

Unscheduled Council Meeting Agenda

Tuesday 29 November 2022 at 6:00 pm

Council Chambers (and by video conferencing) East Gippsland Shire Council Corporate Centre 273 Main Street, Bairnsdale 3875



Acknowledgement to country

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawel people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

Council information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting (youtube.com/c/EastGippyTV) to enhance the accessibility of its meetings to the broader East Gippsland community.

These recordings are also archived and available for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, any members of the gallery who are addressing the council will have their image, comments or submissions recorded.

No other person has the right to record Council meetings unless approval has been granted by the Chair.

In line with the *Local Government Act* 2020, Councillors are able to attend Council meetings electronically or in person and the meetings will be open to the public via livestreaming.

Members of the public are invited to view the Council Meeting livestreamed by following the link on Council's website or Facebook page.

Councillors

Cr Mark Reeves (Mayor)

Cr Arthur Allen (Deputy Mayor)

Cr Sonia Buckley

Cr Tom Crook

Cr Jane Greacen OAM

Cr Trevor Stow

Cr Mendy Urie

Cr Kirsten Van Diggele

Cr John White

Executive Leadership Team

Anthony Basford Chief Executive Officer
Fiona Weigall General Manager Assets and Environment
Peter Cannizzaro General Manager Business Excellence
Stuart McConnell General Manager Place and Community

Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and Delegated Committee meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:
 - (a) there are clear reasons for particular matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the meeting to proceed in an ordinary manner.
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:
 - (a) the meeting may be adjourned; or
 - (b) a recording of the proceedings may be available on the Council website.

Governance Rules

A copy of East Gippsland Shire Council's governance rules can be found at https://www.eastgippsland.vic.gov.au/council/council-policies

Councillors pledge

As Councillors of East Gippsland Shire Council, we solemnly and sincerely declare and affirm that we will consider each item on this agenda in the best interests of the whole municipal community.

Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

Our Strategic Objectives

- 1. An inclusive and caring community that respects and celebrates diversity.
- 2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
- 3. A natural environment that is managed and enhanced.
- 4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
- 5. A transparent organisation that listens and delivers effective, engaging and responsive services.

Index

1 Procedural	7
1.1 Recognition of Traditional Custodians	7
1.2 Apologies	7
1.3 Declaration of Conflict of Interest	7
1.4 Confirmation of minutes	7
1.5 Next meeting	7
1.6 Requests for leave of absence	7
1.7 Open Forum	7
1.7.1 Petitions	7
1.7.2 Questions of Council	7
1.7.3 Public Submissions	7
2 Notices of Motion	7
3 Deferred Business	7
4 Councillor and Delegate Reports	7
5 Officer Reports	8
5.1 Assets and Environment	8
5.1.1 Cycling and Walking Track between Paynesville and Bairnsdale	8
5.1.2 Fees and charges for Electric Vehicle Charging Stations	13
5.1.3 Omeo Holiday Park Fees and Charges	18
5.2 Business Excellence	23
5.2.1 Adoption of Updated Instrument of Delegation Council to Members	of Staff (S6)
and Instrument of Appointment and Authorisation (S11A)	23
5.2.2 Amended Risk Management Policy	222
5.2.3 Draft Revised Investment Policy 2022	245
5.2.4 Council Meeting Schedule 2023	267
5.3 Place and Community	271
5.3.1 Planning Application 540/2021/P - 164 Deep Creek Road, Bruthen - and Works for a Dwelling and Outbuilding	•

6 Urgent and Other Business	480
7 Confidential Business	480
7.1 Audit and Risk Committee Appointment	480
8 Close of Meeting	480

1 Procedural

1.1 Recognition of Traditional Custodians

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawel people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

1.2 Apologies

Cr Trevor Stow

1.3 Declaration of Conflict of Interest

1.4 Confirmation of minutes

That the minutes of the Statutory Meeting and Council Meeting held 8 November 2022 be confirmed.

1.5 Next meeting

The next Council Meeting of 13 December 2022 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

1.6 Requests for leave of absence

1.7 Open Forum

- 1.7.1 Petitions
- 1.7.2 Questions of Council
- 1.7.3 Public Submissions

2 Notices of Motion

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Assets and Environment

5.1.1 Cycling and Walking Track between Paynesville and Bairnsdale

Authorised by General Manager Assets and Environment

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

A petition was received on 30 September 2022 seeking a commitment from Council to *make* appropriate decisions and take appropriate actions which will progress delivery of a safer and viable off-road rote between Bairnsdale and Paynesville.

The construction of a trail from Paynesville to Bairnsdale is a proposal dating back several years. However, it is important to understand that there are two options when considering active transport such as this proposal. The petition specifically relates to an off-road option, while past proposals to Council have requested an on-road cycling lane. With respect to an on-road cycling lane, the Paynesville to Bairnsdale Road is an arterial road managed by the Department of Transport. As such, Council has no responsibility for either the road or the road reserve.

In relation to an off-road route, this has been investigated previously with the development of a Design Analysis Report in 2011. However, at that time the cost of construction was projected as \$6.4 million. In addition, a number of barriers were identified including conflicting land use, environmental impact, and construction logistics, which led to the project not proceeding at that time.

That said, in early 2022, Council recommenced work to review the feasibility of this project through commissioning a revision of the 2010-11 Design Analysis Report, and Economic Impact Study. These reports will be presented to Council to allow an informed decision to be made about progressing the project in the future.

With this work already underway, it is considered that the intent of the petition is already being met through appropriate planning and investigative actions. However, any further commitment from Council to progress this project beyond the planning phase prior to considering the evidence currently being compiled is not recommended.

Officer Recommendation

That Council:

- 1. receives and notes this report; and
- 2. notes that Council Officers will write to the head petitioner advising them of the actions being undertaken to review cycling links between Paynesville and Bairnsdale.

Background

The construction of a trail from Paynesville to Bairnsdale is a proposal dating back a number of years. The positive health and wellbeing, as well as potential economic benefits of such a link are acknowledged and valued. However, earlier research on such a link emphasised a need to consider the costs of both construction and maintenance, any negative impacts on environment or other land users, as well as the priority level of such a pathway in relation to other proposed major projects across East Gippsland.

In 2010-11, Council commissioned a Design Analysis Report study into a Shared Bicycle and Pedestrian Pathway – Bairnsdale to Paynesville. At the time the report identified a preliminary cost estimate of \$6.4 million, as well as identifying a number of constraints. Based on this cost and the constraints, the project did not proceed at that time.

Despite the anticipated cost and complexities, and while limited work was conducted on the project following the 2011 study, the project has remained a potential project should an appropriate opportunity arise. With a significant amount of funding following the 2019-20 bushfires and COVID-19 pandemic, as well as an increased focus on visitor tourism including tracks and trails, this trail was identified as a potential priority project. Noting that the initial Design Analysis Report was some 10 years ago, an application was made in late 2021 for State funding through the Fast Track program to undertake a review of the design and develop new costings. Unfortunately, this funding application was not successful.

In June 2022, Council Officers engaged Tourism Recreation Consultation (TRC) to undertake a Review of the Design Analysis Report to update and build upon the 2010-11 report, this will include an assessment from a quantity surveyor to establish accurate updated costing. This will be presented to Council once completed.

The next steps identified for this project should the project proceed is the development of an economic impact study to provide an analysis of the anticipated affect this trail would have on the East Gippsland economy.

These reports will provide updated information on the identified barriers, cost, and benefits of the project, allowing Council to make an informed decision on the feasibility of the project, as well as the level of priority of the project in relation to a number of other trails and active transport projects identified across East Gippsland.

Additional considerations:

One key discussion point associated with this project is the scope of a shared, or dual use path. Expectations surrounding the service level of paths and trails often vary greatly. A walking track can be a narrow-unsealed path, whereas the recommended width for a dual use path that caters for both pedestrians and cyclists is 3.0 metres to allow safe use by pedestrians and cyclists. Service standards should be maintained for the full length of the trail which impacts on sensitive environmental areas, and costs where sections of boardwalk or other infrastructure are required.

There is also a vast difference between active transport links and cycle paths, with active transport links normally being sealed and providing a transport alternative for commuters. The pathways being investigated would not meet the definition of infrastructure required to support 'active transport'.

Associated Projects:

This project lends itself well to a staged approach. Should the full project not be deemed to be feasible, it may be viable to construct sections of the trail which meet other needs. For example, planning is underway for a shared path from Paynesville to Eagle Point, as identified in the Eagle Point Marine and Coastal Management Plan 2019, which could form an initial stage of the Bairnsdale to Paynesville trail.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act* 2020 commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act* 2020, Part 5 – Council Operations, section 106 Service Performance Principles:.

- (1) A Council must plan and deliver services to the municipal community in accordance with the service performance principles.
- (2) The following are the service performance principles
 - a. Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
 - b. Services should be accessible to the members of the municipal community for whom the services are intended;
 - c. Quality and cost for services set by the Council should provide good value to the municipal community;
 - d. A Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring; and
 - e. Service delivery must include fair and effective process for considering and responding to complaints about service provision.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

Council Policy

This item complies with Council's Governance Rules, specifically:

- 8.7 Petitions and joint letters
- (1) Every petition submitted to Council must:
 - (a) be legible and in permanent writing;
 - (b) be clear and on each page the matter and action sought from council is stated;
 - (c) not be derogatory, defamatory or objectionable in language or nature;
 - (d) not relate to matters outside the powers of Council; and
 - (e) include the names, addresses and original signatures of all petitioners; and be assessed by the Chief Executive Officer as meaningful and appropriate for formal presentation.
- 4) Unless sub-rules (5) or (6) apply, the only motions that may be considered by Council on any petition are:
 - (a) that the petition be received;
 - (b) that the petition be referred to the Chief Executive Officer or relevant General Manager for consideration and response; and
 - (c) that the petition be referred to the Chief Executive Officer or relevant General Manager for a report to a future Council Meeting.

Options

As appropriate actions are underway to inform the decision making about progressing a Bairnsdale to Paynesville cycling and walking track, the options available to Council are to continue this work or cease any further planning.

Any further commitment to the project prior to assessing sufficient information is not recommended at this point in time.

Resourcing

Financial

Planning works for this project are funded from the existing operational budget.

If the pathway was to progress to construction, it would cost many million dollars to construct, with firm costs yet to be arrived at.

Plant and equipment

No plant and equipment are required as part of this project.

Human Resources

No additional Human Resources are required in relation to the planning actions associated with this project.

Risk

The risks of this proposal have been considered and will be addressed in accordance with existing Council project planning processes and Council's Risk Management Policy and Framework.

Economic

An Economic Impact Assessment is being commissioned to identify the key economic impacts of the project. While the economic benefits to both Paynesville, and the East Gippsland region as a whole are touted as a driver for the project, having these quantified is essential in determining the viability of the project, and priority level.

Social

The health and wellbeing benefits of active transport and physical activity are well documented and are an important consideration when assessing the viability of this project.

Gender Impact Statement

The Bairnsdale to Paynesville Walking and Cycling Track project has considered the *Gender Equality Act* 2020 in its preparation. The Bairnsdale to Paynesville Walking and Cycling Track project has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

This project has potential to have an impact on vegetation and sensitive areas. Trail construction may require the removal of vegetation, as well as ongoing management of affected areas.

The broader impact of an active transport network should also be acknowledged. Any reduction of motorised vehicles in favour of active transport will reduce emissions and energy use.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

Engagement

There has been limited community engagement conducted as part of this project to date. Should the project continue in its development significant engagement would be required with all key stakeholders and the broader community.

Attachments

Nil

5.1.2 Fees and charges for Electric Vehicle Charging Stations

Authorised by General Manager Assets and Environment

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

This report proposes to set the fees and charges for Council's public electric vehicle (EV) charging stations at 40c per kilowatt-hour (kWh) for the remainder of the 2022-23 financial year.

With seven (7) EV charging stations set to be installed and operational within Bairnsdale, Buchan, Cann River, Lakes Entrance, Mallacoota, Omeo, and Orbost, it is important that a consistent and fair charge is set for use of this service.

At the time the draft budget for 2022-23 was being prepared, there were no Council publicly owned EV charging stations in place, and sites were still being identified. As the first EV charging stations are anticipated to be operational in the coming month, it is now proposed Council sets a fee and charge for the remainder of this financial year.

This fee has been derived by aligning with the Charging the Regions project using modelling conducted by the Central Victorian Greenhouse Alliance (CVGA) on cost recovery considering power usage, software costs and maintenance. This means the fees and charges will be based on actual cost and not based on a comparison with other providers operating in East Gippsland.

This rate is also in-line with Wellington, Bass Coast and South Gippsland Shire Councils which all currently have 40c per kWh in their adopted Fees and Charges schedules for 2022-23. This will create consistency for EV users across municipalities in the Gippsland region and is consistent with the Victorian Department of Treasury and Finance Competitive Neutrality Policy.

Officer Recommendation

That Council:

- 1. receives and notes this report, and;
- 2. sets the fees and charges for Council's public electric vehicle charging stations at 40c per kWh for the remainder of the 2022/23 financial year.

Background

A network of EV charging stations is being installed in public carparks across East Gippsland for the first time.

Council is using Federal and State Government funding to install seven fast chargers (50kW Dual Charging (DC)) between now and June 2023 in the following towns and locations:

Town	Address
1. Bairnsdale	101-121 Nicholson Street, off-street carpark
2. Buchan	Main Street
3. Cann River	Ward Street, on-street carpark
4. Lakes Entrance	Footbridge carpark on the Esplanade
5. Mallacoota	Maurice Avenue/Greer Street – to be confirmed
6. Omeo	Tongio Road, on-street carpark
7. Orbost	5 Wolseley Street, off-street carpark

The first four (4) EV charging stations are anticipated to be operational in the coming month.

As there were no Council-managed public EV charging stations when the draft 2022-23 budget was being prepared, it is proposed Council now adopts a fee for the remainder of this financial year.

The EV chargers will be managed by Council, at a proposed basic cost recovery fee of 40c per kWh to cover the maintenance, repair, and electricity costs.

The charge of 40c per kWh is in-line with the Charging the Regions project after modelling conducted by the CVGA on cost recovery considering power usage, software costs and maintenance.

This rate is also in-line with Wellington, Bass Coast and South Gippsland Councils who all currently have 40c per kWh in their adopted Fees and Chargers schedules for 2022-23. This will create consistency for EV users across municipalities.

While Council is unable to predict revenue at this point, revenue will be easier to predict once the EV chargers have been installed for some months and monitoring of each site occurs.

Third party software by Chargefox will be installed and requires the customer to setup an online account. Payment is made via the online system, and cash is not used.

The fees proposed are a flat rate and do not identify peak and off-peak periods of electricity.

Ongoing, these fees will be incorporated into future draft budgets.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act* 2020 commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

There is no legislative requirement to recover fees for public EV charging. The implications of this report have been assessed and are not considered likely to breach Council's competitive neutrality obligations.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Collaborative procurement

Whilst this report does not relate to procurement, the EV charging Stations have been procured in collaboration with Wellington, Bass Coast and South Gippsland Shire Councils.

These partner Councils have all have set a fee and charge of 40c per kWh for 2022-23, which is in-line with the Charging the Regions project after modelling conducted by CVGA on cost recovery of power usage, software costs and maintenance.

This approach demonstrates competitive neutrality, in line with the Victorian Competitive Neutrality Policy.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable; and

Strategic Objective 3: 3.1 Council works to reduce its own and the communities carbon emissions while supporting the community to mitigate the impact of a changing climate on the environment, safety, health, and lifestyles.

Council Policy

There are no policy implications associated with this report.

Options

Two options have been considered in the preparation of this report, being:

- 1. Set a cost recovery fee at a rate of 40 cents per kW in-line with the other Gippsland local governments and as recommended from by Charging the Regions (as per the Officers recommendation); or
- 2. Undertake an additional review and set the fees at a higher or lower level.

It is recommended that Council maintains the same fee structure of 40 cents per kWh in line with the other regional Councils for consistency across the regions.

This approach may evolve over time in collaboration with other regional Councils or as electricity and maintenance prices rise.

It is not recommended to make the EV chargers free of charge, as this would breach the terms of commercial agreements with third parties who are also installing EV charging stations and need to make a commercial return on investment. If Council offered free charging it would also result in non-EV car drivers subsidising the charging costs and electricity consumption for EV drivers.

Resourcing

Financial

The Proposed Fees and Charges have been established by the Charging the Regions and have been adopted across the board for consistency. Therefore, an EV charging point rate is proposed to be \$0.40 per kWh. (This would mean for example; it would cost \$24 for a car with a 60kW battery to charge).

The proposed fee will be added to the future list of fees and charges.

This approach may evolve in the future through collaboration with neighbouring Gippsland Council's as electricity prices rise or maintenance costs increase.

Plant and equipment

The fast-charging stations are currently being installed and will be owned by Council. There is a 5-year maintenance plan with RACV Solar.

A fast charger will allow an EV to charge the battery in approximately an hour. When two cars are both plugged in at the same time it will take up to twice as long.

Council is planning to install 50kW DC chargers with CCS2 and CHAdeMO dual plugs. These will fit most of the currently available EVs.

Human Resources

There are minimal human resource implications, as the transactions for EV users to charge their vehicles take place using third party software.

Risk

The risks of this proposal have been considered and minimal given the rate is a cost recovery fee, for the maintenance and energy consumed from the EV chargers.

Economic

The aim is to support the uptake of EVs and encourage tourism across our region. There are anticipated economic benefits to local communities from EV users who will be required to linger in towns for up to an hour while the vehicles charge.

The EV chargers are being installed using a combination of funds from the Australian Government's Local Roads and Community Infrastructure (LRCI) Program, Council cash contribution and a Destination Charging Across Victoria (DCAV) grant.

Social

Gender Impact Statement

The *Gender Equality Act* 2020 requires a gender impact assessment when developing a policy, program or service which has a direct and significant impact on the public. The proposed cost recovery charge for EV vehicle charging is deemed to not have a significant impact on the public and does not require a Gender Impact Assessment.

Environmental

All EV charging stations installed by Council will source 100% renewable electricity as part of VECO (Victorian Energy Collaboration). This means community transport emissions (sitting at 17% of all emissions) will be supported to be reduced.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts; and

Greenhouse Gas Emissions: Consideration has been given to reduce GHG emissions.

Engagement

There has been a range of social media, media releases and electronic newsletter items in relation to the roll out of EV charging stations by Council. In addition, a Your Say page for EV project updates has been created. While some of the media has included the indicative cost recovery price of 40 c per kWh, consultation on the exact cost has not been comprehensive.

Attachments

Nil

5.1.3 Omeo Holiday Park Fees and Charges

Authorised by General Manager Assets and Environment

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

Council is managing the Omeo Holiday Park (the Park) in a temporary capacity for the 2022-2023 financial year. At the end of this financial year the Park is expected to be re-tendered.

In preparation for the caretaker period, a budget was prepared for the Park internally. This budget made assumptions about income streams that are not able to be realised as cabins are no longer part of the accommodation offer at the Park. Similarly, fees at the time were set at a rate higher than the Park had charged in previous years. Additionally, there has been significant flood damage to the Park which means much of the Park area is unavailable for camping all year round or not being presented to a high standard.

These current conditions do not make a significant increase in park fees appropriate, and the fees may be discouraging park use, which has broader economic implications for Omeo.

Given that the fees were adopted by Council on 28 June 2022 as part of the adoption of the 2022-23 Annual Budget, it is necessary to have any change to these fees formally endorsed by Council.

This report therefore proposes a new set of fees and charges for the Park, applicable immediately.

Officer Recommendation

That Council:

- 1. receives and notes this report;
- 2. endorses a reviewed set of fees and charges for the Omeo Holiday Park as presented below; and

Use	2022-23 Fee (\$)
Powered Site all year (2 adults)	35.50
Unpowered Site all year (2 adults)	25.50
Unpowered Site all year (1 adult)	17.50
Powered Site – extra person over 15 years of age	10.00
Powered Site – extra person under 15 years of age	Free

3. notes that the fee changes outlined in recommendation 2 will have immediate effect.

Background

Council is managing the Park in a caretaker period for the 2022-2023 financial year. At the end of this financial year the Park is expected to return to a commercial lease.

In preparation for the caretaker period, a budget was prepared, and fees were incorporated into the 2022-23 Annual Budget for Council's formal adoption. With the Park now under management, the budget is being monitored and reviewed and it has been determined that the fees are not appropriate for a Park of this nature.

By setting the fees too high there is a risk that potential campers are being discouraged with negative implications for both the Park itself and for the broader Omeo business community whose businesses rely on these visitors.

Issues raised in the budget review include:

- The original budget and fees assumed the presence of cabins, which are no longer part of the accommodation offer:
- The budget and fees were set before the Park was impacted by flooding, which has reduced the area available for use; and
- The fees were set at a rate higher than those charged by the previous Park operator.

The adopted Fees and Charges for the Omeo Caravan Park are shown below:

Omeo Caravan Park						
Powered Site - (2 adults)	Daily	Non-Statutory	G	\$46.20	\$46.20	New
Powered Site - extra person under 15 years of age	Daily	Non-Statutory	G	\$10.50	\$10.50	New
Powered Site - extra person over 15 years of age	Daily	Non-Statutory	G	\$15.75	\$15.75	New
Unpowered - site per person	Daily	Non-Statutory	G	\$17.85	\$17.85	New
Deluxe Cabin (2 bedroom - slee	Deluxe Cabin (2 bedroom - sleeps up to 6 - linen provided)					
Two People	Daily	Non-Statutory	G	\$136.50	\$136.50	New
Extra Person	Daily	Non-Statutory	G	\$42.00	\$42.00	New
Family Cabin (sleeps up to 8 - 1	x Queen B	ed, 6 bunks - no li	nen)			
Four People	Daily	Non-Statutory	G	\$105.00	\$105.00	New
Extra Person	Daily	Non-Statutory	G	\$26.25	\$26.25	New
Park Cabin (sleeps 4 - no bathroom - no linen)						
Two People	Daily	Non-Statutory	G	\$94.50	\$94.50	New
Extra Person	Daily	Non-Statutory	G	\$15.75	\$15.75	New

The proposed changes are shown below, with these fees compared to the fees set by the previous operator:

Fee Description Omeo Holiday Park	Fee at 01/07/21 (\$)	Adopted fee at 01/07/22 (\$)	Proposed Fee (\$)	Increase (\$)	Increase (%)
Powered Site all year (2 adults)	35.00	46.20	35.50	0.50	1.45
Unpowered Site all year (2 adults)	25.00	-	25.50	0.50	2.0
Unpowered Site all year (1 adult)	17.00	17.80	17.50	0.50	2.9
Powered Site extra person over 15 years of age	NA	15.75	10.00	New	New
Powered Site extra person under 15 years of age	NA	10.50	Free	-	-

The proposed Fees and Charges have been benchmarked against both the Fees and Charges of other Council operated caravan parks and caravan parks offering similar services and amenity.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act* 2020 commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

The implications of this report have been assessed and are not considered likely to breach competitive neutrality requirements.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Collaborative procurement

Not applicable.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.1 A better everyday customer experience is created for our residents and visitors.

Council Policy

The preparation and management of the Park budget is in line with Council's policy, procedure and local government legislation associated with Council budgeting.

Options

Officers recommend Council endorses the recommended changes to the Park fees and charge's structure as detailed in this report. This structure reflects that of the previous year's fees and charges (plus Consumer Price Index) and aligns with the current park condition.

Council also has the option of retaining Fees and Charges as adopted.

Resourcing

Financial

The options presented in this report will have a significant impact on the forecast income for the Park. However, the forecast income is not considered achievable even without these changes.

By making the use of the Park, more affordable there may be some positive impact on usage volumes which will assist the overall Park budget.

Plant and equipment

This report is assessed as having no direct impact on plant and equipment.

Human Resources

This report is assessed as having no direct impact on human resourcing.

