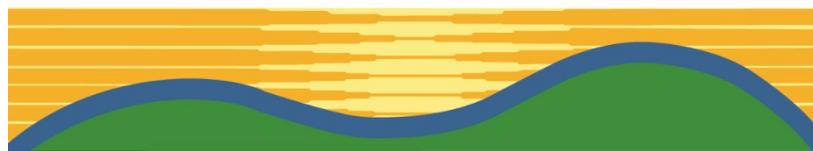


# MITCHELL SHIRE COUNCIL



## ORDINARY COUNCIL MEETING

### AGENDA

**MONDAY 22 NOVEMBER 2021**  
**7.00pm**

**NOTICE IS HEREBY GIVEN** that **Ordinary Council Meeting** of the Mitchell Shire Council will be held **Online** and at **Mitchell Civic Centre, 113 High Street Broadford**, on **Monday 22 November 2021** commencing at **7.00pm**.

**BRETT LUXFORD**  
**CHIEF EXECUTIVE OFFICER**

By attending this meeting, you agree to be filmed. An audio and digital recording is made of all public Council and Committee Meetings, streamed live and published on Council's website. By participating in proceedings including during question time or in making a submission regarding an item before Council you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication. Meeting recordings can be located at [www.mitchellshire.vic.gov.au](http://www.mitchellshire.vic.gov.au).

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**1 WELCOME**

The Mayor formally opens the meeting with an acknowledgement of country and welcomes all present.

**2 GOVERNANCE DECLARATION****3 APOLOGIES AND LEAVE OF ABSENCE****4 DISCLOSURE OF CONFLICTS OF INTEREST**

*In accordance with Section 130(2)(a) of the Local Government Act 2020.*

**5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RECOMMENDATION**

**THAT** the Minutes of the Ordinary Council Meeting held 18 October 2021, as circulated, be confirmed.

**RECOMMENDATION**

**THAT** the Minutes of the Statutory Council Meeting held 15 November 2021, as circulated, be confirmed.

**6 PETITIONS AND JOINT LETTERS****7 PRESENTATIONS**

## 8 ADVOCACY AND COMMUNITIES

### 8.1 NEIGHBOURHOOD SAFER PLACE - BUSHFIRE PLACE OF LAST RESORT - WANDONG

**Author:** Bryan McCarthy - Emergency Management and Recovery Coordinator

**File No:** EM/05/013

**Attachments:** Nil

#### 1. Purpose

- 1.1 This report recommends that Council designate the Wandong Plaza car park as a Neighbourhood Safer Place-Bushfire Place of Last Resort (NSP-BPLR).

#### 2. Background

- 2.1 An NSP-BPLR is a location that:
- Provides a place of last resort for individuals to access and shelter in during a fire event affecting their neighbourhood – without the need to take a high-risk journey beyond their neighbourhood;
  - Eliminates direct exposure to flames from a fire front and management of radiant heat to survivable levels; and
  - Should only be accessed when personal bushfire survival plans (for individual properties) cannot be implemented or have failed.
- 2.2 The potential to establish an NSP-BPLR site within the Wandong-Heathcote Junction locality is reflected in a November 2014 Council report and has been consistently expressed by the community as a priority.
- 2.3 While it is generally preferable for an NSP-BPLR to be located on publicly owned and managed land, a number of potential sites in Wandong have been considered by CFA and Council officers and found to not comply or be unsuitable based on access to the site and land tenure / usage issues.
- 2.4 In 2017, a CFA assessment of the open car park of the Wandong Plaza Shopping Centre found this site to be 'Compliant' with the CFA's NSP-BPLR Assessment Criteria.
- 2.5 The site is owned by Eaglenest Investments Pty Ltd with the buildings on site under lease to multiple commercial tenants. While the landowner was receptive to the proposal at the time, there were some complexities identified around how tenancies would be reflected as parties to the Deed of Consent, which is the formal document which governs the designation and articulates the chain of liability and operational matters associated with an NSP-BPLR.

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NEIGHBOURHOOD SAFER PLACE - BUSHFIRE PLACE OF LAST RESORT - WANDONG (CONT.)

- 2.6 This issue remained unresolved until 2020, when it was revisited as a community priority as part of the engagement for Council's "Vulnerable Eastern Ridgeline Communities" project funded under the State Government's, *Strengthening Community Partnerships in Bushfire Risk Reduction* grant program.

### 3. Key Matters

- 3.1 In 2020, officers re-engaged with the landowner and main tenancy, IGA Supermarket, to affirm support for the proposal.
- 3.2 In December 2020, CFA re-assessed the open car park of the Wandong Plaza Shopping Centre found the site to be 'Compliant' with the CFA's NSP NSP-BPLR Assessment Criteria which includes a radiant heat assessment, affirming the 2017 assessment.
- 3.3 In 2021, officers obtained definitive legal advice determining that only the landowner, and *not* the individual tenancies, would be required to be a party to the Deed of Consent. A key consideration in this determination is that the NSP-BPLR designation covers only the open car park area, and not the buildings under lease.
- 3.4 Officers prepared a Deed of Consent pursuant to this legal advice, which has been signed under delegation by Council's CEO and the landowner. Signing of the Deed is a precursor to the designation progressing through the formal approval process via this Council report.

### Recommendation

**THAT** Council:

1. Approve the designation of the Wandong Plaza NSP-BPLR.
2. Note the actions required once Council approval is given for the site to be established as an NSP- BPLR.

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NEIGHBOURHOOD SAFER PLACE - BUSHFIRE PLACE OF LAST RESORT - WANDONG (CONT.)

#### **4. Financial, Resource and Asset Management Implications**

- 4.1 Council is responsible for maintaining designated NSP-BPLR sites within the municipal district.
- 4.2 The maintenance obligation extends only to the area of designation - such as appropriate vegetation management and installation and maintenance of any infrastructure such as signage required for the functioning of the site as an NSP-BPLR. This designation does not trigger any investment or maintenance above that outlined above nor does it impose any substantive additional burden on the landowner. Details of maintenance requirements are prescribed in the Deed of Consent.
- 4.3 Indicative costing for signage is in the order of \$500.

#### **5. Consultation**

- 5.1 Community safety in the event of a bushfire has been an ever-present concern in this locality, a focus heightened in the aftermath of the 2009 bushfires and reaffirmed in subsequent fire events in the region. The establishment of an NSP-BPLR has been captured as an explicit priority during focused community engagement for the Phase Two Place Based Community Planning pilot project and the *'Safer Together – Vulnerable Eastern Ridgeline Communities'* project.
- 5.2 Council officers have held detailed discussions with the landowner and main Wandong Plaza tenancy (IGA supermarket) to canvass any concerns with the proposal.
- 5.3 All tenancies within the Wandong Plaza precinct have been informed of the proposal and offered an information briefing opportunity.
- 5.4 The proposal has been discussed with and is supported by the CFA - Wandong Brigade and District 12 personnel.
- 5.5 Further community education on bushfire planning will be delivered in the lead up to the 2021-2022 fire season in partnership with CFA. This will be aimed at ensuring the community is aware of the role and purpose of NSP-BPLR's; and to educate the community that NSPs only offer alternative shelter to those whose fire plans have failed and who can travel safely to the site in the event of a live, local fire emergency.

#### **6. Sustainability Implications (Social and Environmental)**

- 6.1 Climate change projections predict a longer fire season in coming years, increased fire risk and more severe wildfire events. While the NSP-BPLR does not actively mitigate these environmental risks, it does respond to them by delivering hazard reduction in terms of community safety by providing an option when all leave early plans have failed.

## 7. Policy and Legislative Implications

7.1 NSP – BPLR's may only be designated by a resolution of the Council, following the prescribed sequential process outlined below:

- A compliant radiant heat assessment conducted by the CFA.
- An assessment by council officers to identify if the potential site meets all of the other criteria required for designation as an NSP-BPLR as outlined in the Mitchell Shire Council Neighbourhood Safer Places Plan (2018). This includes access and egress, maintenance and maintainability, defensible space and ability to conduct fire suppression activities, dependability of buildings, signage etc.
- Approval by Council pursuant to a recommendation by the Mitchell Shire Municipal Emergency Management Planning Committee made 15 September 2021.
- Following the designation of a NSP – BPLR, Council's Municipal Fire Prevention Officer must provide an updated list of all designated NSP-BPLRs within the municipality to the Country Fire Authority under section 50(K) of the *Country Fire Authority Act 1958*.
- Liability for injury or death at an NSP-BPLR is a Council responsibility under section 50N (2) *Country Fire Authority Act 1958*:

*any liability for the death of or injury to a person arising from the use of the designated neighbourhood safer place that would attach to the owner or occupier of the land or a person with control of the land attaches instead to the municipal council in the municipal district of which the land is situated.*

## 8. Alignment to Council Plan

8.1 The designation of the Wandong NSP-BPLR:

- Enhances community awareness of living with bushfire risk and builds capacity to plan for and respond to fire events, addressing the Council Plan 2021-2025 strategic objective of 'Our communities are welcoming, engaged, prosperous, safe, and healthy'.
- Delivers a community identified priority, via a Key Priority of the Council Plan 2021-2025 – Show leadership to prevent or mitigate the increasing impacts of climate related weather events on our communities and environment.

## 9. Conflict of Interest

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

NEIGHBOURHOOD SAFER PLACE - BUSHFIRE PLACE OF LAST RESORT - WANDONG (CONT.)

## 10. Risk Implications

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Designation of the Wandong site as an NSP-BPLR before the 2021-22 summer season.	Med	Council approves Designation prior to the 2021/2022 summer fire season which provides time to register the site and educate the community.	Yes, within existing resources
Suitability of the identified location for use as an NSP-BPLR	Med	CFA assessment of the site against the CFA NSP-BPLR Assessment Criteria.	Yes, within existing resources
Capacity of car park is exceeded.	Med	Community education regarding their personal fire plan and the limitations of the NSP-BPLR.	Yes, within existing resources

## 11. Discussion

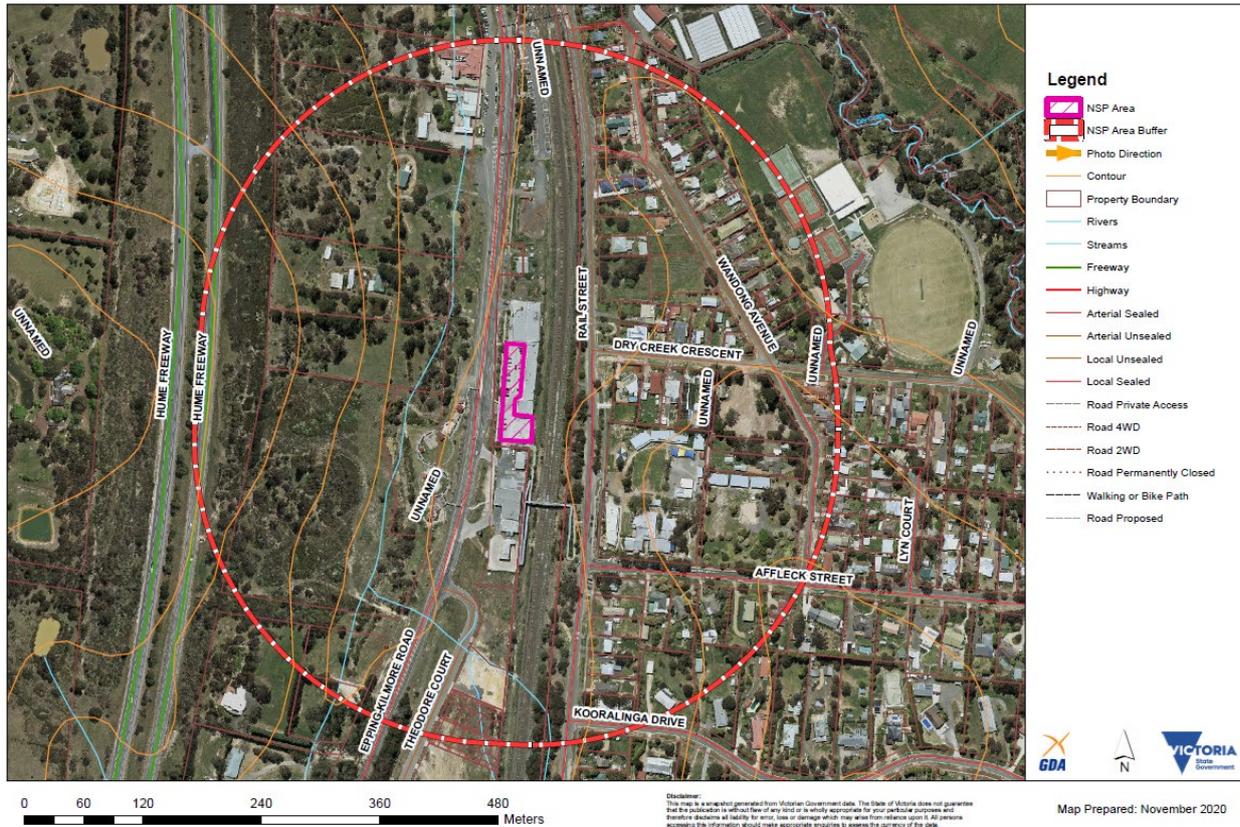
11.1 Council approval of the designation triggers the following actions:

- Erection of signage at the site.
- Community education activities in partnership with CFA
- Publishing location of the NSP-BPLR on the MSC website
- Include location in the Municipal Emergency Management Plan
- Notify Country Fire Authority and Municipal Association of Victoria

11.2 The image below identifies the CFA assessment area and NSP-BPLR site area:

NEIGHBOURHOOD SAFER PLACE - BUSHFIRE PLACE OF LAST RESORT - WANDONG (CONT.)

Wandong IGA NSP Assessment 2020 - Assessment Area Map



## 8.2 MITCHELL SHIRE COUNCIL EMERGENCY MANAGEMENT POLICY AND FRAMEWORK

**Author:** Bryan McCarthy - *Emergency Management and Recovery Coordinator*

**File No:** EM/15/002

**Attachments:** 1. *Emergency Management Policy 2021- Draft - Final*  
2. *EM Framework - Draft - Final Nov 2021*

### 1. Purpose

1.1 This report presents the Mitchell Shire Council Emergency Management Policy and Framework for adoption by Council.

### 2. Background

2.1 The Mitchell Shire Council Emergency Management Policy and Framework was first adopted 14 July 2014 and endorsed 16 October 2017; it ensures that emergency management is integrated into 'normal' Council business.

2.2 The *Emergency Management Act 2013* was amended 1 December 2020 which included changes to Councils role in emergency management. These changes have been incorporated into the Emergency Management Policy and Framework presented in this report.

2.3 The changes to the *Emergency Management Act 2013* focuses on mitigating risk in our communities.

### 3. Key Matters

3.1 The aim of the Emergency Management Policy and Framework is to integrate emergency management processes and practice into the usual business of Mitchell Shire Council.

3.2 Endorsement of the Policy and Framework maintains a "whole of organisation" integration of emergency management and minimise the impact of an emergency event on the operations and service delivery of Council to support the affected community.

