people's forum

Program

26 November 2002, 6.00pm – 7.30pm

Council Chamber, Melbourne Town Hall

90 Swanston Street, Melbourne

1. **Welcome and introduction**

2. **Questions without notice**

3. **Questions received in advance of the People's Forum**

   - **3.1 Rubbish on St Kilda Road**
   - **3.2 Advertising Hoardings and Signs on St Kilda Road**
   - **3.3 Noise: Garbage Collection in the City**
   - **3.4 Noise: Car and House Alarms**
   - **3.5 Planning Powers**

See attached notes for full details of questions and response.

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Hotline 9658 9658 **Fax 9658 9613** **Email peoplesforum@melbourne.vic.gov.au**

people's forum

BRIEFING PAPER ON AGENDA ITEMS FOR DISCUSSION AT PEOPLE'S FORUM

ITEM 3.1 : Rubbish on St Kilda Road

Question: Providers of take away food, drinks, etc. should be made responsible for the proper disposal of wrapping of the merchandise they sell. Take away food, fast food and coffee shops should be required to maintain the area around their premises free from rubbish and empty refuse bins regularly.

Response: Council takes great pride in the presentation of the City and seeks to continually improve the cleanliness of the streets throughout the municipality. In regard to St Kilda Road, the City of Melbourne has recently been working with the City of Port Phillip to produce a better outcome for this beautiful boulevard. From the City of Melbourne's perspective our street cleaning service provider is concentrating on bringing the presentation of the boulevard up to an acceptable standard. We are making every effort to ensure that the City of Port Phillip is also aware of the importance of improving the appearance of their portion of St Kilda Road.

Council is responsible for maintaining the cleanliness of footpaths to boundary property lines only. However, the Environment Management Plan contained within the City of Melbourne's Environment Local Law, promotes land management and environment quality throughout the municipality in the avoidance, creation, storage and disposal of waste. It has been designed to minimise the burden on individuals and maximise the benefits to the community. The Plan emphasises the need for proper waste container storage, clean containers, appropriate recycling practices and a high standard of cleanliness in public places. It also encourages property owners and occupiers to take responsibility for the cleanliness of the public area adjacent to their premises.

Further to the above, the City of Melbourne participates in the Victorian Litter Action Alliance which is the peak body for litter management. The alliance was created to coordinate efforts made on behalf of State and Local Government agencies and the private sector to reduce litter in the Victorian environment to acceptable levels.

In regard to takeaway food packaging, residents may be interested to know that there is a National Packaging Covenant. This Covenant is the leading instrument for managing packaging waste in Australia. It was signed by Australia and New Zealand Environment and Conservation Council Ministers, Local Government and a broad range of industries in the packaging chain on 27 August 1999.

The goals of the Covenant are to minimise the environmental impacts of consumer packaging waste throughout the entire life cycle of the packaging product, close the recycling loop, develop economically viable and sustainable recycling collection systems and ensure that the voluntary process continues.

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Any further enquiries regarding municipal waste management or street cleaning, please contact the office of Engineering Services on the telephone number below.

Contact Officer : Terry Makings, Group Manager Engineering Services
Telephone : 9658 8711
Facsimile : 9658 8886
E-mail : termak@melbourne.vic.gov.au

ITEM 3.2 : Advertising Hoardings and Signs on St Kilda Road

Question : The erection of advertising hoardings and signs for lease etc, should be subject to Council approval. Each sign to be a given a permit number and the expiry date of the sign. The fee to be charged to be based on the size of the sign and the duration of its placement.

Response : There are already provisions in place regarding this type of signage. A planning permit is not required for signs advertising the sale or letting of properties if they meet certain conditions. A permit can be issued to vary or exceed the specified conditions. A permit is required for the very large hoardings eg. those erected on redevelopment sites.

Contact Officer : John Noonan, Group Manager, Sustainable Regulatory Services
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ITEM 3.3 : Noise: Garbage Collection in the City

Question : In light of the council's encouragement for residents to move into the City of Melbourne, what is it doing to reduce noise – particularly that of garbage contractors – between 11pm and 6am? (Although Council has a reporting system for noise violations, this is not practical for inner city apartment residents where a direct line of site to a truck's registration plate is not possible.)

Response : Council's Health Services Branch investigates all complaints received regarding excessive noise generated from early morning waste collection. There is no specified time restrictions for waste collectors outlined in legislation. Council must establish that a nuisance pursuant to the Health Act is occurring prior to taking enforcement action.

Council's current position is that collections occurring prior to 6:00am may constitute a nuisance. However, regard is given to the frequency of collection in determining whether a nuisance exists. For example, a one-off or infrequent collection prior to 6:00am would not be considered to constitute a nuisance under the Health Act.

Residents affected by early morning waste collection are required to assist in the evidence collection process, which includes the keeping of a log of occurrences of collections that affect them.

Council is currently reviewing its local laws and is examining the possibility of establishing waste collection times in the CBD.

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ITEM 3.4 : Noise: Car and House Alarms

Question : Would it be possible to establish a fine system for car alarms and house alarms that go off for more than a short limited time, or go off repeatedly? I live in a residential street yet have alarms going off all day and night, usually due to malfunction, and no one will take responsibility for them, while the problem is growing bigger daily.

Response : Noise from car alarms and/or house alarms would not constitute a nuisance for an isolated incidence. Council has no power to issue fines and does not have a Local Law addressing this issue. It would not be practical to have a local law as the nature of the alarm going off may be for a number of reasons, including theft, agitation of the vehicle, faulty alarm or a flat battery. Alarms are required to disengage after a short period of time (10 minutes or less). Health Services does not receive many complaints regarding noise from alarms and in the first instance would refer the matter to Victoria Police.

Council could, however, issue a Nuisance Notice in the event that an alarm was continuing to sound regularly over a period of time due to malfunction or improper use.

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ITEM 3.5 : Planning Powers

Question : What powers would Council Officers and Councillors like to see Councils given so that they can better manage planning and amenity issues in particular, but also other issues. For example:

- enforcement through VCAT is far too clumsy and expensive, Liquor Licensing can give on the spot fines, why not a system of warning then on the spot fine, repeated if necessary.
- ability to limit residential permits and add residential parking permit restrictions to contracts of sale/lease information.
- ability to rule out borrowed light from bedrooms.

Response : In terms of planning powers the most significant issue relates to the split of planning responsibility between the Council and the Minister for Planning. This matter has been addressed through the Planning Development and Services Committee and Council has written to the Minister seeking the reinstatement of powers.

- We currently issue 'on the spot' fines for breaches of planning controls or planning permits using Planning Infringement Notices.
- We can warn people on the spot if we know they are breaching planning regulations.
- The issue of limiting the availability of residential parking permits is a matter to be dealt with through the Council's own resident parking scheme.
- A medium / high density multi-level residential code would be helpful.
- The State Government / Department of Infrastructure has announced its intention to develop such a code.
- Such a code would address a range of amenity considerations.

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