Risk

The risks of this proposal have been considered. Adjusting the budget fees and charges to align with realistic business performance is best practice. The option in this paper removes the reputational risk for Council that could come with having a service that is not using market pricing.

Economic

The Park is a significant part of the town's economy through attraction of visitors to the town, who also purchase other goods and services. If the park has a reputation of being overpriced tourists may avoid the park and town all together.

A realistic fee structure and associated budget ensures the park is utilised by tourists and continues to stimulate the local economy.

Social

Gender Impact Statement

The *Gender Equality Act* 2020 was considered during the preparation of this report. The Park Fees and Charges and Associated budget has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

This report is assessed as having no direct impact on climate change.

Engagement

The fees and charges proposed in this report, if adopted will be communicated to the community via the usual channels:

- Omeo Holiday Park website; and
- Omeo Holiday Park onsite marketing (brochures etc).

Attachments

Nil

5.2 Business Excellence

5.2.1 Adoption of Updated Instrument of Delegation Council to Members

of Staff (S6) and Instrument of Appointment and Authorisation

(S11A)

Authorised by General Manager Business Excellence

Conflict of Interest

Officers preparing this report have no conflicts of interest to declare.

Executive Summary

This report is seeking Council's approval of the updated S6 Instrument of Delegation from Council to Members of Council Staff (S6 Instrument) and a new S11A Instrument of Appointment as an Authorised Officer pursuant to the Planning and Environment Act 1987.

Delegations

The current S6 Instrument was adopted by Council on 29 June 2022, and provides for Council staff to exercise the powers, duties and functions under various Acts and Regulations.

Ongoing maintenance of Council's delegation library occurs to ensure any important changes to legislation that affect Council's powers, duties and functions are reflected.

The changes proposed to the S6 Instrument reflect amendments to legislation and Officer position titles. An extensive revision of the delegates under the provisions of the *Planning and Environment Act* 1987 has also been undertaken.

The most notable amendment is the inclusion of the Chief Executive Officer (the CEO) as a delegate for each provision contained with the S6 Instrument. The reason being the power for Council to delegate the provisions contained with the S6 Instrument is conferred specifically through other legislation and cannot be delegated to the CEO under Council's general power of delegation conferred by the *Local Government Act* 2020.

Accordingly, to ensure that the CEO has the ability to exercise any of the powers, duties and functions contained within the S6 Instrument, inclusion as a delegate is necessary.

The updated S6 Instrument is provided at **Attachment 1**.

Authorised Officers

In most cases, Authorised Officers are appointed by the CEO through the power of delegation conferred through the S5 Instrument of Delegation (Council to CEO). However, the *Planning and Environment Act* 1987 specifically requires that Authorised Officers under that Act be appointed by resolution of the Council and sealed.

This report recommends a new appointment pursuant to the *Planning and Environment Act* 1987 be approved. The proposed S11A Instrument of Appointment and Authorisation is provided at **Attachment 2** to this report.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;
- 2. approves the delegations to the members of Council staff holding, acting in or performing the duties of the office or position referred to in the S6 Instrument of Delegation from Council to Members of Staff, provided at Attachment 1;
- 3. affixes the Common Seal of East Gippsland Shire Council to the S6 Instrument of Delegation from Council to Members of Staff, provided at Attachment 1;
- 4. notes that the S6 Instrument of Delegation from Council to Members of Staff comes into force immediately after the Common Seal of Council is affixed;
- 5. revokes the current S6 Instrument of Delegation from Council to Members of Staff dated 29 June 2022 upon the coming into force of the Instrument, provided at Attachment 1;
- 6. notes that the duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any policies of Council that it may from time to time adopt;
- 7. in the exercise of the powers conferred under section 147(4) of the Planning and Environment Act 1987, resolves that Adele McErlain, Strategic Planner, be appointed as an Authorised Officer, for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
- 8. affixes the Common Seal of East Gippsland Shire Council to the S11A Instrument of Appointment and Authorisation, provided at Attachment 2.

Background

Delegations

The *Local Government Act* 2020 expressly provides for a Council to delegate a power, duty or function to the CEO or a member of a delegated committee to act on behalf of Council.

Additionally, in the exercise of the powers conferred under various other Acts, Council may also delegate certain powers, duties and functions directly to members of Council staff, and cannot be delegated to staff by the CEO.

This power of delegation is facilitated through the S6 Instrument of Delegation from Council to Members of Council Staff.

The revised S6 Instrument has been prepared using resources provided by a legal firm, dated July 2022. They have been extensively reviewed at officer level and are considered appropriate for the ongoing administrative efficiency of Council.

Some of the delegations are subject to conditions or limitations and these are clearly articulated in the Instrument.

Authorised Officers

Authorisations are reviewed regularly and are updated due to:

- appointment of new staff;
- changes in the names of Acts;
- the introduction, amendment or revocation of legislation;
- · changes in position titles; and
- changes in roles.

As a result of the appointment of a new staff member it is recommended that the new authorisation pursuant to the *Planning and Environment Act* 1987 be approved.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act* 2020 commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Collaborative procurement

This report does not involve collaborative procurement.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.1 A better everyday customer experience is created for our residents and visitors.

Council Policy

There is no applicable Council Policy for this report.

Options

There are no alternative options for Council to consider in relation to the powers of delegation or the appointment of Authorised Officers pursuant to the *Planning and Environment Act* 1987.

Resourcing

Financial

There are no financial implications associated with this report.

Plant and equipment

There are no plant and equipment implications associated with this report.

Human Resources

There are no human resources implications associated with this report.

Risk

Implementing the S6 Instrument minimises the risks of failing to comply with Acts when officers are acting on behalf of Council.

Economic

There are no economic implications associated with this report.

Social

The East Gippsland Shire will have confidence that Council is applying the powers, duties, and functions of the nominated Acts for the well-being and benefit of the municipal community.

Gender Impact Statement

In preparing this report the *Gender Equality Act* 2020 was considered, and has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the nominated Acts for the environmental sustainability of the Shire.

Climate change

This report is assessed as having no direct impact on climate change.

Engagement

The S6 Instrument has been updated in consultation with appropriate members of Council staff

Attachments

- 1. S6 Instrument of Delegation Council to Members of Staff [5.2.1.1 193 pages]
- 2. S11A Instrument of Appointment and Authorisation [5.2.1.2 2 pages]



East Gippsland Shire Council

Instrument of Delegation Council to Members of Staff

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1.	column 2	s each duty and/or function and/or power described in column 1 of the Schedule (and summarised in of the Schedule) to the member of Council staff holding, acting in or performing the duties of the position described opposite each such duty and/or function and/or power in column 3 of the e;
2.	declares	that:
2.1	this Instru	ument of Delegation is authorised by a resolution of Council passed on; and
2.2	the deleg	pation:
	2.2.1	comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
	2.2.2	remains in force until varied or revoked;
	2.2.3	is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
	2.2.4	must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
2.3	the deleg	ate must not determine the issue, take the action or do the act or thing:
	2.3.1	if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
	2.3.2	if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
		(a) policy; or
		(b) strategy
		adopted by Council;
	2.3.3	if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
	2.3.4	the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.
The Com	ımon Seal	of East Gippsland Shire Council
was affix	ed on	day of
In the pre	esence of:	
Councillo	or:	
Councillo	or:	
Chief Exe	ecutive Of	ficer:

SCHEDULE

Index

CEMETERIES AND CREMATORIA ACT 2003	1
DOMESTIC ANIMALS ACT 1994	1
FOOD ACT 1984	2
HERITAGE ACT 2017	
LOCAL GOVERNMENT ACT 1989	12
PLANNING AND ENVIRONMENT ACT 1987	13
RESIDENTIAL TENANCIES ACT 1997	
ROAD MANAGEMENT ACT 2004	151
CEMETERIES AND CREMATORIA REGULATIONS 2015	176
PLANNING AND ENVIRONMENT REGULATIONS 2015	
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016	179
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND REGULATIONS 2020	
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016	187
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015	190

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under s 5 of this Act, and also apply to Councils appointed to manage a public cemetery under s 8(1)(a)(ii), as though they were a cemetery trust (see s 53).

Note: Council currently acts as a Cemetery Trust over two unused cemeteries at Glenaladale and Glen Wills. Unless the status of the cemeteries changes, there is no need for any Council delegates. This Act remains listed to maintain fidelity with the Maddocks master document.

DOMESTIC ANIMALS ACT 1994				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
s 41A(1)	Power to declare a dog to be a menacing dog	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Community Laws Coordinator Senior Community Laws Officer Community Laws Officers	Council may delegate this power to an authorised officer	

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	If section 19(1) applies	
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	If section 19(1) applies	
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	If section 19(1) applies Only in relation to temporary food premises or mobile food premises	
s 19(4)(a)	Power to direct that an order made under sections 19(3) (a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	If section 19(1) applies	
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied thatan order has been complied with	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	If section 19(1) applies	

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	If section 19(1) applies	
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c)	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 19AA(4)(c)	Power to direct, in an order made under section 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removedfrom the premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Note: the power to direct the matters under sections 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution	
s 19AA(7)	Duty to revoke order issued under section 19AA and give written notice of revocation, if satisfied that that order has been complied with	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Where Council is the registration authority	
s 19CB(4)(b)	Power to request copy of records	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 19E(1)(d)	Power to request a copy of the food safety program	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority	
s 19EA(3)	Function of receiving copy of revised food safety program	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority	
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 19IA(1)	Power to form opinion that the food safety requirements orprogram are non-compliant	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority	
s 19IA(2)	Duty to give written notice to the proprietor of the premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see section 19IA(3))	

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 19N(2)	Function of receiving notice from the auditor	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority	
s 19NA(1)	Power to request food safety audit reports	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator		
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Except for an assessment requiredby a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.	

FOOD ACT 1984					
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority		
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority		
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority		
	Power to register or renew the registration of a food premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the Chief Executive Officer (see section 58A(2)		
s 36A	Power to accept an application for registration or notification using online portal	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority		

S6 Instrument of Delegation - Council to Members of Staff

FOOD ACT 1984					
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 36B	Duty to pay the charge for use of online portal	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Where Council is the registration authority Within approved Financial Delegations		
s 38AA(5)		Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority		
s 38AB(4)	Power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	NO DELEGATION	Where Council is the registration authority		
s 38A(4)	Power to request a copy of a completed food safety program template	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority		
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Chief Executive Officer General Manager Business Excellence	Where Council is the registration authority		
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of section 38A	Chief Executive Officer Manager Regulatory Services	Where Council is the registration authority		
s 38B(2)	Duty to be satisfied of the matter in sections 38B(2)(a)-(b)	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority		

S6 Instrument of Delegation - Council to Members of Staff

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 38D(1)	Duty to ensure compliance with the applicable provisions of section 38C and inspect the premises ifrequired by section 39	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 38D(2)	Duty to be satisfied of the matters in sections 38D(2)(a)-(d)	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 38D(3)	Power to request copies of any audit reports	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 38E(2)	Power to register the food premises on a conditional basis	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority Not exceeding the prescribed timelimit defined under section 38E(5)	
s 38E(4)	Duty to register the food premises when conditions are satisfied	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environment Health Officers	Where Council is the registration authority

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 39A	Power to register or renew the registration of a food premises despite minor defects	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority Only if satisfied of matters in sections 39A(2)(a)-(c).	
s 39A(6)	Duty to comply with a direction of the Secretary	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator		
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority	
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act</i> 2008	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers		
s 40C(2)	Power to grant or renew the registration of food premises for a period less than 1 year	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Where Council is the registration authority	
s 40D(1)	Power to suspend or revoke the registration of food premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Where Council is the registration authority	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40E	Duty to comply with direction of the Secretary	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	
s 40F	Power to cancel registration of food premises	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	Where Council is the registration authority
s 43	Duty to maintain records of registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers Administration Officers	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing registration of a component of a food business	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 And power to refuse to register the components that do not meet the requirements	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Where Council is the registration authority
s 45AC	Power to bring proceedings	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46(5)	person where the offence was due to an act or default by that other person and where the first	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator	Where Council is the registration authority Applies only to proceedings in the Magistrates Court	

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	NO DELEGATION	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 185L(4)	Power to declare and levy a cladding rectification charge	Chief Executive Officer ¹		

¹ The only member of staff who can be a delegate in Column 3 is the Chief Executive Officer

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner	If authorised by the Minister	
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Statutory Planning Support Officer Land Use Administration Officer Land Use Administration Team Leader	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4I(2)	Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Officer Land Use Administration Team Leader Statutory Planning Support Officer	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under section 8A	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8A (3)	Power to apply to Minister to prepare an amendment to the planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	In accordance with the approved Planning Delegations Policy
s 8A(5)	Function of receiving notice of the Minister's decision	·	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	Chief Executive Officer General Manager Place and Community Manager Planning Senior Statutory Planner Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	In accordance with the approved Planning Delegations Policy	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Chief Executive Officer General Manager Place and Community	In accordance with the approved Planning Delegations Policy	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12B (1)	Duty to review planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	
s 12B (2)	Duty to review planning scheme at direction of Minister	Chief Executive Officer General Manager Place and Community Manager Planning Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	
s 12B (5)	Duty to report findings of review of planning scheme to Minister without delay	Chief Executive Officer General Manager Place and Community Manager Planning Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 14	Duties of the Responsible Authority as set out in sections 14(a) to (d)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Development Compliance Officer Statutory Planning Support Officer			

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(1)	Duty of giving copy amendment to the planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(2)	Duty of giving copy section 173 agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)		Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18	Duty to make amendment etc. available in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	Until the proposed amendment is approved or lapsed

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 19	Function of receiving notice of preparation an amendment to a planning scheme	of Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority		
s 20(1)	Power to apply to Minister for exemption from the requirements of section 19	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator	Where Council is a planning authority		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 21(2)	Duty to make submissions available in accordance with public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	Until the end of 2 months after the amendment comes into operation or lapses

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 21A(4)	Duty to publish notice	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		
s 22(1)	Duty to consider all submissions received before the date specified in the notice	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	Except submissions which request a change to the items in sections 22(5)(a) and (b)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 23(2)	Power to refer to a panel submission/s which does not require a change to the amendment	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in section 197B of the Act	Chief Executive Officer General Manager Place and Community Manager Planning Senior Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 26(2)	Duty to keep report of panel available for inspection in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planning Officer Senior Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	During the inspection period	
s 27(2)	Power to apply for exemption if panel's report not received	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 28(1)	Duty to notify the Minister if abandoning an amendment	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Senior Statutory Planner	Note: the power to make a decision to abandon an amendment cannot be delegated.	
s 28(2)	Duty to publish notice of the decision on internet site	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner Statutory Planning Officer Graduate Statutory Planner Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 28(4)	Duty to make notice of the decision available on Council's internet site for a period of at least 2 months	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		
s 30(4)(a)	Duty to say if amendment has lapsed	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 30(4)(b)	Duty to provide information in writing upon request	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Statutory Planning Officer Graduate Statutory Planner		
s 32(2)	Duty to give more notice if required	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Project Officer Strategic Planning Officer Graduate Statutory Planner Statutory Planning Officer Graduate Statutory Planner Senior Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 33(1)	Duty to give more notice of changes to an amendment	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Senior Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer			
s 36(2)	Duty to give notice of approval of amendment	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Senior Statutory Planner Land Use Administration Team Leader Land Use Administration Officer			

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 38(5)	Duty to give notice of revocation of an amendment	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner		
s 39	Function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Chief Executive Officer General Manager Place and Community Manager Planning Strategic Planning Coordinator Statutory Planning Coordinator Senior Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Function of lodging copy of approved amendment	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Statutory Planning Support Officer	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Senior Land Use Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements section out in section 197B of the Act after the inspection period ends	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Senior Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity.		Where Council is a responsible public entity and is a planning authority	
s 46AW	Function of being consulted by the Minister	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is a responsible public entity	
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is a responsible public entity	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Chief Executive Officer General Manager Place and Community Manager Planning Senior Statutory Planner Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	Manager Planning	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agence.

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Chief Executive Officer General Manager Place and Community Manager Planning		
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Chief Executive Officer General Manager Place and Community Manager Planning Senior Statutory Planner Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner			
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	er Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner			

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GP	Function of receiving a notice under section 46GO	Chief Executive Officer General Manager Place and Community Manager Planning Senior Statutory Planner Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	Where Council is the collecting agency	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Manager Planning		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under section 46GO	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner		
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	Chief Executive Officer		
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under section 46GQ	· ·		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuergeneral, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Strategic Planning Coordinator		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Strategic Planning Coordinator	Must be in accordance with approved Financial Delegations	
s 46GT(4)	Function of receiving, from the valuer- general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Strategic Planning Coordinator		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GT(6)	Function of receiving, from the valuer- general, written notice of a determination under section 46GT(5)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	
s 46GU	Duty not to adopt an amendment under section 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in sections 46GU(1)(a) and (b) are met	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	Where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with section 46GV(5) and (6)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with section 46GV(5) and (6)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(7)	Duty to impose the requirements set out in sections 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	· · · · · · · · · · · · · · · · · · ·	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is the collecting agency

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under section 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	Chief Executive Officer General Manager Business Excellence Manager Finance	Where Council is the collecting agency	
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act</i> 2020	Chief Executive Officer General Manager Business Excellence Manager Finance	Where Council is the collecting agency	
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	Chief Executive Officer General Manager Business Excellence Manager Finance	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority	
s 46GZ(2)(a)	Function of receiving the monetary component	Chief Executive Officer General Manager Business Excellence Manager Finance	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency	
s 46GZ(2)(b)	Function of receiving the monetary component	Chief Executive Officer General Manager Business Excellence Manager Finance	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency	
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under section 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under section 46GZ(5)	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	Manager Planning	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment Manager Planning Manager Works Manager Community Facilities and Open Space Civil Works Coordinator Statutory Planning Coordinator	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under section 46GW	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment Manager Planning Manager Works Civil Works Coordinator Statutory Planning Coordinator	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Chief Executive Officer General Manager Place and Community Manager Planning	If any inner public purpose land is vested in Council under the <i>Subdivision Act</i> 1988 or acquired by Council before the time it is required to be provided to Council under section 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZ(9)	Function of receiving the fee simple in the land	Chief Executive Officer General Manager Business Excellence Manager Governance Property Administration Coordinator	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZA(1)	Duty to keep proper and separate accounts and records	Chief Executive Officer General Manager Business Excellence Manager Finance	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment Manager Planning Manager Works Manager Community Facilities and Open Space Civil Works Coordinator Statutory Planning Coordinator	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(3)	Duty to follow the steps set out in sections 46GZB(3)(a) – (c)	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment Manager Planning Manager Works Manager Community Facilities and Open Space Civil Works Coordinator Statutory Planning Coordinator	Where Council is a development agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	Chief Executive Officer General Manager Place and Community Manager Planning	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in sections 46GZD(2)(a) and (b)	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment Manager Planning Manager Works Manager Community Facilities and Open Space Civil Works Coordinator Statutory Planning Coordinator	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in sections 46GZD(3)(a) and (b)	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment Manager Planning Manager Works Manager Community Facilities and Open Space Civil Works Coordinator Statutory Planning Coordinator	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under section 46GZD(3) in accordance with sections 46GZD(5)(a) and 46GZD(5)(b)	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZE(2)	Duty to forward the land equalisation amoun back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	General Manager Place and Community Manager Governance Property Administration Coordinator	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Chief Executive Officer General Manager Business Excellence Manager Finance	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in sections 46GZE(3)(a) and (b)	Chief Executive Officer General Manager Place and Community	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Chief Executive Officer General Manager Place and Community	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Duty, if land is sold under section 46GZF(2)(b), to follow the steps in sections 46GZF(3)(a) and (b)	Chief Executive Officer General Manager Place and Community	Where Council is the development agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	Function of receiving proceeds of sale	Chief Executive Officer General Manager Business Excellence Manager Finance	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with section 46GZF(5)	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Finance	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under section 46GZF(4) in accordance with sections 46GZF(6)(a) and (b)	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Finance	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Finance	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Chief Executive Officer General Manager Place and Community	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Chief Executive Officer General Manager Place and Community	Where Council is a collecting agency or development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under section 46LB (2)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer Statutory Planning Officer Graduate Statutory Planner	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	
s 46P(1)	Power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	Chief Executive Officer	
s 46Q(1)	Duty to keep proper accounts of levies paid	Chief Executive Officer General Manager Business Excellence Manager Finance	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services or facilities on behalf of development agency or plan preparation costs incurred by a development agency	Chief Executive Officer General Manager Business Excellence Manager Finance	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	Chief Executive Officer General Manager Business Excellence General Manager Assets and Environment Manager Finance Manager Works Civil Works Coordinator	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Chief Executive Officer General Manager Business Excellence Manager Finance	Only applies when levy is paid to Council as a 'development agency' On advice from General Manager Place and Community
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under section 46Q(4)(a)	Chief Executive Officer General Manager Assets and Environment	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	Chief Executive Officer General Manager Assets and Environment	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	Chief Executive Officer General Manager Assets and Environment	With the consent of, and in the manner approved by, the Minister

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46QC	Power to recover any amount of levy payable under Part 3B	Chief Executive Officer General Manager Business Excellence Manager Finance	
s 46QD	Duty to prepare report and give a report to the Minister	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Finance	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not Applicable	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with section 197B of the Act and on payment of the prescribed fee, after the inspection period	Not Applicable	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	Not Applicable	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public availability requirements	Not Applicable	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Not Applicable	
s 47	Power to decide that an application for a planning permit does not comply with that Act	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 50(4)	Duty to amend application	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50(5)	Power to refuse to amend application	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner
s 50(6)	Duty to make note of amendment to application in register	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 50A(1)	Power to make amendment to application	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has bee given	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(4)	Duty to note amendment to application in register	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(b)		Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 52(3)	Power to give any further notice of an application where appropriate	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		
s 53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(1A)	Power to require the applicant to give the notice under section 52(1AA)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 54(1)	Power to require the applicant to provide more information	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1A)	Duty to give notice in writing of information required under section 54(1)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 54(1B)	Duty to specify the lapse date for an application	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under section 54A(3)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to section 57A(5)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57A(5)	Power to refuse to amend application	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner
s 57A(6)	Duty to note amendments to application in register	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 57B(1)	Duty to determine whether and to whom notice should be given	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57C(1)	Duty to give copy of amended application to referral authority	General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 58	Duty to consider every application for a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	
s 58A	Power to request advice from the Planning Application Committee	Chief Executive Officer General Manager Place and Community	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60	Duty to consider certain matters	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	In accordance with the approved Planning Delegations Policy
s 60(1A)	Duty to consider certain matters	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planning Coordinator Strategic Planner Graduate Strategic Planner Strategic Planning Projects Officer		
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	rChief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	In accordance with the approved Planning Delegations Policy The permit must not be inconsistent with a cultural heritage management plan underthe Aboriginal Heritage Act 2006 The permit must not be inconsistent with Council's Coastal Inundation and Erosion Planning Policy.	
s 61(2)	Duty to decide to refuse to grant a permit if relevant determining referral authority objects to grant of permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	In accordance with the approved Planning Delegations Policy	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner		
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	In accordance with the approved Planning Delegations Policy	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(1)	Duty to include certain conditions in deciding to grant a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	
s 62(2)	Power to include other conditions	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner		
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner		
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with sections 46N(1), 46GV(7) or 62(5)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	This provision applies also to a decision to grant an amendment to a permit - see section 75

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 64(3)	Duty not to issue a permit until after the specified period	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	This provision applies also to a decision to grant an amendment to a permit - see section 75	
s 64(5)	Duty to give each objector a copy of an exempt decision	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	This provision applies also to a decision to grant an amendment to a permit - see section 75	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	This provision applies also to a decision to grant an amendment to a permit - see section 75A	
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under section 57			