#### 3.3 Emergency Management Policy

- Recognises Council's compliance with the *Emergency Management Act 2103* and other relevant Acts i.e., *Country Fire Authority Act 1958*, and addresses the requirements of those Acts to confirm Council's capacity and capability.
- Identifies accountabilities and responsibilities, and how emergency management will be governed.

## MITCHELL SHIRE COUNCIL EMERGENCY MANAGEMENT POLICY AND FRAMEWORK (CONT.)

- Supports an “All Communities, All-Emergencies” approach using risk management principles and standards
- Embeds community participation and contribution in the planning, response and recovery process.
- Council delegates to the Chief Executive Officer authority to implement and manage the policy and framework

### 3.4 Emergency Management Framework

The Emergency Management Framework aims to assist Council achieve a best practice model for emergency planning, mitigation, preparedness, response and recovery. It provides a structured framework and foundation for emergency management planning both within Council, through partnership development, and within the community. The framework provides guidance on:

- **Governance** - confirms the arrangements and responsibilities of Councillors, Chief Executive Officer, legislated emergency management roles, and Council Officers.
- **Council Operations Relating to Emergency Management** - identifies Council's role in mitigating risk via the services delivered, role in responding to and providing emergency relief and recovery, and continuous improvement and innovation.
- **Capacity and Capability** – providing the resources to ensure Council delivers on its commitments within its capacity and capability.
- **Policies, Procedures, Operational Manuals, Complimentary Plans** – Appropriate documentation to record, educate and share Council's role and responsibilities.

### Recommendation

**THAT** Council:

1. Endorse the Mitchell Shire Council Emergency Management Policy.
2. Notes the Emergency Management Framework.

**4. Financial, Resource and Asset Management Implications**

- 4.1 Council is committed to providing appropriate financial and employee resources within its current capacity and capability to deliver its emergency management responsibilities and accountabilities. State government provides limited grant funding to support Councils role in emergency management, Council will pursue grant funding opportunities as they are offered.

**5. Consultation**

- 5.1 Departments across Council contributed as a 'whole of organisation' approach to the review and development of the Policy and Framework.
- 5.2 As this is an internal document, external consultation was limited to researching other Council's emergency management policy positions.

**6. Sustainability Implications (Social and Environmental)**

- 6.1 Endorsement of the Emergency Management Policy and noting the Framework will contribute to the ongoing development and support of social sustainability and resilience in our community.
- 6.2 Emergency preparedness, response and recovery activities will be undertaken in accordance with relevant environmental legislation, including the *Planning and Environment Act 1987*, the *Flora and Fauna Guarantee Act 1988* etc.
- 6.3 Works will also be conducted in accordance with Council adopted plans and strategies including, but not limited to the Mitchell Shire Rural Roadside Environmental Management Plan, the Mitchell Shire Environment Strategy and relevant reserve management plans.

**7. Policy and Legislative Implications**

- 7.1 Council is required to comply with the relevant provisions of the *Emergency Management Act 2013*, *Country Fire Authority Act 1958*, and other Acts and Regulations relevant to the requirements of Victorian State Emergency Management Plan.

**8. Alignment to Council Plan**

- 8.1 Aligns with Key Priority 6.2 – promoting a safe and secure environment throughout the Shire; to enhance and improve Council's emergency management capacity and ability to respond to and recover from emergencies and natural disasters.

## MITCHELL SHIRE COUNCIL EMERGENCY MANAGEMENT POLICY AND FRAMEWORK (CONT.)

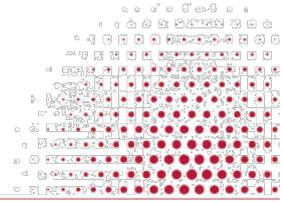
**9. Conflict of Interest**

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**10. Risk Implications**

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Failure to comply with requirements of the <i>Emergency Management Act 2013</i> , <i>Country Fire Authority Act 1958</i> and other relevant Acts and regulations.	Low	Endorsement of Councils Emergency Management Policy and Framework for implementation by the Chief Executive Officer.	Yes



# Mitchell Shire Council Emergency Management Policy

<b>Policy Owner</b>	Manager Community Amenity and Emergency Management Community Amenity and Emergency Management
<b>Authorisation Date</b>	November 2021
<b>Authorised by</b>	Council adopted
<b>Next review date</b>	January 2025
Please check Council's Intranet to ensure this is the latest Revision.	

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**Purpose**

The Mitchell Shire Emergency Management Policy outlines how Mitchell Shire Council plans to meet its responsibilities under the [Emergency Management Act 2013](#) and provides for a service delivery model that demonstrates its commitment to ensuring it has adequate resources, structures and processes in place to prepare for, prevent, respond to and recover from emergency incidents that affect the Mitchell Shire Community.

**Scope**

This policy applies to all Mitchell Shire Council employees, Councillors, contractors, and volunteers.

**Policy****Objectives**

The objectives of this policy are to ensure that Mitchell Shire Council has a comprehensive Emergency Management Framework in place, bringing together policies, plans and procedures from across all departments that relate to Emergency Management activities, as well as staff in place to ensure compliance with all legislated roles and responsibilities.

This includes ensuring there is provision of an appropriate governance and management structure within Mitchell Shire Council to work with community and emergency services to build community resilience and capacity, to plan for, mitigate, and manage emergency management activities including those associated with relief and recovery as required under the [Emergency Management Act 2013](#), [Emergency Management Act 1986](#), the [Country Fire Authority Act 1958](#), and any other relevant Acts and Regulations as required.

**Background**

The Victorian Emergency Management Sector is continually changing and evolving, with learnings from large-scale emergency events driving both legislative and procedural changes.

The revised [Emergency Management Act 2013](#) (in force from December 2020) sees Mitchell Shire Council assigned a variety of [roles and responsibilities](#) across all stages of emergency management – from promoting community resilience, undertaking mitigation activities, to supporting response and relief, and co-ordinating recovery. This includes supporting all requirements outlined in the [Mitchell Shire Municipal Emergency Management Plan 2021-2024](#).

Mitchell Shire Council needs to develop, review, and have in place policies, plans, and procedures to ensure that we are operationally ready should the need arise and to ensure that legislated Emergency Management roles/positions within Council staff are well defined and integrated into the 'whole-of-business' service delivery model.

There are many 'day-to-day' Council activities that contribute to emergency management – with almost every department involved in making Mitchell Shire a safer place through our programs and actions. It is important that all of these actions are considered and documented as part of the Emergency Management Framework, rather than just focusing on how Council operates during, and immediately after, an emergency event.

**Policy Statement**

A Policy to ensure the development, maintenance and implementation as required, of an 'Emergency Management Framework' based on best practice benchmarks. This framework is to embrace the 'all-communities, all-emergencies' approach detailed in the objectives of the [Emergency Management Act 2013](#).

The Mitchell Shire Emergency Management Framework will include detail of:

- Strategies aimed at building community resilience to the impacts of emergency events.
- All Council activities that contribute to the mitigation/prevention of emergency events
- Council's role in supporting response activities during an emergency event (including provision of relief measures)
- Council's role in the development and delivery of recovery strategies aimed at helping the community recover from emergency events.
- Effective and efficient activation and escalation protocols to respond to emergencies within Councils normal service delivery area, 24 hours a day, 365 days a year, including business continuity contingencies in larger scale emergencies.
- Development of appropriate protocols/procedures to manage the limited resources of council, and where council capacity and capability is exceeded during an emergency, appropriate arrangements to activate mutual aid agreements with neighbouring councils, and regional and state agencies.
- Delegation, as necessary by appropriate instrument, to relevant Council officers for the management of funds and utilisation of Mitchell Shire Council resources to meet operational requirements.
- The method of appointment of all Council Emergency Management [legislated roles](#) (including council representation on various committees and panels) and positions.

This includes the roles of:

- Municipal Emergency Management Officer (MEMO)
  - Municipal Recovery Manager(s) (MRM)
  - Municipal Fire Prevention Officer (MFPO)
  - Municipal Emergency Management Planning Committee Chair
  - Environmental Health Officer (EHO)
  - Representatives to Sub-Committees, Working Groups and Response teams (as required)
- How emergency management roles relating to planning, mitigation, response, relief, and recovery activities will be integrated into the Mitchell Shire Council Organisational Structure
  - How emergency management activities are to be monitored and evaluated for effectiveness, ensuring best use of Council resources, taking into account the potential effects of ongoing climate change.

### **Roles and Responsibilities**

Chief Executive Officer to implement and have oversight of the Mitchell Shire Council Emergency Management Policy and Framework, and appoint a director to manage and maintain this policy and framework.

### **Definitions**

[Emergency Management Act 2013](#) defines –

#### ***Emergency***

means an emergency due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person in Victoria or which destroys or damages, or threatens to destroy or damage, any property in Victoria or endangers or threatens to endanger the environment or an element of the environment in Victoria including, without limiting the generality of the foregoing—

- a) an earthquake, flood, wind-storm or other natural event; and
- b) a fire; and
- c) an explosion; and
- d) a road accident or any other accident; and
- e) a plague or an epidemic or contamination; and
- f) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; and
- g) a hi-jack, siege or riot; and
- h) a disruption to an essential service;

**Emergency Management** means the arrangements for, or in relation to—

- (a) the mitigation of emergencies; and
- (b) the response to emergencies; and
- (c) the recovery from emergencies;

**Mitigation** means the elimination or reduction of the incidence or severity of emergencies and the minimisation of their effects;

**Response** means the combating of emergencies and the provision of rescue services;

**Recovery** means the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning;

#### **Municipal emergency management officers**

- (1) A municipal council must appoint one or more municipal emergency management officers for its municipal district.
- (2) A municipal emergency management officer is responsible for—
  - (a) liaising with agencies in relation to emergency management activities for the municipal district; and
  - (b) assisting in the coordination of emergency management activities for the municipal council.

#### **Municipal recovery managers**

- (1) A municipal council must appoint one or more municipal recovery managers for its municipal district.
- (2) A municipal recovery manager is responsible for—
  - (a) coordinating, in consultation with agencies, the resources of the municipal council and the community for the purposes of recovery; and
  - (b) liaising with any municipal emergency management officer appointed for the municipal district in relation to the use of the municipal council's resources for the purposes of recovery; and
  - (c) assisting any municipal emergency management officer appointed for the municipal district with planning and preparing for recovery.

[Country Fire Authority Act 1968](#) defines -

#### **Municipal fire prevention officers and assistants**

- (1) Each municipal council, the municipal district or part of the municipal district of which is in the country area of Victoria—
  - (a) must appoint a person to be the fire prevention officer for that council for the purposes of this Act;
  - (b) may appoint any number of persons it thinks fit to be assistant fire prevention officers.

- (2) A fire prevention officer may, by written instrument, delegate to an assistant fire prevention officer, either generally or as otherwise provided in the instrument, any power or duty of the fire prevention officer under this Act or the regulations except this power of delegation.

### **Applicable Legislation and Regulation**

[Country Fire Authority Act 1968](#)

[Emergency Management Act 2013](#)

### **Charter of Human Rights and Social Impact**

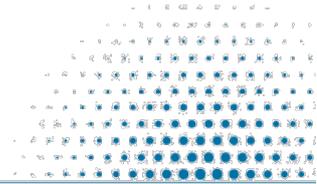
This Policy has considered and complies with the human rights and responsibilities contained in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

### **Related Documents**

- Mitchell Shire Council Emergency Management Framework
- *Electricity Safety Act 1998* S2A 86(b)
- Electricity Safety (Electric Line Clearance) Regulations 2020
- *Emergency Management Act 1986*
- *Local Government Act 1989*
- *Public Health and Wellbeing Act 2008* s24, s28
- *Water Act 1989* s165
- *Water Industry Act 1994* s81

### **Revision History**

<b>Version</b>	<b>Authorised by</b>	<b>Authorisation Date</b>	<b>Regulatory Policy</b>	<b>Policy Category</b>
1	Council adopted	14 July 2014	Yes	Community Policy
2	Council adopted	October 2017	Yes	Community Policy
3	Council adopted	22 November 2021	Yes	Community Policy



# Mitchell Shire Council Emergency Management Framework

<b>Framework Owner</b>	Manager Community Amenity and Emergency Management
<b>Noted by Council on:</b>	November 2021
<b>Next review date</b>	January 2025
<b>Version</b>	3.0
Please check Council's Intranet to ensure this is the latest Revision	

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## 1.0 Purpose

The Mitchell Shire Emergency Management Framework provides detail of how Mitchell Shire Council plans to meet its responsibilities under the [Emergency Management Act 2013](#).

The goal is to capture and document all activities undertaken by Council that contribute to building community resilience, reducing and mitigating hazards, responding to emergency events, and developing and delivering recovery strategies aimed at assisting the communities of Mitchell Shire to return to a proper and effective level of functionality should an emergency event occur.

This Emergency Management Framework aims to embrace the 'all-communities, all-emergencies' approach detailed in the objectives of the [Emergency Management Act 2013](#), and to provide an integrated service delivery model that identifies all 'day-to-day' activities undertaken across all Council departments, that contribute to emergency management.

The Emergency Management Framework also outlines emergency management processes and procedures required to inform and direct these activities and ensures they are supported by the organisational structure, trained personnel and council resources required to deliver them.

## 2.0 Scope

This Emergency Management Framework outlines Mitchell Shire Council's activities that contribute to emergency management, and describes the policies, plans, procedures, and employees in place, to enable compliance with all its legislated roles and responsibilities as required under the [Emergency Management Act 2013](#), [Emergency Management Act 1986](#), the [Country Fire Authority Act 1958](#), and any other relevant Acts and Regulations as required.

## 3.0 Background

The Victorian Emergency Management Sector is continually changing and evolving, with learnings from large-scale emergency events such as the Black Saturday fires and the worldwide COVID-19 pandemic, driving both legislative and procedural changes.

The revised [Emergency Management Act 2013](#) (amended 1<sup>st</sup> December 2020) introduced a more integrated approach to the three-tiered (state, regional and municipal) emergency planning system, with the [Victorian State Emergency Management Plan](#) providing the overarching detail of [roles and responsibilities](#) for emergency management activities across mitigation, response and recovery phases.

Mitchell Shire Council has a wide range of responsibilities within this sector, from involvement in emergency management planning, promoting community resilience, carrying out hazard reduction and mitigation strategies, to roles during the response and relief phase of an emergency event, and assisting the community to recover.

The amended [Emergency Management Act 2013](#) also includes changes to the mandatory emergency management roles within Councils, and the transition from a Council-endorsed Municipal Emergency Management Planning Committee, to one that is an independent entity bringing together all of the 'players' with a defined role in the emergency management sector – including Control Agencies, Local Council, Government Departments and Community.

In the past, much of the operational detail for Council's emergency management activities were contained in the Municipal Emergency Management Plan as this was seen as a Council 'owned' document. With the transition to a Municipal Emergency Management Plan that is now multi-agency plan owned by the Municipal Emergency Management Planning Committee, the operational detail specific to council activities needs to be captured within this Emergency Management Framework and its supporting procedure and protocol documentation.

