

Response to NTG-HB2-398

State of Victoria

Scenario 1: H the Homeowner

Setting:

Physical/Environmental:

Person H is a homeowner in a rural-urban interface area. H's property of 2000m² borders a forested bushland area. The property contains a single-level house of 200m² which was built in the 1970s and has not been assessed for natural hazard resilience. The property has a number of native plants and trees present between H's house and the edge of the property, to within 5m of the house.

Known regulatory overlays: The property is identified under a bushfire risk overlay.

Additional factors: One edge of the property borders a State forest. Another edge borders bushland of the same type on a private property.

Question	Activity A: H is not planning on altering their property. (i.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: H would like to build a single-story extension of 50 m ² onto their house.	Activity C: H would like to upgrade or rebuild their house to a 'flame zone' Bushfire Attack Level as defined under Australian Standards AS 3959.	Activity D: H would like to upgrade or rebuild their house but comply with only the minimum requirements under the applicable laws and regulations.	Activity E: H would like to clear vegetation and trees to create a break of 30 metres between their house and the bordering bushland to reduce bushfire risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	No applicable regulatory instruments – as H does not plan on making further developments or building new developments. The Bushfire Management Overlay (BMO) does not oblige H to take any action.	<p>Depending on the location of the property in Victoria, there are potentially two key regulatory instruments that apply in this scenario.</p> <p>Firstly, the Victoria Planning Provisions (VPP) (created under the Planning and Environment Act (Vic) govern development in the BMO. H's land is subject to a BMO, however H can undertake such activity without a permit as the total floor area is 200m² and the proposed extension is 50m² (and therefore less than 50% of the gross floor area of the existing building, exceeding which point a permit is required: per c.44.06-2 of the VPP / Planning Scheme).</p> <p>Secondly, the <i>Building Act 1993</i> and <i>Building Regulations 2018</i> will require H to apply for a building permit from a building surveyor. If the property is located within the Bushfire Prone Area (BPA), the property will be required to conform with the current standards, including the requirements related to bushfire resilience set out in Volume Two of the National Construction Code (which are incorporated via the <i>Building Regulations 2018</i>). This includes AS 3959 - Construction of Buildings in BPAs and Bushfire Attack Level (BAL) Assessments.</p> <p>However, because the extension is less than 50% of the volume of the house, the existing building will not be required to be upgraded. Once completed, the building surveyor would also issue an occupancy permit for the extension.</p>	<p>In responding to this Activity, it has been assumed that 'upgrade' is intended to mean 'alteration' for the purposes of the VPPs.</p> <p>As H's land is subject to a BMO, H will require a planning permit if the upgrade to the existing house is more than 50% of the gross floor area of the existing building and to rebuild.</p> <p>Depending on the scale of the work required H may have to apply for a building permit, for example if the upgrade required alterations to key structural elements of the building.</p> <p>Cl. 53.02 of the VPPs relates to building in the BMO and specifies bushfire design and construction measures including in respect of BAL-FZ (Flame Zone) and other bushfire protection measures.</p> <p>Cl. 52.12 allows vegetation to be removed to create defendable space in accordance with a planning permit. It also provides exemptions for clearing vegetation for existing buildings.</p> <p>Cl. 52.17 provides an exemption for removal of native vegetation from properties that are less than 4000m².</p>	<p>Assuming the BPA and BMO applies, the minimum standard to which H would be required to comply would be the standard reflected in the assessment of his property pursuant to 53.02 of the VPPs. The <i>Building Regulations 2018</i> provide that a BAL cannot be less than 12.5. H would also be required to comply with the additional Bushfire Protection Measures under the BMO.</p> <p>As H's land is subject to the BMO, H will require a planning permit if the upgrade to the existing house is more than 50% of the gross floor area of the existing building and to rebuild. H would need to build to the relevant BAL determined by the siting of the house and the distance to the bushfire hazard.</p> <p>It's likely that the scale of the work would require H to apply for a building permit from a building surveyor. Where a planning permit was required the surveyor must be satisfied that a planning permit has been issued, and that the building permit is consistent with the planning permit.</p> <p>If no planning permit was required, but a BAL rating had been specified in the Planning Scheme, then the building must comply with that standard.</p>	<p>Given the size of H's property, the restrictions on native vegetation clearing in the VPPs do not apply to H's property (cl. 52.17-7).</p> <p>On the facts, there are no further applicable regulatory instruments.</p>