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 66(1)	Duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit		
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 69(1)	Function of receiving application for extension of time of permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		
s 69(1A)	Function of receiving application for extension of time to complete development	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 69(2)	Power to extend time	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner	
s 70	Duty to make copy permit available in accordance with public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		
s 71(1)	Power to correct certain mistakes	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 71(2)	Duty to note corrections in register	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	
s 73	Power to decide to grant amendment subjec to conditions	tChief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	
s 74	Duty to issue amended permit to applicant if no objectors	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority	
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy o any notice given under section 64 or 76	Chief Executive Officer General Manager Place and Community fManager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 83	Function of being respondent to an appeal	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Strategic Planning Coordinator Graduate Statutory Planner	In accordance with approved Planning Delegations Policy	
s 83B	Duty to give or publish notice of application for review	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Chief Executive Officer	In accordance with approvedPlanning Delegations Policy	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		
s 84(3)	Duty to tell principal registrar of decision to grant a permit after an application is made for review of its failure to grant a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	
s 84AB	Power to agree to confining a review by the Tribunal	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator	Only following consultation with the Chief Executive Officer
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Development Compliance Officer Graduate Statutory Planner	
s 91(2)	Duty to comply with the directions of VCAT	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Development Compliance Officer Graduate Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under sectio 90	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Development Compliance Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 93(2)	Duty to give notice of VCAT order to stop development	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Development Compliance Officer		
s 95(3)	Function of referring certain applications to the Minister	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 95(4)	Duty to comply with an order or direction	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Graduate Statutory Planner	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Strategic Planning Coordinator Graduate Statutory Planner	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Strategic Planning Coordinator Graduate Statutory Planner	
s 96F	Duty to consider the panel's report under section 96E	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment</i> (Planning Schemes) <i>Act</i> 1996))	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Strategic Planning Coordinator	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 96H(3)	Power to give notice in compliance with Minister's direction	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Strategic Planning Coordinator		
s 96J	Duty to issue permit as directed by the Minister	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Strategic Planning Coordinator		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Strategic Planning Coordinator		
s 96Z	Duty to keep levy certificates given to it under sections 47 or 96A for no less than 5 years from receipt of the certificate	Not Applicable		
s 97C	Power to request Minister to decide the application	NO DELEGATION	Decision of Council only	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer			
s 97G(6)	Duty to make a copy of permits issued unde section 97F available in accordance with public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer			

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97L	Duty to include Ministerial decisions in a register kept under section 49	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	
s 97MH	Duty to provide information or assistance to the Planning Application committee or subcommittee	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner	In consultation with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Statutory Planning Officer Graduate Statutory Planner	Must consult with Manager Planning, Statutory Planning Coordinator or Senior Statutory Planner	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 97Q(4)	Duty to comply with directions of VCAT	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner		
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		
s 98(1) and (2)	Function of receiving claim for compensation in certain circumstances	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator General Manager Business Excellence Manager Governance Risk Management Coordinator		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Chief Executive Officer General Manager Place and Community Manager Planning General Manager Business Excellence Manager Governance Risk Management Coordinator	
s 101	Function of receiving claim for expenses in conjunction with claim	Chief Executive Officer General Manager Place and Community Manager Planning General Manager Business Excellence Manager Governance Risk Management Coordinator	
s 103	Power to reject a claim for compensation in certain circumstances	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Governance Risk Management Coordinator	
s 107 (1)	Function of receiving claim for compensation	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Governance Risk Management Coordinator	
s 107(3)	Power to agree to extend time for making claim	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Governance Risk Management Coordinator	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	Chief Executive Officer General Manager Place and Community General Manager Assets and Environment General Manager Business Excellence		
s 114(1)	Power to apply to the VCAT for an enforcement order	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Development Compliance Officer	Development Compliance Officer may only exercise this power in consultation with Statutory Planning Coordinator or above	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer	Development Compliance Officer may only exercise this power in consultation with Statutory Planning Coordinator or above	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 120(1)	Power to apply for an interim enforcement order where section 114 application has been made	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer	Development Compliance Officer, Senior Statutory Planner and Statutory Planning Officers may only exercise this power in consultation with Statutory Planning Coordinator or above	
s 123(1)	Power to carry out work required by enforcement order and recover costs	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer		
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	Chief Executive Officer General Manager Place and Community	Except Crown Land	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 129	Function of recovering penalties	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer			
s 130(5)	Power to allow person served with an infringement notice further time	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer			

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 149A(1)	Power to refer a matter to the VCAT for determination	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Development Compliance Officer		
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a section 173 agreement	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Senior Statutory Planner Development Compliance Officer		
s 156	Duty to pay fees and allowances (including a payment to the Crown under section 156 (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under section 156(2B)), power to ask for contribution unde section 156(3) and power to abandon amendment or part of it under section 156(4	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning	Where Council is the relevant planning authority Only in accordance with approved Financial Delegations	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 171(2)(f)	Power to carry out studies and commission reports	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator	
s 171(2)(g)	Power to grant and reserve easements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Senior Statutory Planner	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Chief Executive Officer General Manager Place and Community General Manager Business Excellence General Manager Assets and Environment	Where Council is a development agency specified in an approvedinfrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under section 46GV(4)	Chief Executive Officer General Manager Place and Community General Manager Business Excellence General Manager Assets and Environment	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under section 46GV(4)	Chief Executive Officer General Manager Place and Community General Manager Business Excellence General Manager Assets and Environment	Where Council is a development agency specified in an approvedinfrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 173(1)	Power to enter into agreement covering matters set out in section 174	Chief Executive Officer General Manager Place and Community General Manager Business Excellence General Manager Assets and Environment Manager Planning Manager Regulatory Services	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Chief Executive Officer General Manager Place and Community Manager Planning	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires something to be to the satisfaction of Council or Responsible Authority	General Manager Place and Community	This power must only be exercised following consultation with an officer at a higher level
	Power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or Responsible Authority	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Statutory Planning Coordinator Strategic Planning Coordinator Municipal Building Surveyor Senior Statutory Planner	This power must only be exercised following consultation with an officer at a higher level

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 177(2)	Power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Chief Executive Officer General Manager Place and Community Manager Planning	Only in accordance with the approved Planning Delegations Policy
s 178	Power to amend a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Chief Executive Officer General Manager Place and Community Manager Planning	Only in accordance with the approved Planning Delegations Policy
s 178A(1)	Function of receiving application to amend or end an agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(3)		Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		
s 178A(5)	Power to propose to amend or end an agreement	Chief Executive Officer General Manager Place and Community Manager Planning		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner		
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178C(4)	Function of determining how to give notice under section 178C(2)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	Chief Executive Officer General Manager Place and Community Manager Planning	If no objections are made under section 178D Must consider matters in section 178B Only in accordance with the approved Planning Delegations Policy
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer General Manager Place and Community Manager Planning	If no objections are made under section 178D Must consider matters in section 178B Only in accordance with the approved Planning Delegations Policy

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement	Chief Executive Officer General Manager Place and Community Manager Planning	If no objections are made under section 178D Must consider matters in section 178B
			Only in accordance with the approved Planning Delegations Policy
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	Chief Executive Officer General Manager Place and Community Manager Planning	After considering objections, submissions and matters in section 178B
			Only in accordance with the approved Planning Delegations Policy
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer General Manager Place and Community Manager Planning	After considering objections, submissions and matters in section 178B
			Only in accordance with the approved Planning Delegations Policy
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	Chief Executive Officer General Manager Place and Community Manager Planning	After considering objections, submissions and matters in section 178B
			Only in accordance with the approved Planning Delegations Policy

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(d)	Power to refuse to amend or end the agreement	Chief Executive Officer General Manager Place and Community Manager Planning	After considering objections, submissions and matters in section 178B
			Only in accordance with the approved Planning Delegations Policy
s 178F(1)	Duty to give notice of its decision under section 178E(3)(a) or (b)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178F(2)	Duty to give notice of its decision under section 178E(2)(c) or (3)(d)	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178F(4)	Duty not to proceed to amend or end an agreement under section 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	Chief Executive Officer General Manager Place and Community Manager Planning	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 179(2)	Duty to make a copy of each agreement available with the public availability requirements	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 182	Power to enforce an agreement	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Statutory Planning Coordinator Strategic Planning Coordinator Municipal Building Surveyor Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Development Compliance Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	Chief Executive Officer General Manager Place and Community Manager Planning	Only in accordance with the approved Planning Delegations Policy

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(2)	Duty to comply with a direction of the Tribunal	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(3)	Duty to give notice as directed by the Tribunal	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		
s 198(1)	Function to receive application for planning certificate	NO DELEGATION	Minister for Planning is nominated in the Planning Scheme	
s 199(1)	Duty to give planning certificate to applicant	NO DELEGATION	Minister for Planning is nominated in the Planning Scheme	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 201(1)	Function of receiving application for declaration of underlying zoning	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer Statutory Planning Support Officer		
s 201(3)	Duty to make declaration	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
	Power to represent Council at a mediation conference and approve mediated outcome	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Senior Technical Officer – Development Technical Officer – Development Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer	Only in accordance with the approved Planning Delegations Policy	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Senior Technical Officer —Development Technical Officer - Development Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer	Only in accordance with the approved Planning Delegations Policy		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
	Power, in relation to any planning scheme or permit, to consent or to refuse consent to any matter which requires consent or approval of Council	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Senior Technical Officer —Development Technical Officer - Development Statutory Planning Officer Graduate Statutory Planner Development Compliance Officer	Only in accordance with the approved Planning Delegations Policy	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planner Graduate Strategic Planner Senior Technical Officer —Development Technical Officer - Development Statutory Planning Officer Graduate Statutory Planner	Only in accordance with the approved Planning Delegations Policy	

PLANNING AND	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
	Power to give written authorisation in accordance with a provision of a planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner	Only in accordance with the approved Planning Delegations Policy		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Strategic Planning Coordinator Strategic Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planner Statutory Planner Land Use Administration Officer Land Use Team Leader Statutory Planning Support Officer	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under section 201UAB(1) as soon as possible	Chief Executive Officer General Manager Place and Community General Manager Business Excellence Manager Planning Manager Regulatory Services Municipal Building Surveyor Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Officer Land Use Team Leader Statutory Planning Support Officer		

RESIDENTIAL TENANCIES ACT 1997				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Officers Environmental Health Coordinator		
s 522(1)	Power to give a compliance notice to a person	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Municipal Building Surveyor Environmental Health Coordinator Environmental Health Officers		
s 525(2)	Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	Chief Executive Officer	Power of the Chief Executive Officer only	
s 525(4)	Duty to issue identity card to authorised officers	Chief Executive Officer Manager Governance Governance and Compliance Coordinator		
s 526(5)	Duty to keep record of entry by authorised officer under section 526	Chief Executive Officer General Manager Business Excellence Environmental Health Coordinator Environmental Health Officers Manager Regulatory Services Municipal Building Surveyor		

RESIDENTI	RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 526A(3)		Chief Executive Officer General Manager Business Excellence Environmental Health Coordinator Environmental Health Officers Manager Regulatory Services		
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	Chief Executive Officer	Power of the Chief Executive Officer only	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	Chief Executive Officer General Manager Assets and Environment Manager Works	Obtain consent in circumstances specified in section 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	Chief Executive Officer General Manager Business Excellence General Manager Assets and Environment Manager Works Manager Finance Rates and Valuations Coordinator	The Council, in exercising a power under paragraph (a) of sub-clause (1) must act in accordance with the guidelines in force for the time being under the Geographic Place Names Act 1998 and must advise the Registrar under that Act of the action it has taken under that paragraph

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(9)(b)	Duty to advise Registrar	Chief Executive Officer General Manager Business Excellence Manager Finance Rates and Valuations Coordinator	The Council, in exercising a power under paragraph (a) of sub-clause (1) must act in accordance with the guidelines in force for the time being under the Geographic Place Names Act 1998 and must advise the Registrar under that Act of the action it has taken under that paragraph
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Chief Executive Officer General Manager Business Excellence Manager Finance Rates and Valuations Coordinator	Subject to section 11(10)A
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	Chief Executive Officer General Manager Assets and Environment Manager Works	Whee Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	Chief Executive Officer General Manager Assets and Environment Manager Works	Power of coordinating road authority where it is the discontinuing body Unless section 12(11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(5)	Duty to consider written submissions received within 28 days of notice	Chief Executive Officer General Manager Assets and Environment Manager Works	Duty of coordinating road authority where it is the discontinuing body
		Manager Asset Planning and Development Manager Capital Projects and Plant Civil Works Coordinator Project Supervisors Project Engineer	Unless section 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	Chief Executive Officer General Manager Assets and Environment Manager Works	Function of coordinating road authority where it is the discontinuing body
		Manager Asset Planning and Development Manager Capital Projects and PlantCivil Works Coordinator Project Planning and Design Coordinator Project Supervisors Project Engineer	Unless section 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under section 12(6) and to give notice	Chief Executive Officer General Manager Assets and Environment Manager Works	Duty of coordinating road authority where it is the discontinuing body
			Unless section 12(11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(10)	Duty to notify of decision made	Chief Executive Officer General Manager Assets and Environment Manager Works	Duty of coordinating road authority where it is the discontinuing body
		Manager Asset Planning and Development Manager Capital Projects and Plant Civil Works Coordinator Project Planning and Design Coordinator Project Supervisors Project Engineer	Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	Chief Executive Officer General Manager Assets and Environment Manager Works	Power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Asset Planning and Development Manager Capital Projects and Plant Civil Works Coordinator Project Planning and Design Coordinator Project Supervisors Project Engineer	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	Chief Executive Officer General Manager Assets and Environment	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 15(1)	Power to enter into an arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	Chief Executive Officer General Manager Assets and Environment	
s 15(1A)	Power to enter into an arrangement with a utility to transfer a road management function of the utility to the road authority	Chief Executive Officer General Manager Assets and Environment	
s 15(2)	Duty to include details of arrangement in public roads register	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	
s 16(7)	Power to enter into an arrangement under section 15	Chief Executive Officer General Manager Assets and Environment	
s 16(8)	Duty to enter details of determination in public roads register	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	
s 17(2)	Duty to register public road in public roads register	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	Chief Executive Officer	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s 18(3)	Duty to record designation in public roads register	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	
s 19(4)	Duty to specify details of discontinuance in public roads register	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 19(5)	Duty to ensure public roads register is available for public inspection	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator		
s 21		Chief Executive Officer General Manager Assets and Environment Manager Works Manager Asset Planning and Development Manager Capital Projects and Plant Civil Works Coordinator Project Planning and Design Coordinator Project Supervisor Project Engineer	Obtain consent in circumstances specified in section 11(2)	
s 22(2)		Chief Executive Officer General Manager Assets and Environment Manager Works		
s 22(4)	Duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual	Chief Executive Officer		
s 22(5)		Chief Executive Officer General Manager Assets and Environment Manager Works		
s 40(1)		Chief Executive Officer General Manager Assets and Environment Manager Works		

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	Chief Executive Officer General Manager Assets and Environment Manager Works		
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Road Supervisors Project Supervisors Project Engineer		
s 42(1)	Power to declare a public road as a controlled access road	Chief Executive Officer General Manager Assets and Environment Manager Works	Power of coordinating road authority and Schedule 2 also applies	
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	Chief Executive Officer General Manager Assets and Environment Manager Works	Power of coordinating road authority and Schedule 2 also applies	
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority If road is a municipal road or part thereof	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under section 48M	Chief Executive Officer General Manager Assets and Environment Manager Works	
s 49	Power to develop and publish a road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works	
s 51	Power to determine standards by incorporating the standards in a road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works	
s 54(2)	Duty to give notice of proposal to make a road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 54(5)	Duty to conduct a review of road management plar at prescribed intervals	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator		
s 54(6)	Power to amend road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works		
s 54(7)	Duty to incorporate the amendments into the road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works		
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator		
s 63(1)	Power to consent to conduct of works on road	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority	
s 63(2)(e)	Power to conduct or authorise the conduct of works in, on, under or over a road in an emergency	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the infrastructure manager	

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 64(1)	Duty to comply with clause 13 of schedule 7	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the infrastructure manager or works manager	
s 66(1)	Power to consent to structure etc	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 67(3)	Power to request information	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority
s 68(2)	Power to request information	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	Chief Executive Officer	
s 72	Duty to issue an identity card to each authorised officer	Chief Executive Officer Manager Governance Governance and Compliance Coordinator	
s 85	Function of receiving report from authorised officer	Chief Executive Officer Manager Works General Manager Assets and Environment	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86	Duty to keep register re section 85 matters	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	
s 87(1)	Function of receiving complaints	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	
s 87(2)	Duty to investigate complaint and provide report	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	

ROAD MANA	ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant		
s 112(2)	Power to recover damages in court	Chief Executive Officer General Manager Assets and Environment Manager Works		
s 116	Power to cause or carry out inspection	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Area and Works Supervisors Project Supervisors Project Engineer		

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 119(2)	Function of consulting with the Head, Transport for Victoria	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer		
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer		
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in section 120(1)	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer		

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 121(1)	Power to enter into an agreement in respect of works	Chief Executive Officer General Manager Assets and Environment Manager Works	
s 122(1)	Power to charge and recover fees	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	
s 123(1)	Power to charge for any service	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Project Supervisors Project Engineer Civil Works Coordinator	
Schedule 2 Clause 2(1)	Power to make a decision in respect of controlled access roads	NO DELEGATION	
Schedule 2 Clause 3(1)	Duty to make policy about controlled access roads	NO DELEGATION	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads	NO DELEGATION	
Schedule 2 Clause 4	Function of receiving details of proposal from the Head, Transport for Victoria	Chief Executive Officer Manager Works General Manager Assets and Environment	
Schedule 2 Clause 5	Duty to publish notice of declaration	NO DELEGATION	
Schedule 7, Clause 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator Road Safety Coordinator Road Safety Officer (Technical)	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator Road Safety Coordinator Road Safety Officer (Technical)	Duty of infrastructure manager or works manager
Schedule 7, Clause 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator Road Safety Coordinator Road Safety Officer (Technical)	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	Where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Road Safety Coordinator Project Supervisors Project Engineer Works Engineer Road Safety Officer (Technical)	Where Council is the coordinating road authority	
Schedule 7 Clause 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Road Safety Coordinator Civil Works Coordinator Project Supervisors Project Engineer Road Safety Officer (Technical)	Where Council is the coordinating road authority	

ROAD MANA	ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Schedule 7 Clause 12(5)	Power to recover costs	Chief Executive Officer Manager Works General Manager Assets and Environment Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	
Schedule 7, Clause 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Road Safety Coordinator Project Supervisors Project Engineer Works Engineer Road Safety Officer (Technical)	Where Council is the works manager	

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Schedule 7 Clause 13(2)	Power to vary notice period	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	
Schedule 7, Clause 13(3)	Duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the infrastructure manager	
Schedule 7 Clause 16(1)	Power to consent to proposed works	Chief Executive Officer General Manager Assets and Environment Manager Works Road Safety Coordinator Road Safety Officer (Technical)	Where Council is the coordinating road authority	

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Schedule 7 Clause 16(4)	Duty to consult	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Project Supervisors Project Engineer Civil Works Coordinator	Where Council is the coordinating road authority, responsible authority or infrastructure manager	
Schedule 7 Clause 16(5)	Power to consent to proposed works	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	

ROAD MANA	ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Schedule 7 Clause 16(8)	Power to include consents and conditions	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	
Schedule 7 Clause 17(2)	Power to refuse to give consent and duty to give reasons for refusal	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Road Safety Coordinator Project Supervisors Project Engineer Road Safety Officer (Technical)	Where Council is the coordinating road authority	

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
Schedule 7 Clause 18(1)	Power to enter into an agreement	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority		
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Road Safety Coordinator Project Supervisors Project Engineer Road Safety Officer (Technical)	Where Council is the coordinating road authority		

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Schedule 7 Clause 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority	
Schedule 7 Clause 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Project Supervisors Project Engineer Civil Works Coordinator Roads Safety Coordinator Road Safety Officer (Technical)	Where Council is the coordinating road authority	
Schedule 7A Clause 2	Power to cause street lights to be installed on roads	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road	

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
Schedule 7A Clause 3(1)(d)	Duty to pay installation and operation costs of street lighting - where the road is not an arterial road	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority		
Schedule 7A Clause 3(1)(e)	Duty to pay installation and operation costs of street lighting-where road is a service road on an arterial road and adjacent areas	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority		
	Duty to pay installation and percentage of operation costs of street lighting- for arterial roads in accordance with clauses 3(2) and 4	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the responsible road authority that installed the light(re installation costs) and where Council is the relevant municipal Council (re operating costs)		

CEMETERIES AND CREMATORIA REGULATIONS 2015

[##These provisions apply to Council appointed as a cemetery trust under s 5 of the *Cemeteries and Crematoria Act* 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).]

Note: Council currently acts as a Cemetery Trust over two unused cemeteries at Glenaladale and Glen Wills. Unless the status of the cemeteries changes, there is no need for any Council delegates. The Regulations remains to maintain fidelity with the Maddocks document.

PLANNING	PLANNING AND ENVIRONMENT REGULATIONS 2015				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS OR LIMITATIONS		
r. 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Officer Land Use Administration Team Leader	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.		

PLANNING	PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS OR LIMITATIONS	
r.21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Team Leader Land Use Administration Officer		

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS OR LIMITATIONS
	available for inspection free of charge	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Strategic Planning Projects Officer Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Officer Land Use Administration Team Leader Statutory Planning Support Officer	Where Council is the responsible authority

PLANNING	PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS OR LIMITATIONS	
			Where Council is the planning authority.	

PLANNING	PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016				
Column 1	Column 2	Column 3	Column 4		
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS OR LIMITATIONS		
r.20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator			
r.21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or r.20	Chief Executive Officer General Manager Place and Community Manager Planning Statutory Planning Coordinator Strategic Planning Coordinator Senior Statutory Planner Strategic Planner Graduate Strategic Planner Statutory Planning Officer Graduate Statutory Planner Land Use Administration Officer Land Use Administration Team Leader Strategic Planning Projects Officer Statutory Planning Support Officer			

Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 10	Function of receiving applications for registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 11	Function of receiving application for renewal of registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 12(1)	Duty to grant registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulatioins	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	

Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 12(3)	Duty to have regard to matter in determining an application for registration or an application for renewal of registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 12(4) and (5)	Duty to issue a certificate of registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 14(1)	Function of receiving notice of transfer of ownership	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	

Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 14(3)	Power to determine where notice of transfer is displayed	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 15(1)	Duty to transfer registration to new caravan park owner	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 15(2)	Duty to issue certificate of transfer of registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	

Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 17		Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 18(4)	Power to determine where the emergency contact person's details are displayed	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 18(6)	Power to determine where certain information is displayed	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, or the request of the caravan park owner	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 22(2)	Duty to consult with relevant emergency services agencies	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	

Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 25(3)	Duty to consult with relevant floodplain management authority	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 26	Duty to have regard to any report of the relevant fire authority	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	

Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 41(4)	Function of receiving installation certificate	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Municipal Building Surveyor	
Schedule 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	Chief Executive Officer General Manager Business Excellence Manager Regulatory Services Environmental Health Coordinator Environmental Health Officers	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	
г 9(2)	Duty to produce written report of review of road management plan and make report available	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	
r 13(1)	Duty to publish notice of amendments to road management plan	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	Chief Executive Officer General Manager Assets and Environment Manager Works Civil Works Coordinator	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 16(3)	Power to issue permit	Chief Executive Officer General Manager Assets and Environment General Manager Business Excellence Manager Works Manager Regulatory Services Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Roads Safety Coordinator Community Laws Coordinator Project Supervisors Project Engineer Road Safety Officer (Technical)	Where Council is the coordinating road authority	
r 18(1)	Power to give written consent re damage to road	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Project Supervisors Project Supervisor	Where Council is the coordinating road authority	
r 23(2)	Power to make submission to Tribunal	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority	

S6 Instrument of Delegation - Council to Members of Staff

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016				
Column 1	Column 2	Column 3	Column 4	
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
23(4)	Power to charge a fee for application under section 66(1) Road Management Act	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority	
25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	Chief Executive Officer General Manager Assets and Environment General Manager Business Excellence Manager Sustainability and Waste Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Manager Regulatory Services Coordinator Waste Management and Compliance Civil Works Coordinator Community Laws Coordinator Project Supervisors Project Engineer Area and Works Supervisors Senior Community Laws Officer	Where Council is the coordinating road authority	
25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	Chief Executive Officer General Manager Assets and Environment Manager Works	Where Council is the coordinating road authority	
25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	Chief Executive Officer General Manager Assets and Environment Manager Works		

S6 Instrument of Delegation - Council to Members of Staff

ROAD WANA	ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015					
Column 1	Column 2	Column 3	Column 4			
PROVISION	POWER, FUNCTION OR ITEM DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS			
r 15	Power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority and where consent given under section 63(1) of the Act			
r 22(2))	Power to waive whole or part of fee in certain circumstances	Chief Executive Officer General Manager Assets and Environment Manager Works Manager Assets Planning and Development Manager Capital Projects and Plant Project Planning and Design Coordinator Civil Works Coordinator Project Supervisors Project Engineer	Where Council is the coordinating road authority			



East Gippsland Shire Council

Instrument of Appointment and Authorisation

Instrument of Appointment and Authorisation (S11A)

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "officer" means -

Adele McErlain, Strategic Planner

By this instrument of appointment and authorisation East Gippsland Shire Council -

- under section 147(4) of the Planning and Environment Act 1987 appoints the
 officer to be an authorised officer for the purposes of the Planning and Environment
 Act 1987 and the regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument comes into force immediately upon its execution; and

- (a) remains in force until varied or revoked; or
- (b) until the officer ceases to be employed by Council.