There are many 'day-to-day' Council activities that contribute to emergency management – with almost every department involved in making Mitchell Shire a safer place through their programs and actions. It is important that these actions are considered and documented as part of the Emergency Management Framework, rather than just focusing on how Council operates during, and immediately after, an emergency event.

In this way the risks to the community and the potential impacts of an emergency are reduced, and Mitchell Shire Council is operationally ready should the need arise. It will also ensure the legislated emergency management roles/positions within Council are well defined within the organisational structure and emergency management activities are integrated into the 'whole-of-business' service delivery model.

#### 4.0 Alignment with Council's Vision, Strategy & Plans

The current Mitchell Shire Council Plan 2021-2025 has four themes and strategic objectives.

- ✓ Council
- ✓ Nature
- ✓ Built Environment
- ✓ Community

The Emergency Management Framework aligns with these themes through the myriad of activities and programs that aim to make the communities within Mitchell Shire safer. The promotion of strong communities, responsible planning, and care of the environment are particularly relevant to mitigation activities and supporting local jobs and the local economy are important during Recovery from emergency events.

The Mitchell 2050 Vision, Council Plan 2021-2025, and updated Health and Wellbeing Plans will also embed climate change action as a key overarching principle across all Council activities, including those relating to emergency management.

The Mitchell Shire Council Environment Policy 2020 also includes the commitment statement that "we will continue to respond to climatic changes and emergencies".

## 5.0 Governance

It is imperative that all Councillors, Executive Leadership Team, and Council Officers have a clear and shared understanding of how emergency management activities are integrated into Council's day-to-day activities and the responsibilities Council has under the various pieces of legislation.

This understanding needs to be embedded into Council policies, training, management structures and practices to ensure that Council fulfills its legislative obligations through specific actions across all departments.

### 5.1. Councillor's Role in Emergency Management

Mitchell Shire's Councillors need to have an understanding of the importance of emergency management and how emergency management activities tie in with other Council responsibilities and the day-to-day operations of each department.

During the response and recovery phases of an emergency event, Councillors have an important role in supporting and representing their community.

The Municipal Association of Victoria has prepared '[Your Role in Emergency Management - a Guide for Mayors and Councillors](#)' that provides an overview for Councillors.

### 5.2. Chief Executive Officer

In line with the [Local Government Act 2020](#), the Chief Executive Officer is the one responsible for ensuring that Council complies with the legislative requirements of the [Emergency Management Act 1986 & 2013](#), [Country Fire Authority Act 1958](#) and other relevant Acts and Regulations as required.

This includes:

- Implementing all parts of the Emergency Management Policy & Framework.
- Ensuring that Legislated Positions/Roles are appointed, and that the defined actions of those roles are carried out.
- Governance arrangements to ensure accountabilities and responsibilities are monitored and managed with timely and targeted reporting.
- Nominating/delegating appropriate Council Officers for representative positions on Committees, working groups and response teams (i.e., the Municipal Emergency Management Planning Committee where the CEO is the Chair unless the role is delegated) and ensuring that there shall be clear processes in place for reporting on activities conducted under this delegation.
- Ensure that funds and resources are made available to meet operational requirements in relation to emergency management.
- Ensure appropriate response activation and escalation protocols, including mutual aid and resource sharing arrangements are in place. A roster will be maintained to provide a 24 hour per day, 365 days per year capacity to respond to emergency events. The roster will be scalable to reflect the advice and threat to the community.
- Fostering a culture of continual improvement and innovation in the emergency management space

### 5.3. Legislated Roles

There are several legislated roles that all Municipal Councils must either appoint as a defined position, or delegate responsibilities to as part of another role.

These include:

- Municipal Emergency Management Officer (MEMO) (plus Deputies)
- Municipal Recovery Manager (MRM) (plus Deputies)
- Municipal Fire Prevention Officer (MFPO) (plus Assistant MFPOs)
- Municipal Emergency Management Planning Committee Chair
- Environmental Health Officer (EHO)

Note: The Legislative definitions and responsibilities for each of these roles are included in [Appendix 2 – Legislated Role Descriptions](#).

### 5.4. Review

This Emergency Management Framework to be reviewed and updated every 4 years in line with the Emergency Management Policy, or as required when legislative changes occur.

## 6.0 Council Operations Relating to Emergency Management

### 6.1. Mitigation

The [Victorian State Emergency Management Plan](#) defines Mitigation as *'the elimination or reduction of the incidence or severity of emergencies and the minimisation of their effects.'*

Mitigation involves employing a wide array of strategies and actions to reduce the risk of an emergency occurring, and for those events that cannot be prevented, reducing the impacts or intensity of such an event, should it occur.

The [Victorian State Emergency Management Plan](#) is very specific about assigning the [roles and responsibilities for mitigation](#) strategies for all 15 of the [Significant Victorian Emergency Risks](#), most of which could potentially occur in Mitchell Shire. Many of the responsibilities are shared roles – involving both council and other agencies.

#### 6.1.1. Planning for Emergencies

##### ***Mitchell Shire Council's Role on the Municipal Emergency Management Planning Committee***

Under the revised legislation, the Municipal Emergency Management Planning Committee is no longer a council-based committee, although it still relies heavily on council involvement.

Mitchell Shire Council has a legislated role to provide the Chair of the Municipal Emergency Management Planning Committee.

- Section 59B of the [Emergency Management Act 2013](#) details that either the Chief Executive Officer, or a member of the municipal council staff nominated by the Chief Executive Officer, is to be the chairperson of the Municipal Emergency Management Planning Committee.
- The Municipal Emergency Management Planning Committee must invite at least one community representative. In some cases, they may choose to invite an elected Councillor to fill this role. (s59A(1)(b))
- The Municipal Emergency Management Planning Committee must invite at least one person with a role or responsibility in relation to recovery from emergencies at a municipal level. (s59A(1)(b))
- While not the plan's preparer, the Municipal Council is required to continue publishing the Municipal Emergency Management Plan (and any Sub-Plans) on its website on behalf of the Municipal Emergency Management Planning Committee

The Victorian State Emergency Management Plan [Role Statement for Municipal Councils](#) states:

Mitchell Shire Council must work with the Municipal and/or Regional Emergency Management Planning Committees to undertake:

- provision of community awareness, information and warning system(s)
- identification and assessment of hazards/risks
- implementation/co-ordination of specific risk treatments for identified risks

#### ***Internal Risk Assessments and Treatments Specific to Mitchell Shire Council Activities***

Although the Municipal Emergency Management Planning Committee is responsible for conducting hazard identification and risk assessments, Mitchell Shire Council also has an obligation to conduct internal risk assessments regarding their own activities, operations, and undertakings.

Mitchell Shire Councils Risk Management Framework and Policy outlines the approach of Mitchell Shire Council to managing risks and the strategy for achieving effective risk management that is integrated in all activities across the organisation. This includes assessing emergency risks that impact on Councils operations and service delivery.

Mitchell Shire Council's Business Continuity Plan is closely linked to its emergency management functions, and complements emergency planning, as any emergency event has the potential to impact other council services.

The Business Continuity Plan details how normal council services and functions will be prioritised during an emergency event that affects the Council's facilities or employees and forms the 'in-house' detail of how the Council will continue to function during an emergency event.

The revised business continuity model features less reliance on a physical presence and focusses on delivery of services utilising remote and virtual technologies.

### ***Planning for Vulnerable Persons within the Community***

The Department of Families, Fairness and Housing - [Vulnerable People in Emergencies Policy](#), establishes the criteria and guidelines to support identified vulnerable persons in the community, and to identify facilities where vulnerable people may be housed.

Municipal councils have a role in maintaining and coordinating the local Vulnerable Persons Register and Vulnerable Facilities Register, and this is achieved by working closely with local health service providers and community service organisations.

Under the policy, municipal councils have a role in coordinating local Vulnerable Persons Registers, including the provision of basic system administration and local oversight.

#### **6.1.2. Community Engagement, Education and Awareness**

Given that all members of the community have a role in reducing risk, mitigation includes educating and engaging the community so that individuals, households, and families can better understand the risks that may impact them or their property, and what they need to do to reduce these risks. With information, they can then play their part in preparing for emergency events.

Mitchell Shire Council plays a role directly and is involved in supporting other agencies that are tasked with community engagement, education and awareness – i.e., supporting the Country Fire Authority in bushfire risk reduction education, or supporting Victorian State Emergency Service in educating the community about storms or floods.

#### **6.1.3. Building Resilience**

Strategies aiming to promote community resilience and mitigate the post-emergency complications and consequences seen during the relief and recovery stages of an emergency can significantly reduce the effects of an emergency event.

Although the concept of community resilience is difficult to define, many of council's activities promote resilience through the development of community identity, facilitating community groups, working with disadvantaged persons within the community and promoting inclusion.

Mitchell Shire Council plays a large role in driving [Community Health and Wellbeing](#), with activities, programs and services aimed at keeping all residents healthy, promoting active lifestyles, and reducing inequalities and disadvantage.

#### **6.1.4. Compliance with other Legislation, Codes and Standards**

Mitchell Shire Council has a large role in mitigation through the compliance of a variety of legislation relating to fire, health, building and planning – i.e., planning schemes, building permits, food safety inspections. In fact, councils have responsibilities under more than 120 different Victorian pieces of legislation, many of which have sections relating to public safety.

### ***Land Use Planning – Strategic and Statutory Planning***

Land Use planning and regulation plays an important role for community safety and the mitigation of risks throughout the municipality.

Through the implementation and enforcement of the Mitchell Planning Scheme which is a statutory document and sets out objectives, policies and provisions relating to the use, development, protection and conservation of land in the area to which it applies. A planning scheme regulates the use and development of land through planning provisions to achieve those objectives and policies.

This includes the enforcement of the Mitchell Planning Scheme by Council and covers areas such as flooding, inundation, climate change and bushfire mitigation.

#### ***Building Regulations, Codes and Standards***

Upholding the building regulations, codes and standards is a legislated requirement for Municipal Councils regarding mitigation activities around bushfire, earthquake (post 1989, 1993, 2007 standards), storms, and hazardous materials (including industrial waste and facility design).

#### ***Environmental Health***

Mitchell Shire Council plays a role in Community Safety and [Food Chain Safety](#), through a variety of programs and [local laws](#). Many of these programs may not appear to be directly relevant to emergency mitigation, but they play an important part in risk minimisation at the Municipal level through promoting safer behaviour and providing safe food and water supplies.

#### ***Public Health - Immunisation***

Mitchell Shire Council contributes to the mitigation of communicable diseases by implementing the [National Immunisation Program](#) which delivers a simple, safe and effective way of protecting people against harmful diseases before they come into contact with them. Immunisation not only protects individuals, but also others in the community, by reducing the spread of preventable diseases.

#### ***Bushfire Safety***

Through the Municipal Fire Prevention Officer, the council has a compliance and enforcement role in relation to the maintenance of private property, ensuring landowners undertake their part in the mitigation of emergencies by maintaining their properties in a way that reduces risk.

Council also is required to undertake landscape fuel management activities on council-owned land, roadsides etc. There are also several Fuel Management Plans being developed, in partnership with Country Fire Authority, Department of Environment, Land, Water and Planning, and Taungurung Land and Waters Council (for Crown Land) for bushland reserves such as Monument Hill Reserve in Kilmore.

Under the [Electricity Safety Act 1998](#) Municipal Council are tasked with identifying trees that are hazardous to electric lines (2A 86(b)), and under [Electricity Safety \(Electric Line Clearance\) Regulations 2020](#) Council has developed an [Electrical Line Clearance Management Plan](#).

Council assists in bushfire management through provision of clearance of roadside vegetation along roadways to meet the requirements of the [Road Management Act 2004](#). Council maintains a program of spraying and tree maintenance to enable compliance to their Road Management Plan where Council is the Road Authority.

### 6.1.5. Essential Infrastructure

Mitchell Shire Council is tasked with managing and maintaining property and vital infrastructure (such as drains, levees, bridges, roads, and fire access tracks) within the municipality, as well as community venues that may be used in the Response, Relief and Recovery phases of an emergency incident, ensuring they are fit for purpose, should the need arise.

Council is responsible for the management of the local urban stormwater drainage systems which carry stormwater to local creeks and waterways – ensuring drainage standards and strategies are met. The [Mitchell Shire Urban Stormwater Drainage Plan](#) outlines how this is applied within the municipal district.

They are also responsible for any vulnerability assessments and maintenance regimes for essential services, dams, levees, buildings, roads, bridges and tunnels in relation to earthquake risk.

Council is responsible for the planning, construction and maintenance of some of the roads within their area. The [Road Management Act 2004](#) requires all Councils to have a [Road Asset Management Plan](#) outlining how they will inspect, maintain and repair public roads for which they are responsible for, as well as a [Bridge Asset Management Plan](#), relating specifically to bridges within the Shire

Council has a responsibility regarding the provision and maintenance of Fire Plugs/Hydrants under the [Water Act 1989](#) s165.

### 6.1.6. Climate Change Impact

Council recognises that we are currently facing a climate emergency. Catastrophic changes to the world's climate caused by human activity are resulting in a loss of a safe climate, threatening the wellbeing of all life. Inevitably, such changes to the climate will have an impact on our community and the operations of Council.

Climate change has already resulted in more intense weather events including heatwaves, flash flooding, intense storms, drought and bushfires. The continued impacts of climate change are likely to include loss of life, physical and mental health impacts, reduced primary production, property damage and loss of essential infrastructure for power, transport and communications.

A heatwave is defined as three (3) or more days of unusually high day and night-time temperatures. Victoria experiences a severe heatwave event on average every two years, challenging already vulnerable people and industries. Victoria can expect to experience a severe heatwave event every year by 2030, doubling the current event frequency and cost to the economy. Over the past 100 years, heatwaves have caused more deaths than any other natural hazard. Heatwaves also restrict work capacity and decrease the productivity of exposed workers. Heatwaves exacerbate drought, which in turn can also increase bushfire risk.

Climate change projections for our region shows an increase in average annual temperatures and a reduction in overall rainfall. Despite declining annual rainfall, extreme rainfall events are expected to become more intense and unpredictable, exacerbating flood risk. Generally, conditions will become drier, with increased potential evaporation and reduced relative humidity. Climate predictions are that by 2030 the average annual temperature will be 1.4°C above the climate of 1986-2005 (under a high emissions scenario) (DELWP, CSIRO, 2019). By the 2030s, increases in daily maximum temperature of 0.9 to 1.8°C (since the 1990s) are expected. By 2050, average maximum temperatures are expected to increase by up to 3.1°C. As warming continues, more heat extremes are expected in the decades to come.

Council is committed to climate change action through mitigation and adaptation activities. Consequences of severe weather events will continue to directly impact our communities in various ways, Council must consider and act upon the latest evidence-based advice and information to ensure appropriate planning and preparedness occurs relative to the enormity of the challenged faced.