2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?	Not applicable – no activity planned.	<p>A planning permit is not required if the extension is less than 50% of the gross floor area of the existing building: per c.44.06-2 of the VPP / Planning Scheme.</p> <p>A building permit will always be required for such work, and the extension must comply with the current requirements under the <i>Building Act 1993</i> and <i>Building Regulations 2018</i>. This will trigger the need for a BAL Assessment.</p> <p>If the extension amounted to over 50% of the volume of the original building than the whole building would be required to comply with the current requirements.</p>	<p>A planning permit is not required if the extension is less than 50% of the gross floor area of the existing building: per c.44.06-2 of the VPP / Planning Scheme.</p> <p>As above, depending on the scale of the work required H may have to apply for a building permit, for example if the upgrade required alterations to key structural elements of the building. However, even if no permit is required the Building Regulations still require the alterations to meet the requirements of Volume Two of the National Construction Code.</p>	Thresholds apply as for Activity C Question 2.	Not applicable noting the exemption referred to in Activity E Question 1 above.
3. Which organisations or people will the person or business be required to contact during these processes?	Not applicable – no activity planned.	<p>A planning permit is not required for this activity. H needs only to comply with the <i>Building Act 1993</i> and <i>Building Regulations 2018</i>.</p> <p>Therefore, H would be required to engage a building surveyor, either a private building surveyor or the council's municipal building surveyor, to issue a building permit. It is also likely the cost of the extension would exceed \$10,000 which would require engaging a registered domestic builder. H may also require a registered or licensed plumber or other professional or tradesperson to carry out the extension as required.</p>	<p>H will be required to contact their local council in respect of planning and/or building matters. If a planning permit is required and the BMO applies, a formal referral of the planning application by the local council to the Country Fire Authority (CFA) would occur.</p> <p>H would also be required to engage a building surveyor, either a private building surveyor or the council's municipal building surveyor, to issue a building permit. It is also likely the cost of the upgrade works would exceed \$10,000 which would require engaging a registered domestic builder. H may also require a registered or licensed plumber or other professional or tradesperson to carry out the work as required.</p>	<p>To determine a BAL for rebuilding a dwelling, an assessment in accordance with the VPPs (53.02) will need to be carried out. The bushfire technical guide provides homeowners, builders, architects etc with guidance on meeting the requirements of the VPP. The permit application with the assessment is then referred to the CFA.</p> <p>For building upgrades the nature of the works proposed will determine the planning and building requirements (as outlined in the responses to Activity B Questions and 3).</p> <p>Contacts required are the same as those for Activity C Question 3.</p>	Not applicable noting the exemption referred to in Activity E Question 1 above.
4. What prescribed form/s need to be completed during any of these processes?	Not applicable – no activity planned.	<p>No planning permission forms are required.</p> <p>The Building Regulations prescribe forms for specific activities, including applying for a building permit, the building permit itself, applying for an occupancy permit and the occupancy permit. The Regulations also specify the information that must be provided with an application for a building permit, including site plans, details of materials etc.</p> <p>There is no prescribed form for a BAL Assessment. This is conducted in accordance with AS 3959-2018. The Victorian Building Authority (VBA) does have a template assessment form available on their website.</p>	<p>Each council has its own planning permit application form.</p> <p>An application for a permit in the BMO under cl 44.06-3 of the VPPs must (unless the requirement is waived) be accompanied by:</p> <ul style="list-style-type: none"> • A bushfire hazard site assessment - to determine BAL and defendable space requirements; • A bushfire hazard landscape assessment - to consider the broader landscape context and to properly describe the bushfire risk; and • A bushfire management statement - to assess the proposal against the requirements of the planning scheme. <p>The Building Regulations prescribe forms for specific activities, including applying for a building permit, the building permit itself, applying for an occupancy permit and the occupancy permit. The Regulations also specify</p>	Requirements are as per Activity C Question 4.	Not applicable noting the exemption referred to in Activity E Question 1 above.

			<p>the information that must be provided with an application for a building permit, including site plans, details of materials etc.</p> <p>There is no prescribed form for a BAL Assessment. This is conducted in accordance with AS 3959-2018. The VBA has a template assessment form available on their website.</p>		
5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?	Not applicable – no activity planned.	<p>Not applicable for planning as permit not required.</p> <p>In the case of H, the Building Regulations require the building surveyor to make a decision whether to issue a building permit within 10 business days of the surveyor receiving all relevant documentation.</p>	<p>General requirements of the Victorian planning and building systems apply.</p> <p>The responsible authority (council) has 60 days to determine the planning permit application after which the proponent can apply to Victorian Civil & Administrative Tribunal (VCAT) for a decision on the permit. Within this time the referral authority (CFA) has 28 days to provide advice to council. These timeframes are on the basis of a complete application (e.g. an application that does not require further information or clarification).</p> <p>If CFA does not provide advice to council within 28 days council can decide on the application without CFA's advice.</p> <p>Where a building permit was required, the Building Regulations require the building surveyor to make a decision whether to issue a building permit within 10 business days of the surveyor receiving all relevant documentation.</p>	The prescribed timeframe is as per Activity C Question 5.	Not applicable noting the exemption referred to in Activity E Question 1 above.
6. What costs will be incurred by the person or business in completing these processes?	Not applicable – no activity planned.	<p>Not applicable for planning as permit not required.</p> <p>Victoria has a privatised system of building surveyors for the issuing of building permits, inspection of building work etc. Therefore, costs vary between individual building surveyors. One or more building permit levies may also be payable depending on the value of the extension.</p> <p>Further, it is likely that the cost of the work would exceed the threshold of \$10,000 requiring a registered domestic builder to be engaged. Like surveyors, these are private businesses. For that reason, the exact cost is likely to vary depending on the surveyor, the builder, the nature and complexity of the building work etc.</p>	<p>Planning permit application and associated costs, which are payable to the relevant local council, will depend on the cost of development.</p> <p>Refer to the response to Activity B Question 6 for the costs of building permits and activity.</p>	Costs incurred are as per Activity C Question 6.	Not applicable noting the exemption referred to in Activity E Question 1 above.
7. What are the costs and/or legal ramifications of non-compliance or mistakes?	Not applicable – no activity planned.	<p>Not applicable for planning as permit not required.</p> <p>The involvement of the building surveyor throughout the build process should ensure that any non-compliance is identified and addressed before a building permit is issued and before completion.</p> <p>Carrying out building work without a building permit, or carrying out building work (or permitting building work to be carried out) that is non-compliant with a building permit or regulatory requirements, are</p>	<p>Planning and building enforcement processes are generally the responsibility of council. Council planning enforcement officers and the municipal building surveyor have various powers to issue orders regarding non-compliance with permit conditions or with regard to illegal works. A private building surveyor and the VBA also have enforcement powers in relation to non-compliance.</p>	Legal ramifications and/or costs as per Activity C Question 7.	Not applicable noting the exemption referred to in Activity E Question 1 above.

		serious offences, punishable by up to 500 penalty units (\$82,610 for FY 2019/20) for an individual.	<p>Unresolved matters would proceed to VCAT.</p> <p>Non-compliance with planning permits or planning controls more generally are matters enforced by local councils. Such non-compliance may result in, for example, rectification and/or other orders by VCAT, and the responsible authority may seek to recover costs. Offence provisions also apply in such circumstances and are generally punishable by up to 1200 penalty units (s 127 <i>Planning and Environment Act 1987</i>).</p> <p>With respect to building permits and activity, see response to Activity B Question 7.</p>		
8. What guidance or other assistance is available to help navigate these processes?	Not applicable – no activity planned.	<p>General information on the need for a planning permit (which does not arise in this case) is available at www.planning.vic.gov.au.</p> <p>Most Victorian local councils publish a range of materials on their websites and the VBA publishes a wide range of information on their website: www.vba.vic.gov.au</p> <p>In addition Consumer Affairs Victoria also provides a range of resources https://www.consumer.vic.gov.au/housing/building-and-renovating.</p>	Guidance and assistance available are the same as that for Activity B Question 8.	<p>Guidance and assistance available are the same as that for Activity B Question 8.</p> <p>A technical guide for planning permit applications in the BMO is available online: https://www.planning.vic.gov.au/_data/assets/pdf_file/0029/107669/Technical-Guide-Planning-Permit-Applications-Bushfire-Management-Overlay.pdf</p>	The Victorian Government provides information on exemptions from requiring a planning permit to remove, destroy or lop native vegetation. ¹

