- Engage a service technician to check the sludge and scum levels, pumps and alarms annually.
- Keep a record of the location of the tank and the trenches and all maintenance reports (including the dates of tank pump-outs, tank inspections and access openings) and ensure the service technician sends a copy of the maintenance report to the local Council.
- Have the tank desludged when the combined depth of the scum and sludge is equal to the depth of the middle clarified layer.

Indications of failing septic tanks and soil absorption trenches

- Seepage along effluent absorption trench lines in the soil
- Lush green growth down-slope of the soil absorption trench lines
- Lush green growth down-slope of the septic tank

- Inspection pits and/or the soil absorption trenches consistently exhibiting high water levels
- Soil absorption trench lines become waterlogged after storms
- General waterlogging around the land disposal area
- Presence of dead and dying vegetation (often native vegetation) around and down-slope of the land disposal areas
- A noxious odour near the tank and the land disposal area
- Blocked water fixtures inside the house, with sewage overflowing from the relief point
- High sludge levels within the primary tank (within about 150 mm of inlet pipe)
- Flow obstructed and not able to pass the baffle in the tank
- The scum layer blocking the effluent outflow.

Decommissioning treatment systems

Septic tanks

When a septic tank is no longer required it may be removed, rendered unusable or reused to store stormwater. The contents of the tank must first be pumped out by a sewage sludge contractor. The contractor must also hose down all inside surfaces of the tank and extract the resultant wastewater. Where the tank will no longer be used but will remain in the ground, the contractor must first disinfect the tank by spreading (broadcasting) hydrated lime over all internal surfaces in accordance with the WorkSafe safety precautions associated with using lime (i.e. wearing gloves, safety goggles and not using lime on a windy day).

Under no circumstances should anyone enter the tank to spread the lime or for any other reason, as vapours in confined spaces can be toxic.

A licensed plumbing practitioner must disconnect the tank from the premises and from the absorption trench system. The inlet and outlet pipes on the tank must be permanently sealed or plugged. To demolish a tank, the bottom of the tank is broken and then the lid and those parts of the walls that are above ground are collapsed into the tank. The tank is then filled with clean earth or sand.

Before a tank may be used to store stormwater a licensed plumbing practitioner must disconnect it from the premises and the trench system and connect an overflow pipe from the tank to the stormwater legal point of discharge. Before disinfecting the tank, it must be pumped out, the inside walls hosed down and then pumped out again. The tank is to be filled with fresh water and disinfected, generally with 100 mg/L of pool chlorine (calcium hypochlorite or sodium hypochlorite) to provide a resultant minimum 5 mg/L of free residual chlorine after a contact time of 30 minutes. However, advice should be obtained from a chemical supplier about safety precautions, dosage and concentrations to provide adequate disinfection for any tank. The chlorine is not to be neutralised, but be allowed to dissipate naturally for at least 1 week, during which time the water must not be used. Pumps may be installed to connect the tank to the irrigation system. The contents of the tank must not be used for any internal household purposes or to top-up a swimming pool. The water may only be used for garden irrigation. The tank and associated irrigation system must be labelled to indicate the water is unfit for human consumption in accordance with AS/NZS 3500: Plumbing and Drainage (Blue Mountains City Council 2008).

Secondary treatment systems

All treatment systems must be decommissioned by a licensed plumbing practitioner.

Appendix E: Wick Trench and Bed System

The Wick Trench and Bed land application system was developed by Kerry Flanagan of 'Kerry Flanagan Wastewater' for use in clay soils for primary and secondary effluent. The Wick System may also be used in other soil categories and on small lots (where applicable), as the system is designed to maximise the movement of effluent up through the soil to plant roots and the atmosphere.

The Wick System is a series of trenches with adjacent evapo-transpiration (EVT) beds that are underlain and joined by a layer of geotextile. The EVT bed may be installed on either side of the trench. The surface of the combined trench and EVT bed, which is approximately three times the width of a conventional trench, is planted with herbaceous vegetation to maximise the wicking effect over the large surface area. The geotextile acts as the 'wick' to continuously draw liquid upwards through capillary action. Plant roots and leaves, the sun and the wind act as 'pumps' to draw the liquid upwards out of the soil and into the atmosphere.

Design and Installation

Photographs of the Wick Trench and Bed System installation procedures can be found on pp. 137–141 of the Sydney Catchment Authority's manual *Designing and Installing On-Site Wastewater Systems* (SCA 2012). The manual can be downloaded athttp://sca.clients.squiz.net/_data/assets/pdf_file/0020/39314/Designing-and-Installing-On-Site-Wastewater-Systems-complete-document.pdf . The design and installation procedures to be followed in Victoria, particularly in regard to the geotextile component of the system, are listed below.

Design

- The Wick Trench and Bed System must be installed on flat land. Where the available land is not flat, it must be terraced to provide a flat platform.
- The trench must have uniform depth to provide uniform performance along its length.
- For effective gravity flow from the septic tank to the Wick Trench the surface level of the Wick Trench must be at least 150 mm below the invert of the septic tank outlet (e.g. where the tank outlet invert is 400 mm below the top of the tank, the ground level of the Wick Trench must be at least 550 mm lower). On sites where it is not possible to have a 550 mm height difference between the septic tank outlet invert and the Wick Trench, a suitably-sized distribution pump must be used.

Sizing calculations:

Legend:

Q = Daily design flow rate in L/day

W = Width of trench and bed

DLR = Design Loading Rate in mm/day (see Table 9 for primary and secondary effluent loading rates)

F = factor of 1.2

Arch trench refers to a plastic self-supporting arch 410 mm wide x 1.5 m long.

EXAMPLE for Primary Treated Effluent:

Length of Wick Trench System for a standard 3-bedroom house on clay loam soil:

Length of Trench / Bed = Q / [DLR x (W / F)]

= [(3 bedrooms + 1) x 180 L/day] / [10 L/ m^2 x 1.6 m / 1.2]

= 720 L/ [10 L/m^2 x 1.6 m / 1.2]

= 720 L / 13.3 L/m

= 54 m

This would be built with two 27 m long Wick Trench/Beds or three 18 m long systems.

Area of the Wick Trench and Bed System = Length x Width
= 54 m x (600 mm + 1000 mm)
= 54 m x 1.6 m
= 86.4 m^2 (plus spacing between the Trench/ Bed units)

EXAMPLE for Secondary Treated Effluent:

Length of Wick Trench System for a standard 3-bedroom house on clay loam soil:

Length of Trench / Bed = Q / [DLR x (W / F)]
= [(3 bedrooms + 1) x 180 L/day] / [30 L/ m^2 x 1.6 m / 1.2]
= 720 L/ [30 L/ m^2 x 1.6 m / 1.2]
= 720 L / 40 L/m
= 18 m

This would be built with one 18 m Wick Trench/Beds or two 9 m long systems.

Area of the Wick Trench and Bed System = Length x Width
= 18 m x (600 mm + 1000 mm)
= 18 m x 1.6 m
= 28.8 m^2 (plus spacing between the Trench/ Bed units).

Installation

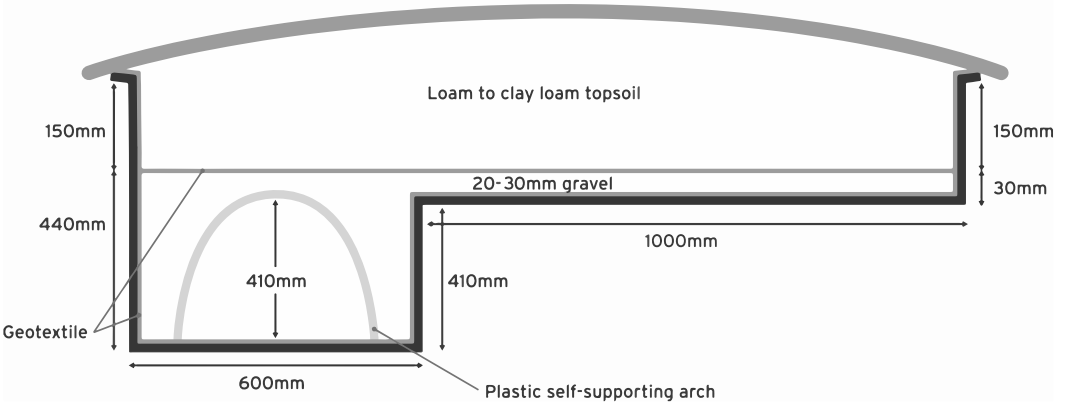
1. Peg out the trench and pan areas.
2. Remove the topsoil and stockpile. Where this is a friable, loamy soil it can be reused as the final layer of the Wick Trench and Bed. Otherwise neither the topsoil nor lower soil horizons are to be reused in the system, and suitable loamy soil must be imported.
3. Excavate the trench to a depth of 600 mm and the adjacent pan to 130 mm for secondary effluent and 180 mm for primary effluent systems.
4. Continuously check the level of the bed of the trench and the pan with a laser level to ensure they are flat.
5. Lay the 'A12 grade' geotextile fabric (with dry pore size 230 μm) in a continuous length across the trench and pan i.e. down the outer side wall of the trench, across the base of the trench, up the inner side wall of the trench, across the base of the pan and up the outer side wall of the pan.
6. Ensure the geotextile extends at least 50 mm further than the top of the side walls.
7. Overlap the edges of the geotextile down the length of the trench and pan system until all bases and side walls are covered.
8. Place the plastic self-supporting arch in sections 410 mm wide and 1500 mm long, into the trench on top of the geotextile.
9. Install inspection ports at trench entry points and the connection points to other trenches.
10. Install a mica-flap vent at the end of the each trench to facilitate air being drawn into the trench, up the pipe line into the septic tank, through the pipe line into the house drainage system and up through the roof vent. The mica-flap acts as a marker for the end of the trench.
11. Spread clean 20 – 30 mm gravel over the arch in the trench and across the pan to a depth of 30 mm. Ensure the top of the gravel layer is level.
12. Lay overlapping lengths of geotextile across the top of the gravel layer, ensuring the geotextile extends at least 50 mm further than the side walls of the trench and pan.

13. Spread good quality friable and permeable loamy soil over the top of the geotextile to a depth of 100 mm for secondary effluent and 150 mm for primary effluent systems. Never use soil from lower soil horizons.
14. Slightly mound the surface of the topsoil across the trench and bed to help shed rainwater off the system (see the diagram below).
15. Plant the topsoil with a suitable grass or plants that thrive when their roots are continuously wet, especially those with large leaves as they will transpire more water than plants with small leaves.
16. Install stormwater diversion drains to direct stormwater away from the Wick System.

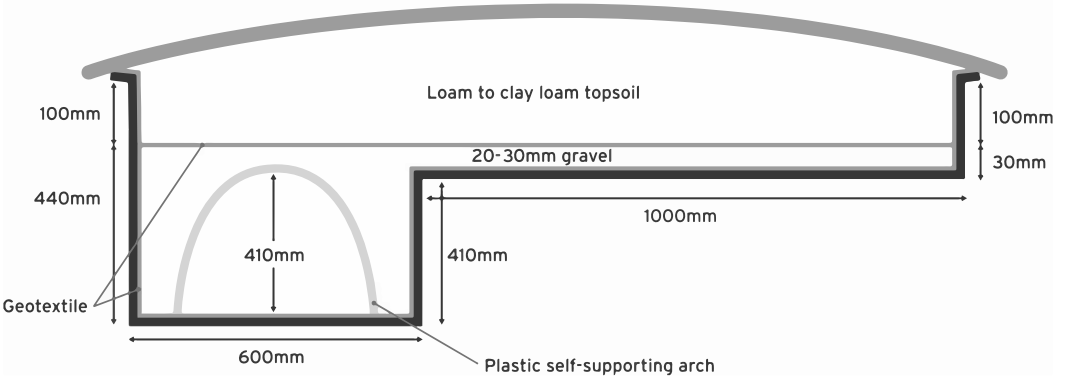
Maintenance

The septic tank must be periodically desludged to ensure proper functioning of the Wick Trench and Bed System.

Wick Trench & Bed System
For primary treated effluent



For secondary treated effluent



Appendix F: Urine-diversion toilets (UDT)

Urine-diversion toilets are common in Scandinavia, where they were created over 20 years ago with the aim of returning nutrients to agricultural land (i.e. to 'close the food loop'). However, they are now used in many northern European countries and to a lesser extent in North America and New Zealand. In Australia, several urine-diversion projects are underway which use a range of tanks and flexible rubberised 'bladders' to store the urine and a centralised management plan to beneficially reuse the urine for agricultural or horticultural purposes or turf growing (Hood et al. 2008; McDonald et al. 2008; Narangala et al. 2010).

Both water-flush and dry composting toilets can be designed with a urine-diversion system. The urine is piped to an onsite or cluster-scale sealed collection vessel which may be a tank or a soft 'bladder'. When the container is full the urine is stored for 6 months before it is tankered to farmland and used as a substitute for inorganic fertiliser. Based on pathogen die-off studies and the risk assessment of various projects, storing the urine for 6 months ensures sufficient die-off of pathogens to render the urine solution safe for fertilising all crops (WHO 2006; Schönning & Stenström 2004). Inactivation of bacteria, viruses and Ascaris spp. can occur in as little as 2 months where the average storage temperature is greater than 20 ºC (Nordin et al. 2009). Dilution rates and temperature are the major factors determining inactivation rates. Diurnal variation in temperature is not a concern; conversely it has the potential to produce more efficient inactivation (Niwagaba 2009).

Appendix G: Sand filters

- Sand Filters shall only be used to treat effluent that has been subject to either primary or secondary treatment.
- An alarm system with suitable visual and/or audio (with mute facility) must be installed in an appropriate location to indicate failure.
- The system must be installed with all inspection and access openings over all chambers brought up to ground-surface level.
- Sand filters design must comply with the following requirements:

Type of Wastewater Being Treated	**Maximum Dosage Rate, $L/m^2/day$**
Septic tank effluent	50
• Wastewater from intermittently used facilities, such as sporting pavilions	100
• 20/30 effluent (BOD/suspended solids) requiring polishing	200

Dosage rate, $L/m^2/day$	**Clay and Fine Silt Content (by Volume)**	**Effective Size*, mm**	**Uniformity Coefficient****
Less than 50	Less than 5%	Between 0.25 and 0.60	Less than 4
50 or greater	Less than 5%	Between 0.4 and 1.0	Less than 4

* Effective size = maximum particle size of the smallest 10% (D10) by mass of the sand

** Uniformity coefficient = the ratio of the maximum particle size of the smallest 60% by mass of the sand to the maximum particle size of the smallest 10% by mass of the sand

Appendix H: Salinity criteria for Sustainable Wastewater Irrigation Schemes

The sustainability of an onsite wastewater irrigation system depends on the impact of the dissolved chemicals in the wastewater on the irrigated soil and the surrounding surface and groundwater. Land capability assessors should determine the Total Dissolved Solids (TDS) content of the water that will be supplied to the premises and estimate to what degree it may increase the salt content of the wastewater. The salt content of the wastewater can be altered by the household cleaning products used (see www.lanfaxlabs.com.au for sodium content of laundry detergents). Domestic wastewater will always contain more salts than the potable water used in the house because salts, especially sodium, are in food, laundry and dishwasher detergents and other cleaning products. Common salts include sodium chloride, as well as chlorides and sulphates of calcium, magnesium and potassium. To maintain a productive and healthy garden the treated wastewater should have a TDS of <500mg/L. EPA Publication 168 Guidelines for Wastewater Irrigation (1991) (Section 4.2.3 and Figure 3) provides details on the interaction between TDS and Sodium Absorption Ratio (SAR) and the effect of sodium ions adsorbing on to soil particles, leading to the dispersion of colloidal clay and subsequent blockage of soil pores.

The total concentration of the salts and the proportions of sodium, magnesium, calcium and potassium have an effect on irrigated soil where the soil contains clay. Irrigation water containing a low concentration of salts, but a high proportion of sodium compared to calcium and magnesium has a high SAR and will cause irrigated soil to become more dispersive and much less permeable to air and water. Over time this will damage the plants growing in the soil. Soils receiving effluent with a SAR level of >18 and/or a TDS level of >500 mg/L may need remedial action. A high SAR can be lowered by dissolving gypsum in it and soil affected by high SAR can be improved by adding gypsum to it.

Abbreviations

AS/NZS: Australian Standard/New Zealand Standard
AWA: Australian Water Association
AWTS: Aerated wastewater treatment system
BOD_5: Biochemical oxygen demand (5-day test)
CaLP: Catchment and Land Protection Act
CDO: Council delegated officer
CFU: Colony forming units
DIR: Design irrigation rate
DELWP Department of Environment, Land, Water and Planning
DLR: Design loading rate
DWMP: Domestic wastewater management plan
DSE: Department of Sustainability and Environment
EC: Electrical conductivity
EHO: Environmental health officer
EPA: Environment Protection Authority
EPAI: Environment Protection Agency, Ireland
ETA: Evapo-transpiration absorption (bed)
EVT: Evapo-transpiration
FOG: Fats, oils and grease
IWRG: Industrial Wastewater Resource Guidelines
LCA: Land capability assessment
LAA: Land application area
LPED: Low-pressure effluent distribution system
MAV: Municipal Association of Victoria
NA: Not allowed/Not applicable
PIA: Planning Institute of Australia
PIC: Plumbing Industry Commission
SAR: Sodium absorption ratio
SEPP (GoV): State Environment Protection Policy (Groundwaters of Victoria)
SEPP (WoV): State Environment Protection Policy (Waters of Victoria)
SS: Suspended solids
STED: Septic tank effluent drainage
STEG: Septic tank effluent gravity
STEP: Septic tank effluent pump
TDS: Total dissolved salts
TSS: Total suspended solids
UDT: Urine-diversion toilets
UV: Ultraviolet
VBA: Victorian Building Authority
WELS: Water Efficiency Labelling and Standards

Glossary

10/10 standard: water quality standard indicating an effluent quality of ≤10 mg/L BOD_5 and ≤10 mg/L suspended solids. Greywater of this quality may only be recycled via subsurface irrigation.