This instrument is authorised by a resolution of the East Gippsland Shire Council made on 13 December 2022.

Instrument of Appointment and Authorisation (S11A)

5.2.2 Amended Risk Management Policy

Authorised by General Manager Business Excellence

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

Council's Risk Management Policy (Policy) was last updated in February 2021 with a review by August 2022, which is now complete.

The Policy underwent a thorough review to ensure it continues to meet the needs of Council. The amendments align to the Australian Standard *ISO 31000:2018 – Risk management guidelines (the Standard)*, the Victorian Government *Risk Management Framework* (VGRMF), and the Governance Institute of Australia – *Good Governance Guide Risk Management Framework*.

Following feedback and approval by the Executive Leadership Team (ELT) at its meeting 12 September 2022, and the Audit and Risk Committee (ARC) at its meeting 7 November 2022, the amended Policy, provided at **Attachment 1**, is presented to Council for consideration and adoption.

The Policy is supported by the Risk Management Framework (Framework) which was approved by ELT at its meeting 12 September 2022.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and
- 2. adopts the amended Risk Management Policy provided at Attachment 1.

Background

Key changes to the Policy are summarised below, and a version of the amended Policy showing tracked changes is provided at **Attachment 2** for reference:

- inclusion of reference to the Victorian Government Risk Management Framework
 (VGRMF), and the Governance Institute of Australia Good Governance Guide Risk
 Management Framework as well as the Australian Standard ISO 31000:2018 Risk
 management guidelines (the Standard);
- inclusion of the requirement for monitoring and reporting on areas of risk outcomes and progress of treatment actions to the ELT and strategic risks to the ARC;
- greater clarity of risk management roles and responsibilities and alignment of ARC responsibilities to the ARC Charter;
- update of the *Local Government Act* 2020 reference and removal of supporting documents reference; and
- refinement of the Definitions.

Adoption of the amended Policy will enable the launch of a risk management awareness campaign across the organisation, scheduled for Quarters three (3) and four (4) of the current financial year.

The Policy is supported by the Framework which was reviewed and updated at the same time to ensure consistency.

Extensive consultation occurred with internal stakeholders prior to presenting the amended Policy to Council for adoption.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act* 2020 commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with section 54 of the *Local Government Act* 2020. There is no requirement under the *Local Government Act* 2020 for community consultation to occur during the review process for this Policy.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Collaborative procurement

This report has been prepared in accordance with section 109(2) of the *Local Government Act* 2020.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.5 Resources are managed to meet current and future needs and priorities.

Council Policy

This report has been prepared in line with the requirement to routinely review and where appropriate, amend this Council-endorsed Policy.

Risk

This report ensures the risk of non-compliance with corporate document requirements for regular review of the Policy, as well as the risk of the Policy no longer being relevant to the context of Council's operations, is mitigated.

Economic

This report is assessed as having no direct impact on economic strategies.

Social

This report is assessed as having no direct impact on social requirements.

Gender Impact Statement

The Policy has considered the *Gender Equality Act* 2020 in its preparation. The Policy has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

This report is assessed as having no direct impact on the environment.

Climate change

This report is assessed as having no direct impact on climate change.

Engagement

Extensive consultation occurred with relevant internal stakeholders in the preparation of the amended Policy.

There is no requirement to undertake community engagement for the review of this Policy.

Attachments

- 1. Amended Risk Management Policy (Clean version) [5.2.2.1 9 pages]
- 2. Amended Risk Management Policy (Tracked changes version) [5.2.2.2 11 pages]

Version number: 8.0 Authorised by: General Manager Business Excellence



Risk Management Policy

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

 ${\it This\ document\ is\ uncontrolled\ when\ printed}$

Version number: 8.0 Next review date: August 2022

TABLE OF CONTENTS

Purpose	3
Scope	3
Policy Context	3
Policy Statement	3
Roles and Responsibilities	4
References and Supporting Documents	7
Applicable Legislation	7
Applicable Policy and Procedure:	7
Supporting Documents	8
Privacy and Human Rights Consideration	7
Definitions	8
Revision History and Review	8

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

Purpose

Effective risk management is vital to ensuring the delivery of East Gippsland Shire Council's (Council) strategic and operational objectives and the safety and security of Councillors, employees, contractors, service providers/service partners and volunteers, citizens and visitors and Council's assets.

The Risk Management Policy (Policy), supported by the Risk Management Framework (Framework) establishes a foundation for a consistent, proactive, and measurable approach to effective risk management across all Council business units and enterprise operations. Implementation of this Policy and Framework will encourage the identification, analysis, evaluation, and treatment of potential and/or actual risks, whilst supporting the effective delivery of Council objectives. Maintaining a robust Policy and Framework also serves to enhance Council's corporate image as a professional, fiscally reliable, responsible, and ethical organisation.

Scope

This Policy applies to all Councillors, employees, contractors, service providers/service partners and volunteers of Council.

Policy Context

Council is committed to achieving effective and responsible risk management in accordance with *Australian Standard ISO 31000:2018 – Risk management guidelines* ("the Standard"), the Victorian Government Risk Management Framework (VGRMF), and the Governance Institute of Australia – Good Governance Guide Risk Management Framework, through all its internal and external operations.

Policy Statement

Council is committed to achieving effective and responsible risk management in accordance with *the Standard*. Council will ensure its activities and assets do not place people, property, or the environment at unreasonable levels of risk. An integrated approach is reflected in the Policy and Framework to ensure risks are identified and addressed during planning, decision-making and everyday operations.

Council will achieve effective enterprise-wide risk management through:

- Embedding risk management into all aspects of Council's planning and operations;
- · Promoting and supporting risk management practices;
- · Fostering a culture that encourages accountability for risk management;
- Management and employees accepting individual and collective responsibility for achieving positive risk outcomes;
- Assigning accountabilities and responsibilities at appropriate levels;
- Undertaking risk assessments for key operations, projects and strategies and maintaining a comprehensive and regularly updated risk register to identify and monitor operational and strategic risks and associated response plans;

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

- Monitoring and reporting on all areas of risk outcomes and progress of treatment actions
 to the Executive Leadership Team (ELT) and strategic risks to the Audit and Risk
 Committee (ARC).Implementing and communicating risk management governance
 processes to support compliance with relevant legislation, Council policies and
 frameworks, and the Standard;
- Maintaining effective business processes to ensure oversight of contracts, contractors, tenants, and committees of management to ensure appropriate risk controls and insurances are in place;
- Periodically reviewing Council's hiring process to ensure staff risks are minimised;
- Sound oversight of contracts, contractors, tenants, and committees of management to ensure that appropriate risk controls and insurances are in place;
- Prompt and thorough review of incidents and claims, to respond to imminent risks and to highlight patterns and areas of risk management deficiency;
- Developing and implementing policies, procedures, strategies, and training to guide and assist staff to meet their risk management responsibilities, and
- Establishing accountability for responding to internal and external audit recommendations within agreed timeframes.

Roles and Responsibilities

The following positions are responsible for implementation, communication, and compliance monitoring of the Policy in their work areas:

Party / Parties	Roles and Responsibilities
	Adopt the Policy that complies with the requirements of the Standard.
Council	Provide adequate budgetary provision for the financing of risk management including approved risk mitigation treatments.
	Appoint and resource the ARC.
	Establish a risk appetite and promote a proactive risk culture.
Audit and Risk Committee (ARC)	The ARC is responsible for meeting the requirements of its Charter.
	Promote effective management of risks across the Council's operations.
	Ultimately responsible for risk management for Council
Chief Executive Officer (CEO)	Responsible for the recognition and adoption of risk management as a key function of Council, and to ensure the inclusion of risk management as a priority within Council's strategic plan, within all staff position descriptions, within the annual report, and other relevant Council documentation.
	Demonstrate a commitment to risk management through adequate risk management resource allocation.

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

Party / Parties	Roles and Responsibilities
	Promote effective risk management across Council's operations.
	Support the CEO's oversight of risk management.
	Collectively responsible for managing enterprise-wide risks.
General Managers	Responsible for the recognition and adoption of risk management as a key function of Council, and to ensure the inclusion of risk management as a priority within Council's strategic plan, within all staff position descriptions, within the annual report, and other Council documentation.
	Demonstrate a commitment to risk management.
	Ensure resources are appropriately allocated to meet Council's risk management requirements.
	Actively monitor and review and provide input into Council's strategic risks and related treatment plans.
	Provide feedback to the Risk Management Coordinator on the Policy, Framework, risk rating, and risk treatments.
	Responsible for managing risks through the identification, review, analysis and evaluation of operational risks and appropriate treatments to be applied within their Department or business unit.
	Responsible for the adequate protection of staff, assets, and operations from risks through appropriate budgeting and implementation of loss control programs.
Managers of each Council area / business unit	Minimise public liability risks to customers through delivery of effective and safe services.
	Support training programs to promote staff awareness of their risk responsibilities.
	Support and encourage a risk aware culture within Council by endorsing and promoting Council's Policy and Framework.
	Provide feedback to the Risk Management Coordinator on the Policy, Framework, risk rating and risk treatments.

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

Party / Parties	Roles and Responsibilities
	Promote implementation of risk management strategies and programs designed to minimise risks and potential losses to the Council.
Risk Management Coordinator	In agreement with General Manager Business Excellence, and the Manager Governance, formulate annual objectives to support implementation and effective maintenance and monitoring of the Policy and the Framework. Develop and review the Policy and Framework in line with timeframe requirements.
3 3 3	Actively encourage and support risk owners to maintain risk registers that relate to their business unit.
	Within delegated responsibility, oversee and manage Council's insurance portfolio, claims and annual insurance renewal as a key risk mitigation strategy.
	Provide advice and training on risk management.
	Provide quarterly risk/insurance reports to ELT and ARC.
	Contribute to the effective protection of Council in accordance with Council's Policy, Framework, and other procedures.
Staff	Be aware of the inherent risks associated with their work and take appropriate action to minimise or eliminate such risks.
	Comply with Council's Policy, Framework, and any other applicable documents.

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

References and Supporting Documents

Applicable Legislation:

Local Government Act 2020

Occupational Health and Safety Act 2004

Applicable Policy and Procedure:

- Risk Management Framework
- Business Continuity Plan and supporting functional plans
- Fraud and Corruption Control Policy
- Procurement Policy
- · Workplace Health and Safety Policy

External Documents:

- Australian Standard AS/NZS ISO 31000:2018 Risk management guidelines
- Victorian Government Risk Management Framework (VGRMF)
- Governance Institute of Australia Good Governance Guide Risk Management Framework.

Privacy and Human Rights Consideration

All personal information collected by Council about risk management and incident reporting will be handled in accordance with all applicable privacy legislation and will be used only for investigating any accidents or injuries.

This Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006.*

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

Definitions

Term	Meaning
Consequence	The level of impact of risk exposure to East Gippsland Shire Council
Control	Policies, procedures, processes, practices, or other factors/devices that have been designed to mitigate or eliminate the impact of risks.
Likelihood	The level of possibility that East Gippsland Shire Council could be exposed to a risk.
Residual risk	Risk that remains after the implementation of a risk treatment or risk treatments
Risk	Anything that could prevent Council from achieving its objectives. Risk is the chance of something happening that will impact on objectives. Risk may arise from an event, an action, or from a lack of action. It is measured in terms of consequence and likelihood, which together allow Council to assign each risk a risk rating
Risk appetite	The amount and type of risk that Council is willing to take or accept to meet their strategic objectives
Risk management process The systematic process set out in the Framework for processing risteps including understanding and setting the scope, context, and of the process, and identifying, analysing, evaluating, treating, and rand reporting on risk	
Risk register The register maintained by the Risk Management Coordinator, are by the relevant business unit, detailing Council's risks, including the have been treated and those which are accepted	
Risk rating	An overall rating for risk, based on assessment of consequence and likelihood

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
Original	Approved	26/11/2001	Council		
1	Approved	06/10/2009	Council	3720446	
2	Approved	04/02/2014	Council	5650818	Policy migrated into new template
3	Approved	01/09/2015	Council	6381369	
4	Approved	07/02/2017	Council	7050679	

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

5	Approved	01/08/2017	Council	7262097	
6	Approved	04/09/2018	Council	7740061	Policy migrated into new template
7	Approved	06/08/2019	Council	8130824	Review and proposed change to review period
8	Approved	23/02/2021	General Manager Business Excellence	9011557	Minor administration changes to reflect new policy owner, Manager Governance, following the reassignment of the Risk Management unit from PPC.

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

Version number: 8.0 Authorised by: General Manager Business Excellence



Risk Management Policy

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

.

TABLE OF CONTENTS

Purpose	3
Scope	3
Policy Context	3
Policy Statement	3
Roles and Responsibilities	4
References and Supporting Documents	<u>8</u> 6
Applicable Legislation:	<u>8</u> 6
Applicable Policy and Procedure:	_
Supporting Documents:Error! Bookmark no	ot defined.
Privacy and Human Rights Consideration	<u>8</u> 6
Definitions	<u>9</u> 7
Revision History and Review	<u>10</u> 8



Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

.

Purpose

Effective risk management is vital to ensuring the delivery of Council's East Gippsland Shire Council's (Council) strategic and operational objectives and the safety and security of Councillors, employees, contractors, service providers/service partners and volunteers, citizens and visitors and Council's assets.

This policy establishes the The Risk Management Policy (Policy), supported by the Risk Management Framework (Framework) establishes a foundation for a consistent, proactive, and measurable approach to effective risk management across all Council assets, operations and strategies. business units and enterprise operations. Implementation of this policy Policy and Framework will encourage the identification, analysis, evaluation, and treatment of potential and/or actual risks, whilst supporting facilitate the safe and the effective delivery of Council objectives, and enhance Maintaining a robust Policy and Framework also serves to enhance Council's corporate image as a professional, fiscally reliable, responsible, and ethical organisation.

Scope

This Policy applies to all Councillors, employees, contractors, service providers/service partners and volunteers of Council.

Policy Context

Council is committed to achieving effective and responsible risk management in accordance with Australian Standard AS/NZS_ISO 31000:2018 - Risk management guidelines ("the Standard"), the Victorian Government Risk Management Framework (VGRMF), and the Governance Institute of Australia - Good Governance Guide Risk Management through Framework, through all its internal and external operations.

Policy Statement

Council is committed to achieving effective and responsible risk management in accordance with Australian Standard AS/NZS ISO 31000:2018—Risk management guidelines the Standard. Council will ensure its activities and assets do not place people, property, or the environment at unreasonable levels of risk. An integrated and consistent approach will be adopted to ensure that significant is reflected in the Policy and Framework to ensure risks are identified and addressed during planning, decision-making and everyday operations. Council will also apply risk management dynamically to external factors such as legal and claims advice, audits through the sector and public and internal incidents.

Council will achieve effective enterprise-wide risk management through:

- Embedding risk management into all aspects of Council's corporate planning and operations;
- Promoting and supporting risk management practices throughout the organisation;
- Fostering a culture that encourages accountability for risk management throughout the organisation;.
- Management and employees accepting <u>individual personal</u> and collective responsibility for achieving <u>good-positive</u> risk outcomes;

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

- Assigning accountabilities and responsibilities at appropriate levels within the organisation;
- Undertaking risk assessments for key operations, projects and strategies and maintaining a comprehensive and regularly updated risk register to identify and monitor operational and strategic risks and associated response plans;
- Monitoring and reporting on all areas of risk outcomes and progress of treatment actions to the Executive Leadership Team (ELT) and strategic risks to the Audit and Risk Committee (ARC).Quarterly risk reporting to senior management and Council's Audit and Risk Committee;
- Implementing and communicating risk management governance processes to support compliance with relevant legislation, Council policies and frameworks, and the Standard.
- •
- Maintaining effective business processes to ensure oversight of contracts, contractors, tenants, and committees of management to ensure appropriate risk controls and insurances are in place;
- Periodically reviewing Council's hiring process to ensure staff risks are minimised;
- Sound oversight of contracts, contractors, tenantstenants, and committees of management to ensure that appropriate risk controls and insurances are in place;
- Applying risk management processes into all pre-employment screening;
- Prompt and thorough reviewing of incidents and claims, to respond to imminent risks and to highlight patterns and areas of risk management deficiency;
- Developing and implementing policies, procedures, strategies, and training to guide and assist staff to meet their risk management responsibilities, operational areas; and
- Establishing accountability for responding to internal and external audit recommendations within agreed timeframes.

Roles and Responsibilities

These management The following positions are responsible for implementation, communication, and compliance monitoring of the policy Policy in their work areas:

Party / Parties	Roles and Responsibilities	
	Adopt a risk management the Ppolicy that complies with the requirements of AS/NZS ISO 31000:2018 the Standard and review and amend the policy as required.	
Council lors	Provide adequate budgetary provision for the financing of risk management including approved risk mitigation treatments.	
	Appoint and resource the ARC.	
	Establish a risk appetite and promote a proactive risk culture.	

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

Party / Parties	Roles and Responsibilities			
	Promote effective risk management across Council's operations.			
	Support the CEO's oversight of risk management to ensure Council is aware of risk management objectives.			
	Collectively responsible for managing enterprise-wide risks			
General Managers	Responsible for the recognition and adoption of risk management as a key function of Council, and to ensure the inclusion of risk management as a priority within Council's strategic plan, within all staff position descriptions, within the annual report, and other Council documentation.			
	Demonstrate a commitment to risk management for all staff.			
	Ensure resources are appropriately allocated to meet Council's risk management requirements.			
	Actively monitor and review and provide input into Council's strategic risks and related treatment plans.			
	Provide feedback to the Risk Management Coordinator on the Policy, Framework, risk rating, and risk treatments			
	Responsible for managing risks through the identification, review, analysis and evaluation of operational risks and appropriate treatments to be applied within their Department or business unit.			
	Responsible for the adequate protection of Shire staff, assets assets, and operations from risks through appropriate budgeting and implementation of loss control programs.			
	MinimiseEnsure public liability risks to customers through delivery of effective and safe servicesour services are effectively managed.			
Managers of each Council area / business unit	Ensure-Support training programs to promote all-staff are awareness of their risk responsibilities. conversant with and understand the role of risk management within Council operations.			
	Support and encourage a risk aware culture within Council the organisation by endorsing and promoting endorsement and promotion of Council's Policy and Risk Management Framework.			
	Liaise with the Workplace Health and Safety Officer to ensure provision of a safe and healthy work environment and implementation of appropriate safe work practices and control measures. Supervise and audit contractors to ensure risk management policies and procedures are applied.			
	Provide feedback to the Risk Management Coordinator on the Policy, Framework, risk rating and risk treatments.			

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

Party / Parties	Roles and Responsibilities
Manager People, Performance and Culture	Provide guidance to the Risk Management Coordinator to determine and address risk management objectives and priorities. Facilitate regular risk reporting to senior management and Audit and Risk Committee and update policy and related documents.
	Promote implementation of risk management strategies and programs designed to minimise risks and potential losses to the CouncilShire.
	In agreement with General Manager Business Excellence, and the Manager <u>GovernancePeople</u> , <u>Performance and Culture</u> , formulate a <u>list of annual objectives</u> to support <u>the implementation and effective maintenance and monitoring of the Policy and the Framework. Risk Management Framework.</u>
Diela Managagasat	Develop and review the Policy and Framework in line with timeframe requirements. risk management related policies and procedures.
Risk Management CoordinatorRisk Management Coordinator	Actively encourage and support risk owners to maintain risk registers that relate to their business unit.
	Develop and maintain a risk register and update the risk analysis matrix for prioritising of risk against Council's risk appetite.
	Within delegated responsibility, oversee and manage Council's insurance portfolio, claims and annual insurance renewal as a key risk mitigation strategy.
	Provide advice and training on risk management,
	Provide quarterly risk/insurance reports to ELT and ARCSupport the development, maintenance and review of Council's Business Continuity Plan. Review and provide input into the Shire's insurance portfolio and claims procedures. Provide advice and training on risk management principles and processes.
	Contribute to the effective protection of Council in accordance with Council's Policy, Framework, and other procedures.
Staff	Be aware of the inherent risks associated with their work and take appropriate action to minimise or eliminate such risks
	Comply with Council's Policy, Framework, and any other applicable documents

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

References and Supporting Documents

Applicable Legislation:

<u>Local Government Act 2020</u><u>Local Government Act 1989 (Section 76A - Council must take out insurance cover)</u>

Occupational Health and Safety Act 2004

Applicable Policy and Procedure:

Risk Management Framework

Business Continuity Plan and supporting functional plans

Fraud and Corruption Control Policy

Procurement Policy

Urban Tree Management Procedure

Councillors Guide to Open Disclosure

Workplace Health and Safety Policy (and supporting documentation)

Working Alone in Isolation Procedure

Supporting Documents:

Internal Documents:

- Council Plan 2017-2021
- Road Management Plan
- Draft Driving and Vehicle Safety Guidelines
- Staff Code of Conduct
- Municipal Emergency Management Plan

External Documents:

- Australian Standard AS/NZS ISO 31000:2018 Risk management guidelines
- Victorian Government Risk Management Framework (VGRMF)
- Governance Institute of Australia Good Governance Guide Risk Management Framework.
- SA/SNZ HB 436:2013 Risk Management Guidelines Companion to AS/NZS ISO 31000:2009
- AS/NZS 5050:2010 Business continuity Managing disruption-related risk

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council about risk management and incident reporting will be handled in accordance with all applicable privacy legislation and will be used only for investigating any accidents or injuries.