¹ Available at: <https://www.environment.vic.gov.au/native-vegetation/native-vegetation/exemptions-from-requiring-a-permit>

Scenario 2: The Farmer

Setting:

Physical/Environmental:

Person F is a farmer in a rural area. F’s property of 4,000 hectares is mainly grassland used for farming purposes, but also contains forested bushland. The property contains a multi-level farmhouse with some natural hazard mitigation measures that have not been built in consultation with any regulatory processes, and a number of sheds, fences and dams. The property does not have access to mains water. The area around the built assets, excluding the fencing, is well cleared.

Known regulatory overlays: The property is identified under both a bushfire risk overlay and a flood risk overlay.

Additional factors: Threatened flora and fauna is present on parts of the property. The property borders a national park on one side.

Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	No applicable regulatory instruments – as F does not plan on altering their property.	<p>If F’s property is in the Country Area of Victoria not including a Fire Protected Area (FPA), F is required to obtain a permit from a Municipal Fire Prevention Officer (from the relevant local council) or the CFA.</p> <p>If F’s property is within a FPA and a prohibited period has been declared, F will require written authorisation from an authorised officer from DELWP under the <i>Forests Act 1958</i>.</p> <p>If F requests assistance from the CFA, the CFA is empowered under the <i>Country Fire Authority Act 1958</i> (Vic) to provide the requested assistance (e.g. which may include planned burning).²</p> <p>Under the <i>Forests Act 1958</i>, private lands (unless excised) adjoining national parks (within 1.5km) are FPAs,³ and the lighting of fires in these areas during a period of fire restrictions is controlled by the <i>Forests Act 1958 and the Forests (Fire Protection) Regulations 2014</i> (Vic).⁴</p> <p>The VPPs would not prohibit the carrying out of a hazard reduction burn (nor require a separate Planning Permit) where vegetation is removed to the minimum extent necessary (e.g. see: cl 52.17-7).</p> <p>Depending on the location of the property in question, there may also be restrictions imposed by local council bylaw on when during the year a burn can take place.</p>	<p>Regulation 48 of the <i>National Parks Regulations 2013</i> prevents F from clearing vegetation in the <u>bordering national park</u>. In addition, the <i>Flora and Fauna Guarantee Act 1988</i> (Vic) (FFG Act) governs the ‘taking’ (including destroying) of protected flora in the national park. The FFG Act will apply to the extent that F ‘takes’ <i>any</i> protected flora.⁵ There are additional restrictions for ‘restricted use’ protected flora.⁶</p> <p>With respect to clearing vegetation <u>on F’s land</u>, assuming that F’s dwelling was built before the dates specified in clause 52.12-1 of the VPPs and the BMO does not apply, the VPPs (created under the <i>Planning and Environment Act 1987</i> (Vic)) govern the removal, destruction or lopping of native vegetation. F can mechanically remove, destroy or lop the native vegetation to the minimum extent necessary without a planning permit if the removal meets fire protection exemptions under clauses 52.17-7 and 52.12, for example to:</p> <ul style="list-style-type: none">- comply with the ‘10-30’ rule (see clause 52.12);-comply with a fire prevention notice (issued under either Section 65 of the <i>Forests Act 1958</i> or Section 41 of the <i>Country Fire Authority Act 1958</i>);-make or maintain a 6m fuel break or firefighting access track no more 6 metres in width; or-maintain a width of 4 metres along a boundary fence (see clause 52.12).	<p>In the context of this scenario, the <i>National Park Regulations 2013</i> prohibit a person bringing livestock into a national park for the purposes of grazing.</p> <p>Regulation 48 of the <i>National Parks Regulations 2013</i> prevents F from clearing vegetation <u>in the bordering national park</u>. In addition, the <i>Flora and Fauna Guarantee Act 1988</i> (Vic) (FFG Act) governs the ‘taking’ (including destroying) of protected flora in the national park. This Act will apply to the extent that F ‘takes’ <i>any</i> protected flora.⁷ There are additional restrictions for ‘restricted use’ protected flora.⁸</p>
2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?	Not applicable – no change is planned.	If the planned burn is proposed to be carried out during a prohibited period or fire danger period, a written authority or permit (respectively) would be required as discussed above.	Refer to the response to Activity C Question 1 above.	Not applicable – activity prohibited.

² Section 42.

³ As defined in s 3.

⁴ Regulation 8.

⁵ Sections 47B(1) and (2)(a) and 48.

⁶ Section 47.

⁷ Sections 47B(1) and (2)(a) and 48.

⁸ Section 47.