10/10/10 standard: water quality standard indicating an effluent quality of ≤10 mg/L BOD_5, ≤10 mg/L suspended solids and E. coli ≤10 cfu/100 mL. Greywater of this quality may be recycled indoors for toilet flushing or cold-water supply to clothes washing machines. It may also be recycled outdoors via surface and subsurface irrigation systems.

20/30 standard: water quality standard indicating an effluent quality of ≤20 mg/L BOD_5 and ≤30 mg/L suspended solids. Wastewater, including greywater, of this quality may be recycled outdoors via subsurface irrigation.

20/30/10 standard: water quality standard indicating an effluent quality of ≤20 mg/L BOD_5, ≤30 mg/L suspended solids and E. coli ≤10 cfu/100 mL. Effluent may only be recycled via sub-surface irrigation.

Absorption: the disappearance of a liquid through its incorporation into solid material i.e. the uptake of effluent into the soil by capillary action.

Absorption trench system: the area of land utilised for the disposal of partially treated sewage to ground via a soil absorption trench. The base of the trench is typically dug 400 mm below the ground surface. The trench is built or filled in to a height of 250 mm and then a layer of 150 mm of native soil is backfilled on top to bring the soil up to the original ground level. The trench location and design will include setback distances from existing and proposed buildings, patios, drains, driveways, fences etc.

Accredited service technician: a person suitably trained by the system manufacturer in the installation, operation and service requirements of the system who is accredited by the system manufacturer in writing to undertake the servicing and maintenance.

Aerobic: organisms and processes that require oxygen (i.e. microbiological digestion and assimilation of organic matter through the use of oxygen).

Aerated Wastewater Treatment System (AWTS): air bubbled through wastewater in a tank provides oxygen to micro-organisms to facilitate aerobic biological digestion of the organic matter in the wastewater.

All-waste treatment system: a system that treats all the wastewater from a premises.

Anaerobic: living or occurring without oxygen (i.e. microbiological digestion and assimilation of organic matter in the absence of oxygen).

Alteration to a Septic Tank System: any physical alteration to the design or construction of an onsite wastewater system, or any alteration to the premises serviced by the system which has the potential to increase the hydraulic flow or organic load to the treatment system.

Australia/New Zealand Standard: a document produced by Standards Australia and Standards New Zealand. A voluntary national standard, code or specification prepared under the auspices of Standards Australia and Standards New Zealand. Standards are mandatory when referred to in regulations and are enforceable in contracts when called up in contract documents.

Biochemical Oxygen Demand (BOD_5): the amount of oxygen consumed by chemical processes and micro-organisms to break down organic matter in water over a 5-day period, measured in milligrams per litre (mg/L).

Blackwater: wastewater from toilets containing faeces and urine.

Council: a municipal Council/local government body.

Declared Water Supply Protection Area: applicable to groundwater as defined in section 27 of the Water Act (as amended).

Design Loading Rate: the long term acceptance rate (LTAR) expressed in Litres/m²/day or mm/day as applied to a land-application area.

Desludging: see Pump-out

Dispersal field: the distribution of treated effluent through the biologically-active topsoil layer.

Disposal: to get rid of a waste product via air (an evaporation pond), land (soil absorption trench), fire (incineration, steam) or water (discharge to surface waters or to groundwater), with no intention of beneficial reuse.

Disposal field: the area of land utilised for the disposal of partially treated sewage to ground via a soil absorption trench. The base of the trench is typically dug 400 mm below the ground surface. The trench is built or filled in to a height of 250 mm and then a layer of 150 mm of native soil is backfilled on top to bring the soil up to the original ground level. The trench location and design will include setback distances from existing and proposed buildings, patios, driveways, fences etc.

Domestic wastewater: see Sewage

Drinking water: water suitable for human consumption or for purposes connected with human consumption, such as preparation of food or making ice for consumption or for the preservation of unpackaged food.

E. coli: Escherichia coli: a species of bacteria in the faecal coliform group found in large numbers in the intestines of animals and humans. Its presence in freshwater indicates recent faecal contamination and is measured in 'colony-forming units' (cfu) per 100 mL of water.

Effluent: liquid flowing out of a container.

Effluent sewer: reticulated sewerage system where wastewater solids are contained onsite in an interceptor tank and the primary or secondary treated effluent is discharged to a sewer.

Ephemeral stream or channel: a stream or channel that carries water for a period of time, but occasionally or seasonally ceases to flow.

Evapo-transpiration: transfer of water from the soil to the atmosphere through evaporation and plant transpiration.

Greywater: domestic wastewater from sources other than the toilet, urinal or bidet (e.g. from showers, baths, spas, hand basins, clothes washing machines, laundry troughs, dishwashers and kitchen sinks).

Groundwater: all underground water contained in the void spaces within and between the rocks and soil, excluding water travelling between the ground surface and the water table (Oxford Dictionary of Earth Sciences).

Infiltration: the gradual movement of water into the pore spaces between soil particles.

Influent: water flowing into a container.

Irrigation: the artificial supply of water to land and vegetation.

LPED irrigation: shallow sub-surface irrigation of primary or secondary effluent into high quality loamy topsoil through low pressure effluent distribution (LPED) lines. The pressurised line is a twin construction consisting of a perforated pipe with drilled squirt holes inside a rigid slotted PVC pipe or aggie pipe.

Micro-organism: an organism that is invisible or barely visible to the unaided eye (e.g. bacteria, viruses, protozoa).

Nutrients: organic and inorganic substances used in an organism's metabolism which must be taken in from the environment (e.g. carbohydrates, fats, such as proteins and vitamins). Nutrients are molecules that include elements such as carbon, nitrogen, phosphorus, potassium, calcium, magnesium and a range of trace elements.

Onsite domestic wastewater management system: see Onsite wastewater management system

Onsite wastewater disposal/recycling system: a system or method for the disposal/recycling of treated wastewater.

Onsite wastewater recycling: recycling wastewater sourced from, treated and used at a single residential site, premises or allotment.

Onsite wastewater management system: is the same as a 'septic tank system' as defined in the **Environment Protection Act 1970**. It includes an onsite wastewater treatment system (primary or secondary standard) plus the subsequent disposal/recycling system.

Onsite wastewater treatment system: a treatment system that treats up to 5,000 L/day of wastewater on the allotment where it was generated.

Pathogen: a disease-causing micro-organism.

Permeability: the ability of water to move, through soil which depends upon the soil particle sizes, pore space sizes, soil texture, soil structure and water content.

Pollution: any harmful or undesirable change in the physical, chemical or biological quality of air, water or soil as a result of the release of chemicals, heat, radioactivity or organic matter.

Perched watertable – the upper surface of a temporary water-saturated soil layer, supported by a small impermeable or slowly permeable soil unit, below which the soil is unsaturated. As the soil below the perched watertable is unsaturated, vertical drainage continues, even if slowly, until the water-saturated layer becomes sufficiently dry then drainage ceases.

Potable water: water suitable for human consumption (see Drinking water).

Potable water supply catchment: an area declared as a Special Water Supply Catchment under Schedule 5 of the **Catchment and Land Protection Act 1994** and used as a source of drinking water by a Water Corporations.

Precautionary principle: a principle of the **Environment Protection Act 1970**: 'Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.'

Primary treatment of wastewater: the physical processes of screening, filtration, sedimentation, flocculation and flotation to remove organic and inorganic matter from wastewater.

Pump-out: the removal of biological sludge and inert sediment from a septic tank, including the surface crust (scum) material. A pump-out should not drain tanks dry, because some residual sewage is needed to provide a seed source of digesting micro-organisms.

Qualified person: a person who holds relevant qualifications, or a person who is experienced and accepted by a professional body to practice in the pertinent area.

Recycling: using treated wastewater for an appropriate use (e.g. 10/10/10 greywater used for toilet flushing or 20/30 effluent used for sub-surface irrigation).

Reserve area: a duplicate land disposal area reserved for use when the original land disposal area needs to be rested.

Reuse: using a waste product in its present form for another purpose, e.g. diverting (reusing) untreated greywater to water the garden.

Reticulated water: water suitable for human consumption that is delivered to a dwelling through a network of pipes.

SAR: see Sodium Adsorption Ratio.

Scum: material that floats on top of the liquid in an anaerobic sewage treatment tank (i.e. septic tank).

Secondary treatment: biological and/or physical treatment following primary treatment of wastewater. Disinfection to kill pathogens may also occur.

Septic tank: a tank that temporarily holds wastewater. In a septic tank, wastewater is primarily treated through filtration, sedimentation, flocculation and flotation to remove organic and inorganic matter from wastewater in combination with anaerobic microbiological digestion.

Septic tank system: as defined within the **Environment Protection Act 1970** (section 53J) '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'. In essence this includes the wastewater treatment system (all types of onsite wastewater treatment systems, including septic tanks), as well as associated wastewater storage tanks, distribution pipes and the wastewater disposal/recycling system and area.

Service technician: see Accredited service technician

Sewage: as defined within the **Environment Protection Act 1970** (section 53J) 'means any waste containing human excreta or domestic wastewater'.

Sewer: pipe used to transfer sewage from one location to another.

Sewered area: land where sewer pipes have been laid adjacent to allotments.

Sewerage: the pipework and ancillary equipment associated with the collection and transport of sewage, and the equipment and processes involved in treating and discharging the effluent.

Sludge: the material that rests on the bottom of a septic tank. It can include inert matter (such as sand, glass and plastics) and biosolids (organic material produced by biological processes).

Sodium Adsorption Ratio: describes the tendency of sodium cations to be adsorbed at cation-exchange sites at the expense of other cations. It is calculated as the ratio of sodium to calcium and magnesium. A low sodium content gives a low SAR.

Soil absorption trench: an infiltration or soak-away trench installed generally at a depth of 300 to 600 mm below ground level, which facilitates the disposal of primary treated sewage.

Special Water Supply Catchment: one of the areas listed in Schedule 5 of the **Catchment and Land Protection Act 1994**.

STEP/STEG: Septic Tank Effluent Pump/Septic Tank Effluent Gravity: an effluent sewer system utilising both gravity and pumps to discharge effluent from septic tanks to a reticulated sewer system.

Sub-surface irrigation: the dispersal of water through a network of pressure-compensating pipes and emitters at a depth of 100 mm to 150 mm below ground surface level (i.e. in the biologically active topsoil layer). The irrigation system also includes a disc or mesh filter, vacuum filters and scour valves. Minimum water quality required for sub-surface irrigation with treated sewage or greywater is 20/30 standard (20 mg/L BOD_5 and 30 mg/L TSS).

Sullage: household greywater that does not contain human excreta, but may still contain pathogens, nutrients and potentially harmful chemicals.

Suspended solids (SS): a measure of the solids in water, expressed in milligrams per litre (mg/L).

Surface irrigation: the irrigation of water to the ground surface. It includes the use of low-rise sprinklers, micro-sprayers, and drip systems under mulch, but excludes the use of hand-held hoses for treated sewage. Treated greywater can be connected to purple coloured child-proof taps that have a removable handle. Irrigation spray heads must not spray beyond the property boundary. Minimum water quality required for surface irrigation with treated sewage or greywater is 20/30/10 standard (20 mg/L BOD_5, 30 mg/L SS and 10 cfu E. coli 100 mL).

Sustainable: able to continue indefinitely without any significant negative impact on the environment or its inhabitants.

Treatment: a process or series of processes that remove contaminants from wastewater, whereby the physical, chemical and biological characteristics of wastewater are altered.

Topsoil: the top layer of the soil, typically containing plant roots, organic material and an active microbiological ecosystem, which is usually more fertile than the underlying layers.

Total suspended solids (TSS): a measure of the solids in water, expresses in milligrams per litre (mg/L).

Turbidity: the cloudy appearance of water that is an indication of fine solids suspended in the water, measured by a light penetration test and expressed in nephelometric turbidity units (NTU).

Unsewered area: land where no sewer pipes are adjacent to the allotment boundaries.

Urine-diversion toilet (UDT): a toilet bowl designed to separate urine from solid excrement. The UDT may be attached to a dry composting toilet chamber or a water-flush blackwater treatment system or sewer system. A 'dam' wall, which extends between the two side of the toilet bowl, creates a front and back well from which the excrement drains or is flushed away.

Watertable: the upper surface of groundwater or the level below which an unconfined aquifer is permanently saturated with water.

Waterway: as defined by the **Water Act 1989** (as amended):

a. a river, creek, stream or watercourse; or

b. a natural channel in which water regularly flows, whether or not the flow is continuous; or

c. a channel formed wholly or partly by the alteration or relocation of a waterway as described in paragraph (a) or (b); or

d. a lake, lagoon, swamp or marsh, being –

e. a natural collection of water (other than water collected and contained in a private dam or a natural depression on private land) into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes, whether or not the flow is continuous; or

f. a collection of water (other than water collected and contained in a private dam or natural depression on private land) that the Governor in Council declares under section 4(1) to be a lake, lagoon, swamp or marsh; or

g. land on which, as a result of works constructed on a waterway as described in paragraph (a), (b) or (c), water collects regularly, whether or not the collection is continuous; or

h. land which is regularly covered by water from a waterway as described in paragraph (a), (b), (c), (d) or (e) but does not include any artificial channel or work which diverts water away from such a waterway; or

i. if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip.

WELS: Water Efficiency Labelling and Standards scheme www.waterrating.gov.au

Fisheries Act 1995

GUIDELINES FOR THE PREPARATION OF THE VICTORIAN PIPI FISHERY MANAGEMENT PLAN

I, Travis Dowling, Executive Director Regulation and Compliance (Fisheries), as delegate of the Minister for Agriculture, pursuant to section 28(2) of the **Fisheries Act 1995** (the Act), issue the following guidelines with respect to the preparation of a Victorian Pipi Fishery Management Plan.

1. The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) is responsible for preparing the Victorian Pipi Fishery Management Plan (the Fishery Management Plan). The Fishery Management Plan will be consistent with the Act and its objectives.
2. The Pipi Fishery Management Plan Steering Committee will advise the Executive Director Fisheries, DEDJTR, in preparing the Fishery Management Plan.
3. The Fishery Management Plan will recognise the ongoing economic and social importance of all sectors, including commercial, recreational, traditional owner and conservation interests.
4. DEDJTR will consult consistent with the consultation principles in section 3A of the **Fisheries Act 1995**.
5. The Fishery Management Plan should seek to provide for the economic and social benefits from the harvesting of pipis while ensuring a responsible biological harvest and minimising ecological impacts.
6. The Fishery Management Plan will take into account existing regulations and legislation relating to access to coastal parks.
7. The Fishery Management Plan will set out strategies and management arrangements to achieve the objectives including a harvest strategy, research and development strategy, implementation plan and an evaluation and review process.
8. The harvest strategy will be guided by the National Guidelines to Develop Fishery Harvest Strategies.
9. The harvest strategy will specify decision rules to determine the total catch and the total commercial catch limit.
10. The Fishery Management Plan will take account of the Australian Government's Guidelines for Assessing the Ecologically Sustainable Management of Fisheries.
11. The Fishery Management Plan will remain in place until a new Fishery Management Plan is declared.

Dated 27 May 2016

TRAVIS DOWLING
Executive Director Regulation and Compliance (Fisheries)

Geographic Place Names Act 1998

NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

The Registrar of Geographic Names hereby gives notice of the registration of the undermentioned place names.

Feature Naming:

Change Request Number	Place Name	Naming Authority and Location
94217	Frankston North Community Centre	Frankston City Council Located at 26R–38R Mahogany Avenue, Frankston North. For further details see map at www.delwp.vic.gov.au/namingplaces

Road Naming:

Change Request Number	Road Name	Locality	Naming Authority and Location
91137	Lindsay Lane	Kensington	Melbourne City Council The road traverses east from McCracken Street.
91628	Day Road	Cambrian Hill	Golden Plains Shire Council The road traverses west from Colac–Ballarat Road.
92080	Windarra Lane	Durham Lead	Ballarat City Council The road traverses west from O'Loughlins Road.
92196	Dana Street	Officer	Cardinia Shire Council Formerly known as Ice Street. The road traverses west from Simon Avenue.
92330	Dyke Road	Gre Gre	Northern Grampians Shire Council The road traverses west from McIntyre Road.
93366	Herring Street	Maryborough	Central Goldfields Shire Council Formerly known as part Burns Street. The road traverses south from Brougham Street to Hilton Street.
93678	Nursery Avenue	Clayton South	Kingston City Council (Private Road) The road traverses north from Rayhur Street.
93679	McLaren Drive	Clayton South	Kingston City Council (Private Road) The road traverses north from Rayhur Street.

93680	Senator Drive	Clayton South	Kingston City Council (Private Road) The road traverses east from McLaren Drive.
94080	Strangway Court	Coburg	Moreland City Council Formerly known as part Bellevue Street. The road traverses east from Linsey Street.
94218	Catchment Lane	Frankston	Frankston City Council Formerly known as Susono Way. The road traverses south from Wells Street.

Office of Geographic Names
Land Victoria
570 Bourke Street
Melbourne 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2007

Notice of Amendment of Major Hazard Facility Licence

On 24 June 2016, the Licence to operate a Major Hazard Facility MHL 047/04 held by Iona Operations Pty Ltd for the facility located at 285 Waarre Road, Port Campbell, Victoria 3268, for the period expiring on 23 September 2019 was amended to MHL 047/05 in accordance with regulation 6.1.33 of the Occupational Health and Safety Regulations 2007.