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

<u>This Policy</u> The Risk Management policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006.* Please refer to www.humanrightscommission.vic.gov.au for assistance with this section.>

Definitions

Term	Meaning
Business Continuity Plan	A plan devised in accordance with Australian Standard 5050/2010 Business continuity. Managing disruption-related risk, to facilitate the continuation of, or return to, normal business operations following a disaster or critical event that affects the provision of Council services.
Contractor	Person or company engaged to undertake works for Council, including service providers / service partners.
Consequence	The level of impact of risk exposure to East Gippsland Shire Council
Control	Policies, procedures, processes, practices, or other factors/devices that have been designed to mitigate or eliminate the impact of risks.
Council	East Gippsland Shire Council
Councillor	Person who has been elected to the office of "Councillor" of East Gippsland Shire Council.
<u>Likelihood</u>	The level of possibility that East Gippsland Shire Council could be exposed to a risk.
Residual risk	Risk that remains after the implementation of a risk treatment or risk treatments
Risk	Anything that could prevent Council from achieving its objectives. Risk is the chance of something happening that will impact on objectives. Risk may arise from an event, an action, or from a lack of action. It is measured in terms of consequence and likelihood, which together allow Council to assign each risk a risk rating Refers to the chance or likelihood of something occurring that will have an impact on objectives. It is measured by the likelihood of the event occurring and the consequences if it does occur.
Risk appetite	The amount and type of risk that Council is willing to take or accept to meet their strategic objectives. The amount and type of risk that Council is willing to take or accept to meet their strategic objectives. The amount and type of risk that Council is willing to take or accept to meet their strategic objectives.

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

Risk management process	The systematic process set out in the Framework for processing risks, with steps including understanding and setting the scope, context, and criteria of the process, and identifying, analysing, evaluating, treating, and recording and reporting on risk
Risk Matrix	Used to assess individual risks against the defined likelihood and consequence measurements.
Risk Management	The coordination of activities to direct and control an organisation with regard to risk. It involves the identification, analysis, assessment, control, and avoidance, minimisation, or elimination of unacceptable risks i.e. where the risk of failure is too high.
Risk register	The register maintained by the Risk Management Coordinator, and owned by the relevant business unit, detailing Council's risks, including those which have been treated and those which are accepted A register detailing operational and strategic risks identified by Council employees and assessed in accordance with the risk matrix detailed.
Risk rating	An overall rating for risk, based on assessment of consequence and likelihood
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time, and casual employees, labour hire agency staff, contractors and volunteers
Service providers/service partners	Person or company engaged to provide services for Council
Volunteer	Formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre/Library.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
Original	Approved	26/11/2001	Council		
1	Approved	06/10/2009	Council	3720446	
2	Approved	04/02/2014	Council	5650818	Policy migrated into new template
3	Approved	01/09/2015	Council	6381369	
4	Approved	07/02/2017	Council	7050679	

Risk Management Policy Date approved: 23/02/2021 Document owner: Manager Governance

Version number: 8.0 Next review date: August 2022

This document is uncontrolled when printed

5	Approved	01/08/2017	Council	7262097		
6	Approved	04/09/2018	Council	7740061	Policy migrated into new template	
7	Approved	06/08/2019	Council	8130824	Review and proposed change to review period	
8	Approved	23/02/2021	General Manager Business Excellence	Minor administration changes to reflect new policy owner, Manager Governance, following the reassignment of the Ris Management unit from F		

This document is uncontrolled when printed

Version number: 8.0 Next review date: August 2022

8.2 Revised Investment Policy 2022

Authorised by General Manager Business Excellence

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

Council's Investment Policy (Policy) is a key financial management document that provides clear directives for the investment of surplus cash while minimising the risk to Council of any investment decisions made. The Policy is reviewed bi-annually.

Officers have undertaken a comprehensive review of Council's current Policy, with predominately only minor administrative amendments being made, including removal of supporting procedures/guidelines into a separate internal document. The draft Policy though has been amended to include a statement regarding ethical investment as follows:

Council strives to be a socially responsible and ethical investor in making any investment in an individual financial institution. The ethics of a financial institution that Council invest funds in must be in line with Council's related policies and strategies such as Council's Environmental Sustainability Strategy.

Council's Audit and Risk Committee (ARC) reviewed the revised Policy 2022 at its meeting held on 28 February 2022.

The draft revised Policy is now presented at **Attachment 1** for Council's consideration for adoption, with or without amendment.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;
- 2. adopts the revised Investment Policy, as provided at Attachment 1; and
- 3. authorises the Chief Executive Officer or Delegate to amend the adopted Investment Policy without formal Council consideration, if the amendments required are of a minor administrative nature.

Background

The Policy was reviewed last in August 2019 and has now been reviewed again to ensure policy content is up to date and relevant. Apart from administrative updates, only one amendment is proposed following feedback from Council's ARC meeting held on 28 February 2022. The amendment proposed adds a statement regarding ethical investment as follows:

Council strives to be a socially responsible and ethical investor in making any investment in an individual financial institution. The ethics of a financial institution that Council invest funds in must be in line with Council's related policies and strategies such as Council's Environmental Sustainability Strategy.

Although a range of matters associated with investment are mandated by the *Local Government Act* 2020 (the Act), the Policy provides additional guidance in managing Council's investment of its surplus funds.

The supporting procedures/guidelines, used for internal administrative purposes have been removed from the Policy document.

The revised Policy is provided at **Attachment 1** along with a tracked-change copy at **Attachment 2**.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act* 2020 commenced. Some provisions of the Local Government Act 1989, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with the Act. Specifically, Section 103 section of the Act sets out the requirements in relation to the financial institutions in which a Local Government council may invest.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Collaborative procurement

There is no collaborative procurement required for this report.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.5 Resources are managed to meet current and future needs and priorities.

Council Policy

The current Policy has been reviewed and presented for endorsement.

Resourcing

Financial

The basis of the Policy is to ensure Council maximises its return on the investment of surplus funds whilst minimising the risk of loss of funds through investment decisions.

There are no direct financial implications associated with the adoption of the draft Policy.

Plant and equipment

There are no plant and equipment implications with this report.

Human Resources

There are no human resources implications with this report.

Risk

The risks of this proposal have been considered and assessed as being low.

Economic

There are no economic implications with this report.

Social

There are no social implications with this report.

Gender Impact Statement

The Investment Policy has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

There are no environmental implications with this report.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

This report is assessed as having no direct impact on climate change.

Engagement

Council's ARC reviewed the revised Policy 2022 at its meeting held on 28 February 2022.

Attachments

- 1. Revised Investment Policy 2022 (Clean version) [5.2.3.1 7 pages]
- 2. Investment Policy (Tracked changes version) [5.2.3.2 11 pages]

Version number: 7 Authorised by: General Manager Business Excellence



Investment Policy 2022

TABLE OF CONTENTS

Purpose	3
Scope	3
Policy Statement	3
Investment Framework	3
Roles and Responsibilities	6
References and Supporting Documents	6
Privacy and Human Rights Consideration	6
Definitions	
Supporting procedures / guidelines	7
Procedure	
Revision History and Review	9

Purpose

To provide a framework to ensure Council optimises its return on investment of funds surplus to operational needs (funds), while mitigating its exposure to risk.

The policy objectives are to ensure that:

- Investment decisions are based on the security of funds by limiting unnecessary exposure to risk
- Return on funds is maximised through prudent investment while limiting unnecessary exposure to risk
- · Sufficient funds are available to meet daily operational cash requirements
- All Council investments comply with section 103 of the *Local Government Act* 2020 and relevant regulations and Ministerial Guidelines
- Effective internal controls exist to minimise the risk of misappropriation of Council funds
- All investment transactions are appropriately authorised and documented

Scope

This policy applies to the investment of all funds held by East Gippsland Shire Council, including Bonds, Retentions, Specific Reserves and funds held in trust.

Policy Statement

The investment of Council's surplus funds and cash management will comply with the following conditions and Investment Framework.

Council's cash management and investments must also comply with:

- Section 103 of the Local Government Act 2020
- · Australian Accounting Standards
- Ministerial Guidelines.

Investment Framework

All investments must comply with the following framework. Percentage limits adopted within each of these frameworks are based on Council's total investment portfolio balance.

Portfolio Credit Framework

The maximum percentage of total funds that can be invested in each Standard and Poor's (SP) rating category at any one time is as follows:

Portfolio Credit Framework				
Long Term Rating Short Term Ratings Maximum F of Portfolio				
AAA to AA-	A1+	100%		
A+ to A-	A1	80%		
BBB+ to BBB-	A2	50%		

(e.g. A maximum of 80% of total investments can be in A1 rated institutions.)

Investment Policy 2022
Date approved: TBA
Document owner: Manager Finance

Document owner: Manager Finance
This document is uncontrolled when printed

Version number: 7

Next review date: September 2024

Financial Institution Framework

Financial Institutions will be restricted by their SP credit rating so that single entity exposure is limited to a maximum percentage of the total funds as detailed below:

Financial Institution Framework				
Long Term Rating	Short Term Ratings	Maximum Percentage of Portfolio		
AAA to AA-	A1+	50%		
A+ to A-	A1	30%		
BBB+ to BBB-	A2	20%		

(e.g. A maximum of 50% of total investments can be held by an institution with an A1+ rating)

Term to Maturity Framework

The investment portfolio is to be invested within the following terms to maturity constraints. The percentages represent the maximum percentage of total funds invested for each maturity term by each SP rating classification.

Term to Maturity Framework						
Long Term Rating	Short Term Ratings	Short Term (0-6 months)	Medium Term (>6-12 months)	Long Term (>1-5 years)		
AAA to AA-	A1+	100%	70%	20%		
A+ to A-	A1	80%	50%	15%		
BBB+ to BBB-	A2	60%	30%	10%		

(e.g. If 100% of total investments of \$10 million was with A1+ rated institutions then a maximum of \$2 million could be invested for a period greater than 1 year, a maximum of \$7 million for 6-12 months and the balance of \$1 million would be invested for 0-6 months).

When assessing the term of investments, especially with regard to long term investments, Council's short and medium-term forecast cash requirements should also be considered to ensure that Council has sufficient funds to meet day to day cash requirements and cash reserves are available to help cover unforeseen events.

Currency

Investments to be denominated in Australian dollars.

Authorised Investments

All funds must be invested with an Australian Prudential Regulatory Authority (APRA) Authorised Deposit Taking Institution (ADI) and comply with section 103 of the *Local Government Act 2020*

Investment Policy 2022
Date approved: TBA
Document owner: Manager Finance
This document is uncontrolled when printed

Next review date: September 2024

Version number: 7

Council endorses the following investment types:

- Bank accepted / endorsed bank bills
- Bank negotiable certificates of deposit
- · Bank interest bearing deposits
- Authorised deposit taking institutions
- Government securities of the Commonwealth
- Securities guaranteed by the Victorian Government

Change in Credit Rating

In the event of the Standard and Poor's credit rating of one of Council's investments being downgraded such that it no longer falls within the investment policy guidelines, it will be divested at maturity or immediately, whichever is deemed most appropriate by General Manager Business Excellence.

Cash Management

For day-to-day cash management purposes, Council must have cash liquid investments of at least \$1,000,000 available at any time. Liquid investments comprise:

- Overnight cash deposits with authorised financial institutions that must be banks; and
- Bank bills endorsed or accepted by authorised financial institutions that must be banks

Funds available for investment will be determined following a review of expected future cash flows taking into consideration the timing of future investment maturities.

Shares

Trading in shares is not an approved investment option. However, Council may hold shares in associated entities as part of its long-term investment portfolio, as approved by the Chief Executive Officer.

Investment Approval

A minimum of three quotations must be sought from approved financial institutions before investing or reinvesting funds.

Managed Funds

Council will not invest in Managed Funds.

Investment in Locally Based Financial Institutions

From time to time a decision may be made to invest in an institution that is based locally, irrespective of return, in the interests of assisting viability and economic development of the small communities located in the East Gippsland Shire. Any such decision must be approved by the Chief Executive Officer.

Any change in locally based financial institutions investments will be reported to a Councillor briefing session in a timely manner.

Ethical Investment

Investment Policy 2022
Date approved: TBA
Document owner: Manager Finance
This document is uncontrolled when printed

Version number: 7

Next review date: September 2024

5

Council strives to be a socially responsible and ethical investor in making any investment in an individual financial institution. The ethics of a financial institution that Council invest funds in must be in line with Council's related policies and strategies such as Council's Environmental Sustainability Strategy.

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities				
Audit and Risk Committee	Review Investment Policy and investment reports and provide recommendations as appropriate to Council and Council officers.				
General Manager Business Excellence	Overall responsibility for policy implementation. Approve actions as a result of changes in credit rating.				
Manager Finance	Responsible for the review, regular updating and implementation of the policy and reporting to Executive Leadership Team, Audit and Risk Committee and Council. Approval of placement of funds in accordance with the Instrument of Delegation Chief Executive Officer to staff.				
Financial Services Coordinator	Responsible for the daily monitoring of cash and investments and for meeting the requirements of this policy. Monitor investment credit ratings and report to Manager Finance and General Manager Business Excellence.				
Senior Finance Officer	Day to day management of investment funds.				

References and Supporting Documents

Council Plan 2021 - 2025 - Strategic Objective 5 A transparent organisation that listens and delivers effective, engaging and responsive services

• 5.5 Resources are managed to meet current and future needs and priorities

Standard and Poor's Credit Ratings: www.standardandpoors.com/home/en/au

Australian Accounting Standards.

Ministerial Guidelines.

East Gippsland Shire Environmental Sustainability Strategy 2022-2032

Relevant Legislation:

• Local Government Act 2020 (section 103)

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council connected to cash management and investments will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investing Council funds.

Investment Policy 2022 Date approved: TBA Document owner: Manager Finance This document is uncontrolled when printed

Version number: 7 Next review date: September 2024

The Investment Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of Human Rights and Responsibilities Act 2006.

Definitions

Term	Meaning
APRA	Australian Prudential Regulation Authority – the prudential regulator of the Australian financial services industry.
Council	East Gippsland Shire Council
Framework	A set of ideas, principles, agreements, or rules that provides the basis or outline
Investment Portfolio	A collection of investments
Financial Institutions	Banks and other regulated deposit taking organisations.
Council Officer	Member of East Gippsland Shire Council Staff
Standard and Poor's	International credit rating agency – rating used to assess credit risk

Revision History and Review

This policy is reviewed bi-annually.

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	18/7/11	Management/ Audit Committee	4720553	
	General review	15/10/13	Audit Committee		
2	Approved	19/11/13	Council	5523290	
3	Approved	01/03/16	Council	6658650	
4	Approved	06/06/17	Council	7181884	
5	Approved	04/09/18	Council	7730500	Minor administrative changes
6	Approved	06/08/19	Council	8187044	Officer titles
7					Comprehensive bi-annual review. Minor administrative amendments, removal of procedure

Investment Policy 2022 Date approved: TBA

Document owner: Manager Finance
This document is uncontrolled when printed

Version number: 7

Next review date: September 2024

Version number: 67
Authorised by: General Manager Business Excellence



Investment Policy 2019 2022

TABLE OF CONTENTS

Purpose	3
Scope	3
Policy Statement	3
Investment Framework	3
Roles and Responsibilities	6
References and Supporting Documents	6
Privacy and Human Rights Consideration	
Definitions	
Supporting procedures / guidelines	7
Procedure	
Revision History and Review	9

Purpose

To provide a framework to ensure Council optimises its return on investment of <u>funds</u> (<u>funds</u>) <u>which are surplus to immediate cashflow requirements of the day-to-day operation of Councilsurplus funds</u>, while mitigating its exposure to risk.

The policy objectives are to ensure that:

- Investment decisions are based on the security of funds by limiting unnecessary exposure to risk
- Return on surplus funds is maximised through prudent investment while limiting unnecessary exposure to risk
- · Sufficient funds are available to meet daily operational cash requirements
- All Council investments comply with section 143 of the Local Government Act 1989 and relevant regulations and Ministerial Guidelines
- Effective internal controls exist to minimise the risk of misappropriation of Council funds
- All investment transactions are appropriately authorised and documented

Scope

This policy applies to the investment of all funds held by East Gippsland Shire Council, including Bonds, Retentions, Specific Reserves and funds held in trust.

Policy Statement

The investment of Council's surplus-funds and cash management will comply with the following conditions and Investment Framework.

Council's cash management and investments must also comply with:

- Sections 436 and 143 103 of the Local Government Act 1989 2020
- Australian Accounting Standards
- Ministerial Guidelines.

Investment Framework

All investments must comply with the following framework. Percentage limits adopted within each of these frameworks are based on Council's total investment portfolio balance.

• Portfolio Credit Framework

The maximum percentage of total funds that can be invested in each Standard and Poor's (SP) rating category at any one time is as follows:

Portfolio Credit Framework				
Long Term Rating	Short Term Ratings	Maximum Percentage of Portfolio		
AAA to AA-	A1+	100%		
A+ to A-	A1	80%		
BBB+ to BBB-	A2	50%		

Investment Policy 20192022
Date approved: 6 August 2019TBA
Document owner: Manager Finance

This document is uncontrolled when printed

(e.g. A maximum of 80% of total investments can be in A1 rated institutions.)

Financial Institution Framework

Financial Institutions will be restricted by their SP credit rating so that single entity exposure is limited to a maximum percentage of the total funds as detailed below:

Financial Institution Framework					
Long Term Rating	Short Term Ratings	Maximum Percentage of Portfolio			
AAA to AA-	A1+	50%			
A+ to A-	A1	30%			
BBB+ to BBB-	A2	20%			

(e.g. A maximum of 50% of total investments can be held by an institution with an A1+ rating)

Term to Maturity Framework

The investment portfolio is to be invested within the following terms to maturity constraints. The percentages represent the maximum percentage of total funds invested for each maturity term by each SP rating classification.

Term to Maturity Framework						
Long Term Rating	Short Term Ratings	Short Term (0-6 months)	Medium Term (6-12 months)	Long Term (1-5 years)		
AAA to AA-	A1+	100%	70%	20%		
A+ to A-	A1	80%	50%	15%		
BBB+ to BBB-	A2	60%	30%	10%		

(e.g. If 100% of total investments of \$10 million was with A1+ rated institutions then a maximum of \$2 million could be invested for a period greater than 1 year, a maximum of \$7 million for 6-12 months and the balance of \$1 million would be invested for 0-6 months).

When assessing the term of investments, especially with regard to long term investments, Council's short and medium-term forecast cash requirements should also be considered to ensure that Council has sufficient funds to meet day to day cash requirements and cash reserves are available to help cover unforeseen events.

Currency

Investments to be denominated in Australian dollars.

Investment Policy 20192022
Date approved: 6 August 2019TBA
Document owner: Manager Finance

This document is uncontrolled when printed

Authorised Investments

All funds must be invested with an Australian Prudential Regulatory Authority (APRA) Authorised Deposit Taking Institution (ADI) and comply with section 443 103 of the Local Government Act 1989-2020

Council endorses the following investment types:

- · Bank accepted / endorsed bank bills
- · Bank negotiable certificates of deposit
- · Bank interest bearing deposits
- Authorised deposit taking institutions
- Government securities of the Commonwealth
- · Securities guaranteed by the Victorian Government

Change in Credit Rating

In the event of the Standard and Poor's credit rating of one of Council's investments being downgraded such that it no longer falls within the investment policy guidelines, it will be divested at maturity or immediately, whichever is deemed most appropriate by General Manager Business Excellence.

Cash Management

For day-to-day cash management purposes, Council must have cash liquid investments of at least \$1,000,000 available at any time. Liquid investments comprise:

- Overnight cash deposits with authorised financial institutions that must be banks; and
- Bank bills endorsed or accepted by authorised financial institutions that must be banks.

Funds available for investment will be determined following a review of expected future cash flows taking into consideration the timing of future investment maturities.

Shares

Trading in shares is not an approved investment option. However, Council may hold shares in associated entities as part of its long-term investment portfolio, as approved by the Chief Executive Officer.

Investment Approval

A minimum of three quotations must be sought from approved financial institutions before investing or reinvesting funds.

Managed Funds

Council will not invest in Managed Funds.

Investment in Locally Based Financial Institutions

From time to time a decision may be made to invest in an institution that is based locally, irrespective of return, in the interests of assisting viability and economic development of the small communities located in the East Gippsland Shire. Any such decision must be approved by the Chief Executive Officer.

Investment Policy 20192022
Date approved: 6 August 2019TBA
Document owner: Manager Finance

This document is uncontrolled when printed

Any change in locally based financial institutions investments will be reported to a Councillors' discussion session in a timely manner.

• Ethical Investment

Council strives to be a socially responsible and ethical investor in making any investment in an individual financial institution. The ethics of a financial institution that Council invest funds in must be in line with Council's related policies and strategies such as Council's Environmental Sustainability Strategy.

Investment Policy 20192022
Date approved: 6 August 2019TBA
Document owner: Manager Finance

This document is uncontrolled when printed

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities				
Audit and Risk Committee	Review Investment Policy and investment reports and provide recommendations as appropriate to Council and Council officers.				
General Manager Business Excellence	Overall responsibility for policy implementation. Approve actions as a result of changes in credit rating.				
Manager Finance	Responsible for the review, regular updating and implementation of the policy and reporting to Executive Leadership Team, Audit and Risk Committee and Council. Approval of placement of funds in accordance with the Instrument of Delegation Chief Executive Officer to staff.				
Financial Services Coordinator	Responsible for the daily monitoring of cash and investments and for meeting the requirements of this policy. Monitor investment credit ratings and report to Manager Finance and General Manager Business Excellence.				
Senior Finance Officer	Day to day management of investment funds.				

References and Supporting Documents

Council Plan 2017-2020 - Strategic Objective

 Good Governance Goal 3 Council is in a strong financial position and can provide for future generations of East Gippslanders.

Council Plan 2021 – 2025 – Strategic Objective 5 A Transparent organization that listens and delivers effective, engaging and responsive services

5.5 Resources are managed to meet current and future needs and priorities

Standard and Poor's Credit Ratings: www.standardandpoors.com/home/en/au

Australian Accounting Standards.

Ministerial Guidelines.

Relevant Legislation:

Local Government Act 1989 2020 (sections 136 and 143 103)

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council connected to cash management and investments will be handled in accordance with all applicable privacy

Investment Policy 20192022
Date approved: 6-August 2019TBA
Document owner: Manager Finance

This document is uncontrolled when printed

legislation and will be used only for the purpose of investing Council funds.

The Investment Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act* 2006.

Investment Policy 20192022
Date approved: 6 August 2019TBA
Document owner: Manager Finance

This document is uncontrolled when printed

Definitions

Term	Meaning	
APRA	Australian Prudential Regulation Authority – the prudential regulator of the Australian financial services industry.	
Council	East Gippsland Shire Council	
Framework	A set of ideas, principles, agreements, or rules that provides the basis or outline	
Investment Portfolio	A collection of investments	
Financial Institutions	Banks and other regulated deposit taking organisations.	
Council Officer	Member of East Gippsland Shire Council Staff	
Standard and Poor's	International credit rating agency – rating used to assess credit risk	
APRA	Australian Prudential Regulation Authority – the prudential regulator of the Australian financial services industry.	
Council	East Gippsland Shire Council	
Framework	A set of ideas, principles, agreements, or rules that provides the basis or outline	

Supporting procedures / guidelines

Procedure

Investment Approval

A minimum of three quotations must be sought from approved financial institutions before investing or reinvesting funds.

Standard and Poor's Rating Agency records must be checked prior to each investment.

Written recommendations and all relevant information, including the rating agency remarks and the current investment portfolio ratios, must be provided to Manager Finance or delegated authorising officer when approval for investing or reinvesting funds is being requested.

Money to be transferred using Council's General Bank Account:

- All investments being rolled over with the same financial institution must be derived from funds transferred from Council's general bank account.
- Funds may be transferred electronically and will be authorised by two officers who are authorised signatories on the general bank account.
- The delegated officer authorised to place funds on Council's behalf must not be an authorised signatory on Council's general bank account or on any bank account set up for the receipt of grants.
- Funds that are being redeemed, or interest paid, must be directly credited to Council's general bank account. If the funds relate to a grant that requires a special bank account,

Investment Policy 20192022
Date approved: 6 August 2019TBA
Document owner: Manager Finance

This document is uncontrolled when printed

the interest and redeemed funds will be rolled over into the bank account into which the grant was paid.