3. Which organisations or people will the person or business be required to contact during these processes?	Not applicable – no change is planned.	<p>As contemplated by Question 1, F would need to contact:</p> <ul style="list-style-type: none"> F's local council or the CFA if F's property falls within the Country Area of Victoria that is not the FPA; or The Department of Environment, Land, Water and Planning (DELWP) if F's property falls within the FPA and the planned burn is proposed to occur during a prohibited period. <p>Within the FPA but outside the prohibited period, F would need to contact local council in case there are local laws under the <i>Local Government Act 1989</i> restricting burning off or requiring a council permit for burning. There would be no restriction under the <i>Forests Act 1958</i>.</p> <p>If F intends to conduct the burn themselves, they are required to contact the Emergency Services Telecommunications Authority (ESTA).⁹</p> <p>F's permit may also specify additional notification requirements depending on the circumstances (e.g. properties within the area that may be affected by smoke).</p>	<p>As F is not permitted to clear vegetation in the national park, this question does not apply to that aspect of the scenario.</p> <p>With respect to clearing on F's land, if one of the above exceptions applies, F is encouraged but not required to contact:</p> <ul style="list-style-type: none"> local council; and/or DELWP. <p>If no exemptions apply, F will need to speak with F's local council.</p>	Not applicable – activity prohibited.
4. What prescribed form/s need to be completed during any of these processes?	Not applicable – no change is planned.	<p>F would need to complete a permit application form through their local council or the CFA or obtain written authorisation from DELWP (usually arranged following a site visit) depending on the circumstances as discussed above.</p> <p>If F is conducting the planned burn themselves, F needs to provide a Burn Notification Form (available on CFA's website) to ESTA. If the CFA is conducting the planned burn, CFA will provide the Burn Notification Form to ESTA.</p> <p>Within the FPA but outside the prohibited period, there may be a local government requirement to apply for a council permit as per Question 3.</p>	<p>There is no form for clearing in the national park for the reasons discussed above.</p> <p>With respect to clearing on F's land, if one of the above exemptions apply, F will not be required to complete any form.</p> <p>If an exemption does not apply, F should refer to their local council's form to apply for a planning permit. F should also refer to the Applicant's guide to applications to remove, destroy or lop native vegetation. The application must be accompanied with a native vegetation removal report outlining the impact of the proposed removal. F can use the NVIM native vegetation removal tool to obtain the native vegetation removal report, however if F intends to remove significant native vegetation from F's land (i.e. F is using the Detailed Assessment Pathway) F will need to appoint an accredited native vegetation assessor to complete a site assessment report for the native vegetation F proposes to remove.</p>	Not applicable – activity prohibited.
5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?	Not applicable – no change is planned.	<p>While there is no prescribed timeframe during which the CFA must respond to an application for a permit or DELWP must respond to a request for written authorisation, the CFA and DELWP endeavour to provide timely decisions in all cases.</p> <p>The same is understood to apply in respect of local councils.</p>	<p>A prescribed timeframe would only apply if F needed a planning permit for clearing on F's land.</p> <p>In those circumstances, the responsible authority (council) has 60 days to determine an application after which the proponent can apply to VCAT.</p>	Not applicable – activity prohibited.

⁹ <https://www.cfa.vic.gov.au/contact/register-your-burn-off>

6. What costs will be incurred by the person or business in completing these processes?	Not applicable – no change is planned.	<p>The CFA and DELWP would not generally seek to recover costs from private individuals such as F for planned burning activities undertaken to reduce fire risk.</p> <p>Some councils do charge for the issuing of permits.</p>	<p>If an exemption does not apply, costs incurred include:</p> <ul style="list-style-type: none"> - the cost of applying for a planning permit. - the cost to obtain a native vegetation removal report outlining the impact of the proposed removal. F can use the NVIM native vegetation removal tool (at no cost) to assess the impact of the proposed removal and obtain the native vegetation removal report. If F intends to remove significant native vegetation from F's land (i.e. F is using the Detailed Assessment Pathway) F will need to appoint an accredited native vegetation assessor to obtain the native vegetation removal report for the native vegetation F proposes to remove. - the costs to meet native vegetation offset requirements, if a planning permit to remove vegetation is approved. 	Not applicable – activity prohibited.
7. What are the costs and/or legal ramifications of non-compliance or mistakes?	Not applicable – no change is planned.	<p>If F conducted a planned burn:</p> <ul style="list-style-type: none"> • without or in breach of a permit from F's local council or the CFA in a declared fire danger period, it would constitute an offence under the CFA Act (see ss 37, 38 and 39A of the CFA Act); • without or in breach of written authorisation from DELWP, it would constitute an offence under the <i>Forests Act 1958</i> (s 63(2(a))). <p>Relevant offences are also contained in the <i>Summary Offences Act 1966</i> and the <i>Crimes Act 1958</i>.</p>	<p>Regulation 48 of the <i>National Parks Regulations 2013</i> applies to F clearing vegetation <u>in the bordering national park</u>.</p> <p>The FFG Act would apply to the illegal taking of protected flora from public land. Penalties under this Act includes fines and in some cases imprisonment.</p> <p>Under the <i>Planning and Environment Act 1987</i> it is an offence to clear land without, or in contravention of, a planning permit (where one is required). The maximum penalty for an offence under this Act is 1,200 penalty units (other enforcement mechanisms also apply).</p>	<p>Penalties apply to the bringing of livestock into a national park for the purposes of grazing in contravention of the <i>National Park Regulations 2013</i> (e.g. see r 44, which carries a penalty of 10 penalty units).</p> <p>Regulation 48 of the <i>National Parks Regulations 2013</i> applies to F clearing vegetation <u>in the bordering national park</u>.</p> <p>The FFG Act would apply to the illegal taking of protected flora from public land. Penalties under this Act includes fines and in some cases imprisonment.</p>
8. What guidance or other assistance is available to help navigate these processes?	Not applicable – no change is planned.	<p>DELWP has guidance and resources regarding planned burning, including general information online¹⁰.</p> <p>The CFA also provides practical information on risk management and notification of planned burns online.¹¹ CFA also provides services through Vegetation Management Officers to assist in planning and delivering planned burns.</p> <p>Local councils also provide guidance and assistance.</p>	<p>The CFA provides a summary of planning requirements in relation to clearing trees and vegetation around a property online (including a summary of the 10/30 and 10/50 rule).¹²</p> <p>Exemptions from a permit to remove, destroy or lop native vegetation under clause 52.17: The Victorian Government has developed the Exemptions from requiring a planning permit to remove, destroy or lop native vegetation guidance¹³.</p> <p>Native vegetation removal: To apply for a planning permit to remove, destroy or lop native vegetation: <u>Applicant's guide: Applications to remove, destroy or lop native vegetation</u>. The Victorian Government also has a dedicated email to respond to queries about these requirements. Most local councils have a dedicated webpage and provide assistance.</p>	F could seek advice from Parks Victoria as to what activities are and are not lawfully allowed within national parks.