CLARE AMIES
Chief Executive
Delegate of the Victorian WorkCover Authority

Major Transport Projects Facilitation Act 2009

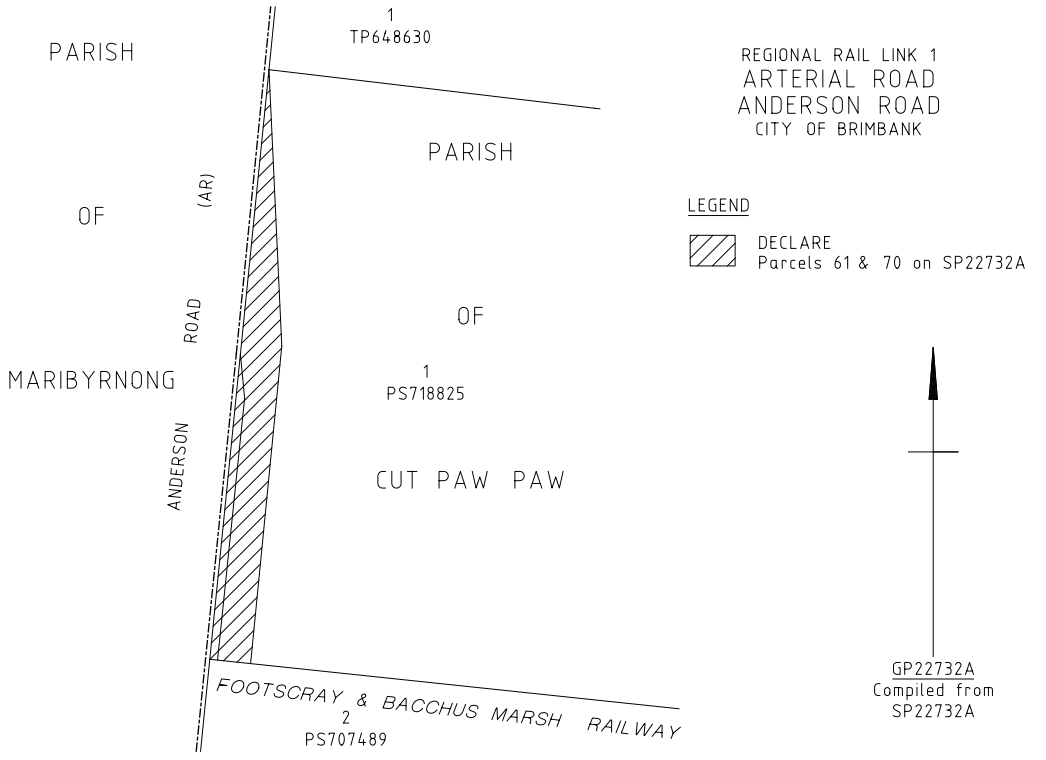
ROAD DECLARATION

The Honourable Jacinta Allan MP, Minister for Public Transport and Project Minister for the Regional Rail Link 1 Project, in accordance with section 193 of the **Major Transport Projects Facilitation Act 2009**, upon publication of this notice declares the road described in the schedule and on the plan attached.

SCHEDULE

ARTERIAL ROAD

The road identified by hatching on the plan numbered GP22732A is declared as described in the legend on the said plan.



Dated 28 June 2016

Responsible Minister
JACINTA ALLAN MP
Minister for Public Transport

Port Management Act 1995

REVOCATION AND MAKING OF TOWAGE REQUIREMENTS DETERMINATION

Division 2 of Part 4A of the **Port Management Act 1995**

PORT OF MELBOURNE

Under section 73B of the **Port Management Act 1995**, the Port of Melbourne Corporation:

(a) revokes the towage requirements determination published in the Government Gazette G 2 12 January 2012 ('old towage requirements determination'); and

(b) makes a new towage requirements determination, which is set out below ('new towage requirements determination').

The revocation of the old towage requirements determination and making of the new towage requirements determination will come into effect on the commencement of the determination period set out below.

NEW TOWAGE REQUIREMENTS DETERMINATION

Determination Period

The provisions of this towage requirements determination operate from 19 September 2016 until 18 September 2026 ('the determination period').

Definitions

In this towage requirements determination:

(a) fire fighting 1 standard means that the towage vessel is entered within a fire fighting vessel class recognised by IACS including (but not limited to) a class described as 'FiFi 1', 'fire fighting 1', 'fire fighter 1', 'FF1' or similar;

(b) fire fighting towage vessel means a tier 1 or tier 2 towage vessel having the minimum fire fighting capability specified under the Minimum Requirements section of this towage requirements determination;

(c) IACS means International Association of Classification Societies Ltd, registered Office 36 Broadway, London SW1H 0BH;

(d) tier 1 towage vessel means a towage vessel that has a minimum certified bollard pull of (within a range of 5%) 65 tonnes;

(e) tier 2 towage vessel means a towage vessel that has a certified bollard pull of 43 tonnes or more other than a tier 1 towage vessel;

(f) tier 3 towage vessel means a towage vessel with a certified bollard pull of 5 tonnes or more and less than 43 tonnes;

(g) towage service has the meaning given to that term in section 73A of the **Port Management Act 1995**; and

(h) towage vessel has the meaning given to that term in section 73A of the **Port Management Act 1995**.

Minimum Number and Capacity of Towage Vessels

(1) The minimum aggregate number of towage vessels required to be provided by notified towage service providers during the determination period and the minimum capacity of those towage vessels are:

  (a) two tier 1 towage vessels;

  (b) two tier 2 towage vessels (reduced to one, where three tier 1 towage vessels are provided); and

  (c) one tier 3 towage vessel.

(2) Of the minimum number of tier 1 and tier 2 towage vessels, a minimum of two must be fire fighting towage vessels.

Minimum Requirements for Towage Vessels

The minimum requirements necessary for towage vessels to be fit to provide the service for the purpose of section 73B(1)(d) of the **Port Management Act 1995** are:

General

(a) Tier 1 towage vessels must be less than 30 m in length, be low profile, have azimuth stern drive or equivalent and be fitted with an Automatic Identification System;

(b) Tier 2 towage vessels must be less than 35 m in length, have azimuth stern drive or equivalent and be fitted with an Automatic Identification System;

(c) All towage vessels must be fit for purpose, must be kept and maintained in good working order at all times, must be provided with crews with adequate competency and training and must comply with all applicable legislative requirements including, but not limited to, those requirements imposed by or under the **Marine Safety Act 2010** and the **Marine (Domestic Commercial Vessel National Law Application) Act 2013**.

Fire fighting capability

A fire fighting towage vessel must, as a minimum, be of a fire fighting 1 standard; and

(a) be fitted with one remote controlled foam monitor, which may take the place of one of the monitors required under the relevant fire fighting 1 standard applicable to that vessel; and

(b) be fitted with a foam tank of 9 m^3 capacity (within a range of 5%) to supply a 3% minimum foam mixture.

Availability Required for Towage Vessels

During the determination period –

(a) Required service availability of towage vessels:

i. tier 1 towage vessels and tier 2 towage vessels must be available for the provision of towage services to vessels of 5000 gross tonnes or over; and

ii. tier 3 towage vessels must be available for the provision of towage services to vessels of under 5000 gross tonnes.

(b) Required response times for towage vessels:

With respect to the minimum number of towage vessels required to be provided by notified towage service providers as set out in paragraph (1) of this determination:

i. two tier 1 towage vessels must be available for the provision of towage services 24 hours per day on all days of the year;

ii. one additional tier 1 or tier 2 towage vessel must be available for the provision of towage services, subject to a two hour notice period; and

iii. one further tier 1 or tier 2 towage vessel must be available for the provision of towage services, subject to a 12 hour notice period.

(c) Required response times for fire fighting towage vessels:

With respect to the minimum number of fire fighting towage vessels required to be provided by notified towage service providers as set out in paragraph (2) of this determination:

i. subject to paragraph (ii) below, two fire fighting towage vessels must be available for the provision of emergency response 24 hours per day on all days of the year;

ii. in the event that the requirements of paragraph (i) cannot be met because one fire fighting towage vessel is temporarily unavailable due to maintenance purposes, that vessel may be temporarily replaced with an alternative tier 1 or tier 2 towage vessel with fire fighting capability that does not meet the fire fighting 1 standard with the prior approval of the Port of Melbourne Corporation.

PREVENTION OF CRUELTY TO ANIMALS REGULATIONS 2008

Ministerial Approval Under Regulation 32(2)

Under regulation 32(2) of the Prevention of Cruelty to Animals Regulations 2008, I approve a trapped animal being left alive in a large leghold trap for wild dogs for up to 72 hours, in the parishes specified in the Schedule, being areas declared to be approved areas under section 15AB(3) of the **Prevention of Cruelty to Animals Act 1986**, if the trap is set or used by an employee or agent of the Department of Environment, Land, Water and Planning, or Parks Victoria for the purpose of wild dog control.

Commencement

This approval takes effect on 1 July 2016 and remains in force until 30 June 2017 unless earlier revoked.

SCHEDULE

Acheron, Adjie, Albacutya, Angora, Babatchio, Banyarmbite, Baranduda, Barga, Baring, Baring North, Barwidgee, Beechworth, Beenak, Beethang, Beloka, Bemboka, Bemm, Benambra, Bendock, Berontha, Berringama, Berrmarr, Bete Bolong North, Bete Bolong South, Betka, Bidwell, Big Desert, Billian, Bindi, Bingo-Munjie, Bingo-Munjie North, Bingo-Munjie South, Binnican, Binnuc, Birregun, Bogong North, Bolga, Bonang, Bondi, Boola Boola, Boonderoot, Boorgunyah, Boorolite, Boorpuk, Bow-Worrung, Bralak, Bramby, Briagolong, Bright, Brimbonga, Broadlands, Bruarong, Buchan, Buckland, Budgee Budgee, Bulgaback, Bullioh, Bullumwaal, Bundara-Munjie, Bundowra, Bungamero, Bungil, Bungil East, Bungywarr, Bunurouk, Bunyip, Buragwonduc, Burrowye, Burrungabugge, Butgulla, Buxton, Byawatha, Cabanandra, Cambatong, Canabore, Carboor, Carneek, Changue, Chilpin, Chinaman Flat, Cobbannah, Cobon, Cobungra, Colac Colac, Colquhoun, Colquhoun East, Colquhoun North, Combienbar, Conga Wonga, Cooaggalah, Coolumbooka, Coolungubra, Cooma, Coongulla, Coopracambra, Coornburt, Corryong, Cowa, Crookayan, Cudgewa, Curlip, Daalko, Dahwedarre, Dandongadale, Dargo, Dattuck, Deddick, Dederang, Dellicknora, Derndang, Detarka, Doledrook, Doodwuk, Dorchap, Dueran, Dueran East, Edi, Eildon, El Dorado, Ellinging, Enano, Enochs Point, Ensay, Errinundra, Eucambene, Eumana, Eurandelong, Everton, Flowerdale, Freeburgh, Fumina, Fumina North, Gelantipy East, Gelantipy West, Gembrook, Gibbo, Gillingall, Gillum, Ginap, Glenaladale, Glendale, Glenmaggie, Glenmore, Glenwatts, Gonzaga, Goolengook, Goongerah, Goulburn, Gracedale, Granton, Granya, Gunamalary, Gundowring, Gungarlan, Guttamurra, Harrietville, Hinno-Munjie, Howqua, Howqua West, Jamieson, Jemba, Jilwain, Jinderboine, Jindivick, Jingallala, Jinjellic, Jirnkee, Jirrah, Kaerwut, Kalk Kalk, Kancobin, Karawah, Karlo, Keelangie, Kergunyah, Kergunyah North, Kevington, Kianeek, Kinglake, Kirkenong, Koetong, Koola, Koomberar, Kooragan, Koorool, Kooroon, Kosciusko, Kowat, Kuark, Kurnbrunin, Licola, Licola North, Little Billy, Lochiel, Lodge Park, Loomat, Loongelaat, Lorquon, Loyola, Ludrik-Munjie, , Maffra, Magdala South, Magorra, Maharatta, Majorlock, Mallacoota, Manango, Maneroo, Manpy, Maramingo, Marlooh, Marroo, Matlock, Matong, Matong North, Mellick-Munjie, Merrijig, Miowera, Mirimbah, Mitta Mitta, Mittyan, Mohican, Monda, Monomak, Moolpah, Moondarra, Moonip, Moonkan, Moonlight, Moornapa, Moorngag, Morekana, Morockdong, Moroka, Mowamba, Moyangul, Moyhu, Mudgeegonga, Mullagong, Mullawye, Mullindolingong, Murmungee, Murramurrangbong, Murrindal East, Murrindal West, Murrindindi, Murrungowar, Myrrhee, Myrtleford, Nangana, Nanowie, Nappa, Nar-Be-Thong, Nariel, Nar-Nar-Goon, Narrang, Narrobuk, Narrobuk North, Nayook, Nayook West, Neerim, Neerim East, Nerran, Newmerella, Ngallo, Niagaroon, Nillahcootie, Nindoo, Ninnie, Noojee, Noojee East, Noonga, Noorinbee, Noorongong, Nowa Nowa, Nowa Nowa South, Nowyeo, Noyong, Numbie-Munjie, Numbruk, Nungal, Nungatta, Nunniong, Nurong, Nypo, Omeo, Onyim, Orbost, Orbost East, Panbulla, Patchewollock, Patchewollock North, Perenna, Pigick, Pinnak, Porepunkah, Purgagoolah, Quag-Munjie, Red Bluff, Rothesay, Sargood, Sarsfield, St. Clair, Stanley, Steavenson, Suggan Buggan, Tabbara, Tabberabbera, Taggerty, Talgarno, Tallandoon, Tambo, Tamboon, Tamboritha, Tangambalanga, Tanjil, Tanjil East, Tarkeeth, Tarrawarra North, Tatong, Tatonga, Tawanga, Telbit, Telbit West, Terlite-Munjie, Theddora, Thologolong, Thorkidaan, Thornton, Thowgla, Tildesley

East, Tildesley West, Timbarra, Tingaringy, Tintaldra, Tongaro, Tonghi, Tongio-Munjie East, Tongio-Munjie West, Tonimbuk, Tonimbuk East, Toolome, Toombon, Toombullup, Toombullup North, Toongabbie North, Toonyarak, Toorongo, Torbreck, Towamba, Towong, Tubbut, Tullyvea, Tyamoonya, Tyirra, Wabba, Wabonga, Wabonga South, Wa-De-Lock, Wagra, Walhalla, Walhalla East, Wallaby, Wallowa, Walwa, Wamba, Wandiligong, Wangarabell, Warburton, Warrambat, Warraquil, Wat Wat, Wathe, Wau Wauka, Wau Wauka West, Waygara, Weeragua, Welumla, Wentworth, Wermatong, Werrap, Whitfield, Whitfield South, Whorouly, Wibenduck, Willoby, Windarra, Winteriga, Winyar, Wirrbibial, Wollonaby, Wongungarra, Wonnangatta, Woodbourne, Woolenook, Woongulmerang East, Woongulmerang West, Woori Yallock, Wooyoot, Worooa, Worrowing, Wrathung, Wrixon, Wuk Wuk, Wurrin, Wurutwun, Wyangil, Wyeeboo, Wyperfeld, Wy-Yung, Yaapeet, Yabba, Yackandandah, Yallum, Yalmy, Yambulla, Yangoura, Yarak, Yeerik, Yonduk, Youpella, Yuonga.

Dated 24 June 2016

HON JAALA PULFORD MP
Minister for Agriculture

Note: Regulation 32(2) provides that:

'A trapped animal must not be left alive in the trap for more than 24 hours or, in the case of a large leghold trap for wild dogs, as otherwise approved by the Minister.'

SUBORDINATE LEGISLATION ACT 1994 GUIDELINES

CONTENTS

Introduction

The **Subordinate Legislation Act 1994** ('the Act') governs the preparation and making of statutory rules and legislative instruments in Victoria. Section 26(1) of the Act provides that the Minister administering the Act may make guidelines for or with respect to:

- the preparation, content, publication and availability of statutory rules and legislative instruments; and
- the procedures to be implemented and the steps to be undertaken for the purpose of ensuring consultation, co-ordination and uniformity in the preparation of statutory rules and legislative instruments.

Section 26(2) requires the Guidelines to deal with the matters in Schedule 1 to the Act.

The Act imposes obligations on responsible Ministers to comply with the Guidelines in matters such as consultation and in the preparation of regulatory impact statements ('RISs'). Thus, it is necessary for officers to familiarise themselves with both the Act and the Guidelines to properly inform their Minister of his or her responsibilities under the Act.

Ultimately, responsibility for decisions concerning statutory rules and legislative instruments lies with the responsible Minister. Failure to comply with the Act and the Guidelines may result in an adverse report from the Scrutiny of Acts and Regulations Committee ('SARC').

In exercising responsibilities and making judgements under the Act, officers should also draw on other relevant material such as the *Victorian Guide to Regulation* (www.dtf.vic.gov.au), the Subordinate Legislation (Legislative Instruments) Regulations 2011 ('the Regulations') and reports of SARC.

Definitions

The definitions set out in section 3 of the Act apply to terms used in these Guidelines.

For example, 'statutory rule' and 'legislative instrument' are defined in section 3 of the Act. The definition of 'legislative instrument' does not include instruments of purely administrative character. Section 3(2) of the Act provides examples of instruments which are of purely administrative character. For further guidance on the definition of legislative instrument, see Part 1 of these Guidelines.

The distinction between 'the Minister' (meaning the Minister administering the Act) and 'the responsible Minister' (the Minister administering the Act or statutory rule under which a statutory rule or legislative instrument is proposed to be made) should be borne in mind when reading both the Act and these Guidelines to ensure that the appropriate Minister complies with both as required.

The Guidelines use the term 'agency' rather than 'department'. Although it will largely be officers within government departments who are concerned with making statutory rules and legislative instruments, statutory bodies may also be responsible for preparing and making these instruments. Therefore, the Guidelines use the term 'agency', to capture all relevant bodies.

Mandatory and good practice requirements

The Act imposes some mandatory requirements on responsible Ministers, such as the requirement for consultation under sections 6 (statutory rules) and 12C (legislative instruments) and the requirement to prepare a RIS under sections 7 (statutory rules) and 12E (legislative instruments) (unless an exemption provision applies). These Guidelines expand on those requirements.