## 6.2 Response and Relief during an Emergency Event

The [Victorian State Emergency Management Plan](#) defines:

*'Response' as the 'action taken immediately before, during and in the first period after an emergency to reduce the effects and consequences of the emergency on people, their livelihoods, wellbeing and property; on the environment; and to meet basic human needs.'*

*'Relief' as the 'provision of assistance to meet the essential needs of individuals, families and communities during and in the immediate aftermath of an emergency'.*

Emergency events can be classified as 'Major' and 'Non-Major' emergencies, with the [Victorian State Emergency Management Plan](#) providing definitions of the three levels (Levels 1, 2 and 3 with 3 most serious) of seriousness (Table 3, page 18) and how they will be managed.

The Victorian State Emergency Management Plan in the [Role Statement for Municipal Councils](#) sets out the role of Council during emergency events and states:

<p>Mitchell Shire Council (when safe to do so) is required to support the Incident Control Centre with:</p> <ul style="list-style-type: none"> <li>• facilitation of the delivery of official agency warnings to the community through local channels (not all councils will undertake this activity)</li> <li>• provision of available municipal resources to response agencies</li> <li>• provision of available facilities for emergency services' staging areas</li> <li>• partial/full closure of areas to exclude the public from dangerous areas</li> <li>• partial/full local road closures and determination of alternative routes</li> </ul>	<p>Municipal councils are also responsible for the co-ordination of local level relief activities, and are lead agency for:</p> <ul style="list-style-type: none"> <li>• provision of local relief information to public and media</li> <li>• establishing and managing emergency relief centres to shelter members of the community displaced by an emergency</li> <li>• arranging emergency shelter and accommodation for displaced households</li> <li>• providing personal support and counselling referral</li> <li>• co-ordination of secondary impact assessment</li> <li>• co-ordinating clean-up activities, including disposal of deceased animals (domestic, native and feral)</li> </ul>
<p>Municipal councils support Department of Jobs, Precincts and Regions and Department of Environment, Land, Water and Planning in providing animal welfare relief activities, as shown in the Relief Table (Table 11).</p> <p>Municipal councils co-ordinate the housing of displaced and lost/stray companion animals, with support from Victorian Farmers Federation, Australian Veterinary Association and RSPCA.</p>	

### 6.2.1 Non-Major Emergencies in Mitchell Shire

Most incidents that occur in Mitchell Shire are classified as non-Major events— they are simple, isolated, incidents where the response is considered 'day-to-day' business for the control agency (such as Victoria Police, Country Fire Authority or State Emergency Service).

These incidents are usually resolved quickly, there is no need for activation of regional or state level controls, and they can be dealt with using the agency resources located within the Municipal district.

Non-Major incidents have little or no impact on the wider community or infrastructure, so relief and recovery activities are usually not required, or the Control Agency will request relief and recovery assistance directly from Mitchell Shire Council via the Municipal Recovery Manager for those individuals affected.

There is the potential for a Business Continuity event for Council even though the emergency is non-Major and considered an isolated event for the community as it may impact on the ability of Council to provide resources or services during the event.

### 6.2.2 Major Emergencies in Mitchell Shire

In a Major Emergency, Mitchell Shire Council is considered a 'supporting agency' and may be called upon to assist with provision and coordination of resources (including equipment, personnel and services), coordinating and providing relief services to the affected community and planning for and early coordination of recovery programs for the affected community.

In the case of a major emergency, there are a range of activations across both the responding agencies, and council's emergency management employees. This includes activation of the Municipal Emergency Management Officer and Municipal Recovery Manager roles. Councils Business Continuity plans may be activated to support the deployment of resources to support our affected community, emergency services and maintain Council services and business.

### 6.2.3 After Hours Response

Mitchell Shire Council's After-Hours Duty Staff have an important role in this process, as escalation of an event (such as a storm) can occur quickly. The Duty Statement for the role needs to identify potential indicators of an escalating event and provide clear direction as to when Council's emergency management employees should be contacted.

The After-Hours Duty Officer can also be a resource to support emergency services and our community, Council resources can be provided based on the need and application.

### 6.2.4 Council Employees and Emergency Response

Mitchell Shire Council recognises that emergency events may expose employees who respond to road closures, building damage or other infrastructure failure to dangerous or unknown conditions. Council does not knowingly allow any employee to work in an environment that will put their life at risk and has obligations to provide a safe workplace and demonstrate a duty of care under the *Occupational Health Safety Act (Vic) 2004*. A risk-based approach to working in emergency conditions is applied and procedures are developed to assist employees in working in a safe manner.

### 6.2.5 Emergency Relief Centre/s

During a Major Emergency, Mitchell Shire Council, assisted by other organisations and the Department of Fairness, Families and Housing, is responsible for implementing emergency relief measures, including establishing and managing Emergency Relief Centres.

The Mitchell Shire Relief and Recovery Sub Plan details the current arrangements for emergency relief activities, including the activation, staffing arrangements, and locations of potential Emergency Relief and Recovery Centres, should they be required.

### 6.3. Recovery

The [Victorian State Emergency Management Plan](#) defines Recovery as *'assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning'*.

Due to its community-based focus and need for local knowledge, the responsibility for coordinating the recovery process is assigned to Municipal Councils. There is then a list of 'Lead' and 'Support' agencies for each of the different recovery activities that may be required, subject to impact and needs assessment outcomes.

Even when the scale of the emergency dictates that regional (Hume Regional Recovery Plan) or state level assistance is required, escalation builds on the local arrangements. Council employees with dedicated recovery roles co-ordinate the recovery activities and are assisted and supported by a raft of other agencies as required.

Details of the [Roles and Responsibilities in Recovery](#) for each of the four environments - Social, Economic, Built, and Natural (Tables 12-15) - are clearly defined in the Victorian State Emergency Management Plan.

Just as every emergency event is different, the recovery needs for each community following these events can be very different. Much has been learned from the large-scale emergencies of the last decade, and there is a raft of resources to help guide and direct those involved in the Recovery planning process:

- [Resilient Recovery Strategy](#)
- [National Principles for Disaster Recovery](#)
- [Disaster Recovery Tool Kit for Local Government](#)

It has been recognised that recovery cannot be prescriptive, instead it needs to include the community and address their actual, rather than perceived, needs. This is where the role of the Municipal Recovery Manager and Council need to tailor recovery strategies to meet the needs of their local area.

The Victorian State Emergency Management Plan in the [Role Statement for Municipal Councils](#) sets out the role of Council during emergency events and states:

The Victorian State Emergency Management Plan in the [Role Statement for Municipal Councils](#) sets out the role of Council in emergency recovery and states:

- Municipal councils are responsible for the co-ordination of local level recovery activities, and are lead agency for:
  - forming, leadership and supporting Municipal/Community Recovery Committees
  - establishing and managing recovery centres to provide recovery information to the emergency impacted community
  - co-ordination of post emergency needs assessment to determine long term recovery needs (Post Emergency Needs Assessment)
  - surveying and making a determination regarding occupancy of damaged buildings
  - overseeing and inspecting rebuilding/redevelopment
  - undertaking the assessment, restoration, clearing and rehabilitation of public buildings and assets (e.g., roads, bridges, sporting facilities, public amenities) where the municipal council is the owner/manager of that building or asset
  - providing and managing community development services and activities (not all councils will undertake this activity)
- When safe to do so, provide support to the Incident Control Centres and/or Regional Control Centres, through clearance of blocked drains and local roads.
- Municipal councils support Department of Fairness Families and Housing as the lead, as shown in the Social Environment table (Table 12) for the following:
  - support for secure interim accommodation
  - public health advice
  - advice on wellbeing in recovery
- Municipal councils support Victorian Building Authority as the lead for providing building advice and information to residents, as shown in the Social Environment table (Table 12)
- Municipal councils support Emergency Management Victoria as the lead for community information, as shown in the Social Environment table (Table 12)
- Municipal councils support Department of Jobs, Precincts and Regions as the lead, as shown in the Economic Environment table (Table 13), for the following:
  - implement approved actions and projects to assist economic recovery
  - encourage and bring forward the resumption of local trade and economic activity
  - monitor broad economic impacts and consequences
  - assist businesses to access available information and advice following an emergency
  - provide opportunities for the enhancement of knowledge and skills within small businesses

#### 6.4. Continual Improvement & Innovation

Mitchell Shire Council's Emergency Management Framework should constantly be updated and reviewed considering learnings from emergency events, both small and large scale. Larger events that occur outside of the municipality, royal commissions, and training and education of emergency management staff, all provide opportunity for improvement, and for the streamlining of processes and protocols.

### 7.0 Capacity and Capability

Like all Municipal Councils, resources that can be dedicated to emergency management and emergency response are limited. During an emergency event, there may be a host of competing requirements such as maintaining Council's ability to continue to deliver services (business continuity), diverting resources to combat the effects of the emergency, and meeting the health and safety requirements for employees.

All agencies are expected to cover their own costs and utilise their own resources to fulfill their emergency management responsibilities.

It is the Chief Executive Officers responsibility for meeting Council's legislative requirements and that funding is made available to achieve this.

The Chief Executive Officers is also responsible for establishing and facilitating resource sharing protocols and mutual aid agreements with other municipalities, regional and state agencies for occasions where Mitchell Shire's resources are exceeded or exhausted during an emergency event.

In the event of an emergency, the Chief Executive Officers needs to delegate appropriate financial permissions to allow senior emergency management employees to approve activities associated with the emergency event.

Some reimbursement for relief and recovery activities is available, with funding schemes (such as the [Victorian Natural Disaster Financial Assistance](#), which applies to events such as flooding and bushfires, and the [National Disaster Recovery Funding Arrangement](#)) outlined on pages 34 and 35 of the [Victorian State Emergency Management Plan](#).

Financial protocols for emergency management activities, need to include the management and approval of costs associated with an emergency event to ensure they meet the requirements for these schemes.

#### 7.1 Training and Employee Development

All employees in emergency management roles need to have the knowledge and key skills to effectively perform their role. It is the Chief Executive Officers responsibility to provide appropriate training and professional development programs and regular opportunities to rehearse key behaviours involved in responding to an emergency event.

Training should not only be limited to key employees with emergency management roles, but to all Council employees involved in a large-scale emergency or business continuity event.

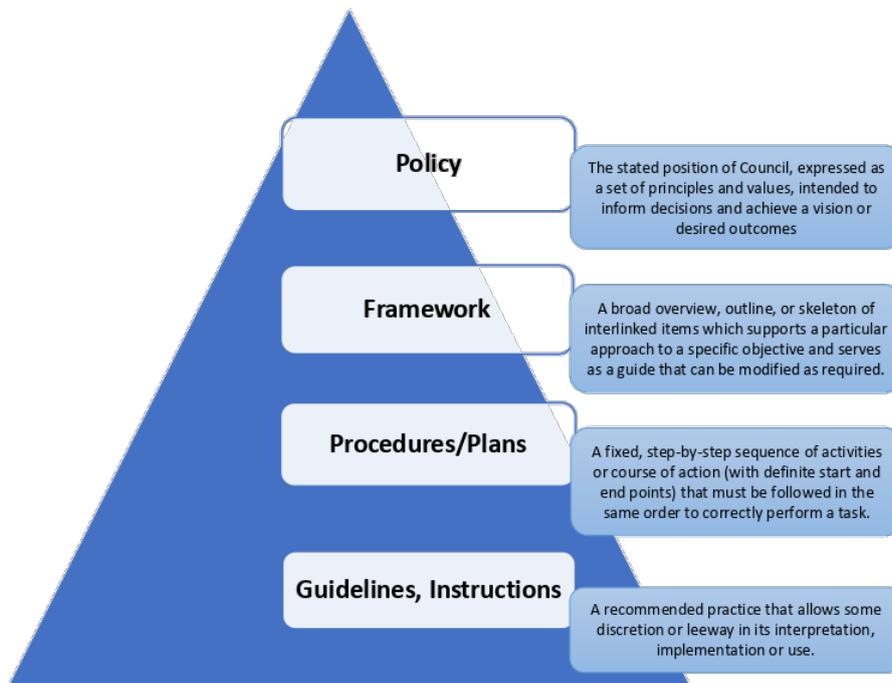
## 8.0 Policies, Procedures, Operational Manuals, Emergency Management Plans

To ensure that the legislative requirements are met, and that this Emergency Management Framework is functional and fully integrated across all of Mitchell Shire Council Departments, a full suite of operational documents – processes, procedures, operational plans and guidelines – are required.

Many of these documents already exist, but there needs to be coordination and documentation of the existing documents, along with scheduled reviews. The intrinsic interconnectivity of council activities relating to emergency management mean that operational documents need to complement each other. Identified gaps need to be prioritised for development.

Some of these supporting documents are [already publicly available](#), others need to remain confidential due to their sensitive nature.

Under the amended [Emergency Management Act 2013](#) - the multi-agency Municipal Emergency Management Planning Committee now have the role of preparing and developing those plans relating to landscape risks such as bushfire and flooding. They will also be responsible for the new Relief and Recovery Plan for the municipal area.



## 9.0 Appendices

### Appendix 1 – Definitions

[Emergency Management Act 2013](#) defines –

**Emergency**

means an emergency due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person in Victoria or which destroys or damages, or threatens to destroy or damage, any property in Victoria or endangers or threatens to endanger the environment or an element of the environment in Victoria including, without limiting the generality of the foregoing—

- a) an earthquake, flood, wind-storm or other natural event; and
- b) a fire; and
- c) an explosion; and
- d) a road accident or any other accident; and
- e) a plague or an epidemic or contamination; and
- f) a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; and
- g) a hi-jack, siege or riot; and
- h) a disruption to an essential service;

**Emergency Management** means the arrangements for, or in relation to—

- (a) the mitigation of emergencies; and
- (b) the response to emergencies; and
- (c) the recovery from emergencies;

**Mitigation** means the elimination or reduction of the incidence or severity of emergencies and the minimisation of their effects;

**Response** means the combating of emergencies and the provision of rescue services;

**Recovery** means the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning;

## Appendix 2 – Legislated Role Descriptions

Below are the Legislated role descriptions direct from the relevant Acts. Mitchell Shire Council is responsible for interpreting and operationalising the roles through detailed position description and selection criteria.

The [Emergency Management Act 2013](#) defines –

### **59B Chairperson of each Municipal Emergency Management Planning Committee**

- (1) The municipal council for a municipal district must nominate one of the following to be the chairperson of the Municipal Emergency Management Planning Committee for that municipal district—
  - (a) in the case of a body taken to be a municipal council under section 5(2)(a)(i), (ii) or (iii) of the *Alpine Resorts (Management) Act 1997*, an employee of that body; or
  - (b) in any other case, the Chief Executive Officer of the municipal council or a member of the municipal council staff nominated by the Chief Executive Officer.
- (2) The chairperson of a Municipal Emergency Management Planning Committee has the following functions—
  - (a) chairing meetings of the Municipal Emergency Management Planning Committee;
  - (b) facilitating the Municipal Emergency Management Planning Committee to perform its functions;
  - (c) on behalf of the Municipal Emergency Management Planning Committee, providing information and recommendations to the Regional Emergency Management Planning Committee for the region that includes the municipal district.

### **59G Municipal emergency management officers**

- (1) A municipal council must appoint one or more municipal emergency management officers for its municipal district.
- (2) A municipal emergency management officer is responsible for—
  - (a) liaising with agencies in relation to emergency management activities for the municipal district; and
  - (b) assisting in the coordination of emergency management activities for the municipal council.