¹⁰ <https://www.ffm.vic.gov.au/bushfire-fuel-and-risk-management/planned-burning-in-victoria>

¹¹ <https://www.cfa.vic.gov.au/plan-prepare/burning-off>

¹² <https://www.cfa.vic.gov.au/plan-prepare/clearing-trees-and-vegetation>

¹³ https://www.environment.vic.gov.au/_data/assets/pdf_file/0018/91251/Exemptions-from-requiring-a-planning-permit-to-remove-destroy-or-lop-native-vegetation-Guidance.pdf

Scenario 3: D the Property Developer

Setting:

Physical/Environmental:

Company D is a property developer which has purchased former farmland totalling 400 hectares on the rural-urban interface, with the intention of building a residential development of up to 500 houses. The land is mainly grassland, with some forested bushland and a small area of wetlands. There are around 10 existing buildings on the property that the developer plans on demolishing.

Known regulatory overlays: Part of the land area is within a bushfire overlay, and part is within a flood overlay. These overlays do not overlap.

Additional factors: The wetlands area borders a nationally threatened ecological community. Threatened fauna also cross from this area into the privately owned wetlands.

Question	Activity A: D would like to build up to 500 houses to comply with <u>the minimum requirements</u> relating to natural hazard risk.	Activity B: D would like to build up to 500 houses to comply <u>with best practice</u> relating to managing natural hazard risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	<p>The VPPs govern the development of land, including subdivision in the BMO and Flood Overlay and the removal, destruction or lopping of native vegetation.</p> <p>If approved, the development would need to:</p> <ul style="list-style-type: none"> comply with the prescribed steps under the <i>Planning and Environment Act 1987</i> and <i>Subdivision Act 1988</i>; adhere to the policy planning framework of the VPPs including the State bushfire planning policy. As part of this process, planning and responsible authorities would be required to have regard to biodiversity considerations but are ultimately required to prioritise the protection of human life over all other policy considerations. Insofar as the VPPs include the BMO, this will include requirements for BAL construction, static water supplies, defendable space, and perimeter roads. Insofar as the VPPs relate to the flood overlay, Company D would be required to prepare a flood risk report for the Flood Plain Management Authority, and referral to the relevant Flood Plain Manager (e.g. Melbourne Water) would be required (e.g. see clauses 12.01,13.02-1S, 13.03-1, 44.03, 44.04, 44.06, 52.16, 52.17, 53.02, 56, 71.02-3); have regard to whether the development would involve or encounter protected flora or fauna under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act) (it is assumed that the site in question is not a declared Ramsar wetland for the purpose of this Act, and that the proposed development does not require an environmental effects statement under the <i>Environment Effects Act 1978</i> (Vic)); comply with the <i>Building Act 1993</i> and the <i>Building Regulations 2018</i>, which may also involve obtaining consent from local council where required. Company D would require a demolition permit for the demolition of the existing buildings on the block (it is assumed that no heritage overlay applies to those buildings). Company D would require building permits for new construction; If the property was not in the BMO but located within the BPA, the property will be required to conform with the current standards, including clause 13.01-1S of the VPPs and the requirements related to bushfire resilience set out in Volume Two of the National Construction Code (which are incorporated via the <i>Building Regulations 2018</i>). This includes AS 3959 - Construction of Buildings in BPAs and BAL Assessments. <p>It is assumed for the purposes of this Activity that the land is appropriately zoned, and that rezoning will not be required. If rezoning was required, it would also be necessary to consider relevant Ministerial Directions, including Ministerial Direction No.11 which requires the consideration of bushfire risk.</p>	<p>Company D may elect to comply with prevailing ‘best practice’ in respect of the development that is the subject of this scenario (namely, a standard that is over and above what is prescribed in the legislation and regulations referred to in the response to Activity A).</p> <p>Planning and development requirements apply as for Activity A Question 1.</p>
2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?	<p>In general, the complexity and stringency of the requirements referred to above will tend to increase as the size and complexity (and the likely footprint) of the proposed development increases.</p> <p>It is noted that the entire development will be required to achieve a minimum of BAL 12.5 in respect of the separation distance of the constructed dwellings from the hazard (which may affect the ultimate size of the development that is possible on this land).</p>	<p>Thresholds apply as for Activity A Question 2.</p>

	<p>If the land is located within the BPA (and it is assumed that it is), then regardless of the size of the development, a minimum construction standard of BAL 12.5 will apply to each of the houses.</p>	
<p>3. Which organisations or people will the person or business be required to contact during these processes?</p>	<p>Company D will be required to contact the:</p> <ul style="list-style-type: none"> • relevant local council; • CFA; • relevant Flood Plain Management Authority; • relevant water authority; • DELWP; • Victorian Planning Authority (if required); and • Commonwealth Department of Agriculture, Water and the Environment (if required under the EPBC Act). <p>In addition, it is assumed that Company D would need to engage a number of different consultants and experts (such as biodiversity, planning, land surveying, building and other experts and practitioners) for the planning, approval and construction stages of the process.</p>	<p>Contact requirements are the same as those for Activity A Question 3.</p>
<p>4. What prescribed form/s need to be completed during any of these processes?</p>	<p>Each local council has its own planning permit application form.</p> <p>An application for a permit in the BMO under cl 44.06-3 of the VPPs must (unless the requirement is waived) be accompanied by:</p> <ul style="list-style-type: none"> • A bushfire hazard site assessment - to determine BAL and defensible space requirements; • A bushfire hazard landscape assessment - to consider the broader landscape context and to properly describe the bushfire risk; and • A bushfire management statement - to assess the proposal against the requirements of the planning scheme. <p>Forms concerning the certification of subdivisions by Councils under the <i>Subdivision Act 1988</i> are prescribed in the <i>Subdivision (Procedures) Regulations 2011</i> (Vic).¹⁴</p> <p>The Building Regulations prescribe forms for specific activities, including, applying for a building permit, the building permit itself, applying for an occupancy permit and the occupancy permit itself. The Regulations also specify the information that must be provided with an application for a building permit, including site plans, details of materials etc.</p> <p>D should also refer to the <u>Applicant's guide to applications to remove, destroy or lop native vegetation</u>. The application must be accompanied by a native vegetation removal report outlining the impact of the proposed removal.</p>	<p>Forms to be completed are the same as those for Activity A Question 4.</p>
<p>5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?</p>	<p>In respect of the Victorian entities and bodies referred to above:</p> <p>If an application for a planning permit is required under the VPPs, the responsible authority (local council) has 60 days to determine that application after which the applicant can apply to VCAT. This timeframe is on the basis of a complete application (e.g. an application that does not require further information or clarification). Following grant of a planning permit, there are then further steps (with associated timeframes) arising under legislation such as the <i>Subdivision Act 1988</i> (Vic), for development stages such as certification of the subdivision plans.</p> <p>Within the 60 days referred to above, referral authorities (such as the CFA, and the Flood Plain Management Authority) have 28 days to provide advice to local council, where required. These timeframes are on the basis of a complete application (e.g. an application that does not require further information or clarification).</p> <p>The Building Regulations require a building surveyor to make a decision whether to issue a building permit within 10 business days of the surveyor receiving the report and consent documentation from the council. Councils are required to reach a determination in relation to the applications for report and consent within 5 business days of receiving the application.</p>	<p>Timeframes for decisions are the same as those for Activity A Question 5.</p>