The Guidelines also include other relevant matters to assist agencies and responsible Ministers to observe good practice in regulation-making.

Further assistance

If you have any queries in relation to the Guidelines and the Act, please contact the Department supporting the Minister administering the Act.

The Office of the Chief Parliamentary Counsel ('OCPC') settles all statutory rules. Statutory rules proposed to be made by the Governor in Council cannot be made without a certificate from the Chief Parliamentary Counsel under section 13 of the Act. Therefore, agencies must consult OCPC when developing proposed statutory rules. Agencies should also refer to OCPC's *Notes for Guidance on the Preparation of Statutory Rules* (www.legislation.vic.gov.au).

PART 1
WHAT IS A STATUTORY RULE OR LEGISLATIVE INSTRUMENT?

1. The Act imposes requirements on the preparation and making of statutory rules and legislative instruments. Instruments that do not fall within these two categories, such as instruments that are purely administrative, are not subject to these requirements. Therefore, it is important to determine what type of instrument will be made and which requirements must be met.

2. In many cases, the responsible Minister will not be able to choose what type of instrument he or she wishes to make. Statutory rules and legislative instruments can only be made where there is power to make them under the authorising Act or statutory rule. Therefore, the type of instrument to be made will be dictated by the provisions of the authorising Act or statutory rule. However, in some cases it may be possible to achieve the same objectives through alternative, non-legislative means (see Part 2, Division 3 of these Guidelines).

Statutory rules

3. Section 3 of the Act provides an exhaustive definition of 'statutory rule'. If the proposed instrument does not fall within the definition, it is not a statutory rule.

4. Unless otherwise indicated in the instrument's authorising Act, if an instrument is not a statutory rule it will not be subject to the requirements that apply to statutory rules under the Act.

Legislative instruments

5. From 1 July 2011, the Act was extended to impose new requirements for making legislative instruments. When making instruments agencies will need to consider whether the instrument is a legislative instrument within the meaning of the Act, and therefore subject to these requirements.

6. Under the definition of 'legislative instrument' in section 3 of the Act, an instrument can only be a legislative instrument if it is of a legislative character and is made under an Act or statutory rule.

7. The definition of legislative instrument is non-exhaustive, but excludes certain types of instruments, including instruments of a purely administrative character. Section 3(2) of the Act sets out a non-exhaustive list of instruments that are of a purely administrative character.

8. In deciding whether an instrument is a legislative instrument for the purposes of the Act, agencies should consult the Regulations. The Regulations prescribe certain instruments as follows:

   - Schedule 1 – instruments prescribed not to be legislative instruments (not subject to the Act's requirements);
   - Schedule 2 – instruments prescribed to be legislative instruments (subject to the Act's requirements); and
   - Schedule 3 – instruments prescribed to be legislative instruments that are exempt from most of the Act's requirements.

9. Whether an instrument is of a legislative character must be considered case by case. In most cases, the answer will be clear.

10. Schedules 1 and 2 of the Regulations aim to provide certainty for agencies where it may be unclear whether an instrument is a legislative instrument. The Regulations do not contain exhaustive lists of all instruments made in Victoria.

11. Where it is unclear whether an instrument is a legislative instrument under the Act, agencies should take into account all relevant considerations in determining legislative character. The factors outlined below are examples of the sorts of considerations that might be relevant. The factors are not all equally important. Further, the list is indicative only and is not an exhaustive checklist.

12. Where the question of legislative character is unclear, agencies may choose to seek legal advice before making a final decision.

Possible factors to consider when determining legislative character

General or limited application

13. This factor can be a strong indicator of legislative character. Where an instrument is of general application or determines a general rule, it is more likely to be legislative in character. This can be contrasted to the situation where an instrument applies a rule to particular facts. Instruments which apply in this way are more likely to be administrative in character.

14. For example, Part 2 of the **Safety on Public Land Act 2004** allows the Secretary to declare an area of State forest to be a public safety zone. A declaration may prohibit certain activities in this zone. Such a declaration has general application, as it applies generally within the specified zone. This suggests that the instrument may be of a legislative character.

Mandatory compliance

15. This may be another key factor in assessing legislative character. Legislative instruments are generally binding in nature. They require mandatory rather than voluntary compliance. Whether an instrument requires mandatory compliance can be determined by looking at the words used in the instrument.

16. Also, if the instrument allows sanctions to be imposed, or if failure to comply with the instrument triggers an offence or penalty, the instrument is more likely to be legislative.

17. For example, a declaration of a public safety zone under Part 2 of the **Safety on Public Land Act 2004** may prohibit certain activities in that zone. The word 'prohibition' indicates that the instrument is mandatory, as does the creation of an offence under section 13 of that Act for non-compliance with the declaration.

18. While mandatory codes of conduct are likely to be legislative instruments, voluntary codes of conduct are unlikely to be legislative. Similarly, non-binding guidelines and Codes of Practice are unlikely to be legislative instruments for the purposes of the Act.

Disallowance by Parliament

19. Where an instrument's authorising Act or statutory rule expressly grants Parliament power to disallow it, it is more likely to be of a legislative character.

Wide public consultation requirements

20. A requirement to consult broadly during the development of an instrument may indicate that it is of a legislative character.

21. For example, under the **Environment Protection Act 1970**, extensive consultation must be undertaken before declaring or varying a State environment protection policy or a waste management policy. Consultation must be with all affected government departments and statutory authorities, and a draft policy and impact assessment must be published. The requirement for such rigorous consultation suggests that the policies are of a legislative character.

Breadth of policy considerations

22. Where the instrument maker must consider a broad range of issues when making an instrument, this suggests it is of a legislative character.

23. For example, under section 69 of the **Fisheries Act 1995**, the Governor in Council may declare particular marine life to be protected. In determining whether such a declaration should be made, there are likely to be social, economic and environmental considerations. The breadth of these issues points towards the instrument being of a legislative character.

Control over variation of the instrument

24. If the instrument cannot be varied or controlled by another part of the executive (other than the instrument maker), this suggests that the instrument may be of a legislative character.

25. For example, section 27 of the **Biological Control Act 1986** grants the Victorian Biological Control Authority power to declare an organism to be an 'agent organism' for the purpose of that Act. Such a declaration cannot be controlled or varied by any other part of the executive, including the responsible Minister. This supports the view that the declaration may be of a legislative character.

No merits review process

26. Administrative instruments often affect individuals rather than the general public. For example, a permit or an instrument of appointment is an administrative instrument relating to the specific permit-holder or appointee.

27. Where an administrative instrument is made it is common for there to be a merits review process available, to allow the individual to apply for the review of a decision that affects them personally. Merits review for administrative instruments might involve a right to internal review, or a right to appeal to the Victorian Civil and Administrative Tribunal ('VCAT'). Such reviews involve an assessment of the original decision.

28. By contrast, there is generally no merits review process available for legislative instruments. Legislative instruments might be subject to other types of review (in particular, a review to determine whether an instrument was made unlawfully). However, there is generally no process to consider whether the decision to make an instrument was the right decision to make in the circumstances.

29. For example, there is no provision for internal review or appeal to VCAT after the Governor in Council has declared particular marine life to be protected under section 69 of the **Fisheries Act 1995** (referred to above). This supports the view that such a declaration is a legislative instrument.

The instrument must be published

30. A requirement that an instrument be published is an indicator of legislative character.

PART 2
WHEN TO MAKE A STATUTORY RULE OR LEGISLATIVE INSTRUMENT

DIVISION 1 – JUSTIFYING THE NEED FOR A STATUTORY RULE OR LEGISLATIVE INSTRUMENT

31. Before deciding to make a statutory rule or legislative instrument, agencies should ensure the authorising Act or statutory rule provides power to make the instrument. Statutory rules and legislative instruments can only cover matters which are permitted by their authorising Act or statutory rule and must be consistent with the purposes and objectives of that Act.

32. A matter may be included in a statutory rule where:
    - the authorising Act allows for its inclusion, for instance by use of the word 'prescribed';
    - the authorising Act specifically provides power to make regulations with respect to that matter.

33. A matter may be included in a legislative instrument where an Act or statutory rule provides the power to make an instrument which would be of a legislative character.

34. Where the Act requires preparation of a RIS for the proposed statutory rule or legislative instrument (see Part 3, Division 3 of these Guidelines), the RIS should assess the economic, social and environmental costs and benefits of the proposal. Where a RIS is not required, agencies should still ensure the proposed instrument can be justified before it is made. Agencies should also consider the principles of good regulatory design as described in the *Victorian Guide to Regulation* and supporting toolkits (www.dtf.vic.gov.au).

DIVISION 2 – WHAT SHOULD BE INCLUDED IN A STATUTORY RULE OR LEGISLATIVE INSTRUMENT?

35. Statutory rules and legislative instruments can be effective policy tools. Government can use them to achieve a range of policy objectives. For example, they can be used to:
    - control how government agencies exercise power;
    - prevent or reduce activity which is harmful to business, the environment or to other people;
    - control the activities of companies or individuals that are in a position to exercise market power;
    - ensure that people engaged in certain occupations maintain a requisite level of knowledge and competence;
    - impose mandatory codes of conduct;
    - fix fees such as registration or application fees;
    - respond to emergencies such as power supply failures or pest and disease outbreaks;
    - protect consumers from harmful products; and
    - define rights, entitlements or obligations.

36. The level of regulation required will depend on the circumstances. For example, statutory rules and legislative instruments may:
    - impose a total prohibition on an activity;
    - restrict the carrying out of an activity by regulating those who engage in the activity or imposing conditions and limitations on the activity;
    - create an obligation to do something;
    - encourage organisations and individuals to consider the effects of their activities on the community and the environment and modify their activities accordingly; or
    - make provision for a code of practice ('codes of conduct').

37. When considering the use of subordinate legislation to address a regulatory need, agencies and responsible Ministers should bear in mind that all statutory rules and legislative instruments must be made within the scope of the power conferred by the principal legislation or statutory rule.

38. Agencies or Ministers may identify the need for a statutory rule or legislative instrument where there is a specific problem that needs to be addressed. Alternatively, key stakeholders such as business and community groups may identify problems or areas for improvement. Statutory rules and legislative instruments may be new initiatives or amendments to existing regimes.

Types of regulation

39. Methods of regulating activities include:

- primary legislation (Acts);
- subordinate legislation (e.g. statutory rules and legislative instruments);
- voluntary codes of conduct or self-regulation; and
- administrative practices.

40. When deciding whether to make a statutory rule or legislative instrument, agencies and responsible Ministers should consider if primary or subordinate legislation is the most appropriate way of achieving their objective, or if a legislative approach is appropriate at all.

41. Primary legislation is usually drafted in general rather than specific terms to avoid the need for frequent amendments. Matters of detail liable to frequent change should be dealt with by subordinate legislation rather than primary legislation where possible. However, the general rule is that matters of policy and general principle should be reserved to primary legislation.

42. Where authorised by primary legislation, subordinate legislation may deal with matters such as enforcement of the primary (authorising) Act, its administration or implementation. Subordinate legislation must be consistent with the general objectives of the authorising Act or statutory rule. Statutory rules and legislative instruments are often used to provide for the detailed components of a legislative scheme. However, they cannot add new aims or ideas unless expressly authorised to do so.

43. The following matters should be dealt with in primary rather than subordinate legislation:

- matters of substance or important procedural matters (particularly where they also affect individual rights and liberties – e.g. provisions that reverse the onus of proof or certify evidentiary matters);
- matters relating to a significant question of policy, including the introduction of new policy or fundamental changes to existing policy;
- matters which have a significant impact on individual rights and liberties (e.g. powers of entry and search, arrest warrants, seizure and forfeiture), or which deal with property rights or traditional liberties and freedoms;
- matters imposing significant criminal penalties (such as fines exceeding 20 penalty units or imprisonment); and
- provisions imposing taxes.

44. By contrast, the following are more appropriately dealt with by subordinate legislation:

- matters relating to detailed implementation of the policy reflected in the authorising Act;
- prescribing fees to be paid for various services;
- prescribing forms for use in connection with legislation;
- prescribing processes for the enforcement of legal rights and obligations; and
- times within which certain steps should be taken.

45. Alternative (non-legislative) means of achieving the regulatory objectives are discussed at Part 2, Division 3 of these Guidelines.

Setting of performance standards

46. Where it is proposed that a statutory rule or legislative instrument set performance standards rather than prescribe detailed requirements, agencies and responsible Ministers should consider which of these approaches is most appropriate to achieve the regulatory objectives.

47. Drafting officers should first refer to the terms of the authorising Act or statutory rule to determine that either approach is allowed under the authorising Act or statutory rule.

48. If the authorising Act or statutory rule allows either approach, agencies should assess the advantages and disadvantages of each, including the cost of different regulatory structures and their effectiveness in achieving the objectives. The *Victorian Guide to Regulation* and supporting toolkits (www.dtf.vic.gov.au) provide more detail on relevant factors.

49. The responsible Minister will be aware of the nature of the relevant industry and the general risks associated with the different regulatory approaches. Consultation with industry groups and other stakeholders on a proposed statutory rule or legislative instrument will help to identify these advantages and disadvantages more specifically.

DIVISION 3 – ALTERNATIVE MEANS OF ACHIEVING OBJECTIVES

50. Statutory rules and legislative instruments have advantages and disadvantages. For example, they are usually quicker to implement than primary legislation, but are more inflexible than other mechanisms such as voluntary codes of conduct or administrative controls.

51. In most cases, when a responsible Minister is considering making a statutory rule or legislative instrument, the authorising Act or statutory rule will dictate what kind of instrument may be created. For example, where the authorising legislation provides for fees to be prescribed in statutory rules, there may be no discretion to set those fees by another method.

52. In these circumstances, the responsible Minister should consider whether a statutory rule or legislative instrument is the best way to achieve the objective. When developing options for regulation, agencies should refer to the *Victorian Guide to Regulation* and supporting toolkits (www.dtf.vic.gov.au), which set out the characteristics of good regulatory design.

53. Alternatives to subordinate legislation include:

- providing better information to affected groups to raise awareness of their rights and/or obligations;
- introducing voluntary codes of conduct (see below for the distinction between voluntary and mandatory codes);
- expanding the coverage of existing primary legislation;
- encouraging organisations and individuals to consider the impact of their activities on the community and the environment;
- establishing a code of practice for the conduct of an activity; and
- developing efficient markets where these would deal with the issue.

Codes of conduct

54. Codes of conduct are usually employed to incorporate large bodies of technical specifications or to provide guidance on compliance with generally-worded 'performance based' regulation. They can be voluntary or compulsory in nature. Compulsory codes of practice are likely to be legislative instruments and therefore subject to the requirements of the Act.

55. Self-regulatory codes can be an effective alternative to statutory rules and legislative instruments because they can educate and provide information to consumers and traders without adding to business costs.

DIVISION 4 – FORMULATION AND INCLUSION OF OBJECTIVES

56. Before proceeding with a proposed statutory rule or legislative instrument, agencies and responsible Ministers should consider the intended objectives and the reasons for those objectives. It is important that these be clearly defined and formulated to ensure that:
    - they are reasonable and appropriate for the intended level of regulation;
    - they can be clearly and succinctly set out;
    - they conform with the objectives, principles, spirit and intent of the authorising Act or statutory rule;
    - they are not inconsistent with the objectives of other legislation, subordinate legislation and stated government policies; and
    - any associated costs or disadvantages are not greater than the benefits or advantages.
57. Sections 10(1)(a) (statutory rules) and 12H(1)(a) (legislative instruments) of the Act require a statement of the objectives of a proposed statutory rule or legislative instrument to be included in the associated RIS. All proposed statutory rules and legislative instruments which require a RIS must comply with this requirement.

Inclusion of objectives in a statutory rule

58. The text of a statutory rule includes a statement of its intent and objectives. In addition, section 13 of the Act requires proposed statutory rules to be made by the Governor in Council to be submitted to the Chief Parliamentary Counsel for the issue of a section 13 certificate.
59. Section 13 certificates specify, among other things, that the proposed statutory rule appears to be consistent with and achieves the objectives set out in the proposed statutory rule. A clear statement of the objectives is therefore required so that the Chief Parliamentary Counsel can ensure that a section 13 certificate can be given on what appears on the face of the statutory rule.
60. The objectives stated in the statutory rule itself are likely to differ from those included in the RIS. RIS objectives should be stated in terms of ends (outcomes), rather than means. Statutory rules take a more narrow approach, stating the objectives of the statutory rule itself (i.e. the statutory rule provides the means for a change, which allows the wider policy outcomes to be achieved).
61. A clear statement of the effect of a proposed statutory rule must also be included in the Explanatory Memorandum that must accompany all proposed statutory rules submitted to the Governor in Council. The form of the Explanatory Memorandum is discussed in Part 3, Division 5 of these Guidelines.
62. There is no general requirement to include a statement of objectives in legislative instruments or obtain a certificate from the Chief Parliamentary Counsel. However, agencies should still consider the objectives of the proposal. This is the case even where a RIS is not required. The *Victorian Guide to Regulation* and supporting toolkits (www.dtf.vic.gov.au) provide further advice on the rationale for, and development of, policy objectives.

PART 3
MAKING A STATUTORY RULE OR LEGISLATIVE INSTRUMENT

DIVISION 1 – CONSULTATION PRIOR TO THE RIS PROCESS

63. The Act generally requires proposed statutory rules and legislative instruments to undergo two separate consultation processes. The first is initial consultation, which happens in the early stages of policy development. This ensures the responsible Minister identifies other Ministers, agencies and stakeholders who will be affected by the proposed changes and takes into account the impact the proposed statutory rule or legislative instrument is likely to have on those groups.

64. The second consultation process is formal public consultation. Where a RIS has been prepared, this happens following the public release of the proposed statutory rule or legislative instrument along with its RIS. This process gives members of the public the opportunity to comment on the proposed instrument before it is made. Public consultation is discussed at Part 3, Division 4 of these Guidelines.

65. Appropriate consultation is important in deciding whether a statutory rule or legislative instrument should be made and, if so, the objectives it will aim to achieve.