### **59H Municipal recovery managers**

- (1) A municipal council must appoint one or more municipal recovery managers for its municipal district.
- (2) A municipal recovery manager is responsible for—

- (a) coordinating, in consultation with agencies, the resources of the municipal council and the community for the purposes of recovery; and
- (b) liaising with any municipal emergency management officer appointed for the municipal district in relation to the use of the municipal council's resources for the purposes of recovery; and
- (c) assisting any municipal emergency management officer appointed for the municipal district with planning and preparing for recovery.

The [Country Fire Authority Act 1958](#) defines -

**96A Municipal fire prevention officers and assistants**

- (1) Each municipal council, the municipal district or part of the municipal district of which is in the country area of Victoria—
  - (a) must appoint a person to be the fire prevention officer for that council for the purposes of this Act;
  - (b) may appoint any number of persons it thinks fit to be assistant fire prevention officers.
- (2) A fire prevention officer may, by written instrument, delegate to an assistant fire prevention officer, either generally or as otherwise provided in the instrument, any power or duty of the fire prevention officer under this Act or the regulations except this power of delegation.

The [Public Health and Wellbeing Act 2008](#) states -

**29 Appointment of environmental health officers**

- (1) A Council must appoint one or more environmental health officers.
- (2) A Council may only appoint as an environmental health officer a person who has the qualifications, or qualifications and experience—
  - (a) that are declared by the Secretary as necessary for appointment as an environmental health officer; or
  - (b) that the Secretary or a person approved by the Secretary for the purposes of this section is satisfied are substantially equivalent to the qualifications or experience, or qualifications and experience, declared for the purpose of paragraph (a).
- (3) The Secretary may declare the qualifications, or qualifications and experience, which are necessary for appointment as an environmental health officer by a notice published in the Government Gazette.
- (4) Despite anything in this or any other Act, 2 or more Councils may appoint the same person to be their environmental health officer.
- (5) A person appointed as an environmental health officer is by virtue of that appointment an authorised officer for the purposes of this Act.

### Appendix 3 – Legislation Relevant to Councils Emergency Management responsibilities

Key Victorian Emergency Management Legislation
<ul style="list-style-type: none"> <li>• <i>Country Fire Authority Act 1958</i></li> <li>• <i>Electricity Safety Act 1998 S2A 86(b)</i></li> <li>• <i>Electricity Safety (Electric Line Clearance) Regulations 2020</i></li> <li>• <i>Emergency Management Act 1986</i></li> <li>• <i>Emergency Management Act 2013</i></li> <li>• <i>Local Government Act 1989</i></li> <li>• <i>Local Government Act 2020</i></li> <li>• <i>Public Health and Wellbeing Act 2008 s24, s28</i></li> <li>• <i>Water Act 1989 s165</i></li> <li>• <i>Water Industry Act 1994 s81</i></li> </ul>
Additional State and Federal Legislation Relevant to Emergency Management
<ul style="list-style-type: none"> <li>• <i>Building Act 1993 s212</i></li> <li>• <i>Building Regulations 2018 r810</i></li> <li>• <i>Bushfires Royal Commission Implementation Monitor Act 2011</i></li> <li>• <i>Constitution Act 1975</i></li> <li>• <i>Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018</i></li> <li>• <i>Emergency Services Telecommunications Authority Act 2004</i></li> <li>• <i>Environment Protection Act 2017</i></li> <li>• <i>Environmental Protection and Biodiversity Conservation Act 1999</i></li> <li>• <i>Fire Services Commissioner Act 2010</i></li> <li>• <i>Flora and Fauna Guarantee Act 1988</i></li> <li>• <i>Forests Act 1958</i></li> <li>• <i>Occupational Health and Safety Act (Vic) 2004</i></li> <li>• <i>Planning and Environment Act 1987 s12, s12A, s12B, s114</i></li> <li>• <i>Protection of Cruelty to Animals Act 1986</i></li> <li>• <i>Road Management Act 2004</i></li> <li>• <i>Sentencing Act 1991</i></li> <li>• <i>Terrorism (Community Protection) Act 2003</i></li> <li>• <i>Victoria State Emergency Service Act 2005 s5</i></li> </ul>

### 8.3 COMMUNITY AND ENVIRONMENT LOCAL LAW 2021

**Author:** Adam Evans - Manager Community Amenity and Emergency Management

**File No:** LL01/210920

**Attachments:** 1. Local Law Community and Environment 2021

#### 1. Purpose

- 1.1 To present the Community and Environment Local Law 2021 for adoption by Council.

#### 2. Background

- 2.1 At Council's Meeting held on 28 June 2021 Council resolved to commence the statutory community consultation.
- 2.2 Having now completed the statutory public consultation process as required under s.223 of the *Local Government Act 1989*, the Local Law is being presented to Council for adoption.

#### 3. Key Matters

- 3.1 In consideration of the submissions received, Council officers have recommended two substantive amendments to the draft Local Law. The first proposed amendment is the removal of clause 3.9 (Vehicles on residential Land) which provides the following:

*"An owner or occupier of residential land or land under 0.4 hectares, must not, without a permit, keep or allow to be kept, a vehicle that:*

*(a) weighs more than 4.5 tonnes: or*

*(b) measures more than 7.5 metres in length*

- Whilst the proposed clause did not prohibit the parking of heavy vehicles, it required an owner or occupier of residential land to obtain a permit from Council prior to being able to keep a heavy vehicle on that land.
- The provenance of this inclusion arose from Council's Local Laws Department receiving complaints from residents who were adversely affected by the parking of heavy vehicles, particularly regarding the noise generated from trucks entering and exiting private land.
- Having objectively considered the consultation findings, and in balancing the various community interests, Council officers have

## ENDORSE LOCAL LAW COMMUNITY AND ENVIRONMENT 2021 (CONT.)

determined not to proceed with the proposed clause which will be recommended to Council to remove.

- Without compromising community amenity, it is acknowledged that any concerns relating to noise from heavy vehicles can be enforced by Council as a nuisance under the *Public Health & Wellbeing Act 2008* and any matters relating to the damage of Council assets can be addressed under the Local Law.

3.2 In consideration of the submissions received, Council officers have recommended a second substantive changes to the draft Local Law by removing sub-clause 3.10.2 (b) (Camping) which provides the following:

*“An owner or occupier of residential land or land under 0.4 hectares, must not, without a permit:*

*(b) park more than one caravan on that land.*

3.3 The rationale for removing this sub-clause is that it is not considered to be necessary to regulate this activity pursuant to a permit due to a low level of community complaints received. Furthermore, in the event that multiple caravans are stored on residential land or land under 0.4 hectares, that activity may be regulated under the general condition of land provision at clause 3.1 of the Local Law, which prohibits land being kept in an unsightly condition.

3.4 No further changes are proposed to be made to these clauses

### Recommendation

**THAT** Council:

1. Adopt the Community and Environment Local Law 2021 (Local Law) in the form of Attachment 1.
2. Following the making of the Local Law, authorise the Chief Executive Officer to:
  - a) give notice in the *Victoria Government Gazette* and a public notice in accordance with section 119(3) of the *Local Government Act 1989 (Act)*;
  - b) send a copy of the Local Law to the Minister in accordance with s.119(4) of the Act; and
  - c) notify in writing, each person who made a separate submission in accordance with s.223 of the Act, advising them of Council's decision to make the Local Law and the reasons for that decision.
3. That the Community and Environment Local Law 2021 be applied 30 days from the date of endorsement by Council.

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ENDORSE LOCAL LAW COMMUNITY AND ENVIRONMENT 2021 (CONT.)

#### **4. Financial, Resource and Asset Management Implications**

- 4.1 There are no financial or resource implications arising from the subject matter of this report. From an asset management perspective, the Local Law seeks to regulate activities so as to minimise any impacts on Council assets.

#### **5. Consultation**

- 5.1 In July 2021, the proposed Local Law was released to the community for public consultation in accordance with Council's statutory obligations under the Act which requires a public notice to be published inviting written submissions and allowing any persons wishing to do so with the opportunity to speak to those submissions. The consultation process was well supported by the community with a high level of participation shown, particularly in the completion of the online survey.
- 5.2 A summary of the community consultation activities undertaken by Council, including the number of submissions received and the general nature of the matters raised by the community is discussed below at paragraphs 5 (Consultation) and 11 (Discussion).
- 5.3 A comprehensive consultation process was undertaken in accordance with Council's statutory obligations under the Act. Further consultation activities were also undertaken at Council's initiative in order to ensure that the consultation process was robust, meaningful and able to withstand scrutiny.
- 5.4 A summary of the consultation activities undertaken by Council is summarised below:

*(a) Public Notices*

- North Central Review (whole Shire) published 6 July 2021
- Seymour Telegraph (north of Shire) published 7 July 2021
- Mclvor Times (north-west of Shire) published 7 July 2021

*(b) Council News advertisements*

- North Central Review - 13 and 27 July 2021
- Seymour Telegraph - 14 and 28 July 2021
- Mclvor Times - 14 and 28 July 2021

*(c) Media releases and news stories*

- North Central Review - 20 July 2021
- Seymour Telegraph - 14 July 2021

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ENDORSE LOCAL LAW COMMUNITY AND ENVIRONMENT 2021 (CONT.)

(d) *Text messages*

- 1800 text messages were sent out to community members who had utilised the services of the Local Laws Unit.

(e) *Letter Box Drops*

- 2000 letters were sent to our smaller communities through their local Post Offices. (using Post Office Boxes)

(f) *Community drop in sessions*

- Beveridge Community Centre – 13 July 2021
  - Two residents attended (Truck parking)
- Wallan Customer and Library Centre – 15 July 2021
  - Five residents attended Truck parking and noxious weeds
- Kilmore Customer and Library Centre – 15 July 2021
  - Two residents attended 1 truck parking 1 general info)
- Broadford Town Hall – 22 July 2021
  - Six residents attended truck parking
- Broadford Customer and Library Centre – 29 July 2021
  - Nil
- Seymour Customer and Library Centre – 29 July 2021
  - One resident attended general issues

(g) *Community virtual drop in sessions*

- 20 July 2021 – one resident truck parking
- 26 July 2021 – three residents attended truck parking

(h) *Community Survey*

- An online survey was posted on Engaging Mitchell between 5 July 2021 and 2 August 2021.
- The survey contained a number of questions where participants were asked whether they supported or didn't support various issues.

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ENDORSE LOCAL LAW COMMUNITY AND ENVIRONMENT 2021 (CONT.)

### ***Community consultation responses***

5.5 Council received seven written submissions in response to the public notice that was published in accordance with s.223 of the Act. Of those submissions received, four chose to speak to their submissions before Council's Community Questions and Hearing Committee which was convened on 9 August 2021. Copies of the written submissions have been provided to Councillors as confidential information.

- A number of submitters disapproved of the Proposed Heavy Vehicle Local Law Section 3.9
- A number of submitters spoke on the inclusion of Farming Land into Section 3.1 Condition of Land

A further two written submissions were presented to Council after the consultation period had ceased.

5.6 A total of twenty people attended the community and virtual drop-in sessions across all municipal locations. The majority of persons who attended discussed their concerns regarding the proposed regulation of parking of heavy vehicles in residential areas through the issuing of a permit under the Local Law.

5.7 A total of 258 responses to Council's online survey were received. Of those 258 responses, eleven (11) persons requested to be heard at Council's Community Questions and Hearing Committee meeting. The results of the survey findings have been provided to Councillors as confidential information.

## **6. Sustainability Implications (Social and Environmental)**

6.1 One of the primary purposes of the Local Law is to protect, maintain and enhance the natural environment of the municipal district through the regulation of activities which may affect social and environmental objectives. The subject matter of this report therefore does not raise any social, environmental or sustainability implications.

## **7. Policy and Legislative Implications**

7.1 The procedure for making a Local Law is outlined in s.119 of the Act which gives Council broad powers to make local laws with respect to any function or power of the Council.

7.2 The subject matter of this report does not raise and policy or legislative implications, noting the draft Local Law does not duplicate nor is it inconsistent with existing State or Federal legislation.

## ENDORSE LOCAL LAW COMMUNITY AND ENVIRONMENT 2021 (CONT.)

**8. Alignment to Council Plan**

8.1 The Local Law is consistent with the Council Plan 2021 - 2025 which incorporates Council's strategic objectives 1.2 all consultation and engagement activities are delivered in line with our Community engagement framework.

**9. Conflict of Interest**

9.1 All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter of this report.

**10. Risk Implications**

10.1

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Ensuring Local Laws are enforceable whilst also promoting active compliance	Low	Ensuring that the Local Law will facilitate a positive outcome for all residents.	Yes
Ensuring Local Law is able to withstand legal scrutiny when challenged	Medium	Review Local Law regularly to ensure it is compliant and can withstand legal challenge	Yes
Ensuring that Local Laws are comprehensive and appropriate	Medium	Due to the growth of local population, Council's Local Law needs to adequately address current and emerging issues.	Yes
Consideration of exclusions if incorporated into the Proposed Local Law may impact service delivery, have a financial impact and result in lack of resourcing	High	Ensure that Council is aware that if certain inclusions were incorporated into the Proposed Local Law consideration for service delivery, financial impact and resourcing would need to be factored into the budget	No

**11. Discussion**

11.1 All of the information received, and submissions made as part of the consultation process have been objectively considered by Council in order to inform the content of the Local Law.

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ENDORSE LOCAL LAW COMMUNITY AND ENVIRONMENT 2021 (CONT.)

11.2 Having objectively considered the community consultation findings, Council Officers have recommended not to proceed with the two areas of concern raised during the consultation process related to –

- Proposed clause 3.1.3 (Condition of land) which excludes farming land from the obligation to ensure that noxious weeds do not exist on that land; and
- Proposed clause 3.9 (Vehicles on residential land) which prohibits heavy vehicles being kept on residential properties unless a permit has been obtained from Council.

11.3 Over the last three years Council has received approximately 200 complaints regarding the parking of trucks within residential areas, prompting a need to balance the amenity disruption caused by this activity as against the rights of truck drivers to own heavy vehicles. Where there is an amenity impact Environmental Health Officers can investigate these concerns under the *Public Health and Wellbeing Act 2008*.

11.4 In relation to the presence of noxious weeds within the community, farming land has been specifically excised from this requirement on the basis that it cannot be meaningfully enforced by Council.

**Community and Environment  
Local Law 2021**

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**PART 1 – INTRODUCTION****1.1 Local Law**

This Local Law is titled Community and Environment Local Law 2021.

**1.2 Objectives**

The objectives of this Local Law are to:

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

**1.3 Power to make this Local Law**

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

**1.4 Commencement and revocation**

1.4.1 This Local Law:

- (a) commences on [INSERT DATE]; and
- (b) unless it is revoked sooner, will cease to operate on [INSERT DATE].

1.4.2 On the commencement of this Local Law Council's *Community and Environment Local Law 2013* is revoked save any notice, consent given, business, matter or thing commenced, made or done under the repealed Local Law is not affected.