¹⁴ <https://www.legislation.vic.gov.au/in-force/statutory-rules/subdivision-procedures-regulations-2011/001>

<p>6. What costs will be incurred by the person or business in completing these processes?</p>	<p>The planning permit application fee will ultimately depend on the cost of development and the class of development as set out in <i>Planning and Environment (Fees) Regulations 2016</i>.</p> <p>If public notice is required, local councils seek cost recovery from proponents.</p> <p>Company D will also be liable for the costs associated with engagement of the different consultants and experts (such as biodiversity, planning, land surveying, building and other experts and practitioners) required for the planning, approval and construction stages of this proposed development.</p> <p>As part of the demolition and building process, there are costs associated with the “report and consent” process conducted by the local council pursuant to the Building Act and Building Regulations. The costs of this process may be higher if the property is within a flood area (it is noted that this property is stated to be subject to a flood overlay), as there are additional steps involved.</p> <p>There are costs to obtain a native vegetation removal report outlining the impact of the proposed removal. Given the extent of native vegetation removal likely, D would be using the Detailed Assessment Pathway and will need to appoint an accredited native vegetation assessor to obtain the native vegetation removal report.</p> <p>If a planning permit is approved to remove vegetation, there will be costs involved in meeting native vegetation offset requirements.</p>	<p>If Company D wishes to go over and above the minimum standards contained in the legislation and regulations referred to in Activity A Question 1, there are likely to be additional costs of planning and works (beyond those described in Activity A Question 6) involved in doing so.</p>
<p>7. What are the costs and/or legal ramifications of non-compliance or mistakes?</p>	<p>Planning and building enforcement processes are generally the responsibility of local council. Council planning enforcement officers and the municipal building surveyor have various powers to issue orders regarding non-compliance with permit conditions or with regard to illegal works. A private building surveyor and the VBA also have enforcement powers in relation to non-compliance. Unresolved matters would proceed to VCAT.</p> <p>Non-compliance with planning permits or planning controls more generally are matters enforced by local councils. Such non-compliance may result in, for example, rectification and/or other orders by VCAT, and the responsible authority may seek to recover costs. Offence provisions also apply in such circumstances and are generally punishable by up to 1200 penalty units (s 127 <i>Planning and Environment Act 1987</i>). There may also be criminal liability for officers of body corporates who are found to have committed offences.</p> <p>Carrying out building work without a building permit, or carrying out building work (or permitting building work to be carried out) that is non-compliant with a building permit or regulatory requirements, are serious offences, punishable by up to 500 penalty units for an individual (\$82,610 for FY 2019/20) and up to 2,500 penalty units for a company (\$413,050 for FY 2019/20). There may also be criminal liability for officers of body corporates who are found to have committed offences.</p> <p>Under the Subdivision Act, there is a requirement for a development such as this to obtain a “statement of compliance” from local council. A statement will not be issued to allow individual titles for the newly created lot to be released until the council is satisfied all applicable requirements have been met or there is an agreement to secure compliance with those requirements.</p>	<p>Costs and/or ramifications of non-compliance are the same as those for Activity A Question 7.</p>
<p>8. What guidance or other assistance is available to help navigate these processes?</p>	<p>General information on planning permits and subdivision requirements is available at www.planning.vic.gov.au and also https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/subdivision.</p> <p>Information on applicable planning permit applications fees can be found at https://www.planning.vic.gov.au/data/assets/pdf_file/0013/12811/16-120sra-authorized.pdf.</p> <p>The Victorian Government provides guidance regarding developing in the BMO and Flood Overlay at www.planning.vic.gov.au.</p> <p>Most Victorian local councils publish a range of materials on their websites and the VBA publishes a wide range of information on their website: www.vba.vic.gov.au.</p> <p>Information about subdivision requirements and processes in bushfire areas is available on the CFA's website at https://www.cfa.vic.gov.au/plan-prepare/planning-controls.</p> <p>Information about the EPBC Act is available on the website of the Commonwealth Department of Agriculture, Water and the Environment: https://www.environment.gov.au/epbc/environment-assessment-and-approvals.</p>	<p>The same guidance and assistance is available as outlined for Activity A Question 8.</p>

	<p>There may also be information regarding that aspect of the development that concerns the property's flood overlay available on relevant floodplain / catchment management authority websites. For example: https://www.melbournewater.com.au/planning-and-building/apply-to-build-or-develop/pre-development-advice.</p> <p>Native vegetation removal: to apply for a planning permit the remove, destroy or lop native vegetation: <u>Applicant's guide: Applications to remove, destroy or lop native vegetation</u>¹⁵. The Victorian Government also has a dedicated email to respond to queries about these requirements. Most local councils also have a dedicated webpage and provide assistance in this regard.</p>	
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¹⁵ Available at: https://www.environment.vic.gov.au/_data/assets/pdf_file/0024/90762/Applicants-guide-applications-to-remove,-destroy-or-lop-native-vegetation-v1.1-August2018.pdf.

Scenario 4: P the Public Infrastructure Agency

Setting:

Physical/Environmental:

Department P has been tasked to build public telecommunications infrastructure in a rural area. The site they are building is within forested bushland. There is currently no road access to this location and a road will have to be constructed.

Known regulatory overlays: Part of the land area is within a bushfire overlay.

Additional factors: The land is within a national park.