66. The nature and degree of consultation that is appropriate for any particular statutory rule or legislative instrument will vary with the nature of the subordinate legislation. However, in all cases instrument makers must comply with the consultation requirements imposed by the Act.

Initial consultation

67. Sections 6 (statutory rules) and 12C (legislative instruments) of the Act require consultation to occur in accordance with these Guidelines. Where initial consultation is required, it must take place before the RIS is prepared and before the statutory rule or legislative instrument is released for public consultation.

68. As a general rule, initial consultation is required for all proposed statutory rules and legislative instruments, even where the responsible Minister anticipates there will be no significant burden imposed. However, initial consultation will not be required where the responsible Minister proposes to make:

- a legislative instrument that is prescribed under the Regulations as being exempt from Part 2 of the Act; or
- an extension regulation under section 5A of the Act.

69. Part 3, Division 2 of these Guidelines sets out a number of additional circumstances in which initial consultation will not be required for a proposed statutory rule or legislative instrument that will be exempted under sections 8 or 9 (statutory rules) or sections 12F or 12G (legislative instruments) of the Act. However, in some cases initial consultation will be needed for exempt instruments as the consultation will assist in determining whether an exemption should, in fact, apply.

70. Among other things, the initial consultation should ensure that the need for, and the scope of, the proposed statutory rule or legislative instrument is presented for consideration by those affected. The type of the proposed regulation should also be presented at this stage of consultation and alternative means of achieving the objectives discussed.

71. During initial consultation, the responsible Minister must consult with:

- any other Minister whose area of responsibility may be affected by the proposed statutory rule or legislative instrument; and
- any sector of the public on which a significant economic or social burden may be imposed by the proposed statutory rule or legislative instrument.

Initial consultation with other Ministers – sections 6(a) and 12C(a)

72. The responsible Minister must ensure that there is consultation in accordance with these Guidelines with any other Minister whose area of responsibility may be affected by a proposed statutory rule or legislative instrument. The aim of the consultation is to avoid any overlap or conflict with any other existing or proposed legislation, statutory rule or legislative instrument.

73. Ministers considering a new regulatory initiative, a change to an existing regulatory regime or the re-enactment of that regime should therefore identify areas of responsibility of another Minister or agency which may be affected by the proposed statutory rule or legislative instrument. It is important to seek the views of those who may be affected by the proposal or the policy position it represents. This consultation should occur early in the development of policy options, to avoid any potential overlaps or conflicts before the proposal becomes significantly developed.

74. Consultation between Ministers and agencies under sections 6(a) (statutory rules) and 12C(a) (legislative instruments) should take place prior to the initial consultation with external public stakeholders under sections 6(b) (statutory rules) and 12C(b) (legislative instruments). This ensures a whole of Victorian Government perspective is achieved before consulting external stakeholders.

Initial consultation with the public – sections 6(b) and 12C(b)

75. The responsible Minister must ensure that there is consultation in accordance with these Guidelines with any sector of the public on which a significant economic or social burden may be imposed by a proposed statutory rule or legislative instrument. This may include, for example, business groups, community groups, special interest groups and local government.

76. When making an initial assessment of whether a significant burden may be imposed, only potential costs or negative impacts (the burden) should be assessed. While relevant at other stages in the RIS process, the benefits of a proposal do not change the significance of the burden it imposes and one cannot be offset against the other at this stage of development.

77. In addition, costs and benefits may not fall equally on the same groups. This highlights the importance of ensuring groups upon whom a significant burden may be imposed are consulted as part of the process, as they may not benefit from the final regulation. See Part 4 of these Guidelines in relation to what constitutes a significant burden.

78. It is important that all relevant costs and benefits are identified. It is particularly important to ensure indirect costs and benefits which may not be readily apparent are identified early in the policy development process.

79. To assist in ensuring that all effects are identified, it is helpful to consider in turn the impact of the proposed statutory rule or legislative instrument on:

- individuals directly affected by the regulation;
- particular industries and sectors directly affected; and
- the economy and the community more broadly.

80. There are many benefits of effective consultation with business and members of the public who are affected by a proposed statutory rule or legislative instrument. For example, these stakeholders can:

- play an important role in identifying and considering alternative methods of achieving the stated objectives. People involved in a particular industry can build up a wealth of knowledge about its historical development, current operation and future direction and the interrelationships with other industries and economic activities;
- greatly assist in the identification of innovative techniques for dealing with the particular community concerns about the industry. Submissions that provide further relevant information on alternatives to a regulatory proposal should always be considered carefully;

- have extensive knowledge about the costs of regulatory proposals. For example, a firm may be able to estimate the impact of a new statutory rule or legislative instrument on the cost of its operations. This kind of information greatly assists in evaluating the alternatives; and
- gain a better understanding of how the regulatory framework will actually function and how it will be enforced, which can help promote a culture of compliance ahead of the regulations being introduced.

81. It is only possible to state that the proposed statutory rule or legislative instrument will yield the maximum net benefit if all the relevant effects have been identified and assessed. The question of net benefit is distinct from the question of whether the statutory rule or legislative instrument would impose a significant burden (see Part 4 of these Guidelines).

82. While every effort should be made to identify all effects prior to initial consultation, ensuring proper consultation with all those who may be affected may reveal effects which would otherwise not be identified.

Process for initial consultation

83. The responsible Minister should determine the level of initial consultation required depending on the proposed statutory rule or legislative instrument.

84. Factors to be taken into account when determining the appropriate level of consultation include:

- whether the statutory rule or legislative instrument is being introduced into a previously unregulated area;
- the nature of the industry the statutory rule or legislative instrument will affect – does it have peak bodies that can or should be consulted?
- whether the proposed statutory rule or legislative instrument will replace an existing regime – e.g. voluntary code of conduct; and
- whether the proposed statutory rule or legislative instrument will impose criminal or civil penalties.

85. Preliminary consultation may occur through conducting focus groups and briefing sessions with key stakeholders before deciding that a regulatory proposal is the most appropriate response to an issue. Peak industry bodies should be notified during the development of regulatory proposals. Issues papers can also be used as a preliminary vehicle for communication.

86. The procedures to be adopted will also vary with the nature of the proposed statutory rule or legislative instrument. For example, where the area was previously unregulated, consultation may take the form of a discussion paper on the issue, or issues, and calling for a response from interested groups, or where only relatively minor changes to the regulatory environment are proposed, a minimal approach to consultation may be more appropriate.

Certificates of consultation – sections 6(c) and 12C(c)

87. The responsible Minister must ensure that where these Guidelines require initial consultation, a certificate of consultation is issued under section 6(c) (statutory rules) or 12C(c) (legislative instruments). A consultation certificate should provide details of who was consulted. An example form of certificate is included in Toolkit 3 of the *Victorian Guide to Regulation*.

88. Initial consultation requirements may be affected where a Ministerial exemption certificate is issued under section 8 (statutory rules) or 12F (legislative instruments). Where an exemption certificate is issued, limited consultation or no initial consultation may be required, and a consultation certificate may not need to be issued by the responsible Minister. Refer to Part 3, Division 2 of these Guidelines for the consultation requirements applicable to each exemption ground.

89. Sections 12B (statutory rules) and 12K (legislative instruments) of the Act provide that certain individual certificates required by the Act can be incorporated into a single 'composite certificate'. A certificate of consultation may form part of a composite certificate (see also Part 5, Division 1 of these Guidelines).

90. Sections 15 and 15A (statutory rules) and 16B and 16C (legislative instruments) of the Act provide that the certificate of consultation must be laid before Parliament and sent to SARC. See generally Part 3, Division 5 of these Guidelines.

DIVISION 2 – EXEMPTIONS FROM THE RIS PROCESS

91. Unless an exemption applies, all statutory rules and legislative instruments must undergo a RIS process (see Part 3, Division 3 of these Guidelines).

92. While the RIS process is a valuable part of the best-practice regulation making process, the Act recognises that there are certain circumstances in which it is not appropriate or necessary to prepare a RIS and release it for formal consultation. As such, the Act provides for exemptions from the process in certain circumstances. These exemptions may be determined on a case-by-case basis by the responsible Minister (or, in special circumstances, by the Premier) or prescribed in the Regulations.

Exemption certificates

93. There are two types of exemption certificates which can exempt a statutory rule or legislative instrument from the obligation to undertake a RIS process. These are:

- exemption certificates issued by the responsible Minister – sections 8 (statutory rules) and 12F (legislative instruments); and
- exemption certificates issued by the Premier – sections 9 (statutory rules) and 12G (legislative instruments).

94. Sections 8 (statutory rules) and 12F (legislative instruments) of the Act outline the circumstances in which the responsible Minister may issue a certificate of exemption from the RIS process.

95. In accordance with sections 8(3) (statutory rules) and 12F(3) (legislative instruments), exemption certificates should contain detailed reasons for the exemption. These reasons must justify the exemption and not merely assert that the exemption ground is applicable.

96. Where a Ministerial exemption certificate is issued in relation to a statutory rule or legislative instrument, the applicable initial consultation requirements may be affected. The following paragraphs contain further detail on the initial consultation requirements under sections 6 (statutory rules) and 12C (legislative instruments) that apply in relation to each exemption ground.

Ministerial exemptions applicable to statutory rules – section 8

97. **Section 8(1)(a)** allows exemption of a proposed statutory rule if the statutory rule would not impose a significant economic or social burden on a sector of the public. Initial consultation should be undertaken under section 6(b) for the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed statutory rule imposes a significant burden. See Part 4 of these Guidelines for detail on what constitutes a significant burden.

98. For statutory rules imposing fees or charges, the responsible Minister issuing an exemption certificate under section 8(1)(a) should specify in that certificate whether he or she has issued or amended any other statutory rules in the current financial year imposing fees or charges for substantially the same purpose. See paragraph 102 for further information on what constitutes fees for substantially the same purpose.

99. **Section 8(1)(b)** allows exemption of a proposed statutory rule which relates only to a court or tribunal or the procedure, practice or costs of a court or tribunal. Where such statutory rules are made by a court, consultation under section 6 is not required unless the judges or magistrates of that court determine that there should be consultation. In other cases falling

under section 8(1)(b), sufficient consultation should take place with the courts, representative bodies of the legal profession and other relevant interest groups to ensure that the statutory rule is the most effective option available.

100. **Section 8(1)(c)** allows exemption of a proposed statutory rule if the proposed statutory rule is of a fundamentally declaratory or machinery nature. For such a statutory rule, no consultation is required under section 6(b), as consultation on instruments of a minor machinery nature would be of little benefit in light of the limited nature of the matters allowed under this exemption.

101. **Section 8(1)(d)** allows exemption of a proposed statutory rule if the proposed statutory rule only increases fees in respect of a financial year by an amount not exceeding the annual rate approved by the Treasurer in relation to the State Budget for the purposes of section 8 (the fee may be rounded to the nearest whole dollar).

102. The exemption cannot be applied if there is an increase in fees collected for substantially the same purpose multiple times within one financial year (for example, quarterly fee amendments), and the aggregate increase across the year is greater than the Treasurer's annual rate. This promotes transparency in the collecting of fees and charges, by ensuring the additional burden on those paying the fee or charge is considered in light of all other fee or charge increases in that year and allowing for fully informed scrutiny when the statutory rule is laid before Parliament and sent to SARC for review (see Part 3, Division 5 of these Guidelines). Fees are likely to be imposed for substantially the same purpose if they are issued under the same Act and relate to the same regulatory scheme and subject-matter.

103. A statutory rule can set a package of fees. This is often known as a 'basket approach'. Where there is to be an increase in one or more individual fees within a basket of fees that exceeds the Treasurer's annual rate by a small amount, but the increase to the basket of fees as a whole is within that rate, a RIS process will not need to be undertaken if the responsible Minister considers that those individual fee increases will not have a significant impact on the community and business.

104. Where a proposed statutory rule does no more than effect an increase in accordance with the Treasurer's annual rate, no additional consultation is required under section 6 of the Act. Extensive consultation is undertaken by the Treasurer and the Department of Treasury and Finance ('DTF') in the development of the Budget strategy, which sets out the financial plan for the State for a twelve month period. Additional consultation about an individual statutory rule which implements part of that strategy would be of little benefit.

105. Under section 10(1)(ba), when a proposed statutory rule amends fees in an existing statutory rule, a table must be prepared comparing the proposed and existing fees, including an indication of the percentage increase or decrease for each fee. This includes when a proposed statutory rule sets new fees to replace existing fees in a statutory rule which is sunsetting or otherwise being superseded.

106. **Section 8(1)(e)(i) and (ii)** allows exemption of a proposed statutory rule to be made under section 4(1)(a) or (b) of the Act, which prescribes instruments as falling within or outside the definition of statutory rule or the operation of the Act. For such statutory rules, no consultation is required except for consultation with the relevant responsible Minister or the body responsible for the statutory rule and that required under section 4 with SARC.

107. **Section 8(1)(e)(iii)** allows for the exemption of extension regulations, which extend the life of sunsetting statutory rules under section 5A of the Act. Extension regulations can only continue an existing regulatory regime for a maximum of 12 months. Given that the purpose of the extension is to allow time for the RIS process, including consultation, to be completed, no consultation is required under section 6.

108. **Section 8(1)(e)(iv), (v) and (vi)** allows exemption of a proposed statutory rule to be made under section 4A(1)(a), (b) or (c) of the Act, which prescribes instruments as falling within or outside the definition of legislative instrument or the operation of the Act. For

such statutory rules, no consultation is required except for consultation with the relevant responsible Minister or the body responsible for the legislative instrument.

109. **Section 8(1)(f)** allows exemption of a proposed statutory rule if the proposed statutory rule is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme.

110. For such a statutory rule, the responsible Minister should ensure that the impact of the scheme, particularly on Victorian business, has been properly assessed and should be satisfied that there has been adequate consultation with the business community and other relevant stakeholders. This consultation may take place during the development of the national scheme and the decision as to Victoria's entry into that scheme. Under the Act, the responsible Minister should still be satisfied that the level of scrutiny and consultation required by the Act has been met. If this is the case, then the requirement for consultation under section 6(b) is satisfied. However, the responsible Minister is still required to issue a certificate of consultation under section 6(c).

111. **Section 8(1)(g)** allows exemption of a proposed statutory rule if the proposed statutory rule deals with the administration or procedures within or as between departments or declared authorities within the meaning of the **Public Administration Act 2004** or within or as between departments within the meaning of the **Parliamentary Administration Act 2005**. For such a statutory rule, consultation is required under section 6(b) with the Victorian Public Sector Commissioner (and, for a statutory rule proposed under the **Parliamentary Administration Act 2005**, with relevant Parliamentary Officers), but otherwise the level and nature of the consultation required is a matter for the responsible Minister.

112. **Section 8(1)(h)** allows exemption of a proposed statutory rule if notice of the proposed statutory rule would render the statutory rule ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed statutory rule.

113. Normally, after the completion of a RIS, the Act requires that the RIS and proposed statutory rule be released for public consultation. In some cases, the release of the rule prior to its commencement may undermine the purpose for which the rule is being made. In other cases, notification may mean that particular people are subject to unfair advantage or disadvantage. In such cases, the statutory rule may be eligible for an exemption from the RIS process. Consultation under section 6 should be conducted only to the extent that the responsible Minister considers it appropriate.

Ministerial exemptions applicable to legislative instruments – Section 12F

114. **Section 12F(1)(a)** allows exemption of a proposed legislative instrument if the legislative instrument would not impose a significant economic or social burden on a sector of the public. Initial consultation should be undertaken under section 12C(b) for the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed legislative instrument imposes a significant burden. See Part 4 of these Guidelines in relation to what constitutes a significant burden.

115. For legislative instruments imposing fees or charges, the responsible Minister issuing an exemption certificate under section 12F(1)(a) should specify in that certificate whether he or she has issued or amended any other legislative instruments in the current financial year imposing fees or charges for substantially the same purpose. See paragraph 118 for further information on what constitutes fees for substantially the same purpose.

116. **Section 12F(1)(b)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is of a fundamentally declaratory or machinery nature. For such a legislative instrument, no consultation is required under section 12C, as consultation on instruments of a minor machinery nature would be of little benefit in light of the limited nature of the matters allowed under this exemption.

117. **Section 12F(1)(c)** allows exemption of a proposed legislative instrument if the proposed legislative instrument only increases fees in respect of a financial year by an amount not exceeding the annual rate approved by the Treasurer in relation to the State Budget for the purposes of section 8.

118. The exemption cannot be applied if there is an increase in fees collected for substantially the same purpose multiple times within one financial year (for example, quarterly fee amendments), and the aggregate increase across the year is greater than the Treasurer's annual rate. This promotes transparency in the collecting of fees and charges, by ensuring the additional burden on those paying the fee or charge is considered in light of all other fee or charge increases in that year and allowing for fully informed scrutiny when the legislative instrument is laid before Parliament and sent to SARC for review. Fees are likely to be imposed for substantially the same purpose if they are issued under the same Act and relate to the same regulatory scheme and subject-matter.

119. If a legislative instrument sets a package of fees (a basket approach), where the increase in one or more fees within the basket exceeds the Treasurer's annual rate by a small amount, but the basket of fees as a whole is within that rate, a RIS process will not need to be undertaken if the responsible Minister considers that those individual fee increases will not have a significant impact on the community and business.

120. Where a proposed legislative instrument does no more than effect an increase in accordance with the Treasurer's annual rate, no additional consultation is required under section 12C of the Act. Extensive consultation is undertaken by the Treasurer and DTF in the development of the Budget strategy, which sets out the financial plan for the State for a twelve month period. Additional consultation about an individual legislative instrument which implements part of that strategy would be of little benefit.

121. **Section 12F(1)(d)** allows exemption of a proposed legislative instrument if the proposed legislative instrument would only impose a burden on a public sector body. Initial consultation should be undertaken under section 12C(b) for the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed legislative instrument imposes any burden on a sector of the public (see Part 4 of these Guidelines).