**1.5 Application of Local Law**

This Local Law operates throughout the municipal district.

**1.6 Other legislation**

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

**1.7 Definitions**

In this Local Law, unless inconsistent with the context:

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

**advertising sign** means a placard, board, sign, card or banner, whether portable or fixed to any land, building or vehicle which:

- (a) provides information about a business, industry or organisation; or
- (b) advertises goods, services, an event or a competition.

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

**building** includes any structure whether temporary or permanent, or any part of a structure.

**building work** means any work for which a building permit is required to be issued under the *Building Act 1993* where the cost of those works is greater than \$20,000;

**bulk rubbish container** means a bin, skip or other structure designed or used for holding a substantial quantity of rubbish and which cannot be lifted without mechanical assistance;

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

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

**collection bin** means a receptacle used for the placement of donated goods;

**commercial land** means land zoned as Commercial 1 Zone or Commercial 2 Zone under the Planning Scheme;

**Council** means Mitchell Shire Council;

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

**Council land** means any land or road owned, vested in, managed by or under the control of Council and includes any building, structure, street sign, fence, tree and plant situated on that land;

**farming land** means land zoned as Farming Zone under the Planning Scheme;

**goods** includes produce, articles, items, tables, chairs, planter boxes, umbrellas, heaters and anything similar;

**industrial land** means land zoned as Industrial 1 Zone or Industrial 3 Zone under the Planning Scheme;

**land** means any land other than a municipal place or land vested in the Crown, and includes land which is privately owned and occupied and structures and fixtures on that land;

**livestock** has the same meaning ascribed by the *Impounding of Livestock Act 1994* meaning an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat;

**liquor** means a beverage containing alcohol;

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

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

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

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

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

**outdoor eating facility** means an area, adjacent to a shop from which food is ordinarily sold, containing outdoor furniture for use by patrons;

**penalty unit** means \$100;

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

**person** includes a corporation;

**person in charge** means:

- (a) the person named as the builder on a building permit issued in respect of those building works;
- (b) where a building permit hasn't been obtained, the principal contractor undertaking works at the site; or
- (c) if a contractor has not been engaged for those works, the owner of the land on which the works took place;

**planning scheme** means the Mitchell Planning Scheme;

**recreational vehicle** means a wheeled device, propelled by an internal combustion motor that forms part of the vehicle which is and ordinarily used for recreation or play, but excludes electric vehicles;

**residential land** means land zoned as Low Density Residential Zone, Mixed Use Zone, Township Zone, General Residential Zone and Neighbourhood Residential Zone under the Planning Scheme;

**resource recovery centre** means a waste facility operated by Council;

**retailer** means an organisation that provides more than 25 shopping trolleys to its customers;

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

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

**rural land** means land zoned as Rural Living Zone and Rural Conservation Zone under the Planning Scheme;

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

**sell** includes:

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

**temporary dwelling** includes a caravan, shed or similar type structure used for accommodation.

**unsightly** includes land which contains:

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

but excludes an enclosed building or structure on the land which complies with the *Building Act 1993* or the *Planning and Environment Act 1987*;

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

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

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

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

**PART-2 - MUNICIPAL PLACES & ROADS****2.1 Behaviour in municipal places**

A person must not, in a municipal place:

- (a) commit any nuisance;
- (b) conduct an activity or behave in a manner which may likely interfere with another person's reasonable use and enjoyment of the municipal place;
- (c) act in a manner which endangers any person or animal;
- (d) damage, destroy or interfere with anything located within a municipal place; or
- (f) act contrary to any conditions of use or signage which apply to the municipal place.

**2.2 Vegetation**

An owner or occupier of land must not allow any vegetation, to grow in such a manner which:

- (a) overhangs onto or over the footpath or road to an extent where impedes or obstructs its reasonable use;
- (b) obstructs traffic signage or impairs the vision of a person travelling along a road adjacent to the land; or
- (c) otherwise interferes with the safe and convenient use of the footpath or road adjacent the land.

**2.3 Property numbering**

Where a property has been allocated a property number by Council, the owner of that property must clearly display that number on that property.

**2.4 Shopping trolleys**

2.4.1 A person must not leave a shopping trolley other than in the area designated.

2.4.2 Where more than 25 shopping trolleys are provided for use by a customer, the retailer must ensure that the shopping trolleys are fitted with either a functioning coin deposit and release mechanism or an alternate, satisfactory locking mechanism.

**2.5 Advertising signs**

A person must not, without a permit, erect or place an advertising sign, or authorise another person to erect or place an advertising sign;

- (a) on a road, including on a stationary vehicle on a road; or
- (b) in a municipal place.

**2.6 Displaying goods**

A person must not, without a permit, display any goods or authorise another person to display goods on a road or in a municipal place.

**2.7 Outdoor eating facilities**

2.7.1 A person must not, without a permit, establish or use an outdoor eating facility on a road or in a municipal place.

2.7.2 A person must leave an outdoor eating facility when requested to do so by the permit holder, authorised officer or a police officer.

**2.8 Roadside trading**

A person must not, without a permit:

- (a) erect or place on a road or in a municipal place, a vehicle, caravan, trailer, table, chairs, stall or other similar structure for the purpose of selling or offering for sale any goods or services; or
- (b) sell or offer to sell goods or services on a road or in a municipal place.

**2.9 Bulk rubbish containers**

A person must not, without a permit, place a bulk rubbish container on a road or in a municipal place.

**2.10 Events**

A person must not, without a permit, hold or participate in a street party, festival, market, event or procession on a road or in a municipal place.

**2.11 Display of vehicles for sale**

A person must not display a vehicle for sale on a road or in a municipal place.

**2.12 Repair of vehicles**

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

**2.13 Consumption of liquor**

A person must not, without a permit, consume liquor or carry an open receptacle of liquor on a road or in a municipal place, except:

- (a) in a municipal reserve between the hours of 12.00pm and 8.00pm;
- (b) at a location which is licensed under the *Liquor Control Reform Act 1998*; or

(c) in an area or at any event otherwise permitted by Council.

**2.14 Collection bins**

A person must not, without a permit, place a collection bin on any land within the municipal district, including on a road or in a municipal place.

**2.15 Street collections**

A person must not, without a permit, solicit, collect or sell, gifts of money, subscriptions, goods or hard waste materials on a road or in a municipal place.

**2.16 Removal of fallen timber**

A person must not, without a permit, collect fallen timber from a road or municipal place.

**2.17 Signs**

A person must not, without a permit, place a sign, post or other similar object on Council land.

**2.18 Council land**

A person must not undertake, or cause to undertake any activity which may damage, interfere with or destroy any asset vested in or under the control of Council.

**2.19 Vehicle crossings**

An owner of land must not without a permit, construct, install, remove or alter a vehicle crossing, or cause such works to be undertaken, either temporarily or permanently.

**2.20 Circus animals**

A person must not operate a circus which includes animals.

**PART 3 – AMENITY, PUBLIC HEALTH & SAFETY****3.1 Condition of land**

3.1.1 An owner or occupier of land, must not cause or allow the land to be:

- (a) unsightly;
- (b) kept in a manner which is dangerous or likely to cause danger to life, health or property.

3.1.2 An owner or occupier of land other than farming land, must ensure that the land does not contain grass or weeds which exceed 200mm in height.

3.1.3 An owner or occupier of land other than farming land, must not allow any vermin or noxious weeds to exist on that land.

**3.2 Shipping containers**

A person must not, without a permit, place or allow to remain in place, a shipping container on any land within the municipal district.

**3.3 Fires in the open air**

3.3.1 A person must not, on land other than farming land, without a permit, light, or allow to remain lit: a fire in the open air or a fire lit for burning off or fuel reduction purposes, on land other than on a Wednesday and Saturday between 10am and 3pm, provided that the fire does not exceed 2 cubic metres.

3.3.2 A fire lit in the open air as permitted by sub-clause 3.3.1 must not include:

- (a) green or wet materials;
- (b) non-timber based building materials, furnishings or car€;
- (c) rubber, plastic, manufactured chemicals, petroleum, oil products or food products;
- (d) manure or straw; or
- (e) any other offensive material.

3.3.3 A person must not light, or allow to remain lit, a fire in the open air on land during a Country Fire Authority declared fire danger period without having obtained from the Country Fire Authority a permit to do so.

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

**3.4 Wood heaters, internal open fires and pizza ovens**

An owner or occupier of land must not allow a wood heater, internal open fire or pizza oven used on that land to cause a nuisance.

**3.5 Fireworks**

A person must not, without a permit, conduct fireworks on any land, including on a road or in a municipal place.

**3.6 Wasp nests**

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

**3.7 Bees**

A person who keeps bees or bee hives or permits bees or bee hives to be kept on land must:

- (a) comply with the Apiary Code of Practice; and
- (b) ensure that the keeping of bees or bee hives does not cause a nuisance.

**3.8 Recreational vehicles**

3.8.1 A person must not use a recreational vehicle on residential land or land less than 0.4 hectares.

3.8.2 A person must not, without a permit, use a recreational vehicle within 200 metres of land used for residential purposes.

**3.9 Camping**

A person must not, without a permit, camp:

- (a) in a municipal place; or
- (b) on any road managed by Council.

**3.10 Temporary dwellings**

A person must not, without a permit, erect, establish or occupy a temporary dwelling on any land, on a road, or in a municipal place.

## PART 4 – ANIMALS

## 4.1 Keeping animals

4.1.1 An owner or occupier of land must not without a permit keep or allow to be kept any more in number for each kind of animal than as set out in the table below:

Type of animal	Permitted number of animals on residential land and land under 0.4 hectares	Permitted number of animals on rural land and land over 0.4 hectares	Permitted number of animals on farm land
Dogs	2	3	6
Cats	2	3	4
Poultry	10	20	Not limited by Local Law but planning controls may apply
Geese	2	2	Not limited by Local Law but planning controls may apply
Domestic birds	20	30	Not limited by Local Law but planning controls may apply
Roosters	Not permitted	Permit required	Not limited by Local Law but planning controls may apply
Guinea pigs	4	6	Not limited by Local Law but planning controls may apply
Domestic rabbits	4	6	Not limited by Local Law but planning controls may apply
Ferrets	2	4	Not limited by Local Law but planning controls may apply
Horses and donkeys	Permit required	Not limited by Local Law but planning controls may apply (exemption equine areas)	Not limited by Local Law but planning controls may apply
Cattle	Permit Required	Not limited by Local Law but planning controls may apply	Not limited by Local Law but planning controls may apply
Sheep	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning controls may apply
Goats	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning controls may apply
Other animals not listed	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning controls may apply
Pigs	Not permitted	Permit required	Not limited by Local Law but planning controls may apply

4.1.2 Sub-clause 4.1.1 does not apply to:

- (a) dogs and cats under 3 months of age; and
- (b) land that is lawfully used for the purposes of a pet shop, veterinarian business, Council pound, animal breeding or boarding establishment or any other use permitted under the Planning Scheme.

*NOTE: Council's cat curfew made under the Domestic Animals Act 1994 prescribes the hours which cats may be outside their owner's premises.*

#### **4.2 Animal housing**

The owner or occupier of any land on which animals are kept must provide housing which is adequate and appropriate in the circumstances, taking into consideration:

- (a) the type and number of animals to be kept;
- (b) the capacity to maintain the housing in a sanitary and inoffensive condition; and
- (c) the capacity to protect neighbours from noise from animals on the land.

#### **4.3 Animal nuisance**

An owner or occupier of land must ensure that all animals kept on that land do not:

- (a) habitually make an objectionable noise at unreasonable times; or
- (b) cause a nuisance to any person.

*NOTE: Clause 4.3 does not apply to dogs or cats which are regulated under the Domestic Animals Act 1994.*

#### **4.4 Removal of animal excrement**

A person in charge of an animal in a municipal place or on a road must:

- (a) carry a suitable device for the collection of excrement from that animal; and
- (b) collect and dispose of the excrement in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

#### **4.5 Disposal of animal**

A person in charge of a deceased animal must ensure that the animal is disposed of in a timely and humane manner without creating any nuisance, health or environmental hazard.

#### **4.6 Livestock on roads**

A person must not, without a permit, move or graze any livestock on a road.

**4.7 Fencing**

- 4.7.1 An owner or occupier of land on which livestock are kept must ensure that the fencing on that land is adequate to prevent the escape of livestock.
- 4.7.2 A person must not, without a permit, install an electric fence other than on rural land or farm land.

**PART 5 - WASTE****5.1 Domestic waste**

5.1.1 The occupier of land to which Council provides a garbage or recyclable collection service must ensure that any Council issued bin is:

- (a) appropriately maintained and positioned for collection with the lid closed;
- (b) not overloaded to a weight exceeding 70 kilograms;
- (c) not filled with inappropriate materials including non-domestic waste, e-waste, hot or burning ashes, commercial materials or explosive, hazardous or dangerous materials;
- (d) placed adjacent to the kerb outside the front of the premises, at least half a metre clear of any other object or obstruction;
- (e) only filled with refuse generated from the household to which the bin has been issued to; and
- (f) placed out for collection and returned inside the property boundary within 24 hours of collection.

5.1.2 A person must not remove or interfere with any waste, refuse or recyclable materials placed out for collection.

**5.2 Restriction of use of public bins**

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

**5.3 Municipal Resource Recovery Centre**

A person must not, without a permit, remove any materials from a Municipal Resource Recovery Centre.

**PART 6 – ASSET PROTECTION**

**6.1 Asset protection permit**

6.1.1 Prior to:

- (a) the commencement of building works on land, in a municipal places and Crown land for which Council manages; or
- (b) allowing a vehicle, having a gross weight exceeding two tonnes to enter a building site on land, in a municipal place and Crown land for which Council manages -

the person in charge of the building works must apply to Council and obtain an Asset Protection Permit.

6.1.2 Where an application for an Asset Protection Permit relates to more than one dwelling, Council may require the applicant to obtain an Asset Protection Permit for each dwelling.

**PART 7 - PERMITS****7.1 Applications for permits**

If this Local Law requires a permit to be obtained, the application for the permit must:

- (a) be made to Council in writing, using the prescribed form, and signed by the permit applicant; and
- (b) be accompanied by the fee prescribed by Council, unless the fee has been waived by Council.

**7.2 More information**

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

**7.3 Decision on permit application**

After considering all relevant documentation, Council may decide:

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

**7.4 Correction of a permit**

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

**7.5 Review**

Within 28 days of receiving notification of Council's decision, an applicant for a permit may apply to Council for a review of a decision to:

- (a) refuse to grant a permit;
- (b) grant a permit subject to conditions;
- (c) amend a permit; or
- (d) revoke a permit.

**PART 8 - ENFORCEMENT****8.1 Offences**

## 8.1.1 A person who:

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

is guilty of an offence and is liable to -

- (i) a maximum penalty of \$2000; and
- (ii) a further penalty of \$200 for each day after a finding of guilt or conviction for an offence during which the contravention continues.

8.1.2 Where a corporation commits an offence under this Local law, any directors or officers of that corporation also commit an offence.