Valuation and Measurement

• Investments will be brought to account and valued at fair value plus transaction costs directly related to the acquisition of the financial asset in accordance with Australian Accounting Standards.

Interest revenue will be recognised as it is earned.

_

Annual averages are to be calculated by using the weighted average of end of month balances.

Reporting

A register of investments will be maintained in Council's Electronic Document Records Management System (ECM). The investment register will list all investments and will also contain all letters of advice from financial institutions.

A monthly report must be produced reconciling the investments register to the general ledger. Manager Finance will provide a report to Council's July Audit and Risk Committee meeting each year that details Council's investment performance for the preceding financial year. The report will also provide information on any significant events, issues and/or any policy breaches or instances of non-compliance with the Investment Framework that may have occurred during the year.

Example of Application of Investment Framework:

Investment Portfolio: \$18 million

Short Term Investment	Long Term Investment	Portfolio Credit A	Any one Financial Institution	Term to Maturity (0-6 Months)	Investment Split A	Investment Split B
AAA to AA-	A1+	100%	50%	100%	\$10m	\$10m
A+ to A-	A1	80%	30%	80%	\$8m	\$8m
BBB+ to BBB-	A2	50%	20%	60%	θ	θ
Total Investment Portfolio					\$18m	\$18m

Example of Investment Split A and B for a total investment portfolio of \$18m over two credit ratings:

To comply with policy Investments in AAA to AA- rated financial institutions the \$10m would have to be split as follows:

Short term investment

AAA to AA- Rated

Bank 1 \$5m (maximum investment 50%)

Bank 2 \$5m (maximum investment 50%)

To comply with policy Investments in A+ to A- rated financial institutions the \$8m would have to be split as follows:

Investment Policy 20192022
Date approved: 6 August 2019TBA
Document owner: Manager Finance

Version number: 67 Next review date: 03/09/2021September 2024

This document is uncontrolled when printed

Short term investment

A+ to A- Rated

Bank 3 \$2.4m (maximum investment 30%)
Bank 4 \$2.4m (maximum investment 30%)
Bank 5 \$2.4m (maximum investment 30%)
Bank 6 \$0.8m (maximum investment 30%)

Monitoring

The performance of the investment portfolio will be monitored on a quarterly basis. This will also include monitoring of the credit rating of all Council investments. An action plan is to be completed and presented to General Manager Business Excellence as a result of any downward changes in the credit rating of any approved financial institution that holds current investments.

Revision History and Review

This policy is reviewed bi-annually.

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	18/7/11	Management/ Audit Committee	4720553	
	General review	15/10/13	Audit Committee		
2	Approved	19/11/13	Council	5523290	
3	Approved	01/03/16	Council	6658650	
4	Approved	06/06/17	Council	7181884	
5	Approved	04/09/18	Council	7730500	Minor administrative changes
6	Approved	06/08/19	Council	8187044	Officer titles

Investment Policy 20192022

Date approved: 6 August 2019TBA

Document owner: Manager Finance

This document is uncontrolled when printed

5.2.4 Council Meeting Schedule 2023

Authorised by General Manager Business Excellence

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

In line with Governance Rule 4.1(1), 'at or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings and any delegated committee meetings for the following calendar year'.

The Council meeting schedule proposed for the 2023 calendar year has been prepared to enable Council to effectively carry out its decision-making functions for the year.

Officer Recommendation

That Council:

- 1. receives and notes this report; and
- 2. adopts the following Council Meeting dates for the 2023 Calendar year, to be held at the Corporate Centre, 273 Main Street Bairnsdale, commencing at 6.00 pm;

Tuesday, 7 February Tuesday, 25 July Tuesday, 28 February Tuesday, 15 August Tuesday, 21 March Tuesday, 5 September Tuesday, 11 April Tuesday, 26 September Tuesday, 2 May Tuesday, 17 October Tuesday, 23 May Thursday, 26 October (Statutory Meeting) Tuesday, 13 June Tuesday, 14 November Tuesday, 27 June Tuesday, 28 November Tuesday, 12 December

Background

The conduct of Council meetings is at the discretion of Council except as described in the *Local Government Act* 2020 (the Act) and the Governance Rules. Council Meetings are held regularly to conduct the ongoing business of the Council.

The schedule proposed for the 2023 calendar year has been prepared to enable Council to effectively carry out its decision-making functions for the year. Section 28(1)(a) of the Act outlines the role of a Councillor is 'to participate in the decision making of the Council.' The decision-making process is supported by formal Council meetings.

To date, Council has conducted remote Council meetings as part of the 'Council in the Community' initiative. The 2023 Council meeting schedule proposes that all Council meetings are to be held in Bairnsdale after considering the following:

- community attendance at remote Council meetings has been low. This could be due to the commencement time (1.30 pm) being unsuitable for the working community or the reports listed are not relevant to the area;
- the approach of having all meetings in Bairnsdale would enable more time in the 'Council
 in the Community' itinerary to meet with community groups and local businesses to
 discuss matters of importance;
- Council provides two ways for the community to engage with Council at a Council meeting:
 - o ask questions (written or verbal) on an agenda item or any other topic; and
 - o present to Council on an agenda item or any matter.

This engagement can be conducted in person, online or questions can read on behalf of the community member;

- Council live streams, records and publishes its meetings via webcasting (<u>EastGippyTV</u>)
 to enhance the accessibility of its meetings to the broader East Gippsland community;
 and
- This approach is consistent with that of twelve other Victorian Councils.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act* 2020 commenced. Some provisions of the *Local Government Act* 1989, that have not been repealed, will remain applicable until such time as they are revoked.

This report was prepared in accordance with sections 60 and 61 of the *Local Government Act* 2020.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.5 Resources are managed to meet current and future needs and priorities.

Council Policy

This report is consistent with the Governance Rules.

Options

There are no alternate approaches for Council on this reporting requirement.

Resourcing

Financial

There are potential savings for Council through holding all meetings at Bairnsdale, rather than as part of the 'Council in the Community' itineraries. This may result in estimated annual savings of approximately \$45,000.

Plant and equipment

There are no plant and equipment requirements with this Report.

Human Resources

There are no resource issues with this Report.

Risk

The implications of this report have been assessed against the following risk category:

Corporate Governance, Compliance and Legal - Legal, liability, legislative requirements, fraud and corruption, code of conduct, conflicts of interest, protected disclosures, *Local Government Act*, policy, process, and insurance.

This report has taken into consideration and aligns with the following Risk Appetite Category as set out in Council's Risk Management Framework:

Corporate Governance - Council operates within a strong regulatory environment. Within this context, Council will make and implement decisions in the best interests of the community.

The risks of this proposal have been considered with Council not likely to be exposed to any significant risk.

Economic

There are no financial implications associated with this Report.

Social

This Report is assessed as having no direct social impact

Gender Impact Statement

This Report is compliant with the obligations and objectives of the Victorian *Gender Equality Act* 2020 and has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

There are no environmental implications stemming from this Report.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

This report is assessed as having no direct impact on climate change.

Engagement

Internal engagement has been undertaken to garner the suitable sequence of dates for the community and Council. The 2023 Council Meeting schedule will be made available on Council's website, consistent with Council's Community Engagement Policy.

Attachments

Nil

5.3 Place and Community

5.3.1 Planning Application 540/2021/P - 164 Deep Creek Road, Bruthen -

Buildings and Works for a Dwelling and Outbuilding

Authorised by General Manager Place and Community

Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

Executive Summary

This report seeks Council's resolution to issue a Notice of Refusal to Grant a Planning Permit for the Development of a dwelling, associated outbuilding and earthworks at 164 Deep Creek Road, Bruthen. The documents submitted with respect to the application are provided at **Attachment 1**.

The application was referred to Country Fire Authority (CFA) as the relevant fire authority for the application. The initial application was subject to a letter of advice addressing deficiencies in the application, and further information was required of the permit applicant. Further information was provided and again a letter of advice was provided by CFA. Further information was again provided and referred to CFA, and a letter of advice has been received which indicates that the application is not supported in its current format, and there are few mitigation measures which would resolve CFA concerns. All three CFA referral responses, and the referral response of Department of Environment, Land, Water and Planning (DELWP), are provided in **Attachment 2**.

The application is exempt from public notice and third-party review/appeal under the provisions of the Bushfire Management Overlay (BMO) and Erosion Management Overlays (EMO) which apply to the land, as these are technical overlays. Assessment of the application has been undertaken and is presented in **Attachment 3**.

In summary, the proposal fails to meet the objectives of the East Gippsland Planning Scheme and the CMO and Bushfire Planning Provisions. The concerns which have been raised are:

- The proposal is for a sensitive land use on the border of Crown Land with significant fire risk and fails to minimise risk to life and property;
- The surrounding area is a large undulating forested area which poses a significant bushfire risk to the land, there is potential for long uncontrolled bushfires in time with compounding regrowth and vegetation with strong ladder fuels that will intensify fires;
- Proposed bushfire mitigation measures have failed to be supported by CFA. The CFA
 response indicates there is not likely to be any reasonable alternative mitigation methods
 that would remove doubt and make the proposal viable; and
- The proposal requires significant vegetation removal on the property to reach an acceptable fire protection level, compromising biodiversity of the natural environment.

Whist the development of a dwelling is normally a suitable use in the Rural Living Zone, the safety to human life is paramount.

The site is zoned Rural Living and has been since at least 1999 in the new format planning scheme. Since that time there have been significant changes to bushfire management control and policy within the planning scheme.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 540/2021/P is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Refuse to Grant a Permit for the Development of a dwelling and associated outbuilding and earthworks for the following reasons:
 - a. the proposal is an unacceptable outcome by way of bushfire risk to human life and property;
 - b. the application is inconsistent with the Planning Policy Framework, specifically Clauses 11.01, 13.02 and 14.01 for fire risk;
 - c. the proposal is considered to be specifically inconsistent with the purpose and decision guidelines outlined in Clauses 44.06 Bushfire Management Overlay and 53.02 Bushfire Planning;
 - d. the proposal is considered to be contrary to the objectives of enhancing natural resources, biodiversity and avoidance of vegetation loss; and
 - e. the proposal fails to meet the objectives of Clause of 71.02-3 Integrated Decision Making Requirements to prioritise the protection of human life over all other policy considerations.

Background

Background

Site and surrounds

The subject land (**Figure 1**) is a 9.85-hectare Crown Allotment located roughly 1800 metres north west of Bruthen's town centre. The property is surrounded by road reserves, mostly constructed as tracks, except for portions that are unconstructed and for the Deep Creek Road interface at the western corner of the block. The property has variable topography, with predominantly gentle slopes, and good vegetation cover.

The property was maintained in common ownership with adjacent land until purchased by the current owner in 2021.

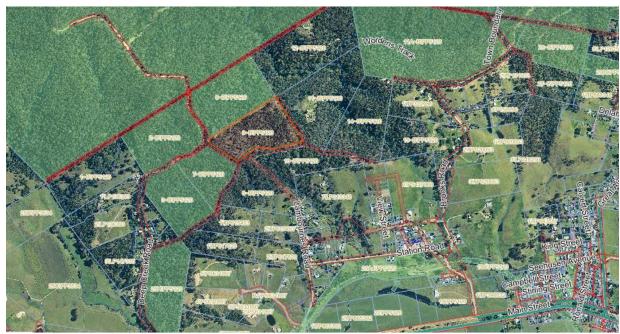


Figure 1: The site in context of Bruthen township (southeast corner)

The land has been cleared of vegetation at the boundaries to provide for establishment and maintenance of boundary fences since 2020. This activity, where done to the minimum extent required, is exempt from a permit under the EMO and Clause 52.17 but might not be exempt from requirement of the Vegetation Protection Overlay. Additionally, the clearing completed to date appears to exceed the minimum extent required. The application does not address (native) vegetation removal.

To the north, northwest and west of the site are Crown Allotments under crown reservation. To the east of the site is a private property developed with a dwelling. To the south is a vacant privately owned Crown Allotment, which is predominantly vegetated.

The fire impact of the Black Summer bushfires came within 1 kilometre of the site to the northwest and 1.2 kilometres to the east. Bruthen township was heavily defended during the campaign which lasted between November 2019 and February 2020.

The property has been subject to the Rural Living Zone 2 since the New Format Planning Scheme was introduced in 1999. Officers have reviewed Zone Maps from the Tambo Planning Scheme, and the mapping available does not have enough detail to confirm if the zone was similar before amalgamation of the Schemes. The land was in common ownership with multiple properties until approximately May 2021.

The proposal

The proposal is for a dwelling and associated outbuilding to be constructed on the land. The property is irregular in shape and approximate siting would be 64 metres southwest of Deep Creek Road and 85 metres from the northern boundary. The access track will be 145 metres long to the dwelling and 190 metres to the shed. The site plan is demonstrated in **Figure 2**.

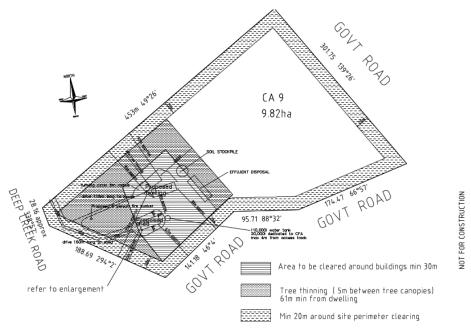
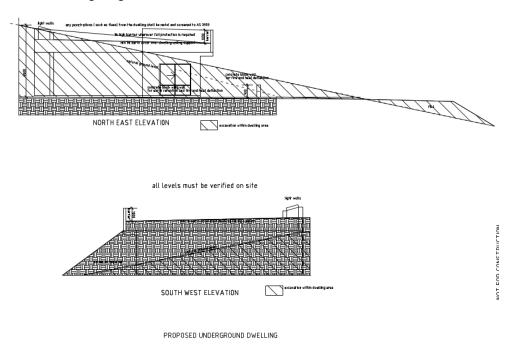


Figure 2: Proposed Plans Site Plan

The dwelling is proposed to be an earth shelter home 354.6 square metres, 4 bedrooms with study, library and 2 bathrooms, laundry, pantry and cellar, open plan kitchen, dining, living, and two car garage.



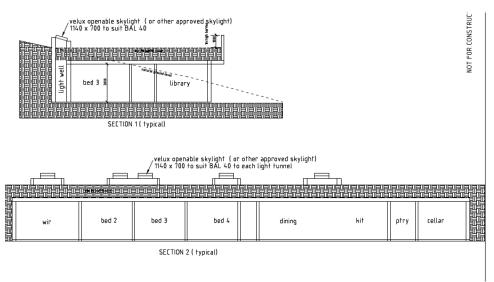


Figure 3: Proposed Plans Elevations Dwelling

The proposed shed would be 26 metres from the dwelling, concrete block walls and a colorbond roof, 12 metres by 30 metres, and 4.9 metres high.

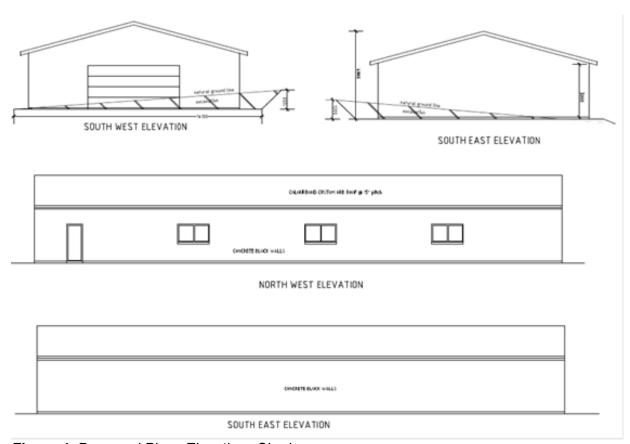


Figure 4: Proposed Plans Elevations Shed



Figure 4: Proposed Bushfire Management Plan

Current status

With a third Letter of Advice received from CFA, it would be unreasonable to continue to hold off on a determination for the application, unless the plans are altered significantly to the satisfaction of the CFA. Officers have discussed the CFA concerns with the applicant and have explained the risks associated with various outcomes of the determination, including possible appeals.

Officers make the recommendation on the basis of the advice of CFA, but hold similar concerns both for fire risk, and biodiversity loss.

Legislation

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act* 2020. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act* 2020.

Planning and Environment Act 1987 and the East Gippsland Planning Scheme

The application is made and assessed under the *Planning and Environment Act* 1987 and associated regulations. Policy and controls applicable are established under the East Gippsland Planning Scheme.

Planning policy relating to the proposal generally seeks to:

- Protect life and property above all other policy consideration;
- Avoid and minimise the removal of native vegetation; and
- Provide for rural living in appropriate areas.

The key aspect of decision making in relation to this matter will be to ensure that the application has appropriately addressed all planning policy requirements, the purpose and objectives of the Zone, Overlay, and Particular Provisions relating to the subject site and immediate surrounds.

Control	Clause(s)	Considerations
Rural Living, Schedule 2	35.03	Use (Section 1)
(RLZ2)		Must be the only dwelling on the lot.
(Dwelling and shed are not		Must meet the requirements of Clause 35.03-2.
triggers)		Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
		Schedule 2 Dwelling Minimum Area (1 hectare) Setbacks Road 20m Boundary 10m Another dwelling and/or waterway 100m
Vegetation Protection Overlay, Schedule 1 (VPO1)	42.02	A permit is required to remove, destroy or lop any vegetation. The Tambo-Bairnsdale Vegetation Protection Network - Remnant roadside vegetation.
Erosion Management Overlay	44.01-2	Earthworks where excavations or fill do not exceed one metre (height or depth).
Bushfire Management Overlay	44.06-2	Construct a building or construct or carry out works for accommodation (dwelling).
	44.06-3	Application requirements, bushfire hazard site assessment, bushfire hazard landscape assessment and bushfire management statement.
Bushfire Protection	52.12	Any requirement of this planning scheme
Exemptions	52.12-5	(permit or otherwise) associated with the removal of vegetation to enable the construction of a dwelling and creation of its defendable space are exempt if the requirements of this clause are met.
Integrated decision making	71.02-3	Society has various needs and expectations.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Council Policy

In accordance with Council's Planning Delegations Policy 2022, this matter has been subject of a "call-up" of the application after Officers advised Councillors of a Notice of Intent to Refuse to Grant the Permit under Delegation.

Options

The options for Councillors to consider are:

- 1. Resolve to refuse the application in accordance with the officer recommendation. This is the preferred option, as outlined in the recommendation and detailed assessment at **Attachment 3**:
- 2. Resolve not to determine the permit application at this time. This option should include directions for officers to continue to seek additional information from the permit applicant, with the purpose of potentially receiving information which could be supported by officers and the relevant referral authorities. Additional information has already been provided as requested, and the letter of Advice from CFA indicates that there are minimal options to satisfactorily respond to their concerns. As such, this option is not recommended; or
- 3. Resolve to grant the permit subject to conditions. Officers note that setting permit conditions with respect of the current proposal would be very difficult. Where CFA is the relevant referral authority, a referral response is normally received which indicates either endorsement of a bushfire management plan or conditions which, if met, would meet the bushfire mitigation measures that are required to effectively mitigate against the bushfire risk. As CFA have not provided consent to the proposed bushfire mitigation measures, and have not provided amended plans requirements, the responsible authority would take a risk in issuing a permit, as the conditions regarding the principal permit trigger of the BMO would be unresolved, and may be difficult to implement. Any request for the permit to be granted must carefully consider the conditions to be applied to the permit.

Resourcing

Financial

There are no financial implications resulting from the officer recommendation.

Plant and equipment

There are no implications on Council plant and equipment as a result of the officer recommendation

Human Resources

There are no Human Resources implications as a result of the officer recommendations.

Risk

The risks of this proposal have been considered and the risk to life and property is considered too great for the proposal to be approved, due to the bushfire risk. CFA have not consented to the granting of the permit. The responsible authority may be held responsible if the permit is granted and any life and property damage occurs into the future.

An application for review may be made in the circumstances where:

- A notice of refusal is issued in accordance with the officer recommendation. The appeal
 by the applicant would be against the determination to refuse the application. Officers
 suggest an appeal would only potentially be successful where VCAT directs the
 applicant to prepare additional information, and it would be possible for VCAT to direct
 the information to be prepared and for the additional information be assessed by the
 responsible authority;
- No determination is made, an appeal is made against the responsible authority's failure to determine the application. A similar scenario may occur as outlined above; and
- A permit is granted, and the application could be appealed by either the applicant in relation to conditions of approval or by the relevant fire authority against Council's determination to grant a permit.

Economic

The development of a single dwelling does not have a significant economic impact either positively or negatively on the community, but the recommendation has obvious financial impacts on the individual, which are acknowledged.

Social

The development of a single dwelling does not have a significant social impact either positively or negatively on the community.

Gender Impact Statement

Considerations of Gender Equality in Planning are made in relation to planning strategy, including planning scheme amendments and policy changes. Individual assessment of planning applications tend to be gender neutral, however Council officers consider factors such as community safety, privacy, and accessibility in an integrated and multi-faceted decision-making process. There are no specific gender issues arising from this proposal.

Environmental

A part of the assessment of the inappropriateness of the proposal is in relation to biodiversity loss which is exempt from permit requirement due to Clause 52.12-5. This clause of the Scheme provides that vegetation removal is exempt from any other consideration of the Scheme, including the vegetation protection overlay and Clause 52.17 Native Vegetation, where the vegetation removal is required to establish defendable space for a dwelling which is approved under the BMO.

It is assessed that the vegetation removal required to meet the minimum standards for defendable space for this proposal will be insufficient for bushfire protection. As a consequence, additional information would be required in relation to the additional areas of vegetation removal that would be required and in particular the biodiversity impact of such removal. A significant amount of remnant vegetation would be required to be removed.

The proposed defendable space (and associated vegetation removal) ranges from 60 to 100 metres around the dwelling.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

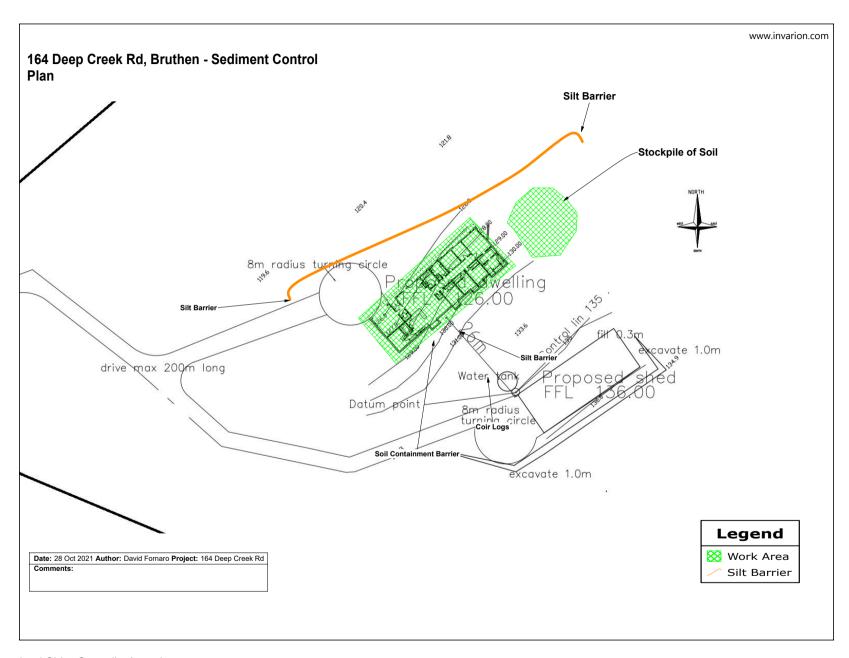
Engagement

The proposal as lodged is exempt from notice and review under the BMO and EMO.