122. A determination in relation to section 12F(1)(a), that the economic or social burden imposed by the proposed legislative rule is not significant, is insufficient to show that the proposed legislative instrument imposes a burden only on a public sector body. The level and nature of the consultation required in each case is a matter for the responsible Minister.

123. **Section 12F(1)(e)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is an order made under the **Administrative Arrangements Act 1983**. The **Administrative Arrangements Act 1983** empowers the Governor in Council to make orders relating to the administration of government. These orders are machinery in nature and are unlikely to place any burden on a sector of the public. Therefore, consultation under section 12C(b) is not required.

124. **Section 12F(1)(f)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme.

125. For such a legislative instrument, the responsible Minister should ensure that the impact of the scheme, particularly on Victorian business, has been properly assessed and should be satisfied that there has been adequate consultation with the business community. This consultation may take place during the development of the national scheme and the decision as to Victoria's entry into that scheme. Under the Act, the responsible Minister should still be satisfied that the level of scrutiny and consultation required by the Act has been met. If this is the case, then the requirement for consultation under section 12C(b) is satisfied. However, the responsible Minister is still required to issue a certificate of consultation under section 12C(c).

126. **Section 12F(1)(g)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is required to undergo, or has undergone, an analytical and consultation process which, in the opinion of the responsible Minister, is equivalent to the process for a RIS required under section 12E.

127. Initial consultation under section 12C should still be undertaken in relation to instruments to which this exemption applies, and the responsible Minister should issue a consultation certificate under section 12C(c).

128. This exemption is intended to avoid the duplication of analysis and consultation requirements in circumstances where an instrument's authorising legislation imposes requirements that are equivalent to the RIS process. Section 12H of the Act sets out a number of RIS requirements which should preferably be met by the equivalent process. However, as a minimum, the process must meet the following substantive requirements to qualify for exemption under this provision:

- the instrument must undergo an analysis of the costs and benefits, including consideration of alternative options for achieving the regulatory goal;
- the analysis must be independently assessed; and
- the instrument must undergo a public consultation process for at least 28 days.

129. **Section 12F(1)(h)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is of not more than 12 months duration and is necessary to respond to a public emergency, an urgent public health issue, an urgent public safety issue, or likely or actual significant damage to the environment, resource sustainability or the economy. These instruments can be exempted to allow a quick response to pressing issues and to avoid undue delay which would be caused by a RIS process. The scope of consultation required for such legislative instruments is a matter for the responsible Minister.

130. **Section 12F(1)(i)** allows exemption of a proposed legislative instrument if the proposed legislative instrument deals with the administration or procedures within or as between departments or declared authorities within the meaning of the **Public Administration Act 2004** or within or as between departments within the meaning of the **Parliamentary Administration Act 2005**. For such a legislative instrument, consultation is required under section 12C(b) with the Victorian Public Sector Commissioner (and, for a legislative instrument proposed under the **Parliamentary Administration Act 2005**, with relevant Parliamentary Officers), but otherwise the level and nature of the consultation required is a matter for the responsible Minister.

131. **Section 12F(1)(j)** allows exemption of a proposed legislative instrument if notice of the proposed legislative instrument would render the proposed legislative instrument ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed legislative instrument.

132. Normally, after the completion of a RIS, the Act requires that the RIS and proposed legislative instrument be released for public consultation. In some cases, the release of the instrument prior to its commencement may undermine the purpose for which the instrument is being made. In other cases, notification may mean that particular people are subject to unfair advantage or disadvantage. In such cases, the legislative instrument may be eligible for an exemption from the RIS process. Consultation under section 12C should be conducted only to the extent that the responsible Minister considers it appropriate.

133. **Section 12F(1)(k)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is made under a statutory rule and the RIS for that statutory rule has adequately considered the impact of the proposed legislative instrument.

Form and content of Ministerial exemption certificates

134. If the responsible Minister is of the opinion that an exemption ground in section 8(1) or section 12F(1) of the Act applies to a proposed statutory rule or legislative instrument, sections 8(3) (statutory rules) and 12F(3) (legislative instruments) require the responsible Minister to specify the reasons for that opinion.

135. The Act does not set out any form for the certificate that is to be issued under section 8 or section 12F. However, the *Victorian Guide to Regulation* and supporting toolkits (www.dtf.vic.gov.au) provide an example form of certificate. The certificate should include:
    - the name of the proposed statutory rule or legislative instrument;
    - the paragraph of sections 8(1) or 12F(1) under which the exemption is made;
    - an outline of the nature and effect of the proposed statutory rule or legislative instrument including the proposed operative date and, if relevant, the reason for that date; and
    - the reason why the proposed statutory rule or legislative instrument falls within the relevant exemption – i.e. what it is about the nature and effect of the statutory rule or legislative instrument that corresponds with the matters covered by the exemption.
136. Sections 12B (statutory rules) and 12K (legislative instruments) of the Act provide that certain individual certificates required by the Act can be incorporated into a single 'composite certificate'. A Ministerial exemption certificate may form part of a composite certificate (see also Part 5, Division 1 of these Guidelines in relation to composite certificates).
137. Section 16C of the Act requires that exemption certificates are laid before Parliament and sent to SARC. See generally Part 3, Division 5 of these Guidelines regarding other tabling requirements.

Exemption certificates under sections 9 and 12G

138. Sections 9(1) (statutory rules) and 12G(1) (legislative instruments) of the Act give the Premier the power to exempt a proposed statutory rule or legislative instrument from the RIS process. The Premier may only issue an exemption certificate where, in the special circumstances of the case, the public interest requires that the proposed statutory rule or legislative instrument be made without complying with section 7(1) (statutory rules) or section 12E (legislative instruments).
139. The purpose of the exemption is to ensure that subordinate instruments can be made without delay where the public interest requires that this occur. The Premier's power to grant exemptions is extremely limited and Premier's exemption certificates are only issued in special circumstances. For example, the Premier may decide to issue an exemption certificate where there is an emergency situation and there are overriding public interest reasons for the statutory rule or legislative instrument to be made without undergoing a RIS.
140. Premier's exemption certificates are not intended to provide an exemption merely because there is insufficient time to comply with the requirements of the Act.
141. Under sections 9(2)(a) (statutory rules) and 12G(2)(a) (legislative instruments) of the Act the Premier cannot grant an exemption certificate unless the proposed statutory rule or legislative instrument is to expire within 12 months of its commencement date. If a Premier's exemption certificate is granted, agencies will need to commence and complete a RIS process during the lifetime of the certificate. More than one certificate will rarely be granted.
142. Moreover, the duration of the certificate will be the shortest possible period necessary to enable the RIS process to be undertaken unless there are exceptional circumstances. In considering requesting a Premier's exemption certificate, the relevant Minister should be aware that in practice, a six month (rather than 12 month) exemption may be the maximum granted.
143. There are no set criteria for determining whether the public interest requires an exemption. Requests for a Premier's exemption certificate are assessed on a case-by-case basis. This involves balancing the public interest in the consultation and cost-benefit assessment involved in the RIS process and the public interest in making the proposed statutory rule or legislative instrument without delay.

144. The Department of Premier and Cabinet ('DPC') should be consulted as soon as it is contemplated that the responsible Minister may request a Premier's exemption certificate. Agencies are encouraged to provide preliminary drafts of the proposed statutory rule or legislative instrument to DPC to assist in this process at least six weeks before a request is made to the Premier for a Premier's exemption certificate.

145. The responsible Minister should request in writing that the Premier issue an exemption certificate under sections 9(1) (statutory rules) or 12G(1) (legislative instruments). Such requests should be made at least four weeks before the proposed date of making for the statutory rule or legislative instrument.

146. To enable the Premier to assess the public interest reasons, requests for an exemption certificate should only be made once the statutory rule or legislative instrument has been finalised. Where the certificate concerns a statutory rule, agencies must ensure that the rule is settled with OCPC prior to the responsible Minister's formal request to the Premier.

147. The responsible Minister's request must be accompanied by a copy of the settled statutory rule and advice provided by Chief Parliamentary Counsel under section 13 of the Act. For legislative instruments, a copy of the settled legislative instrument must be provided with the Minister's request.

148. The responsible Minister's letter to the Premier must explain why the public interest requires the exemption.

149. Where the Premier issues an exemption certificate for a statutory rule or legislative instrument, the Act requires that the agency ensures the certificate is laid before Parliament and sent to SARC (see Part 3, Division 5 of these Guidelines).

150. The agency must also forward to SARC a copy of the reasons given to the Premier when seeking a Premier's exemption certificate together with any other relevant materials.

Exemptions under the Regulations

151. The Regulations were made under section 4A, following amendments to the Act in 2010 which introduced new requirements in relation to legislative instruments.

152. Schedule 1 of the Regulations specifies certain instruments not to be legislative instruments for the purposes of the Act. If an instrument is prescribed in Schedule 1, it is not subject to any of the requirements of the Act.

153. Schedule 2 of the Regulations specifies certain instruments to be legislative instruments. Instruments prescribed in Schedule 2 are subject to the requirements of the Act. This does not preclude the Minister from issuing an exemption certificate under section 12F of the Act where appropriate, or requesting that the Premier issue an exemption certificate under section 12G.

154. Schedule 3 of the Regulations specifies certain instruments to be legislative instruments that are exempt from most requirements of the Act. These instruments are not exempt from the gazettal requirements under section 16A.

DIVISION 3 – THE RIS PROCESS

155. Sections 7 (statutory rules) and 12E (legislative instruments) of the Act state that the responsible Minister must ensure that a RIS is prepared for the proposed statutory rule or legislative instrument, unless an exemption applies.

156. The drafting and assessment requirements for the RIS are set out in sections 10 (statutory rules) and 12H (legislative instruments). The requirements relating to statutory rules and legislative instruments are very similar.

157. As outlined in the *Victorian Guide to Regulation* (www.dtf.vic.gov.au), the primary objectives of a RIS are to ensure:

- regulation is only implemented where there is a justified need;
- only the most efficient forms of regulation are adopted; and
- there is an adequate level of public consultation in the development of subordinate legislation.

Content of a RIS

158. RISs should be drafted in plain English to ensure they are clear and accessible to the public. They must clearly set out any new regulatory requirements to be created by the proposed statutory rule or legislative instrument.

159. Sections 10(1)(a) (statutory rules) and 12H(1)(a) (legislative instruments) of the Act require a statement of the objective of a proposed statutory rule or legislative instrument to be included in a RIS. The objectives stated in the RIS are likely to differ from those which must be included in the statutory rule (and which may be included in a legislative instrument) itself, as discussed above at Part 2, Division 4 of these Guidelines. RIS objectives should be stated in terms of the policy objectives, or outcomes, being sought to resolve the policy problem, regardless of the form the solution takes.

160. A proposed statutory rule or legislative instrument may not be the only option to address the relevant policy problem, and may not be the final option selected as a result of the RIS and public consultation processes. RISs should analyse a range of regulatory and non-regulatory options.

161. The *Victorian Guide to Regulation* provides more detail on the preparation of RISs. In particular, supporting toolkits include techniques for quantifying costs and benefits, and the use of cost-effectiveness analysis where it is difficult to assign a dollar value to anticipated benefits. Further resources including RIS checklists and templates can be found on the websites of the Department of Treasury and Finance ('DTF') and the Commissioner for Better Regulation ('CBR').

162. The responsible Minister should determine at what stage he or she seeks expert advice on the development of a regulatory proposal. Contractors and consultants may be engaged to prepare RISs. If engaging consultants external to government, agencies should also consult the policies concerning engaging and managing consultants issued by the Victorian Government Purchasing Board ('VGPB'). For further information and to obtain a copy of its policies, refer to the VGPB's website (www.vgpb.vic.gov.au).

163. A detailed human rights analysis is not required in the RIS, as this is covered when preparing the accompanying draft human rights certificate (see Part 5, Division 1 of these Guidelines). Agencies should also consider any significant impacts on human rights contained in the **Charter of Human Rights and Responsibilities Act 2006** ('Charter Act') when assessing the social costs and benefits of the proposal.

Independent assessment

164. Sections 10(3) (statutory rules) and 12H(3) (legislative instruments) of the Act require the responsible Minister or responsible instrument maker, respectively, to ensure that independent advice on the adequacy of a RIS is obtained and considered in accordance with these Guidelines.

165. The CBR has a function to review RISs and provide the independent advice required by sections 10(3) (statutory rules) and 12H(3) (legislative instruments) of the Act. The CBR will advise the responsible Minister or responsible instrument maker as to whether the RIS adequately addresses the matters which must be included under sections 10 or 12H of the Act.

166. The advice from the CBR must be received before the RIS is released for public consultation (see Part 3, Division 4 of these Guidelines). If the CBR advises that it considers that the RIS is inadequate, the Minister or responsible instrument maker may still decide to release the RIS, but must attach the independent advice to the RIS.

167. Ministers and responsible instrument makers are also strongly encouraged to attach the CBR's advice to all RISs, even where they are assessed as being adequate. Sometimes the CBR may raise points that are relevant to stakeholders' consideration of a proposal and it is in the public interest that this advice be made available.

168. Following the CBR's assessment of the RIS, the responsible Minister must issue a certificate under sections 10(4) or 12H(4) of the Act certifying that the RIS complies with the requirements of the Act and the Guidelines and adequately addresses the likely impact of the statutory rule or legislative instrument. Where the CBR assesses the RIS as being inadequate, the certificate should explain why the Minister believes the requirements have been met, notwithstanding the CBR's assessment of inadequacy.

169. A copy of the CBR's assessment of a RIS must be sent to SARC after the statutory rule is made (regardless of whether the RIS is assessed as adequate or not). See Part 3, Division 5 of these Guidelines. This will promote a more transparent and accountable regulatory system.

DIVISION 4 – RELEASE OF THE RIS FOR PUBLIC CONSULTATION

170. Where the proposed statutory rule or legislative instrument requires the preparation of a RIS (see Part 3, Division 2 of these Guidelines) further public consultation requirements apply. This consultation occurs after the proposed statutory rule or legislative instrument has been drafted and a RIS and draft human rights certificate have been prepared. These documents must be released at the beginning of the consultation period. This second, more formal, phase of consultation is distinct from the initial consultation required as part of the policy development process (see Part 3, Division 1 of these Guidelines).

171. The public consultation process gives the business and wider community an opportunity to communicate to government any concerns it may have about regulations affecting its activities. One of the aims of the RIS and the public consultation process is to obtain information and comment from the widest set of possible sources. This helps identify any weaknesses in the reasoning, test assumptions and methodology, and ensure that competing interests are recognised and considered.

172. If the RIS and the public consultation process are properly undertaken, any resulting statutory rule or legislative instrument should represent the most balanced, cost effective and least intrusive solution to a problem.

Notice and publication for public consultation

173. Following initial consultation and the preparation of the RIS, the proposed statutory rule (as settled by OCPC) or proposed legislative instrument, RIS and draft human rights certificate must be published, along with a notice inviting comments and submissions from the public.

174. Sections 11 (statutory rules) and 12I (legislative instruments) of the Act require that the responsible Minister publish a notice inviting public comments on the proposed statutory rule or legislative instrument.

175. The notice must be published in:

- the Government Gazette;
- a daily newspaper circulating generally throughout Victoria; and
- if the responsible Minister considers it appropriate, any trade, professional or public interest publications as the responsible Minister determines.

176. The notice must set out:

- the reason for, and the objective of, the proposed statutory rule or legislative instrument;
- a summary of the results of the RIS;
- the locations (including the Government website) where a copy of the RIS and the proposed statutory rule can be obtained; and
- an invitation for public comments or submissions within a specified time not less than 28 days from the publication of the notice.

177. The RIS must be available in electronic form from a government website and in hard copy.

178. Under the Act, consultation following publication of a RIS is required for at least 28 days from public notification. However consultation for at least 60 days is best practice.

Consideration of submissions

179. Following the public consultation process, the responsible Minister must consider all submissions and comments received in relation to the draft statutory rule or legislative instrument, RIS and draft human rights certificate.

180. If the Minister does not adequately address valid criticisms and suggestions made in relation to a statutory rule or legislative instrument released for public consultation, SARC may criticise the statutory rule or legislative instrument. Under section 15A of the Act, SARC must be provided with a copy of all comments and submissions received in relation to the RIS (see generally Part 3, Division 5 of these Guidelines). While this requirement does not apply to comments and submissions on draft human rights certificates, it will generally be appropriate to also provide this material to SARC.

Notice of decision

181. Sections 12 (statutory rules) and 12J (legislative instruments) of the Act require the responsible Minister to publish a notice of his or her decision to make, or not to make, the relevant statutory rule or legislative instrument.

182. The notice must be published in:

- the Government Gazette; and
- a daily newspaper circulating generally throughout Victoria.

183. To ensure greater transparency of decisions, the responsible Minister should provide reasons for the direction taken in a final statutory rule or legislative instrument. These should address any general issues raised in submissions.

184. A statement of reasons must also be published on a government website and available in hard copy. This will allow those who have made submissions on the RIS to see how their comments have been addressed in the final version of the statutory rule or legislative instrument.

DIVISION 5 – MAKING, TABLING AND PUBLICATION

185. Parts 3 (statutory rules) and 3A (legislative instruments) of the Act specify the requirements for making, tabling and publishing statutory rules and legislative instruments. Some of these requirements differ depending on whether a statutory rule or legislative instrument is being made, while others apply to both. These Guidelines specify some requirements in addition to those imposed by the Act.

Making statutory rules

186. Section 13 of the Act requires statutory rules made by or with the consent of the Governor in Council to be accompanied by a 'section 13 certificate' issued by the Chief Parliamentary Counsel. The section also specifies the matters which must be included in the certificate. After OCPC has settled the proposed statutory rule, a section 13 certificate must be obtained before the proposed statutory rule is submitted to the Governor in Council to be made. Agencies must allow adequate time for the settling process and the issue of the section 13 certificate. Agencies should consult OCPC's *Notes for Guidance on the Preparation of Statutory Rules* (www.legislation.vic.gov.au) when preparing a statutory rule.