**8.2 Infringement notices**

8.2.1 As an alternative to a prosecution for an offence, an authorised officer may serve a person with an infringement notice in a form approved by Council.

8.2.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.

8.2.3 The amount of the fixed penalty to be specified in an infringement notice is set out in Schedule 1.

**8.3 Notice to Comply**

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

8.3.2 A Notice to Comply must specify the time and date by which the person specified in the Notice to Comply must comply with the specified directions.

8.3.3 The period required to comply with a Notice to Comply must be reasonable in the circumstances having regard to:

- (a) the amount of work involved;
- (b) the degree of difficulty;
- (c) the availability of necessary materials or other items;
- (d) climatic conditions;
- (e) the degree of risk or potential risk; and
- (f) any other relevant factor.

#### **8.4 Urgent circumstances**

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

#### **8.5 Impounding objects**

8.5.1 An authorised officer may:

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

8.5.2 Where any item has been impounded under this clause, Council must, if practicable, serve written notice on the person who appears to be the owner of the impounded item.

## Schedule 1 – Infringement notice penalties

Clause	Activity	Penalty Unit
	<b>PART 2 – MUNICIPAL PLACES &amp; ROADS</b>	
2.1	Behaviour in municipal places	2
2.2	Vegetation	2
2.3	Property numbering	2
2.4	Shopping trolleys	1
2.5	Advertising signs	2
2.6	Displaying goods	2
2.7	Outdoor eating facilities on roads	2
2.8	Roadside trading	5
2.9	Bulk rubbish containers	2
2.10	Street events	2
2.11	Display of vehicles for sale on a road or in a municipal place	5
2.12	Repair of vehicles	1
2.13	Consumption of liquor	5
2.14	Collection bins	5
2.15	Street collections	2
2.16	Removal of fallen timber	10
2.17	Signs	5
2.18	Council land	1
2.19	Vehicle crossings	2
2.20	Circus animals	
	<b>PART 3 – AMENITY, PUBLIC HEALTH &amp; SAFETY</b>	
3.1	Condition of land	2
3.2	Shipping containers	2
3.3	Fires in the open air	2
3.4	Wood heaters, internal open fires and pizza ovens	1
3.5	Fireworks	2
3.6	Wasp nests	1
3.7	Bees	5
3.8	Recreational vehicles	2
3.9	Camping	1
3.10	Temporary dwellings	2
	<b>PART 4 – ANIMALS &amp; LIVESTOCK</b>	
4.1	Keeping animals	1
4.2	Animal housing	2
4.3	Animal nuisance	2
4.4	Removal of animal excrement	2
4.5	Disposal of animal	1
4.6	Livestock on roads	2
4.7	Fencing	2
	<b>PART 5 – WASTE</b>	
5.1	Domestic waste	1
5.2	Restriction of use of public bins	1
5.3	Municipal Resource Recovery Centre	1
	<b>PART 6 – ASSET PROTECTION</b>	
6.1	Asset protection permit	20
	<b>PART 8 – ENFORCEMENT</b>	
8.1.1(b)	Breach of condition of an asset protection permit	4
8.1.1(b)	Breach of condition of any other permit	2
8.1.1(c)	Knowingly provide false information with respect to a permit application	2
8.1.1(d)	Knowingly supply false information or misleading information	2
8.1.1(e)	Fail to comply with a verbal direction issued or Notice to Comply	2
8.1.1(f)	Fail to comply with a sign erected by Council	2
8.1.1(g)	Make or attempt to make an agreement to induce an authorised officer	2

## 8.4 SPORT AND RECREATION VICTORIA - LOCAL SPORTS INFRASTRUCTURE FUND AND COUNTRY FOOTBALL NETBALL PROGRAM 2021-22

**Author:** Lyn Morling - Recreation and Open Space Coordinator

**File No:** GT/01/034

**Attachments:** Nil

### 1. Purpose

- 1.1 To obtain Council's support to make applications under Sport and Recreation Victoria's (SRV) Local Sports Infrastructure Fund (LSIF) and the second round of the Country Football Netball Program (CFNP) 2021-22.

### 2. Background

- 2.1 Recently, the State Government announced SRV LISF and CFNP Programs 2021-22.
- 2.2 The \$27 million LSIF streams are – Indoor Stadiums/Aquatics Facilities, Female Friendly Facilities, Community Sports Lighting, Community Facilities and Planning.
- 2.3 The \$5 million (over two rounds) CFNP assists grassroots country football and netball.

### 3. Key Matters

- 3.1 The LSIF and CFNP provide opportunities for Council to seek funding for its higher priority projects and to bring others forward.

### Recommendation

**THAT** Council endorses the submission of applications to Sport and Recreation Victoria's 2021-22 grant funding programs:

1. A \$800,000 new pavilion project at Wallan Secondary College, with a Council contribution of \$266,667,
2. A \$226,000 sports lighting project at Seymour Tennis Complex (Enclosure 2), with a Council contribution of \$75,334,
3. A \$250,000 Riding Develops Abilities facility improvement project at Kings Park, Seymour, with a Council contribution of \$83,334,
4. A \$70,000 Mitchell Open Space Strategy review project, with a Council contribution of \$40,000,
5. A \$160,000 upgrade of Greenhill Recreation Reserve Main Oval, Wallan with a Council contribution of \$53,334.

## SPORT AND RECREATION VICTORIA - LOCAL SPORTS INFRASTRUCTURE FUND AND COUNTRY FOOTBALL NETBALL PROGRAM 2021-22 (CONT.)

**4. Financial, Resource and Asset Management Implications**

- 4.1 Under funding guidelines, councils are required to make a financial contribution to projects. For Mitchell, the funding stream ratios and maximum grants available are:

Indoor Stadiums/Aquatics Facilities	\$1SRV:\$1Local	Maximum grant \$2 million
Female Friendly Facilities*	\$2SRV:\$1Local	Maximum \$800,000
Community Sports Lighting*	\$2SRV:\$1Local	Maximum \$250,000
Community Facilities*	\$2SRV:\$1Local	Maximum \$500,000 (#maximum for any one project \$250,000)
Planning	\$2SRV:\$1 Local	Maximum \$30,000 (municipal plan), \$50,000 (regional plan)
Country Football Netball*	\$2SRV:\$1Local	Maximum \$200,000 (#maximum any one project \$100,000)

- 4.2 Four\* of the funding streams have 'bundling' of project options but each project needs a separate application and, in two#, limits apply to individual project funding.
- 4.3 Only one application can be submitted under Indoor Stadiums/Aquatics Facilities and Planning streams. A further report to Council relating to the Seymour Sports and Aquatic Centre will be provided to the December meeting for consideration under this stream.
- 4.4 Planning projects and construction of capital projects must commence by December 2022. It is expected that the majority of grant funds will be received in 2021/22.
- 4.5 Resolutions of Council's support for projects are preferred over letters of support. Applications do not need to be prioritised, rather they compete with other councils across the various funding streams.
- 4.6 Applications for CFNP close 1 December 2021 and LSIF, 7 February 2022.
- 4.7 All of the recommended capital projects are consistent with the Year 1 priorities in the Community Planning and Development Department's draft capital program development.
- 4.8 Opportunities for female participation remain a high priority for the State

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SPORT AND RECREATION VICTORIA - LOCAL SPORTS INFRASTRUCTURE FUND AND COUNTRY FOOTBALL NETBALL PROGRAM 2021-22 (CONT.)

- Government, reflected by the maximum grant under the Female Friendly Facilities stream increasing from an already high \$500,000 to \$800,000. This provides an opportunity to construct a basic \$800,000 pavilion facility, with \$533,333 grant and \$266,667 Council funding, at Wallan Secondary College's new oval.
- 4.9 The \$810,000 new oval with training standard lighting project was funded through \$685,000 from Department of Education's (DET) Shared Facilities Fund and \$125,000 from Council. The project was one of two successful Shared Use Facility Fund projects in Mitchell, the other was at Broadford Secondary College. The intent of the Fund was to optimise community use of school facilities, with Joint Usage Agreements (JUA) between the school, DET and Council. Under both JUAs, Council has access for community use out of school hours and terms and Council manages all related bookings and receives usage income.
- 4.10 Council officers have developed mutually beneficial relationships with both schools since and the school councils and principals are strongly community focussed.
- 4.11 The Wallan Secondary College oval was a key project, given that the two Greenhill Recreation Reserve ovals were at capacity for both summer and winter use and additional ovals in the southern growth area would not be available for some time. Shared use facilities also optimise use of community assets, whether they be local or state government owned. This is highlighted by the success of joint-funded shared facility arrangements at Broadford Secondary College.
- 4.12 The Wallan Secondary College project was funded in 2018 and completed in March 2020 and its usage since has been impacted by COVID-19 restrictions on community sport. Users have however expressed concerns about access to basic facilities and are reluctant to use the oval for training and competition. Initially, it was intended that access to toilets at the school would suffice. The current Child Safe Standards and the strengthened, being introduced in July 2022, further support the need for 'line of sight' fit for purpose facilities.
- 4.13 The proposed pavilion will be built on inclusive design principles but, importantly, will facilitate more equitable programming of the use of the Greenhill and College ovals. The current Female Friendly Facilities project at Greenhill will support female use of the main oval. The lack of facilities at the school oval has restricted programming options. Full activation of the school site is vital to meeting community needs in the southern growth area. The school supports the proposal.
- 4.14 Seymour's Riding Develops Abilities group has requested shelter and an accessible toilet at their site in Kings Park. The \$250,000 project can be supported by grant funding of \$166,666.
- 4.15 There are currently sixteen courts at the Seymour Tennis Complex, about half are in poor condition or unplayable. The Committee of Management has agreed that eight courts should be decommissioned (reducing total

## SPORT AND RECREATION VICTORIA - LOCAL SPORTS INFRASTRUCTURE FUND AND COUNTRY FOOTBALL NETBALL PROGRAM 2021-22 (CONT.)

courts to eight). This reflects the changing nature of country tennis and will result in significant ongoing renewal savings to Council. It is supported by Tennis Victoria. Removal will also 'open up' this area of Chittick Park.

- 4.16 The remaining eight courts will consist of two enclosures. Enclosure One has four artificial grass courts with lighting that are at the end of their useful life. Enclosure Two has be four acrylic surfaced courts that are currently unlit.
- 4.17 Whilst a project proposal has been developed for renewal of the four Enclosure 1 courts in future capital budgets, the highest priority is for Enclosure 2 be fully lit, not only because the courts need to be lit but also to provide lit courts throughout reconstruction of the Enclosure 1 courts. The \$226,000 Enclosure 2 project can be supported by grant funding of \$150,666.
- 4.18 Council has already committed \$40,000 operational funds towards the review of the Mitchell Open Space Strategy 2013-2023. The Planning stream provides an opportunity to obtain an additional \$30,000 (maximum grant for a municipal planning project) towards this work, which will be extensive in the context of growth in Mitchell.
- 4.19 The CFNP provides an opportunity to obtain \$106,666 towards a \$160,000 project to improve the shaping and drainage of the heavily used Greenhill main oval.
- 4.20 In summary, this report is recommending Council seek \$987,331 of grant funding towards \$1,506,000 of service improvements:

<b>Stream</b>	<b>Project Summary</b>	<b>Total cost</b>	<b>State contribution</b>	<b>Council contribution</b>
Female Friendly Facilities	Wallan Secondary College Pavilion	\$800,000	\$533,333	\$266,667
Community Sports Lighting	Seymour Tennis Complex (Enclosure 2) Lighting	\$226,000	\$150,666	\$75,334
Community Facilities	Riding Develops Abilities, Kings Park, Seymour	\$250,000	\$166,666	\$83,334

## SPORT AND RECREATION VICTORIA - LOCAL SPORTS INFRASTRUCTURE FUND AND COUNTRY FOOTBALL NETBALL PROGRAM 2021-22 (CONT.)

Planning	Mitchell Open Space Strategy Review	\$70,000	\$30,000	\$40,000
Country Football Netball	Greenhill Recreation Reserve – main oval improvements	\$160,000	\$106,666	\$53,334
<b>Total</b>		<b>\$1,506,000</b>	<b>\$987,331</b>	<b>\$518,669</b>

## 5. Consultation

- 5.1 Funding guidelines require projects to be first discussed with Sport and Recreation Victoria's regional manager. The Hume Region Manager has indicated support for the recommended applications.
- 5.2 The Committee of Management site projects have been discussed with their respective Committees and user groups who strongly support the projects. The Wallan Secondary College, Greenhill Social Club Committee of Management and user groups strongly support the provision of a basic pavilion at the College.

## 6. Sustainability Implications (Social and Environmental)

- 6.1 Sport and Recreation Victoria's grants programs seek to achieve better health, wellbeing, social and economic outcomes for Victorians.
- 6.2 The recommended projects are consistent with the objectives of the grant programs which aim to develop or maintain existing participation and improve diversity and inclusion by increasing participation by under-represented groups.
- 6.3 All lighting projects must be based on the use of LED fittings, providing significantly better environmental outcomes, as well as cost savings to users.

## 7. Policy and Legislative Implications

- 7.1 The identified projects align with Council's adopted plans and strategies.

## 8. Alignment to Council Plan

- 8.1 The recommended projects align with the *Council Plan 2021-2025*:  
Built environment – key priorities:

## SPORT AND RECREATION VICTORIA - LOCAL SPORTS INFRASTRUCTURE FUND AND COUNTRY FOOTBALL NETBALL PROGRAM 2021-22 (CONT.)

- 4. Plan, partner, and advocate for the timely delivery of infrastructure to meet the increasing service needs of all our communities including open spaces, community facilities, recreation and aquatic facilities where needed.
- 5. Plan, advocate for, and deliver infrastructure to meet the increasing service needs of all our community.

**9. Conflict of Interest**

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**10. Risk Implications**

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Difficulties in meeting SRV milestone requirements.	Medium	Projects will be well-developed by application closing date so any potential issues can be identified and managed.	Yes
All projects in a 'bundle' may not be funded.	Medium	Still 'bundle' to maximise potential external funding.	Yes
Project budget cost over-runs.	Medium	Project development and cost estimate have improved since forward planning and design have been made available. These have been used on all projects.	Yes

**11. Discussion**

11.1 The availability of these funding programs provides opportunities to stimulate local economies and optimise external funding towards Council's higher priority projects, thereby reducing the burden on ratepayer funds and delivering services to meet community needs earlier.

## 8.5 BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN (BNWPSP) - ADVOCACY NEXT STEPS

**Author:** *Travis Conway - Manager Strategic Planning and Economy  
Rebecca Sirianni - Advocacy and Social Planning Coordinator  
Nicolas Adams - Research and Advocacy Officer*

**File No:** *PL/13/031-02*

**Attachments:** *1. Letter to Minister for Planning Richard Wynne*

### 1. Purpose

- 1.1 To outline the next steps in the Beveridge North West Precinct Structure Plan (BNWPSP) planning process and how the community can have a voice regarding the proposed quarry at 175 Northern Highway, Wallan.