Referral of the application to relevant authorities was undertaken, and referral responses are provided at **Attachment 2**.

Attachments

- 1. Application Documents [5.3.1.1 174 pages]
- 2. Referral Authority Responses [5.3.1.2 9 pages]
- 3. Detailed assessment [5.3.1.3 16 pages]





From www.planning.vic.gov.au at 04 November 2021 07:24 PM

PROPERTY DETAILS

Address: 164 DEEP CREEK ROAD BRUTHEN 3885 Crown Description: Allot. 9 Sec. B TOWNSHIP OF BRUTHEN

Standard Parcel Identifier (SPI): 9~B\PP5120

Local Government Area (Council): EAST GIPPSLAND www.eastgippsland.vic.gov.au

Council Property Number: 100665

Planning Scheme: **East Gippsland** Planning Scheme - East Gippsland

Directory Reference: Vicroads 686 B9

STATE ELECTORATES UTILITIES

Rural Water Corporation: Southern Rural Water Legislative Council: **EASTERN VICTORIA GIPPSLAND EAST** Urban Water Corporation: East Gippsland Water Legislative Assembly:

Melbourne Water: Outside drainage boundary

AUSNET OTHER Power Distributor:

Registered Aboriginal Party: Gunaikurnai Land and Waters

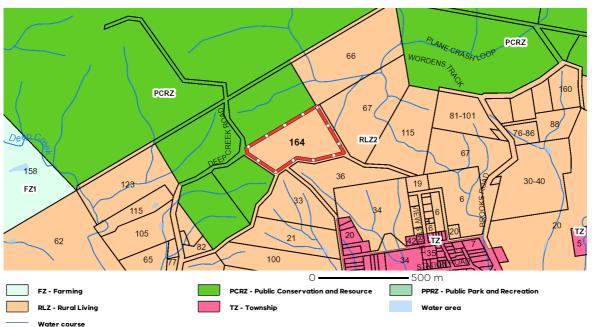
Aboriginal Corporation

Planning Zones

View location in VicPlan

RURAL LIVING ZONE (RLZ)

RURAL LIVING ZONE - SCHEDULE 2 (RLZ2)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Copyright © - State Government of Victoria

Disclaimer: This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.

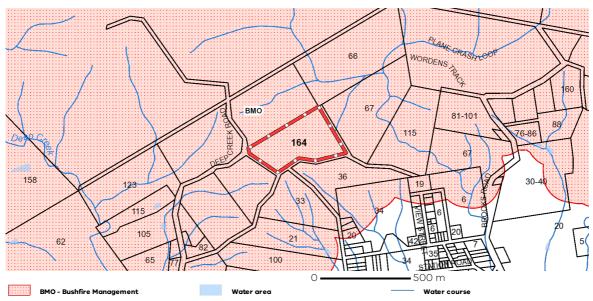
Read the full disclaimer at https://www2.delwp.vic.gov.au/disclaimer

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).



Planning Overlays

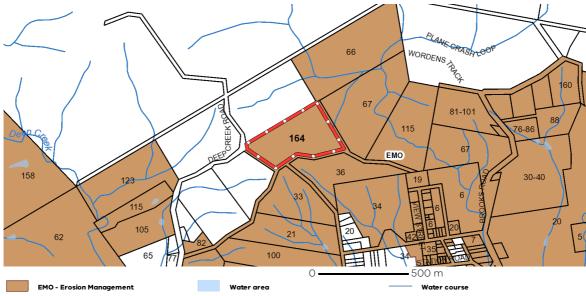
BUSHFIRE MANAGEMENT OVERLAY (BMO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

EROSION MANAGEMENT OVERLAY (EMO)

EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

vernment of Victoria
t is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

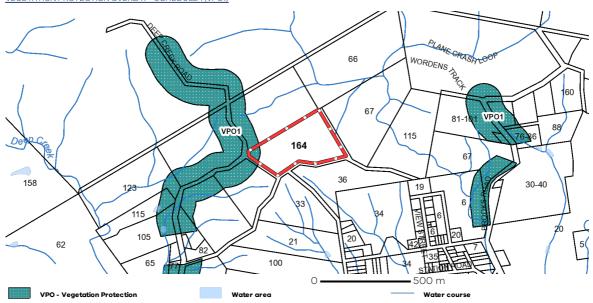
PLANNING PROPERTY REPORT: 164 DEEP CREEK ROAD BRUTHEN 3885

Page 2 of 6



Planning Overlays

VEGETATION PROTECTION OVERLAY (VPO) VEGETATION PROTECTION OVERLAY - SCHEDULE 1 (VPO1)



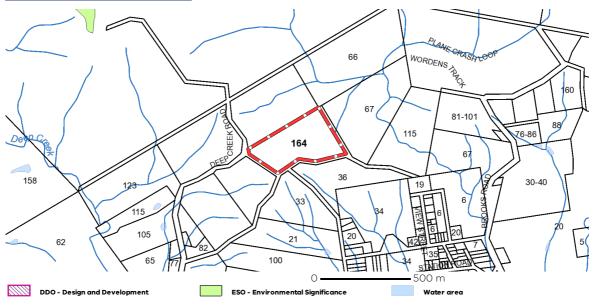
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the leaend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

DESIGN AND DEVELOPMENT OVERLAY (DDO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)



Note: due to overlaps, some overlaps may not be visible, and some colours may not match those in the legend

nment of Victoria
s provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).



Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

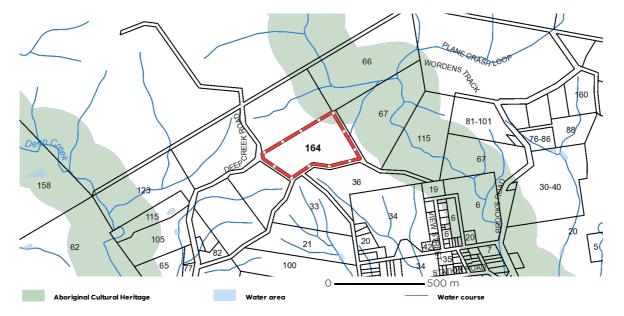
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to http://www.aav.nrms.net.au/aavQuestion1.aspx

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation



Copyright ® - State Government of Victoria
Disclaimer: This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to **Disclaimer:** This content is provided for information purposes only, any person for the information provided. Read the full disclaimer at https://www2.delwp.vic.gov.au/disclaimer

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic.)



Further Planning Information

Planning scheme data last updated on 28 October 2021.

A planning scheme sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting https://www.planning.vic.gov.au

This report is NOT a Planning Certificate issued pursuant to Section 199 of the Planning and Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may abut the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - https://www.landata.vic.gov.au

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit https://mapshare.maps.vic.gov.au/vicplan

For other information about planning in Victoria visit https://www.planning.vic.gov.au

Copyright © - State Government of Victoria

Disclaimer: This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.

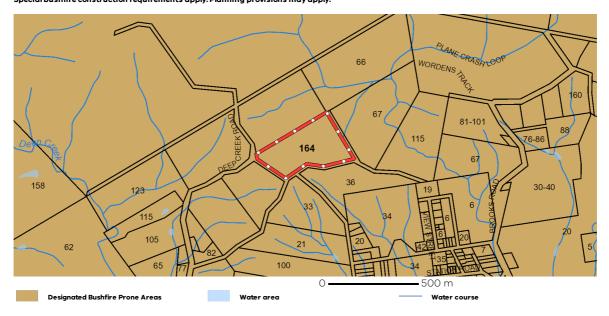
Read the full disclaimer at https://www2.delwp.vic.gov.au/disclaimer

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).



Designated Bushfire Prone Areas

This property is in a designated bushfire prone area. Special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas

Designated bushfire prone areas maps can be viewed on VicPlan at https://mapshare.maps.vic.gov.au/vicplan or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website https://www.vba.vic.gov.au

 $Copies \ of the \ Building \ Act \ and \ Building \ Regulations \ are \ available \ from \ \underline{http://www.legislation.vic.gov.au}$

For Planning Scheme Provisions in bushfire areas visit $\underline{\text{https://www.planning.vic.gov.au}}$

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see Native Vegetation (Clause 52.17) with local variations in Native Vegetation (Clause 52.17) Schedule

To help identify native vegetation on his property and the application of Clause 52.17 please visit the Native Vegetation Information Management system https://nvim.delwp.vic.gov.au/ and Native vegetation (environment.vic.gov.au/ or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit NatureKit (environment.vic.gov.au)

Copyright @ - State Government of Victoria
Disclaimer: This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to **Disclaimer:** This content is provided for information purposes only, any person for the information provided. Read the full disclaimer at https://www2.delwp.vic.gov.au/disclaimer

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic.)



Construction standard

The dwelling will be designed and constructed to a minimum Bushfire Attack Level of **BAL 40**. **Defendable Space**

The dwelling will be provided with 61 metres of defendable space as a minimum and in accordance with this Bushfire Management Plan where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- · Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Water Supply

Unless otherwise agreed in writing by the relevant fire authority, the 10,000 litres of water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for fire fighting purposes made
 of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA couplings).

Access

Where fire authority access to the water supply is required under AM1.3 fire authority vehicles must be able to get within 4 metres of the water supply outlet

The following design and construction requirements apply:

- · All weather construction
- A load limit of at least 15 tonnes
- · Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically
- Curves must have a minimum inner radius of 10 metres
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle

A turning area for fire fighting vehicles must be provided close to the building by one of the following:

- A turning circle with a minimum radius of eight metres
- A driveway encircling the dwelling
- The provision of other vehicle turning heads such as a T head or Y Head which meet the specification of Austroad Design for an 8.8 metre service vehicle.
- Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.



164 Deep Creek Road, Bruthen

October 2021





Table of Contents

Introduction	4
Application Details	4
Site Description	5 5
Bushfire risk in south east Australia	5
Bushfire Hazard Landscape Assessment	7
Clause 13.02 assessment	12
Bushfire Hazard Site Assessment	
Bushfire Management Statement	14
53.02-4.1 Landscape, siting and design objectives	14 14
53.02-4.2 – Defendable Space and Construction Objectives	
53.02-4.3 – Water Supply and Access Objectives Approved Measure AM 4.1 – Water Supply and Access Water Supply Requirement Access Requirement	16 16
Conclusion	19
Appendix 1 – Bushfire Hazard Site Assessment	20
Appendix 2 – Bushfire Management Statement	21
Appendix 3 – Photos	24
Appendix 4 - Supplied plans	26
Appendix 5 – BAL levels explained	27
Annendiy 6 - References	28

Fire Risk Consultants Pty Ltd

PO Box 12 Glengarry VIC 3854

0439 289 234 www.fireriskconsultants.com.au

Prepared by: Mark Potter - Risk & Emergency Planning Lead

Disclaimer and Information Statement

This report is issued by Fire Risk Consultants Pty Ltd and the information in this report is current as at the date of publication. Any Bushfire Emergency Plan or Bushfire Response Plan is current only at the date of issue as it is up to you to maintain the Australian Standard AS3959:2018 (or equivalent) and AS3745:2018 (or equivalent) for the property and/or building. Failure to maintain the property and/or building to these standards may compromise an insurance policy if currently covering any of your assets or those of any third party that may be consequentially affected due such failure. If not insured, and if you are seeking insurance, this report may not influence the decision of any insurer not to offer cover. To the extent permitted by law, Fire Risk Consultants Pty Ltd will not be held liable for any claims, demands, costs or expenses for any personal injury, property damage or death arising out of failure by you to maintain the property and/or building to AS3959:2018 (or equivalent) and AS3745:2018 (or equivalent).

The information and/or the recommendations contained in this report have been compiled and based on the information, records, data and any other sources of information supplied by you. Whilst we have exercised all due care and skill in compiling the report, you should confirm the accuracy and reliability of the information and material we have relied upon in producing the report. The information contained in the report is confidential and you should only read, disclose, re-transmit, copy, distribute or act in reliance on the information as you are authorised to do so. This report may also contain information, systems or data which is the property of Fire Risk Consultants Pty Ltd and Fire Risk Consultants Pty Ltd has in no way waived or altered in any way its ownership right, or provided consent for use by the report recipient, unless expressly provided in the report.

Any fire safety work, including but not limited to planned burning, back burning and/or fire suppression, on any property or building is specifically excluded from this report.

Where the term "Bushfire prevention and mitigation related activities" (or words to that effect) are used, this is to be defined as the clearance of vegetation in accordance with the Victorian State Government guidelines, including clearing and maintenance of existing fire breaks and/or fire access for fire fighters under electricity pylons and properties that have been constructed to Australian Standard AS3959 and/or the National Construction Code.

164 Deep Creek Road, Bruthen

Introduction

This report has been developed to meet the requirements of the Bushfire Management Overlay as outlined within the Victorian Planning Provisions. The site located at 164 Deep Creek Road, Bruthen is within the Bushfire Management Overlay. This report outlines the required treatments to enable compliance with the Bushfire Management Overlay.

The proposal is to construct a dwelling and shed on the property. The dwelling is proposed to be mostly buried into the slope which will provide additional bushfire protection.

The report has been developed following extensive assessment of the landscape and local bushfire risk along with access, egress and topography.

The report addresses the following provisions of the Victorian Planning Scheme:

Clause 13.02-15 - Bushfire Planning

Clause 44.06-3 – Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and Bushfire Management Statement.

To ensure sufficient information is provided to both CFA and Council to enable a detailed understanding of bushfire risk, a Pathway 2 report has been developed along with a Clause 13.02-1S assessment. This report only addresses those parts of the Victorian Planning Provisions that relates to Bushfire.

Application Details

Municipality:	East Gippsland
Title description:	9~B\PP5120
Overlays:	Bushfire Management Overlay (BMO), Erosion Management Overlay (EMO) and Vegetation Protection Overlay (VPO)
Zoning:	Rural Living Zone (RLZ)

Site Description

Existing use and siting of buildings and works on and near the land:	The site is currently vacant. The vegetation on the site is regrowth and in response to a direction from Council, a 20 metre wide break has been constructed around the entire perimeter of the property.
Existing vehicle arrangements:	There are multiple access points to the property with the main access from Deep Creek Road. Access is available to Lambournes Road in the event of an emergency.
Location of nearest fire hydrant:	There are street hydrants located in Lambournes Road.



Figure 1 - Overview of the site with the BMO shaded (site boundary shown in blue outline)

Access and egress

The site is accessible from Deep Creek Road which connects to Princes Highway. Access to the property is also available from Lambournes Road in the event of an emergency. Travel to the Princes Highway which enables direct access to Bruthen or Bairnsdale and is approximately 5 minutes driving time.

Travel to Bairnsdale does involve driving through forested areas but would be the safer option than travelling east.

Topography

The topography on the property consists of slopes up to 20°. On the eastern part of the property the slopes exceed 20°. The surrounding area is undulating with numerous gullies and ridgelines, in particular to the north of the property.

Vegetation

The vegetation on the property is forest apart from a 20 metre wide break around the entire property. There has also been some clearing undertaken at the proposed location for the shed and dwelling. The vegetation coverage is continuous in all directions.

Bushfire risk in south east Australia

The south east of Australia is one of the most fire prone areas in the world.

The rate a bushfire can spread is a direct result of the weather, fuel hazard (including dryness, quantity and arrangement) and the topography in which the fire is burning. Bushfire fuel is the only one of these three factors that it is possible to modify.

Extreme fire conditions can occur in south eastern Australia when dry winters and springs are followed by summers where bushfire fuels become very dry.

When these conditions combine, fires can be expected to move quickly under the influence of strong, gusty north westerly winds. These fires can then move rapidly in a different direction when the subsequent south–westerly wind change arrives.

164 Deep Creek Road, Bruthen

Fires that start under these conditions can reach a very high intensity, even in areas of relatively low fuel loads and can be difficult to control until the weather conditions abate.

The height of a bushfire's intensity is directly linked to its destructiveness and the more difficult it is to control. As the intensity increases so does the difficulty of containment and effective suppression. Very high intensity fires with flame heights greater than 10 metres are generally uncontrollable.

Bushfire intensity is a function of the heat content of the fuel, the quantity of fuel and the rate of spread of the bushfire. The heat content of vegetation fuels is roughly constant. It has been found that the quantity and distribution of fine fuels are the main factor influencing bushfire behaviour. Larger fuels burning during a bushfire do not contribute significantly to the spread of a bushfire.

Fine fuels available to a bushfire are fuels such as grass, leaves, dead pine needles and twigs that ignite readily and are consumed rapidly when dry. They are often defined as those dead fuels less than 6mm in thickness. Fine fuel load (measured in tonnes per hectare) has therefore been used as a convenient measure of the underlying bushfire hazard in areas dominated by woody vegetation. The fine fuel load at any given time is a balance between the rate of fuel build up, and factors that remove fuel such as litter decomposition and fire. In the absence of fire, fuel loads in forests and woodlands with a shrubby or heathy understorey build up to a quasi-equilibrium state where the rate of fuel production equals the rate of decomposition. The maximum levels vary for different vegetation types and for the same vegetation types in different locations.

It has been found that fuel structure is possibly more important than the total fine fuel load in determining bushfire behaviour. Fuels in forests, woodlands and shrublands can be categorised into four layers with differing effects on fire behaviour (Hines, et al., 2010). These layers are:

<u>Surface fine fuels:</u> leaves, bark, small twigs and other fine fuel lying on the ground. These fuels provide the horizontal continuity that allows a bushfire to spread

<u>Near surface fine fuels:</u> grasses, low shrubs, bracken etc. up to about .5 m above the ground surface. Fuels in this layer will burn when the surface fuel layer burns and will increase bushfire intensity

<u>Elevated fuels:</u> larger shrubs and small saplings with most of the fuel closer to the top of this layer and a clear gap between them and the surface fuels. These interact with the two-layer fuel layers to further increase bushfire intensity. They also contribute to the vertical continuity of fire that allows fire to 'climb' into the tree canopy

<u>Bark fuels:</u> flammable bark on trees, saplings and large bushes from ground level to the canopy. Loose fibrous bark on string-bark eucalypts, and candle bark on some gums can generate large amounts of burning embers which can start spot fires ahead of the main fire front.

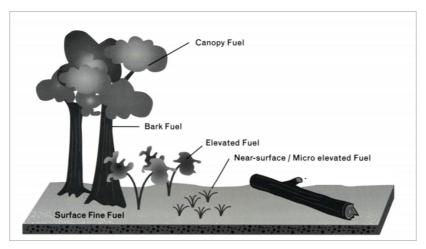


Figure 2 - Overview of fuel structure that affects bushfire behaviour

Bushfire Hazard Landscape Assessment

The Bushfire Hazard Landscape Assessment is completed to provide an assessment of the bushfire hazard more than 150 metres away from the subject site. This assessment considers all available information to determine the effects of a bushfire from more than 150m from the site.

For this assessment, the landscape risk has been assessed at one kilometre and 10 kilometres.

Fire History

The available records demonstrate that there is a history of bushfires in this area. Numerous bushfires have occurred in the surrounding area with the most recent being the 2019/20 bushfires that burnt to the north of the property. Due to the extensive forest vegetation to the north, the threat of bushfires in this area is a constant threat. Most bushfires will burn through the Public Land and threaten private property to the south when the fire danger conditions become elevated.

Based on the history of bushfires in this area, the area is considered at extreme risk.

Figure 3 shows the bushfire history according to DELWP records.



Figure 3 - Bushfire history with the property outlined in blue. The shapes represent multiple bushfire events

Likely Bushfire Scenarios

Figures 4 and 5 indicate the likely scenarios from a bushfire in the surrounding area and how they may impact on the proposed dwelling. This assessment considers all aspects however history shows us that bushfires would be likely to impact on the property from a north westerly direction and then subsequently from a south westerly direction after the wind change. These two fire scenarios cause the greatest amount of damage, including loss of life, in south eastern Australia during bushfire events.

The following table describes the scenarios that may impact on the dwelling:

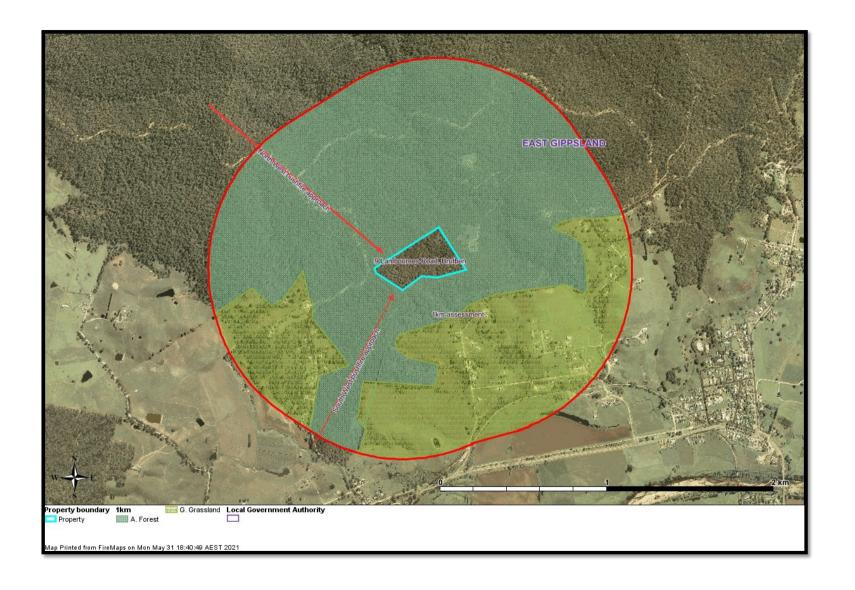
Scenario reference	Description	Consequence
Scenario A	Figure 4 outlines the potential for bushfires to approach the property under a north westerly wind influence, Bushfires can approach in other directions as well due to the localised topography. There are large tracts of forest vegetation to the north of the property. Bushfires have the potential to travel long distances before impacting on the site. Whilst the management of the risk on the site can be achieved, the impact of embers will be significant. Figure 5 shows the potential for bushfires to travel unimpeded for more than 10 kilometres. The effect of the topography will see the bushfire become erratic as it burns through the gullies and across the ridgelines. In wetter years, the gullies may assist in slowing fire spread as they will likely retain moisture	Extreme
Scenario B	The bushfire conditions from the south westerly	Extreme
Scenario B	direction will be similar to scenario A in that a bushfire	LAUCINE

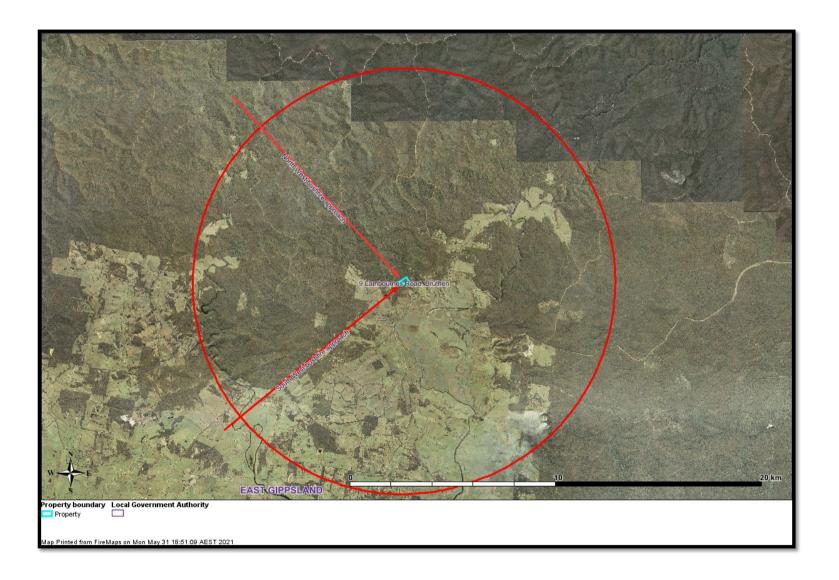
has the ability to travel through forest vegetation before impacting on the property. The vegetation is more fragmented to the south west and will likely slow bushfire spread as it moves through varying different fuel types and loads.