Question	Activity A: P seeks to comply with the <u>minimum requirements</u> relating to natural hazard risk.	Activity B: P seeks to <u>comply with the best practice</u> relating to managing natural hazard risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	<p>Section 27 of the <i>National Parks Act 1975</i> enables Parks Victoria to consent to a public authority performing its functions and exercising its powers in a national park in accordance with any conditions. Parks Victoria must not give consent where the Minister considers that this may substantially affect the park unless the Governor in Council determines that the consent should be given and any conditions which are to apply. Department P would be a public authority for the purposes of this section.</p> <p>If the land was located within a Public Conservation and Resource Zone (PCRZ) under the VPPs, and the works proposed are not prohibited under clause 36.03, it is most likely that a permit would be required.</p> <p>The VPPs would apply to the clearance of native vegetation, and the FFG Act would apply to any taking of protected flora. It may be possible to apply for an exemption under the VPPs.</p>	<p>Department P may elect to comply with prevailing 'best practice' in respect of the development that is the subject of this scenario (namely, a standard that is over and above what is prescribed in the legislation and regulations referred to in the response to Activity A).</p> <p>Planning and development requirements apply as for Activity A Question 1.</p>
2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?	<p>See above with respect to the thresholds contained in s 27 of the <i>National Parks Act 1975</i>.</p> <p>The VPPs and FFG Act would apply as discussed above.</p>	<p>Thresholds apply as for Activity A Question 2.</p>
3. Which organisations or people will the person or business be required to contact during these processes?	<p>Parks Victoria would need to be contacted in respect of the consent required under s 27 of the <i>National Parks Act 1975</i>.</p> <p>DELWP would be the point of contact for enquiries in respect of the VPPs and/or FFG Act.</p>	<p>Contact requirements are the same as those for Activity A Question 3.</p>
4. What prescribed form/s need to be completed during any of these processes?	<p>There is no prescribed form in respect of the consent required under s 27 of the <i>National Parks Act 1975</i>.</p> <p>It may be necessary to apply for a planning permit under the VPPs, in which case the relevant local council would need to be contacted regarding any form prescribed by them.</p> <p>If a planning permit is required which requires approval to remove native vegetation, the planning permit application must be accompanied with a native vegetation removal report outlining the impact of the proposed removal. Department P can use the NVIM native vegetation removal tool to obtain the native vegetation removal report, however if Department P intends to remove significant native vegetation (i.e. Department P is using the Detailed Assessment Pathway) Department P will need to appoint an accredited native vegetation assessor to complete a site assessment report for the native vegetation Department P proposes to remove.</p> <p>There is an application form available on DELWP's website for applications to take flora under the FFG Act.</p>	<p>The same forms are required as for Activity A Question 4.</p>
5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the	<p>There is no prescribed timeframe applying to an application for consent under s 27 of the <i>National Parks Act 1975</i>.</p>	<p>Timeframes for decisions are the same as for Activity A Question 5.</p>

timeframes in practice (average, shortest, longest)?	<p>There is no prescribed timeframe applying to an application for a permit to take native flora under the FFG Act.</p> <p>If an application for a planning permit is required under the VPPs, the responsible authority (council) has 60 days to determine that application after which the proponent can apply to VCAT.</p>	
6. What costs will be incurred by the person or business in completing these processes?	<p>There is no prescribed fee applying to applications for consent under s 27 of the <i>National Parks Act 1975</i>. Parks Victoria may charge a nominal administrative fee (\$1250 plus GST) and an ongoing yearly fee, the amount of which could be determined by the Valuer-General.</p> <p>There are no relevant prescribed fees under the FFG Act.</p> <p>If an application for a planning permit under the VPPs is required, the application fee would be determined based on the cost of development class of permit application as set out in <i>Planning and Environment (Fees) Regulations 2016</i>.</p> <p>If required, there will be a cost to obtain a native vegetation removal report that outlines the impact of the proposed removal. Department P can use the NVIM native vegetation removal tool (at no cost) to assess the impact of their proposed removal and obtain the native vegetation removal report. If Department P intends to remove significant native vegetation (i.e. Department P is using the Detailed Assessment Pathway), Department P will need to appoint an accredited native vegetation assessor to obtain the native vegetation removal report for the native vegetation Department P proposes to remove. If a planning permit is approved to remove the vegetation, there will be costs to meet native vegetation offset requirements.</p>	If Department P wishes to go over and above the minimum standards contained in the Acts and Regulations referred to in Activity A Question 1, there are likely to be additional costs (to those outlined in Activity A Question 6) of planning and works involved.
7. What are the costs and/or legal ramifications of non-compliance or mistakes?	If Department P does not act in accordance with the consent and permit requirements referred to above, offence provisions or other consequences under the <i>National Parks Act 1975</i> , the <i>National Park Regulations 2013</i> , the <i>FFG Act</i> and the <i>Planning and Environment Act 1987</i> may apply.	Costs and/or legal ramifications of non-compliance are the same as for Activity A Question 7.
8. What guidance or other assistance is available to help navigate these processes?	<p>Department P could contact Parks Victoria directly for any guidance required on the process for obtaining consent under s 27 of the <i>National Parks Act 1975</i>. There is a standard section 27 consent document which informs what is needed to comply with the terms and conditions of the consent.</p> <p>Exemptions from a permit to remove, destroy or lop native vegetation under clause 52.17: The Victorian Government has developed the Exemptions from requiring a planning permit to remove, destroy or lop native vegetation guidance¹⁶.</p> <p>Native vegetation removal: To apply for a planning permit the remove, destroy or lop native vegetation: <u>Applicant's guide: Applications to remove, destroy or lop native vegetation</u>.¹⁷ The Victorian Government also has a dedicated email to respond queries about these requirements. Most local councils have a dedicated webpage and provide assistance.</p> <p>Taking protected flora: guidance is available at https://www.environment.vic.gov.au/conserving-threatened-species/flora-and-fauna-guarantee-act-1988/protected-flora-controls.</p>	The same guidance and assistance is available as for Activity A Question 8.