187. Once the section 13 certificate has been obtained, and all other requirements outlined in these Guidelines and the Act have been complied with, the proposed statutory rule may be submitted to the Governor in Council. Section 14 of the Act specifies requirements for submitting statutory rules to the Governor in Council and the documents which must accompany the proposed statutory rule.

188. In addition to the documents outlined in section 14 of the Act, an Explanatory Memorandum must be prepared to accompany any statutory rule submitted to the Governor in Council. The Explanatory Memorandum should set out the nature and extent of any changes effected

by the new statutory rule and the reason for the changes, particularly where no RIS has been prepared. The Explanatory Memorandum is especially important where the proposed statutory rule contains complex or detailed technical information.

189. The Explanatory Memorandum should be brief, and generally take the following form:
- a brief outline of the statutory rule;
- an explanation of the changes effected by each provision;
- a statement of the reasons for making the statutory rule;
- where applicable, the reasons no RIS was prepared; and
- a statement as to whether consultation has taken place, and if it has not taken place, an explanation as to why a decision was made not to consult.

190. A Recommendation page, signed by the responsible Minister, and an Agenda page, signed by the responsible Minister and Departmental Secretary (or authorised delegate), must also accompany a statutory rule when it is submitted to the Governor in Council.

Publishing legislative instruments

191. Section 16A(1) of the Act requires legislative instruments to be published in full in the Government Gazette.

192. In certain limited circumstances it may be impracticable to gazette a legislative instrument in full. These circumstances include where it is not possible to gazette an instrument in full because it contains detailed maps or diagrams or is in a format that is incompatible with the format of the gazette.

193. Section 16A(2) of the Act provides that where an instrument is not suitable for publication in full in the gazette, notice of the making of the legislative instrument and details of where a full copy may be obtained must be published instead.

194. Agencies must include on their corporate website copies of all:
- legislative instruments made or administered by the agency; and
- current consolidated versions of legislative instruments (see paragraphs 195–196 below).

Consolidated version of legislative instruments

195. Section 16F of the Act applies to a legislative instrument that amends an existing legislative instrument. In these circumstances, the instrument maker will be required to ensure that a consolidated version of the legislative instrument, as amended, is made available to the public.

196. Agencies should prepare consolidated versions of legislative instruments for which they are responsible, and make these publicly available, including on their corporate website.

Laying statutory rules and legislative instruments before Parliament

197. Sections 15 (statutory rules) and 16B (legislative instruments) of the Act require statutory rules and legislative instrument to be laid before Parliament within 6 sitting days of being made. The Act also specifies documents which must accompany the new statutory rule or legislative instrument when laid before Parliament (and must also be forwarded to SARC).

198. Some of these requirements apply to both statutory rules and legislative instruments, while other documents are required only in relation to statutory rules.

199. The following documents must accompany both a statutory rule and a legislative instrument, where they are required to be prepared:
- a certificate of consultation issued under sections 6 or 12C (Part 3, Division 1 of these Guidelines);
- a Ministerial exemption certificate issued under sections 8 or 12F (Part 3, Division 2 of these Guidelines);
- a Premier's exemption certificate issued under sections 9 or 12G (Part 3, Division 2 of these Guidelines);

- a compliance certificate in relation to RIS requirements and adequacy issued under sections 10(4) or 12H(4) (see Part 3, Division 3 of these Guidelines); and
- a human rights certificate or human rights exemption certificate issued under sections 12A or 12D (see Part 5, Division 1 of these Guidelines); and
- any explanatory memoranda.

200. The following additional documents must accompany a statutory rule where they are required to be prepared:

- an extension certificate and the Premier's certificate agreeing to the extension issued under section 5A (see Part 5, Division 5 of these Guidelines);
- an infringements offence consultation certificate issued under section 6A (see Part 5, Division 1 of these Guidelines);
- a section 13 certificate issued by the Chief Parliamentary Counsel (see Part 3, Division 5 of these Guidelines); and
- the responsible Minister's recommendation that the Governor in Council make the statutory rule.

Documents which must be sent to SARC

201. Sections 15A (statutory rules) and 16C (legislative instruments) of the Act require new statutory rules and legislative instruments to be sent to SARC. The Act also specifies documents which must accompany the new statutory rule or legislative instrument when sent to SARC.

202. Accompanying documents required by the Act:

- any applicable document required to be laid before Parliament (see Part 3, Division 5 of these Guidelines);
- if a Premier's exemption certificate has been issued – the reasons given by the responsible Minister to the Premier as to why the public interest requires that the proposed statutory rule or legislative instrument be made without preparing a RIS; and
- if a RIS has been prepared – the RIS and a copy of all comments and submissions received.

203. The following additional documents must also be sent to SARC:

- a copy of the CBR's independent assessment of any RIS (see Part 3, Division 3 of these Guidelines);
- copies of any explanatory memoranda;
- copies of any notices published in the Government Gazette, newspapers or other publications advertising a RIS; and
- copies of any notices advising of the decision to make or not make a proposed statutory rule or legislative instrument.

204. Agencies should refer to the Act for timing requirements.

Scrutiny and disallowance of statutory rules and legislative instruments

205. Parts 5 (statutory rules) and 5A (legislative instruments) of the Act deal with the powers of SARC to report to Parliament recommending that a statutory rule or legislative instrument be disallowed or amended. SARC may only recommend disallowance or amendment where it considers that one of the criteria set out in sections 21 (statutory rules) or 25A (legislative instruments) has been breached. Agencies should consult these sections when considering the content of statutory rules or legislative instruments to minimise the likelihood of disallowance.

206. Upon SARC's recommendation, Parliament may disallow the statutory rule or legislative instrument in accordance with sections 23 or 25C.

PART 4
SIGNIFICANT BURDEN

207. This Part of the Guidelines outlines circumstances in which a statutory rule or legislative instrument is considered to impose a significant burden on a sector of the public.

208. Whether a statutory rule or legislative instrument imposes a 'significant economic or social burden' is important at two stages.

209. First, sections 6(b) (statutory rules) and 12C(b) (legislative instruments) require consultation in accordance with these Guidelines with any sector of the public on which a significant economic or social burden may be imposed by a proposed statutory rule or legislative instrument. See Part 3, Division 1 of these Guidelines in relation to consultation under sections 6(b) and 12C(b).

210. Second, sections 8(1)(a) (statutory rules) and 12F(1)(a) (legislative instruments) allow a responsible Minister to issue a certificate exempting a proposed statutory rule or legislative instrument from the requirement to prepare a RIS where, in his or her opinion, the proposed statutory rule or legislative instrument would not impose a significant economic or social burden on a sector of the public. See Part 3, Division 2 of these Guidelines.

211. In considering whether a proposed statutory rule or legislative instrument imposes a significant economic or social burden on a sector of the public, the responsible Minister must consider:

- the relevant base case;
- whether the proposed statutory rule or legislative instrument imposes a burden on one or more 'sector[s] of the public'; and
- whether that burden is a 'significant economic or social burden'.

212. Each of these considerations is discussed in more detail below.

The base case

213. The relevant base case can be determined by considering what the situation would be if the statutory rule or legislative instrument were not made. This will be either the existing regulatory environment, or no regulation.

214. No regulation is the appropriate base case if:

- a statutory rule or legislative instrument is new and is not replacing an existing statutory rule or legislative instrument;
- a statutory rule is made to replace an existing statutory rule that is automatically being revoked in accordance with section 5 of the Act (i.e. 'sunsetting'); or
- a statutory rule or legislative instrument is made to replace an existing statutory rule or legislative instrument that is expiring, other than by sunsetting.

215. For a proposed statutory rule or legislative instrument that will amend an existing statutory rule or legislative instrument, the base case is the burden imposed by the existing regulatory environment.

Sector of the public

216. For a burden to be imposed on a 'sector of the public', the proposed statutory rule or legislative instrument must impose a burden on either the whole community or on one or more identifiable groups of people within the community. How many, and which, people can constitute a sector of the public is a matter of judgement in each case. It will depend on the nature of the proposed statutory rule or legislative instrument.

217. For example, a statutory rule or legislative instrument might impose a burden on a sector of the public if it:

- affects a number of businesses, community groups, or individuals;
- has a concentrated effect on a particular group, region or industry; or
- has an aggregate impact on the Victorian economy.

218. In some circumstances, a statutory rule or legislative instrument may have a significant concentrated effect on a particular group, region or industry. In such cases the burden on that group, region or industry may mean that the burden as a whole is significant, even though the majority of the population is not affected.

Significant burden

219. 'Significant burden' cannot be defined prescriptively. 'Burden' is a broad concept which may include a range of negative effects or impacts. For example, a statutory rule or legislative instrument may place a financial or another type of resource burden (e.g. time) on businesses or individuals, restrict a sector of the public's access to certain amenities or areas, or restrict an individual's ability to make choices about certain things.

220. Whether a burden is 'significant' should be determined in accordance with the ordinary English-language meaning of the word. A burden that is very minor, inconsequential or of little importance will not be a 'significant burden'.

221. Ministers should consider the burden imposed by the statutory rule or legislative instrument itself, rather than any burden imposed by the authorising legislation or statutory rule. In some cases, the burden imposed will derive from obligations set out in the authorising Act or statutory rule and the statutory rule or legislative instrument will merely be machinery. Statutory rules or legislative instruments which are machinery or declaratory in nature are unlikely to impose a significant burden.

222. Whether a significant burden may or would be imposed should initially be assessed with reference only to the costs or negative impacts on a sector of the public. That is, when assessing whether a significant burden exists, potential costs should not be offset against potential benefits. This balancing exercise is undertaken later as part of the RIS process, in analysing the overall costs and benefits of the proposed statutory rule or legislative instrument.

Assessing qualitative burdens

223. All potential costs must be assessed, regardless of how readily quantifiable those costs are. The analysis may need to include both quantitative and qualitative dimensions. Taking into account the views of stakeholders on likely or desired outcomes may help to determine whether a 'significant' burden is imposed, particularly where the costs are not easily quantified.

224. Some statutory rules or legislative instruments will impose a burden which is primarily qualitative in nature; for example those that significantly impact on rights, access to services or the ability to innovate or compete. These burdens are by nature less readily quantifiable, and will require careful assessment to ensure all potential negative impacts are identified and the relative size of each is adequately assessed. Whether a burden is significant in these cases may not ultimately be able to be based on quantitative estimates.

225. In considering whether a proposed statutory rule or legislative instrument imposes a significant burden, the responsible Minister must also consider the effect the proposed statutory rule or legislative instrument is likely to have on the rights set out in the Charter Act. See Part 5, Division 1 of these Guidelines in relation to Human Rights Certificates.

Assessing quantitative burdens

226. Where the impacts of the proposed statutory rule or legislative instrument are readily quantifiable, indicative data may be gathered to assess the likely costs of the proposal. This may involve seeking views from some of those likely to be affected.

227. In general, if the preliminary and indicative analysis suggests the measurable social and/or economic costs to any sector of the public (including costs to the Victorian community as a whole) are greater than $2 million per year, compared with the relevant base case, then there is likely to be a significant burden. For the applicable base case, see paragraphs 213–215 above.

228. The $2 million threshold is indicative only and should be reserved for situations where it is not otherwise clear that a significant burden may be imposed. Further, a statutory rule or legislative instrument may impose a significant burden on a sector of the public even if it imposes quantifiable costs of less than $2 million per year – for example, if the impact is concentrated on a particular group, region or industry.

229. In determining whether a significant burden is imposed, quantifiable costs should be considered in conjunction with qualitative costs discussed above at paragraphs 223–225.

Examples of where a significant burden may be imposed

230. A significant burden may be imposed on a sector of the public where the proposed statutory rule or legislative instrument has one or more of the following effects:

- imposing restrictions on entry into, or exit out of, an affected industry;
- altering the ability or incentives for business to compete in an industry;
- requiring business, community groups or individuals to spend significant additional funds or devote a significant amount of additional time to compliance activities, change current practices or seek external advice (whether the additional resources required are significant will, to some degree, depend on the nature of the businesses or industry affected);
- creating a significant disincentive to private investment – e.g. by increasing potential delays for approvals;
- imposing significant penalties for non-compliance (either on businesses or individuals);
- imposing minimum requirements or standards on businesses or individuals, such as building requirements or environmental standards; or
- significantly affecting individual rights and liberties in some other way.

231. The above is a non-exhaustive list of examples. Each policy proposal should be assessed based on the particular impacts it will impose and the relative size of those impacts.

232. Examples of cases where a RIS has been prepared in the past include:

- Petroleum Regulations. Following the sunsetting of existing regulations, these imposed a continued requirement for petroleum firms to have development and operation plans prior to the commencement of onshore petroleum operations.
- Associations Incorporation Amendment (Fees and Other Matters) Regulations. These prescribed accounting requirements, fees to cover the costs of the incorporated associations' scheme, and maximum fines which can be imposed by an association on a member.
- Marine Regulations. These imposed requirements for the registration of emergency positioning devices, introduced a National Standard for Commercial Vessels and updated standards for personal floatation devices.
- Visitable and Adaptable Features in Housing. These prescribed minimum building requirements for pathways, level entries, doorway and passage widths, and accessible bathroom facilities.

233. All RISs from 2004 onwards are available on the CBR's website. Agencies are also encouraged to discuss any policy proposals with the Office of the CBR at an early stage of development to clarify RIS requirements.

Statutory rules and legislative instruments that impose fees or charges where section 8(1)(d) or section 12F(1)(c) does not apply

234. Where a statutory rule or legislative instrument imposes a fee or charge, the responsible Minister should consider the level of the fee, the size of any increase being made (as compared to the current fee, if one exists) and the impact it may have on an individual, community group or business. The indicative $2 million threshold may assist with this assessment.

235. The indicative $2 million threshold applies to the cumulative impact of the policy proposal as effected by the statutory rule or legislative instrument. It does not apply to each affected individual or business. That is, a new fee or charge which recovers $2 million or more per year in total is likely to impose a significant burden on a sector of the public, although it may not impose a $2 million burden on individual businesses or groups.

236. The threshold will also be met if the statutory rule or legislative instrument as a whole imposes a burden of $2 million per year despite the fact that individual fee components may not recover more than $2 million per year (i.e. if a basket approach is used to set multiple fees).

237. The Treasurer's annual rate does not form part of the base case. This means that a fee increase does not need to recover an additional $2 million on top of the Treasurer's annual rate to meet the indicative significant burden threshold.

Statutory rules and legislative instruments reducing or maintaining existing fees or charges

238. Statutory rules or legislative instruments which reduce existing fees or charges payable do not usually impose a significant burden on a sector of the public.

239. However, there are exceptions, such as where a reduction in fees could cause costs to be redistributed to other sectors. This might occur where a reduction in fees lowers the level of cost-recovery and causes cost to be shifted to the general community. This may be achieved through increased base fees or charges to all those affected or additional funding being allocated from general taxation.

240. A statutory rule or legislative instrument that is remade and re-imposes an existing fee or charge at the same level can impose a significant burden, as the relevant base case will be 'no regulation' (see paragraphs 213–215 above).

PART 5
OTHER MATTERS

DIVISION 1 – CERTIFICATES

Human rights certificates

241. Sections 12A (statutory rules) and 12D (legislative instruments) require the responsible Minister to issue a human rights certificate in respect of a proposed statutory rule or legislative instrument. If a RIS is prepared for the statutory rule or legislative instrument, a draft human rights certificate must be published alongside the RIS. The human rights certificate will then be finalised following the completion of the RIS process.

242. Sections 12A(2) (statutory rules) and 12D(2) (legislative instruments) set out the matters which must be included in the human rights certificate. There are a limited number of exceptions to the requirement to produce a human rights certificate, which are set out at sections 12A(3) (statutory rules) and 12D(3) (legislative instruments). If a RIS is prepared for a statutory rule or legislative instrument which is exempt from the requirement to produce a human rights certificate, the RIS must include a statement to this effect or be accompanied by a draft human rights exemption certificate.

243. Preparing a human rights certificate involves assessing the instrument's likely impact on the rights set out in the Charter Act. Conducting a human rights impact assessment as part of the policy development process will assist in the preparation of the human rights certificate that accompanies the final statutory rule or legislative instrument. This analysis is similar to the analysis undertaken through the Statement of Compatibility process when preparing primary legislation.

244. For further details on how to assess the human rights impact of proposed subordinate legislation, see Toolkit 3 of the *Victorian Guide to Regulation* (www.dtf.vic.gov.au) and the Department of Justice and Regulation's *Charter of Human Rights and Responsibilities: Guidelines for Legislation and Policy Officers in Victoria* ('Charter Act Guidelines') (www.justice.vic.gov.au). The Charter Act Guidelines include a template for completing a human rights impact assessment. This may be a useful tool for agencies when preparing human rights certificates.

245. The potential human rights impact of a proposed statutory rule or legislative instrument is relevant in considering whether it imposes a significant burden on a sector of the public. The responsible Minister must consider the effect the proposed statutory rule or legislative instrument is likely to have on the rights set out in the Charter Act when considering whether the proposed statutory rule or legislative instrument imposes a significant burden (see Part 4 of these Guidelines).

246. A proposal is likely to create a social burden if it limits human rights. Whether the burden is significant will depend on the nature and extent of the limitation.

247. A detailed human rights analysis is not required in the RIS, as this is covered when preparing the accompanying draft human rights certificate. However, a RIS may refer to rights and liberties (including Charter Act rights) as part of the broader concept of significant social burden.

Infringements offence consultation certificates

248. If a proposed statutory rule provides for the enforcement of an offence by an infringement notice, section 6A of the Act requires the responsible Minister to issue an infringements offence consultation certificate.

249. The responsible Minister must certify that:

- the Department of Justice and Regulation has been consulted about the enforcement and suitability of the offence;
- the Attorney-General's guidelines under the **Infringements Act 2006** have been taken into account; and

- the proposed infringements offence meets the requirements of those guidelines or does not meet the requirements but should be made anyway for reasons specified in the certificate.