### 2. Background

- 2.1 The Beveridge North West Precinct Structure Plan (BNWPSP) has been under preparation for approximately 10 years.
- 2.2 There have been a number of versions of the Plan in this time.
- 2.3 Throughout this time, Council has received two separate planning permit applications for a proposed quarry and has rejected the proposal twice.
- 2.4 In October 2020, a Planning Panel report that considered the exhibited version of the BNWPSP was released and recommended that a quarry be included in the planning for the area.
- 2.5 In early 2021, the Minister for Planning, Richard Wynne called-in both the BNWPSP and the planning permit for the quarry.
- 2.6 Following the panel's recommendation, the Victorian Planning Authority (VPA) has now preparing a new BNWPSP which includes a quarry.
- 2.7 This new BNWPSP will be considered by a Ministerial Advisory Committee (MAC) most probably in April during the first half of next year (2022).
- 2.8 The MAC will have a tri focus on matters related to the BNWPSP, the PSP's Supplementary Infrastructure Contributions Plan (ICP) and the quarry permit planning application.
- 2.9 The Terms of Reference (TOR) for the Advisory Committee were released in November 2021. The TOR guide the direction and parameters of the Ministerial Advisory Committee.
- 2.10 Council's approach to advocacy around the Wallan/Beveridge quarry in the BNWPSP has and continues to be supporting and empowering the

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**BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN (BNWPSP) - ADVOCACY NEXT STEPS (CONT.)**

community to voice their concerns regarding the proposed quarry and the impact which it will have upon their community.

- 2.11 Council wrote (refer to Attachment 1) to the Minister for Planning noting some serious concerns with the Terms of Reference for the Ministerial Advisory Committee. Most significantly, Council raised concerns around the lack of consultation, both with Council and community, since the panel report in October 2020 and the very restricted scope of inquiry for the Ministerial Advisory Committee.
- 2.12 Council have heard from community that this is not an issue of whether the quarry is appropriately included within the BNWPSP, but whether it should be included at all. In the letter to the Minister, Council sought an urgent meeting to discuss the limitations imposed upon the community when making a submission regarding the quarry.
- 2.13 Council is seeking to empower, support and encourage community members to make their voice heard through making a submission to the VPA regarding BNWPSP, ICP and the quarry permit.
- 2.14 Council also firmly believes the proposed quarry planning permit material, which will be a key component that the Ministerial Advisory Committee process, must form part of the consultation material.
- 2.15 Council's Advocacy Strategy focuses on clearly demonstrating public opposition to the quarry, and then utilising this as a form of influence targeting in the State Minister for Planning. To support this, community advocacy is also encouraged to go beyond submissions to the BNWPSP and to directly reach out to the Minister for Planning, Minister for Resources and local members.

### **3. Key Matters**

- 3.1 Council, and the local community, are the primary voices opposed to the quarry. There is a lack of the support for our position from any government agency, and our local members have yet to make clear public position statements regarding the quarry. Earth Resources Victoria and the Department of Jobs, Precincts and Regions are vocal proponents of the quarry.
- 3.2 Strong representation at the Advisory Committee coupled with clear and empowered community advocacy are the essential elements required to demonstrate to the State Government the significant opposition to the proposed quarry.
- 3.3 The draft BNWPSP, currently out for consultation, includes the quarry, and has buffer zones which would impact the timing and delivery of a range of key community infrastructure including a major arterial road, a primary school, a local town centre, the largest single item of active open space within Mitchell's growth area and a future community facility.

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BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN (BNWPSP) - ADVOCACY NEXT STEPS (CONT.)

- 3.4 The Terms of Reference, released in November 2021, worryingly appear to limit debate on the quarry, and act to disempower the community's voice.

### **Recommendation**

**THAT** Council:

1. Notes the next steps in the Beveridge North West Precinct Structure Plan (BNWPSP) planning process.
2. Supports and empowers the community's voice in opposition to the quarry through a clear, targeted advocacy campaign.
3. Supports the resources to undertake an accessible, engaging and eye-catching public facing advocacy campaign.
4. Supports, empowers and encourages community members to make a submission on the BNWPSP, ICP and quarry permit.
5. Continues to advocate to ensure that the concerns of our community are received, heard and appropriately considered at all points throughout this process.
6. Notes the financial investment for supporting and empowering a community public facing advocacy campaign has been allocated in the Advocacy and Social Planning operational budget.
7. Ensures appropriate resourcing to ensure strong representation at the Ministerial Advisory Committee.
8. Prepares a submission to the Victorian Planning Authority (VPA) based on the exhibited documents released on 16 November 2021.

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BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN (BNWPSP) - ADVOCACY NEXT STEPS (CONT.)

#### **4. Financial, Resource and Asset Management Implications**

- 4.1 Financial investment for supporting and empowering a community public facing advocacy campaign has been allocated in the Advocacy and Social Planning operational budget.
- 4.2 Appropriate resourcing will be required to ensure strong legal and expert representation at the Ministerial Advisory Committee (MAC).

#### **5. Consultation**

- 5.1 On Thursday 9 September 2021, Council held an online community information session on the proposed quarry. Over 200 people registered with 117 attending the online event.
- 5.2 At this online event community members expressed significant concern and opposition to the proposed quarry. When asked what words come to mind when they think about a quarry, attendees highlighted concerns including 'pollution', 'dust', 'dangerous', 'health' and 'congestion'. They also clearly portrayed a desire to see it opposed using words 'no', 'unwanted', 'disappointed', 'angry', and 'distressing'.
- 5.3 Approximately 50 community members expressed an interest in joining a Community Advocacy Working Group, to be facilitated and activated by Council. The first meeting of this working group Thursday 27<sup>th</sup> October 2021 provided an opportunity to begin empowering and supporting the community to demonstrate their clear opposition to the proposed quarry. The positive feedback, strong community interest and drive will allow us to continue our advocacy strategy.
- 5.4 The VPA will be releasing the revised BNW PSP for community and stakeholder consultation. It is imperative that Council is prepared to facilitate and support timely communication to the community on the revised BNW PSP and support the community in making a submission.
- 5.5 Making a submission outlining their opposition to the inclusion of a quarry in the BNWPSP is one of the most powerful ways that the community can make their voice count.
- 5.6 This approach aligns directly to the Mitchell Shire Councils Community Engagement Policy (October 2020) and Community Engagement Framework.

#### **6. Sustainability Implications (Social and Environmental)**

- 6.1 This is by far one of the most significant and complex planning and development matters before this Council and our emerging community.
- 6.2 Should the quarry proceed, there will be broader physical and social implications within the Beveridge and Wallan growth corridor.

## BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN (BNWSP) - ADVOCACY NEXT STEPS (CONT.)

- 6.3 A quarry of this nature will have significant intergenerational impacts (a minimum of 30 years), compromising community's health and wellbeing, transport connectivity, access to open active and passive space, (environmental infrastructure) and community facilities.

## 7. Policy and Legislative Implications

- 7.1 The proposed Ministerial Advisory Committee (MAC) process is established under the *Planning and Environment Act 1987*.
- 7.2 The Terms of Reference (TOR), which is still yet to be released, will guide the direction of the Committee.

## 8. Alignment to Council Plan and Community Vision

- 8.1 The proposed approach is consistent with the relevant objectives of the Council Plan 2021 – 2025, including the following:

Key Priorities:

Protect, enhance, and connect landscapes and increase the extent, variety, and quality of the natural habitat

Provide open spaces that serve the diverse needs of all our community.

- 8.2 Mitchell Shire 2050 Vision is *We are a healthy, vibrant and connected community that values nature, diversity and innovation*. Through a comprehensive community consultation and engagement program the Community Vision has been developed by the community with Council acting as the facilitator.

## 9. Conflict of Interest

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

## 10. Risk Implications

- 10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The Minister of Planning, Richard Wynne makes the decision to approve the quarry.	High	Clear communications from Council to the community and stakeholders on what this decision means to approve, and supporting	Yes

## BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN (BNWPSP) - ADVOCACY NEXT STEPS (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
		them to make their voice heard	

**11. Discussion**

- 11.1 This is by far one of the most contentious long-term planning matters that will have far reaching impacts on not only existing, but future residential communities.
- 11.2 It needs to be clear to community and all stakeholders that Council does not hold the final decision in this matter and that our role is to enable, advocate and facilitate community advocacy to the State Government. However, a decision has not yet been made, and the community can and should make their opposition to the quarry heard by the State Government and the Minister for Planning.
- 11.3 For the ultimate chance of success investment is required for both legal representation at the MAC and an outward facing advocacy campaign.
- 11.4 Although the Ministerial Advisory Committee (MAC) is an independent advisory body it will consider matters that it is asked to consider by the Terms of Reference (ToR). Significantly, the terms of reference appear to provide a restricted lens through which these issues can be considered.
- 11.5 We expect the MAC Hearings to be held in the first half of next year (April/May).
- 11.6 The MAC hearing will be complex as it will be dealing with the revised Precinct Structure Plan, identifying the proposed quarry, the revised Infrastructure Contributions Plan (ICP) and the quarry planning permit application.
- 11.7 We expect a significant matter like this will run for approximately one month at the future MAC Hearing and will require appropriately qualified representation on behalf of Council.
- 11.8 In addition to the legal and technical representation required throughout this process, it is important to note the clear, and passionate community opposition to the quarry.
- 11.9 This, coupled with the long-term negative impacts if the quarry were to be approved, highlights the important role that Council has to play in supporting and leading both community advocacy and strong representation opposed to the quarry.
- 11.10 Given the significance and far-reaching intergenerational impacts that recommendations made at the MAC (quarry and BNWPSP) and a final decision by the Minister for Planning, Richard Wynne will have, it is

BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN (BNWPSP) - ADVOCACY NEXT STEPS (CONT.)

important that Council resources itself sufficiently and supports these communities in the best possible way.

- 11.11 Alongside Council's strategic planning approach throughout the MAC process, the community's voice is the most important voice in this debate. Council's most significant role will be to support and empower the community to make their voice count.



Please quote our reference in your reply  
Our Ref: PL/13/031-02

10 November 2021

The Hon. Richard Wynne  
Minister for Planning  
Level 16, 8 Nicholson Street  
**EAST MELBOURNE, VIC 3002**  
Sent via email: [richard.wynne@parliament.vic.gov.au](mailto:richard.wynne@parliament.vic.gov.au)

Dear Minister Wynne,

**CRISIS MEETING REQUEST – REGARDING PROPOSED QUARRY IN  
BEVERIDGE/WALLAN**

Mitchell Shire Council seeks an urgent crisis meeting with you regarding a number of serious concerns around the proposed quarry in Beveridge/Wallan.

The Ministerial Advisory Committee Terms of Reference which were released last week, although drafted in August, reinforce a sense of a *fait accompli* by the community in relation to the proposed quarry.

There has been a total lack of transparency in relation to the preparation of a revised precinct structure plan and scant regard given for the input of the community. We wish to discuss these issues with you.

This quarry is a major cause of concern for our community. Many residents have highlighted significant and substantive issues with the proposed quarry located as it is, at the entry into Wallan township. Given that the recently published Terms of Reference require the advisory committee to ignore submissions in relation to whether the quarry is an appropriate strategic outcome for the area, there is a palpable feeling of voicelessness and being powerless in the upcoming hearing in 2022.

It seems from the Terms of Reference that the quarry is all but over the line and the issue of a permit is a formality simply dotting the "i's" and crossing the "t's". I cannot emphasise to you enough the impact this is having on our community.

A recent community forum was attended by over one hundred local residents with many expressing a range of serious concerns in relation to a proposed quarry at the front doorstep of their towns. The community members highlighted not just their opposition, but a deep sense of disappointment, anxiety, desperation and hopelessness at the prospects of a quarry right at the foot of Spring Hill.

There is a real fear that the first panel simply failed to listen to the evidence and was "blinded" by policy. Having come at that view, it seems that it is now not possible to question the veracity of that recommendation. This should not be the case.

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Council appreciates that you need to follow a process in making your determination regarding this quarry. We feel it is important, however, that we have the opportunity to discuss with you directly some of our concerns, and the concerns which have been raised with us by our residents. The Government having initially ruled out a quarry at this location and then changing direction and now advocating for it - the community is very surprised to say the least.

Unfortunately, many people who have spoken to us have noted a pervasive sense that they are utterly voiceless in this debate. There are two key issues which we feel need to be urgently addressed in order to ensure that the community's views and opinions are appropriately heard and respected.

Firstly, the proposed quarry did not appear in the previous version of the future urban structure when the Beveridge North West PSP was exhibited in 2019. Whilst the panel recommended that the quarry should be included, this was a recommendation only, and this recommendation was never tested through further community consultation. Now, it will not be able to be tested based on the Terms of Reference you have given to the advisory committee.

To explicitly direct the exclusion of any consideration of the overall appropriateness of the quarry on its merits in this newly developing urban area is not genuine consultation and demonstrates a lack of concern for community interest or input.

This is truly disheartening for our community and disempowers them. For our community this is not an issue of whether the quarry is appropriately included within the Beveridge North West PSP, but whether it should be included at all.

Secondly, the lack of any information or any consultation regarding the content and shape of both the Beveridge North West PSP and the supplementary infrastructure contributions plan have meant that both Council and the community have little to no awareness or understanding of what is being proposed.

Now that the plans have been finalised for exhibition, "consultation" on both of these documents is due to begin in just six days, and yet both documents have not been the subject of any input by the community. This is what normally happens with strategic plans. The community is consulted in relation to their development before they are released for formal consultation. Neither Council nor the community have had any access to background work associated with these documents nor any of their contents. This highlights a lack of transparency and accountability which have, sadly, permeated this process since the panel recommendations were delivered.

It is unreasonable to expect that the community can form, draft and then present submissions on matters which they have been given insufficient time to consider. As noted above, the proposed development of a quarry in Beveridge/Wallan is causing serious concern and grief to the local community.

After such a long time since the prior panel's recommendations, the sudden rush to complete this most important part of the process in extremely short time frames is just not fair or reasonable.

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We request in the first instance that the formal public consultation period for the new PSP with a quarry is delayed until there has been some genuine consultation with the community. Rushing this before Christmas is not appropriate and appears to be insincere.

We seek an urgent meeting with you to expand upon our concerns. We hope that through a conversation with you we can begin a way forward to provide for meaningful input into the process by our community, in particular the residents of Wallan and Beveridge.

Mitchell Shire Council faces considerable challenges, as a fast-growing urban growth area, with providing a healthy, connected, and sustainable community, and we are committed to supporting our community to have a real voice regarding the planning of this most important area.

As a local government, we are tasked to represent and support both current and future generations of residents who will live in our municipality; their concerns and interests regarding this proposed quarry deserve an appropriate level of respect and consideration. The current process that is about to commence, as it currently stands, is not the proper way to deal with a community and fails to demonstrate respect for their concerns.

Mitchell Shire Council trust that we will be able to meet urgently. Please ask your advisors to make a time through Juliana Hummerston on 5734 6201.

Yours sincerely



**CR. RHONDA SANDERSON**  
**MAYOR**

CC Hon. Daniel Andrews  
Hon. Jaclyn Symes  
Hon. Jaala Pulford  
Ms. Danielle Green  
Ms. Jane Homewood  
Mr. Stuart Moseley