¹⁶ https://www.environment.vic.gov.au/_data/assets/pdf_file/0018/91251/Exemptions-from-requiring-a-planning-permit-to-remove,-destroy-or-lop-native-vegetation-Guidance.pdf

¹⁷ https://www.environment.vic.gov.au/_data/assets/pdf_file/0018/91251/Exemptions-from-requiring-a-planning-permit-to-remove,-destroy-or-lop-native-vegetation-Guidance.pdf

Scenario 5: Roadside verges

Setting:

Physical/Environmental:

Person D is a land owner and has noticed vegetation growing up to the edge of a public road that runs through D's property, which has not been cleared for some time and D considers to be a bushfire risk.

Question	Activity A: D wishes to himself remove the vegetation growing up to the edge of the road, to address the bushfire risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	<p>This response has been prepared from the perspective of Person D.</p> <p>D should contact the land manager (the road authority) and local council to determine how the issue can best be resolved. The process would depend on the clearance works D seeks to undertake:</p> <ul style="list-style-type: none"> i. If D proposes to mow only grass along the roadside, D could do so without written consent from the relevant road authority (pursuant to regulation 17 of the <i>Road Management (Works and Infrastructure) Regulations 2015</i>), provided that the grass is not mown closer than 10 cm to the ground; or ii. If D proposes to conduct more substantial clearing (e.g. remove, destroy or lop native vegetation, or to mow below 10 cm), D would need a planning permit from the local council to remove native vegetation (Victoria Planning Provisions 52.17), and this may require the consent of the relevant road authority. <p>The process involved would also depend on the nature of the vegetation D seeks to remove. Where the vegetation involved is native vegetation, or the work otherwise involves protected flora or fauna, additional requirements may apply under the <i>EPBC Act</i> or the <i>FFG Act</i>.</p> <p>In practice, where clearance works involve more than simply mowing, or involve the removal of native vegetation or protected flora or fauna, the relevant road authority would generally undertake any necessary clearance works itself, either pursuant to the <i>Road Management Act 2004</i> or s 43 of the <i>CFA Act</i> (as a council or 'public authority' under that Act). Victoria has a robust and well-developed bushfire risk management framework through Municipal Emergency Management Planning Committees (MEMPCs) and Municipal Fire Management Planning Committees (a sub-committee of the MEMPCs) that address the need for such works. These embed local knowledge into strategic plans that are approved at a municipal level.</p> <p>In terms of the works that may be undertaken by road authorities on their own behalf to address bushfire risk, there is a supporting guideline that was developed by Terramatrix for VicRoads that CFA supported the development of (refer to response at Question 8).</p>
2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?	<p>Refer to the response to Question 1 above.</p> <p>Mowing roadside grass to a height of 10 cm or more does not require any consent from the road authority.</p> <p>Planning permit exemptions under clause 52.17 (say for regrowth, weeds and bushfire safety) may apply where more substantial clearing is proposed to be conducted.</p>
3. Which organisations or people will the person or business be required to contact during these processes?	D would need to contact the relevant road authority (i.e. the relevant local council, Department of Transport (formerly VicRoads) or DELWP).
4. What prescribed form/s need to be completed during any of these processes?	<p>D will need to complete an application for road use consent form (which is referred to in different ways by different authorities), to be submitted to the relevant road authority, in respect of the work proposed. Each local council has its own planning permit application form.</p> <p>If a planning permit is required which requires approval to remove native vegetation, the planning permit application must be accompanied by a native vegetation removal report outlining the impact of the proposed removal. D can use the NVIM native vegetation removal tool to obtain the native vegetation removal report, however if D intends to remove significant native vegetation (i.e. D is using the Detailed Assessment Pathway) D will need to appoint an accredited native vegetation assessor to complete a site assessment report for the native vegetation D proposes to remove.</p>
5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?	<p>There is no prescribed timeframe for the relevant road authority to respond to D's application.</p> <p>If an application for a planning permit is required under the VPPs, the responsible authority (council) has 60 days to determine that application after which the proponent can apply to VCAT.</p>
6. What costs will be incurred by the person or business in completing these processes?	<p>There may be a permit application fee associated with the road use consent form referred to above, which varies between road authorities (and in some cases, depending on the scale of the works contemplated).</p> <p>If an application for a planning permit under the VPPs is required, there will be an application fee based on the cost of development and the class of permit application as set out in <i>Planning and Environment (Fees) Regulations 2016</i>.</p>

	<p>If required, there will be a cost to obtain a native vegetation removal report that outlines the impact of the proposed removal. D can use the NVIM native vegetation removal tool (at no cost) to assess the impact of their proposed removal and obtain the native vegetation removal report. If D intends to remove significant native vegetation (i.e. D is using the Detailed Assessment Pathway), D will need to appoint an accredited native vegetation assessor to obtain the native vegetation removal report for the native vegetation D proposes to remove. If a planning permit is approved to remove the vegetation, there will be costs to meet native vegetation offset requirements.</p>
<p>7. What are the costs and/or legal ramifications of non-compliance or mistakes?</p>	<p>If D carried out unauthorised works (namely, works of the type above that are not authorised or permitted by the relevant authority), D may be liable to prosecution for, amongst other things:</p> <ul style="list-style-type: none"> • non-compliance with the VPPs (in respect of removal of native vegetation, if no exemptions applied: cl 52.17); • to the extent that the work involved protected flora or fauna, under the <i>EPBC Act</i> and/or the <i>FFG Act</i>; and • breach of the <i>Road Management Act 2004</i> (for example, s 63 requires the written consent of the relevant road authority prior to works being carried out). <p>Depending on the nature of the roads and works involved, there may also be consequences for D under the <i>Road Safety Act 1986</i> (Vic) (for example, s 99A).</p> <p>In some circumstances, the relevant road authority may also seek rectification and/or costs from D in respect of the unauthorised work carried out: Schedule 7, cl 19 of the <i>Road Management Act 2004</i>.</p>
<p>8. What guidance or other assistance is available to help navigate these processes?</p>	<p>There is general information available on the Department of Transport (formerly VicRoads) website that identifies the relevant road authorities for different roads: https://www.vicroads.vic.gov.au/about-vicroads/our-strategy/vicroads-roadside-management-strategy.</p> <p>Where the relevant road authority is a local council, it is also likely to make information available (by website and by phone) about these issues (such as clearing vegetation on roadsides etc).</p>