250. Section 12B of the Act allows an infringements offence consultation certificate to be included in a composite certificate issued under that section.

Composite certificates

251. Sections 12B (statutory rules) and 12K (legislative instruments) provide that some certificates required by the Act may be issued in a single instrument, known as a composite certificate.

252. Section 12B of the Act provides that the responsible Minister may issue a composite certificate for a proposed statutory rule that incorporates:

- a Ministerial exemption certificate under section 8;
- a consultation certificate under section 6;
- an infringements offence consultation certificate under section 6A; and
- a RIS certificate under section 10(4).

253. Section 12K of the Act provides that the responsible Minister may issue a composite certificate for a proposed legislative instrument that incorporates:

- a Ministerial exemption certificate under section 12F;
- a consultation certificate under section 12C; and
- a RIS certificate under section 12H(4).

254. Agencies should note that a Ministerial exemption certificate and a RIS certificate should never be included in the same composite certificate.

Other certificates under Parts 2 and 2A

255. Other certificates which are required under Part 2 (statutory rules) and Part 2A (legislative instruments) are discussed elsewhere in these Guidelines.

- certificates of consultation – sections 6(c) and 12C(c) (see Part 3, Division 1 of these Guidelines).
- Ministerial exemption certificates – sections 8 and 12F (see Part 3, Division 2 of these Guidelines).
- Premier's exemption certificates (see Part 3, Division 2 of these Guidelines).
- RIS certificates (see Part 3, Division 3 of these Guidelines).

DIVISION 2 – INTERACTION BETWEEN THE SUBORDINATE LEGISLATION ACT AND THE AUTHORISING ACT OR STATUTORY RULE

256. When preparing a statutory rule or legislative instrument, agencies and Ministers must consider the interaction between the Act (that is, the **Subordinate Legislation Act 1994**) and the authorising Act or statutory rule (under which the proposed statutory rule or legislative instrument is made).

257. In some cases, the authorising Act or statutory rule may impose requirements, such as consultation and gazettal requirements, even though the instrument is subject to the requirements of the Act. In other cases, the authorising Act or statutory rule may apply provisions of the Act to the instrument that would not otherwise apply. This will be most common in authorising Acts or statutory rules for legislative instruments (as opposed to statutory rules).

258. In considering which requirements must be met, agencies should consider the relevant provisions of the Act and seek legal advice if necessary. In particular:

- if an instrument is prescribed to be a legislative instrument, any inconsistent or duplicating provision of the authorising Act does not apply to the instrument (section 4A(2)).

- if an authorising Act requires gazettal of a legislative instrument within a shorter time period than the Act, compliance with the authorising Act is taken to be compliance with the Act (section 16D(2)). The authorising Act should be complied with.
- if an authorising Act requires gazettal of a legislative instrument within a longer time period than the Act, the Act prevails over the authorising Act (section 16D(3)). The Act should be complied with.
- if an authorising Act requires a legislative instrument to be tabled in Parliament within a time period the same as, or shorter than, the Act, compliance with the authorising Act is taken to be compliance with the Act (section 16E(1)). The authorising Act should be complied with.
- if an authorising Act requires a legislative instrument to be tabled in Parliament within a longer time period than the Act, the Act prevails over the authorising Act (section 16E(2)). The Act should be complied with.

259. When preparing primary legislation, agencies should consider how the requirements of the Act will apply to any new statutory rule-making or legislative instrument-making powers. Except in exceptional circumstances, legislation should not contain provisions that exclude the operation of the Act.

260. Where there may be exceptional circumstances justifying an exclusion from the Act, the agency must consult with DPC during the policy development stage of the Bill. During the drafting stage, the agency must consult with OCPC as well as DPC.

DIVISION 3 – INCORPORATING OTHER MATERIAL

261. Section 32 of the **Interpretation of Legislation Act 1984** ('ILA') sets out when subordinate instruments, such as statutory rules or legislative instruments, may refer to other documents. This is known as incorporation by reference.

262. Generally, subordinate instruments may only incorporate by reference provisions of a Victorian or Commonwealth Act, a Code (as defined in the ILA), or a Victorian or Commonwealth statutory rule. Subordinate instruments may only incorporate other matters where there is explicit power to do so in the authorising Act.

263. Where matter is incorporated by reference, section 32 of the ILA sets out requirements for making material available to the public and for tabling the material in Parliament.

264. In deciding whether to incorporate material by reference, agencies should assess the drafting convenience against the effect on the accessibility of the incorporated material and the likely level of public awareness. Agencies should reserve the use of incorporated detailed and extensive technical material to subordinate legislation affecting industries familiar with the material.

265. Generally, material should only be incorporated by reference if the material clearly describes the rights and obligations being created and the people who are subject to these rights and obligations.

266. Where it is proposed that a statutory rule or legislative instrument incorporates material, all material necessary to ensure compliance should be tabled. This includes primary references as well as references to documents at a secondary or tertiary level unless such references are irrelevant to the substance of the regulation, are unnecessary or merely comprise a reference back to the primary reference material. Unless all relevant material is tabled, the statutory rule or legislative instrument does not apply, adopt or incorporate the material effectively.

DIVISION 4 – STYLE AND LANGUAGE

267. This Division outlines guidelines as to the style and language to be used in drafting statutory rules and legislative instruments.

Clear drafting of statutory rules and legislative instruments

268. Statutory rules and legislative instruments should be accurately and clearly drafted. Clear drafting will make the statutory rule or legislative instrument more accessible to the public and will reduce the risk that the instrument will be held to be in excess of the power by a court.

269. If a proposed instrument refers to any other statutory rule or legislative instrument, it must contain a footnote or endnote identifying the statutory rule or legislative instrument referred to. It must also identify all other instruments which amend the statutory rule or legislative instrument referred to.

270. If a footnote or endnote identifies a statutory rule or legislative instrument that has been reprinted in accordance with section 18 of the Act, the note may refer to:

- that reprint;
- the last statutory rule or legislative instrument incorporated in the reprint; and
- any statutory rule or legislative instrument which has amended the reprinted statutory rule or legislative instrument after it was reprinted.

271. All statutory rules and legislative instruments must be expressed:

- in language that is clear and unambiguous;
- in a way which ensures that its meaning is certain and there are no inconsistencies between provisions;
- in language that gives effect to its stated purpose;
- consistently with the language of the empowering Act; and
- in accordance with plain English drafting standards.

272. A statutory rule or legislative instrument should:

- not duplicate, overlap or conflict with other statutory rules, legislative instruments, or legislation; and
- always reflect the intention and promote the purpose of the authorising statute.

273. A statutory rule or legislative instrument must:

- not conflict with the letter and intent of the authorising Act;
- clearly set out as part of its text:
  - the objectives of the statutory rule or legislative instrument; and
  - the precise provision authorising the statutory rule or legislative instrument; and
- not deal with matters outside the scope of its objectives.

OCPC's role in drafting and settling statutory rules

274. Agencies must consult OCPC in drafting statutory rules.

275. OCPC plays two roles in the statutory rule making process. First, OCPC is responsible for settling the power, form and content of statutory rules and drafting statutory rules in certain circumstances (see OCPC's *Notes for Guidance on the Preparation of Statutory Rules* (www.legislation.vic.gov.au)). Under section 10(1)(g) of the Act, a draft copy of the proposed statutory rule must be included with the RIS. OCPC must settle draft statutory rules before the CBR provides independent advice on the adequacy of the RIS.

276. Second, if a proposed statutory rule is to be made by, or with the consent or approval of, the Governor in Council, section 13 of the Act requires that it must be submitted to the Chief Parliamentary Counsel for the issue of a certificate by the Chief Parliamentary Counsel. Section 13 sets out certain criteria that the certificate must address; the proposed statutory rule must be consistent with these criteria (see also Part 3, Division 5 of these Guidelines).

277. During the settling process, OCPC is required to consider all of the section 13 criteria in relation to the proposed statutory rule. The criteria in section 13 go to fundamental issues concerning the power to make the statutory rule under an authorising Act, the clear expression of the rule and represent the framework within which a proposed statutory rule is drafted and settled.

278. Following the settling process, in the rare case where a proposed statutory rule does not meet the section 13 criteria, OCPC will consult with the relevant department to attempt to rectify these concerns so that an unqualified certificate can be issued. Where a department or Minister wishes to proceed with a proposed statutory rule that does not meet the section 13 criteria, then the Chief Parliamentary Counsel may issue the certificate with relevant qualifications. Any qualification will outline how, in the Chief Parliamentary Counsel's opinion, the proposed statutory rule does not meet the section 13 criteria. Such a qualification would be extremely unusual and matters of concern can generally be resolved satisfactorily between OCPC and the department or Minister.

279. In accordance with the Act, a copy of the section 13 certificate is provided to the Executive Council when the statutory rule is made and to SARC for consideration of the made statutory rule under Part 5 of the Act. OCPC is also responsible for printing and publishing all statutory rules.

DIVISION 5 – SUNSETTING AND EXTENSION

Sunsetting of statutory rules

280. One of the aims of the Act is to ensure that outdated and unnecessary regulation is automatically repealed. Section 5 of the Act provides for the automatic revocation of statutory rules ten years after they are made.

281. Agencies must maintain accurate records of the sunset dates for all statutory rules administered by the Ministers to whom the agency reports. It is essential that agencies allow sufficient time for the review of the continuing appropriateness of all statutory rules and for the completion of the RIS process if they are to be re-made in whole, part or in a modified form.

282. OCPC notifies agencies of statutory rules that are due to sunset and works with agencies to ensure the orderly sunsetting of statutory rules. The responsible Minister should nominate an officer to notify OCPC of the Minister's intentions about remaking any statutory rule that is due to sunset. The officer should notify OCPC at least 6 months before the sunset date to allow OCPC to provide timely advice and to allow sufficient time to settle any proposed new statutory rule.

Extension of statutory rules

283. Where there are special circumstances that mean there is insufficient time to complete the RIS process before a statutory rule sunsets, section 5A of the Act allows the responsible Minister, with the agreement of the Premier, to extend the statutory rule for up to 12 months. During this time, a RIS must be completed if the statutory rule is to continue operation.

Grounds for extension

284. The Act does not define the 'special circumstances' that would justify the extension of regulations which would otherwise sunset. However, the type of circumstances envisaged may be cases where the authorising legislation has recently changed or a national scheme is being negotiated which makes it impossible for the RIS process to be completed in time.

285. In addition, the special circumstances must *cause* there to be insufficient time for a RIS to be prepared. Where there is insufficient time to prepare a RIS, extension regulations should only be made where this is due to special circumstances.

286. Administrative oversight should not be considered to be a 'special circumstance'. The scheme of the Act is to ensure that the regulatory process is undertaken and in cases where it is not, to make the reasons for not undertaking the process clear.

Process for extension

287. Only one 'extension regulation' can be made for each statutory rule. Before the responsible Minister can issue an extension certificate, section 5A(3) of the Act requires him or her to obtain a certificate from the Premier agreeing to the extension.

288. Agencies should consult OCPC and DPC as soon as they believe a statutory rule or legislative instrument may require a Premier's extension certificate. Agencies are encouraged to provide preliminary drafts of the proposed statutory rule to DPC to assist this initial consultation at least six weeks before a request is made to the Premier to issue an extension certificate.

289. The responsible Minister should request in writing that the Premier issue an extension certificate under section 5A. Such requests should be made at least four weeks before the date on which it is sought to have the proposed statutory rule made.

290. The Explanatory Memorandum submitted to the Governor in Council must also set out the special circumstances justifying the extension.

291. Extension regulations do not need to be accompanied by a RIS if the responsible Minister issues an exemption certificate under section 8(1)(e)(iii).

292. Extension certificates under section 5A(1), Premier's extension certificates under section 5A(3) or exemption certificates under section 8(1)(e)(iii) must be laid before Parliament and sent to SARC. See generally Part 3, Division 2 of these Guidelines.

Planning and Environment Act 1987

PORT PHILLIP PLANNING SCHEME

Notice of Approval of Amendment

Amendment C103

The Minister for Planning has approved Amendment C103 to the Port Phillip Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment implements the Bay Street Activity Centre Structure Plan 2014.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the City of Port Phillip, St Kilda Town Hall, corner Carlisle Street and Brighton Road, St Kilda.

RACHAEL JOINER
Director
Planning Services and Impact Assessment
Department of Environment, Land, Water and Planning

ORDERS IN COUNCIL

Land Acquisition and Compensation Act 1986

CERTIFICATION PURSUANT TO SECTION 5(3) OF
THE **LAND ACQUISITION AND COMPENSATION ACT 1986**

Order in Council

Under section 5(3) of the **Land Acquisition and Compensation Act 1986**, the Governor in Council certifies the land referred to in the Schedule to this Order as land for which reservation is contrary to the public interest.

This legislative instrument comes into effect on the date published in the Government Gazette.

Dated 5 July 2016

Responsible Minister
THE HON MARTIN PAKULA MP
Attorney-General

ANDREW ROBINSON
Clerk of the Executive Council

SCHEDULE: PROPERTIES LOCATED AT SCENIC ESTATE, PHILLIP ISLAND AND CERTIFIED UNDER SECTION 5(3) OF
THE **LAND ACQUISITION AND COMPENSATION ACT 1986**

	Allotment	**Title Volume and Folio**
1.	Lot 1 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 243
2.	Lot 2 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 244
3.	Lot 3 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 245
4.	Lot 4 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 246
5.	Lot 6 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 248
6.	Lot 7 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 249
7.	Lot 10 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 252
8.	Lot 11 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 253
9.	Lot 12 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 254
10.	Lot 13 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 255
11.	Lot 14 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 256
12.	Lot 15 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 257
13.	Lot 16 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 258
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15.	Lot 18 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 260
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19.	Lot 22 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 264
20.	Lot 23 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 265

	Allotment	Title Volume and Folio
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28.	Lot 34 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 276
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38.	Lot 46 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 288
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51.	Lot 79 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 321
52.	Lot 81 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 323
53.	Lot 82 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 324

	Allotment	**Title Volume and Folio**
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55.	Lot 87 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 329
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58.	Lot 97 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 339
59.	Lot 99 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 341
60.	Lot 100 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 342
61.	Lot 102 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 344
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67.	Lot 114 on Plan of Subdivision 54996	Certificate of Title Volume 8380 Folio 356
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Flora and Fauna Guarantee Act 1988

ADDING OF ITEMS TO THE THREATENED LIST

Order in Council

The Governor in Council, under section 10(1) of the **Flora and Fauna Guarantee Act 1988**, adds the items described in the Schedule below to the Threatened List.

Schedule

ITEMS TO BE ADDED TO THE THREATENED LIST

Yarran *(Acacia melvillei)*

Umbrella Wattle *(Acacia oswaldii)*

Cut-leaf Burr-daisy *(Calotis anthemoides)*

Plains Billy-buttons *(Craspedia haplorrhiza)*

Spotted Emu-bush *(Eremophila maculata subsp. maculata)*

Dated 5 July 2016

Responsible Ministers:

LILY D'AMBROSIO
Minister for Energy, Environment and Climate Change

JAALA PULFORD
Minister for Agriculture

ANDREW ROBINSON
Clerk of the Executive Council

SUBORDINATE LEGISLATION ACT 1994 NOTICE THAT STATUTORY RULES ARE OBTAINABLE

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from SAI Global Bookshop, 85 Buckhurst Street, South Melbourne, on the date specified:

71. *Statutory Rule*: Fisheries and Fisheries (Fees, Royalties and Levies) Amendment (Recreational Fishery Licences) Regulations 2016
Authorising Act: Fisheries Act 1995
Date first obtainable: 6 July 2016
Code A

72. *Statutory Rule*: Children, Youth and Families Amendment Regulations 2016
Authorising Act: Children, Youth and Families Act 2005
Date first obtainable: 6 July 2016
Code A

73. *Statutory Rule*: Magistrates' Court General Amendment Regulations 2016
Authorising Act: Magistrates' Court Act 1989
Date first obtainable: 6 July 2016
Code A

74. *Statutory Rule*: Court Security Amendment Regulations 2016
Authorising Act: Court Security Act 1980
Date first obtainable: 6 July 2016
Code A

75. *Statutory Rule*: Victorian Civil and Administrative Tribunal (Fees) Regulations 2016
Authorising Act: Victorian Civil and Administrative Tribunal Act 1998
Date first obtainable: 6 July 2016
Code B

76. *Statutory Rule*: Guardianship and Administration (Fees) Amendment Regulations 2016
Authorising Act: Guardianship and Administration Act 1986
Date first obtainable: 6 July 2016
Code A

77. *Statutory Rule*: Liquor Control Reform (Wholesale Liquor Supply Information) Amendment Regulations 2016
Authorising Act: Liquor Control Reform Act 1998
Date first obtainable: 6 July 2016
Code A

78. *Statutory Rule*: Retirement Villages (Contractual Arrangements) Amendment Regulations 2016
Authorising Act: Retirement Villages Act 1986
Date first obtainable: 6 July 2016
Code A

79. *Statutory Rule*: Corrections Amendment Regulations 2016
Authorising Act: Corrections Act 1986
Date first obtainable: 6 July 2016
Code B

80.	*Statutory Rule*:	Victorian Civil and Administrative Tribunal (Amendment No. 14) Rules 2016
	Authorising Act:	Victorian Civil and Administrative Tribunal Act 1998
	Date first obtainable:	6 July 2016
	Code A	
81.	*Statutory Rule*:	Victorian Civil and Administrative Tribunal (Fees and Other Amendments) Rules 2016
	Authorising Act:	Victorian Civil and Administrative Tribunal Act 1998
	Date first obtainable:	6 July 2016
	Code A	
82.	*Statutory Rule*:	Magistrates' Court General Civil Procedure (Expert Witness Code Amendment) Rules 2016
	Authorising Act:	Magistrates' Court Act 1989
	Date first obtainable:	6 July 2016
	Code A	

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 # Printed as two volumes

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