The dwelling location is on the northern facing slope and any approach from the south west will be upslope from the dwelling.

In summary, both scenarios are possible with ember attack being the key bushfire attack mechanism along with radiant heat that is generated by combustibles burning around the property. There is vegetation within the assessed areas that will generate embers that could land at the site. These embers are likely to start smaller fires in the local areas surrounding the site.

The landscape has been assessed as Type 4.





164 Deep Creek Road, Bruthen

Clause 13.02 assessment

Clause 13.02 of the Planning Scheme outlines its objective as:

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The analysis against Clause 13.02 is reliant on the information contained within the Bushfire Hazard Landscape Assessment.

The following strategies from Clause 13.02-1S are aimed at ensuring a focus on the protection of life is achieved:

	Strategy	Response
1	Prioritising the protection of human life over all other policy considerations.	Compliance with the Bushfire Management Overlay has ensured that the prioritisation of human life is achieved. For this development, a solution is proposed that achieves the BMO requirements. The design solution for this property includes: In recognition of the landscape risk to this area, the dwelling will be constructed to BAL 40. The dwelling will be largely buried within only the front façade exposed. This will be north facing. Defendable space will be provided to achieve BAL 29 distances. The shed will be more than 10 metres away from the dwelling. 10,000 litre water supply. The dwelling is accessible to firefighters. 20 metres of defendable space is provided around the entire property.
2	Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.	The dwelling is located in a Rural Living Zone and whilst the bushfire risk is extreme, the zoning provides the ability to construct a dwelling. The development on this site will support the reduction of bushfire risk to the neighbouring properties. There are locations available including Bruthen and Bairnsdale where the building occupants can travel to quickly to better protect themselves from the impact of a bushfire.
3	Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.	This report addresses the Bushfire Management Overlay and has considered the bushfire risk and identified treatments based on this risk.

Bushfire Hazard Site Assessment

The bushfire hazard within 150 metres of the building is related to grassland vegetation.

Appendix 1 outlines the Bushfire Hazard Site Assessment.

Bushfire Hazard Site Assessment

Direction (Aspect)						
	Northern	Southern	Eastern	Western		
Vegetation (within 150 metres of proposed building / works)	Excludable / Low Threat □ Modified □ Forest ✓ Woodland □ Scrub (tall) □ Shrubland (short) □ Mallee □ Rainforest □ Grassland □	Excludable / Low Threat Modified Forest Woodland Scrub (tall) Shrubland (short) Mallee Rainforest Grassland	Excludable / Low Threat Modified Forest Woodland Scrub (tall) Shrubland (short) Mallee Rainforest Grassland	Excludable / Low Threat Modified Forest Woodland Scrub (tall) Shrubland (short) Mallee Rainforest Grassland		
Effective Slope	Upslope / Flat DOWNSLOPE	Upslope / Flat DOWNSLOPE	Upslope / Flat DOWNSLOPE	Upslope / Flat DOWNSLOPE		
(under the classifiable vegetation within 150 metres)	>0 to 5 °	>0 to 5 °	>0 to 5 °	>0 to 5 °		
Distance (m) to Classifiable Vegetation	0 metres	0 metres	0 metres	0 metres		

Bushfire Management Statement

53.02-4.1 Landscape, siting and design objectives

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.
- Development is sited to minimise the risk from bushfire.
- Development is sited to provide safe access for vehicles, including emergency vehicles.
- Building design minimises vulnerability to bushfire attack.

Approved Measure (AM) 2.1 - Landscape

Requirement

The bushfire risk to the development from the surrounding landscape has been assessed as an extreme risk. This property is the last privately owned property before the Public Land estate. Following the implementation of the defendable space requirement, the likely bushfire attack mechanism is through embers landing on the property and starting new fires and radiant heat up to $29kW/m^2$. The dwelling will only have one aspect exposed to the radiant heat as it will be largely buried into the ground. In addition, the windows on the exposed part of the building will also be protected through the construction of a low wall from non-combustible materials that will act as a radiant heat barrier.

The front façade is being constructed on the leeside of the slope which will provide a level of protection from bushfire approaching under a south westerly influence.

The landscape bushfire risk has been classified as Type 4¹.



Approved measure (AM) 2.2 - Siting

Requirement

A building is sited to ensure the site best achieves the following:

The maximum separation distance between the building and bushfire hazard

The dwelling location is at the western end of the property. Due to the slopes on the property, siting options are limited. In particular, the siting options on the eastern side of the property are non-existent due to the slopes and gullies.

The site will be provided with defendable space along with 20 metres of cleared breaks around the entire perimeter of the property.

The property provides sufficient distance between the bushfire hazard and the dwelling.

· The building is in close proximity to a public road

The dwelling is being constructed as close to Deep Creek Road possible whilst maintaining the ability to manage the bushfire risk.

 ${}^1https://www.planning.vic.gov.au/ \underline{data/assets/pdf} \ file/0029/107669/Technical-Guide-Planning-Permit-Applications-Bushfire-Management-Overlay.pdf$

164 Deep Creek Road, Bruthen

14

The driveway will comply with the BMO conditions.

Access can be provided to the building for emergency service vehicles

Emergency service vehicles are able to access the dwelling.

Any other comments

The landscape risk has been assessed as extreme and this BMS demonstrates how the design manages this risk.

Has Approved Measure (AM) 2.2 been fully met? Yes \checkmark No \square

Approved Measure (AM) 2.3 - Building design

Requirement

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

To offset the landscape risk that is present the building will be provided with defendable space to that achieves BAL 29 requirements with the building designed to meet **BAL 40**. This will effectively manage the landscape risk by reducing the potential radiant heat impact on the building but increasing the construction requirements to assist with offsetting the impact of embers. This along with the majority of the dwelling being constructed underground, will manage the risk sufficiently.

Has Approved Measure (AM) 2.3 been fully met? Yes \checkmark No \square

53.02-4.2 – Defendable Space and Construction Objectives

• Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on the building.

Approved Measure (AM) 3.1 – Bushfire Construction and Defendable Space

A building used for a dwelling is provided with defendable space in accordance with:

• Table 2 Columns A, B, C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land

The building is constructed to the bushfire attack level that corresponds to the bushfire attack level that corresponds to the defendable space provided in the accordance with Table 2 to Clause 53.02-5.

The defendable space distance required is **61 metres**. Due to the size of the property, defendable space will be provided to the property boundary. Reasonable assurance can be utilised as the neighbouring properties are currently managed and it is highly likely that this will remain the case. Refer to the Bushfire Management Plan in Appendix 2 for further details.

Table 6 of Clause 53.02-5 - Vegetation management requirements

Defendable space is provided and is managed in accordance with the following requirements:

164 Deep Creek Road, Bruthen

15

- 1. Grass must be short cropped and maintained during the declared fire danger period.
- 2. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- 3. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- 4. Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- 5. Shrubs must not be located under the canopy of trees.
- 6. Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- 7. Trees must not overhang or touch any elements of the building.
- 8. The canopy of trees must be separated by at least 5 metres.
- 9. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

A building is constructed to the bushfire attack level:

That corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5. The building will be constructed to **BAL 40** and provided with defendable space to the property boundary.

Any other comments

The defendable space is able to be provided on the property.

Has Approved Measure (AM) 3.1 been fully met?	Yes ✓	No	
---	-------	----	--

53.02-4.3 – Water Supply and Access Objectives

- A static water supply is provided to assist in protecting property.
- Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved Measure AM 4.1 – Water Supply and Access Water Supply Requirement

The building is provided with a static water supply for firefighting and property protection purposes as specified in Table 4 to Clause 53.02-5.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.

Lot Size (m²)	Hydrant Available	Capacity (litres)	Fire Authority Fittings & Access Required	Select Response
Less than 500	Not Applicable	2,500	No	
500 - 1000*	Yes	5,000	No	

164 Deep Creek Road, Bruthen

500 - 1000	No	10,000	Yes	
1001 and above	Not Applicable	10,000	Yes	✓

Note: a hydrant is available if it is located within 120 metres of the rear of the building

Note: Fittings must be in accordance with the published requirements of the relevant fire authority

> authority, the water supply must: Be stored in an above ground water tank constructed of concrete or metal.

Unless otherwise agreed in writing by the relevant fire

- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or
- of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.

appropriate identification signs to the satisfaction

- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling
- (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Confirm Static Water Supply meets the following requirements

Additional Information:

The site will be provided with a 10,000 litre static water supply.

Has Approved Measure AM 4.1 (Water Supply)				
been fully met?	Yes	✓	No	

Access Requirement

Vehicle access is designed and constructed as specified in Table 5 to Clause 53.02-5.

Column A	Column B		
Length of access is less than 30 metres	☐ There are no design and construction requirements if fire authority access to water supply is not required under AM 1.3		
Length of access is less than 30 metres	Where fire authority access to the water supply is required under AM1.3 fire authority vehicles must be able to get within 4 metres of the water supply outlet		
Length of access is greater than 30 metres	The following design and construction requirements apply: ✓ All weather construction ✓ A load limit of at least 15 tonnes ✓ Provide a minimum trafficable width of 3.5 metres ✓ Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically ✓ Curves must have a minimum inner radius of 10 metres ✓ The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres ✓ Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle		
Length of access is greater than 100 metres	A turning area for fire fighting vehicles must be provided close to the building by one of the following: ✓ A turning circle with a minimum radius of eight metres ✓ A driveway encircling the dwelling ✓ The provision of other vehicle turning heads such as a T head or Y Head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.		
Length of access is greater than 200 metres	 ✓ Passing bays must be provided at least every 200 metres. ✓ Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres. 		

Additional Information:

The dwelling is provided with effective access to the water supply and the property.

Has Approved Measure AM 4.1 (Access)			
been fully met?	Yes ✓	No	

Conclusion

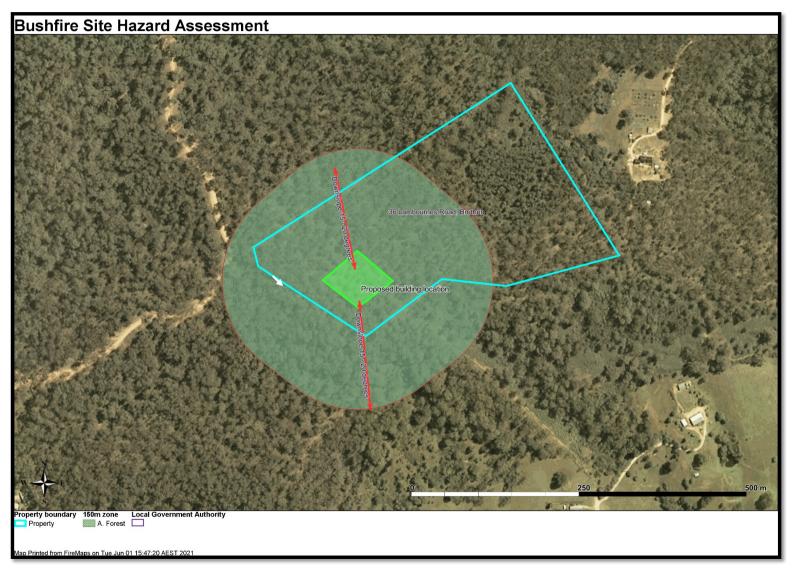
The construction of a dwelling on this site can be achieved safely and in accordance with the Bushfire Management Overlay.

Whilst it is acknowledged that the property is at the northern end of the Rural Living zoned area, due to the size of the property, it is possible to develop the land to achieve a level of safety for the building occupants and also reduce the risk to the surrounding properties.

The balance of BAL 40 construction, the building being constructed mostly underground and the increased defendable space means that the occupants can live safely at the property. This matched with the heightened understanding of our clients as to the level of bushfire risk and the desire to manage this effectively will result in an acceptable design.

The design solution including water supply, emergency vehicle access and a dwelling design that includes additional treatments will ensure this design achieves the requirements of the Bushfire Management Overlay and Clause 13.02.

Appendix 1 – Bushfire Hazard Site Assessment



Appendix 2 – Bushfire Management Statement

Construction Standard

The building will be designed and constructed to a minimum Bushfire Attack Level of **BAL 40**.

Defendable Space

Defendable space of **61 metres** where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Water Supply

Unless otherwise agreed in writing by the relevant fire authority, the **10,000 litres** of water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling
- (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Access

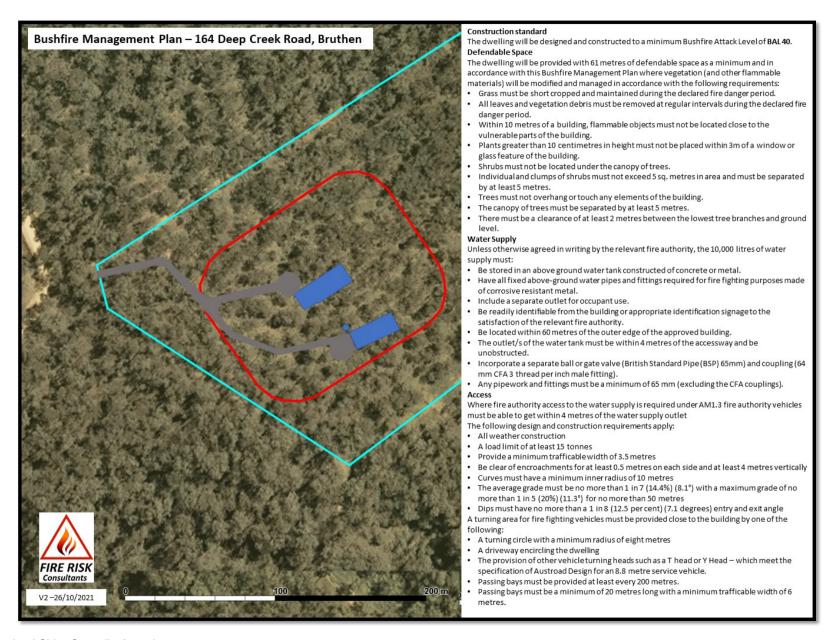
Where fire authority access to the water supply is required under AM1.3 fire authority vehicles must be able to get within 4 metres of the water supply outlet

The following design and construction requirements apply:

- All weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4
 metres vertically
- Curves must have a minimum inner radius of 10 metres
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle

A turning area for fire fighting vehicles must be provided close to the building by one of the following:

- A turning circle with a minimum radius of eight metres
- A driveway encircling the dwelling
- The provision of other vehicle turning heads such as a T head or Y Head which meet the specification of Austroad Design for an 8.8 metre service vehicle.
- Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

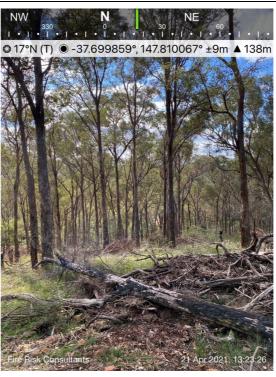


Appendix 3 – Photos

Looking north west from the approximate location of the dwelling.



Looking northerly from the approximate dwelling location.



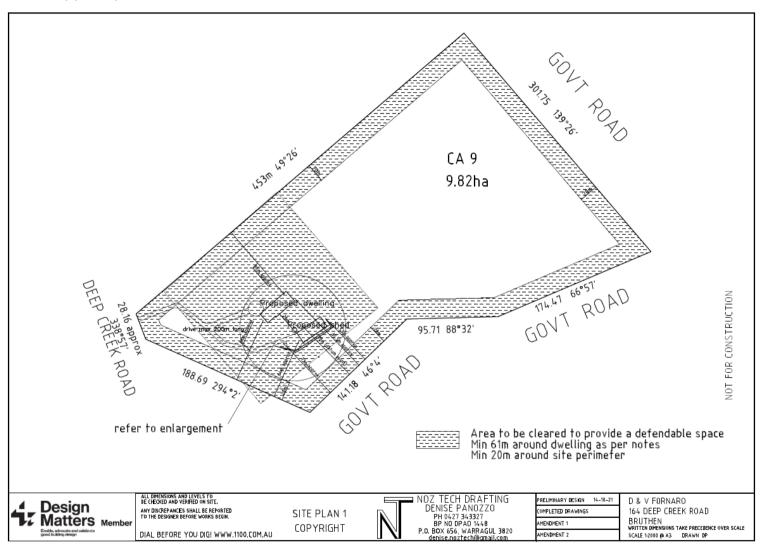
Looking easterly from the approximate dwelling location. Note the fuel break on the southern edge of the property.



Existing vegetation management arrangements.

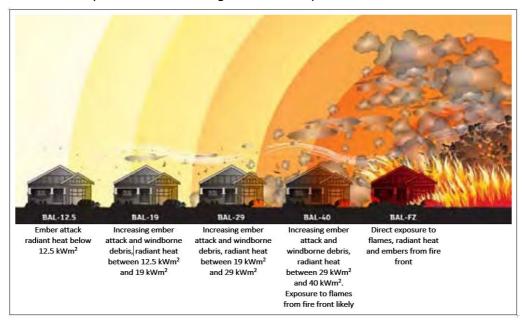


Appendix 4 - Supplied plans



Appendix 5 – BAL levels explained

The following diagram outlines the type of bushfire attack method will impact on a dwelling associated. This then indicates the relevant BAL construction level as determined by the Bushfire Management Overlay.



Appendix 6 – References

- 1. Francis Hines, Kevin G Tolhurst, Andrew AG Wilson and Gregory J McCarthy 2010, *Overall Fuel Hazard Guide* 4th Edition, Department of Sustainability and Environment, 44 pp
- 2. Ahern, A. and Chladil, M. (1999) *How far do bushfires penetrate urban areas?* Aon Re Worldwide and Tasmanian Fire Service.
- 3. Attorney-General's Department (2015) *National Emergency Risk Assessment Guidelines*. Commonwealth of Australia.
- 4. Blanchi, R. and Leonard, J. (2005) *Investigation of Bushfire Attack Mechanisms Resulting in House Loss in the ACT Bushfire 2003.* CSIRO and Bushfire CRC.
- 5. Bull, H. (2011) Fire Ecology: Guide to Environmentally Sustainable Bushfire Management in Rural Victoria. Burwood East: Country Fire Authority
- Byram, G. (1959) Combustion of Forest Fuels, in: Forest Fire: Control and Use. New York: McGraw-Hill, pp. 113-126
- 7. Cheney, P. and Sullivan, A. (2008) *Grassfires: fuel, weather and fire behaviour, second edition.* CSIRO Publishing, Melbourne.
- 8. DSE (2012) *Code of Practice for Bushfire Management on Public Land.* Melbourne: Department of Sustainability and Environment.
- 9. Gill, M. (2008) *Underpinnings of fire management for biodiversity conservation in reserves* (No. 73). East Melbourne, Victoria: Department of Environment, Land, Water and Planning.
- 10. Gould, J. S., McCaw, W. L., Cheney, N. P., Ellis, P. F. and Mathews, S. (2007) *Field guide: fuel assessment and fire behaviour prediction in dry eucalypt forest.* Ensis-CSIRO, Canberra, ACT and Department of Environment and Conservation, Perth, WA.
- 11. Leonard, J. (2009) Report to the 2009 Victorian Bushfires Royal Commission: Building Performance in Bushfires (Report to the VBRC). p. 80. CSIRO
- 12. Luke, H. R, and McArthur, A. G. (1986) *Bushfires in Australia*. CSIRO Division of Forest Research, Canberra
- 13. Standards Australia (2018) *AS 3959-2018 Construction of Buildings in Bushfire Prone Areas* (No. up to amendment 3 (Nov 2011). Sydney: SAI Global.
- 14. Standards Australia Limited (2009) *AS/NZS ISO 31000:2009 Risk management Principles and guidelines.* Sydney: SAI Global Limited.
- 15. Tolhurst, K. (1994) Effects of Fuel Reduction Burning on Fuel Loads in a Dry Sclerophyll Forest. In DEST (1994) *Fire & Biodiversity: The Effects & Effectiveness of Fire Management, Biodiversity Series, Paper No. 8, Biodiversity Unit, Canberra.*
- 16. Tolhurst, K. and Cheney, N. (1999) *Synopsis of the Knowledge Used in Prescribed Burning in Victoria*. Melbourne: Department of Natural Resources and Environment, Fire Management.

Register Search Statement - Volume 12301 Folio 175

Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Security no : 124093073997Q VOLUME 12301 FOLIO 175 Produced 14/10/2021 09:59 AM

LAND DESCRIPTION

Crown Allotment 9 Section B Township of Bruthen Parish of Tambo. PARENT TITLE Volume 08118 Folio 737 Created by instrument AU299441B 03/05/2021

REGISTERED PROPRIETOR

Estate Fee Simple Joint Proprietors

VETA-MARIE FORNARO DAVID GEREMY FORNARO both of AU382755N 26/05/2021

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP279231J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT--------

Additional information: (not part of the Register Search Statement)

Street Address: 164 DEEP CREEK ROAD BRUTHEN VIC 3885

ADMINISTRATIVE NOTICES

------NIL

eCT Control 18057S BENDIGO BANK

Effective from 26/05/2021

DOCUMENT END

The information supplied has been obtained by Dye & Durham Property Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System. Delivered at 14/10/2021, for Order Number 70851997. Your reference: Fornaro Bruthen.



Electronic Instrument Statement

Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 14/10/2021 10:03:20 AM

Registered **Dealing Number** AU382755N

26/05/2021 01:42:02 PM Date and Time Lodged

Lodger Details

Lodger Code Name Address

Lodger Box

Phone Email

Reference



TRANSFER

Jurisdiction VICTORIA

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

AU382755N

Page 1 of 3

Land Title Reference

12301/175

Transferor(s)

Given Name(s) GREGORY Family Name **SAVCHUK**

Estate and/or Interest being transferred

Fee Simple

Consideration

\$AUD 139000.00

Transferee(s)

Tenancy (inc. share) Joint Tenants Given Name(s) **VETA-MARIE FORNARO** Family Name Address

Street Number Street Name



LAND USE VICTORIA, 2 Lonsdale Street Melbourne Victoria 3000 GPO Box 527 Melbourne VIC 3001, DX 250639

CTORIA



Electronic Instrument Statement

Street Type Locality State Postcode

Given Name(s) Family Name Address Street Number

> Street Name Street Type Locality State Postcode



DAVID GEREMY FORNARO



Duty Transaction ID

5107292

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

Execution

- 1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
- The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- 3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf VETA-MARIE FORNARO of DAVID GEREMY FORNARO

Signer Name JO-ANNE CRIPPS

Signer Organisation MAKE YOUR MOVE CONVEYANCING

Signer Role LICENSED CONVEYANCER

Execution Date 26 MAY 2021

Execution

- 1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
- The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- 3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
- The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of Signer Name JAMES ANDREW ROUGHLEY Signer Organisation ENGEL AND PARTNERS

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Execution Date 26 MAY 2021

File Notes:

NIL

AU382755N

Page 2 of 3

VICTORIA State Government

Reference:
LAND USE VICTORIA, 2 Lonsdale Street Melbourne Victoria 3000
GPO Box 527 Melbourne VIC 3001, DX 250639



Electronic Instrument Statement

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

VICTORIA State Government



Electronic Instrument Statement

Mortgage Form version 1.5

Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 14/10/2021 10:03:20 AM

Status Registered Dealing Number AU382756L

Date and Time Lodged 26/05/2021 01:42:02 PM

Lodger Details

Lodger Code 18057S

Name BENDIGO BANK

Address Lodger Box Phone Email

Reference 39601083/6701 D G

MORTGAGE

Jurisdiction VICTORIA

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Estate and/or Interest being mortgaged

FEE SIMPLE

Land Title Reference

12301/175

Mortgagor

Given Name(s) DAVID GEREMY Family Name FORNARO

Given Name(s) VETA-MARIE Family Name FORNARO

Mortgagee

Name ACN

Australian Credit Licence

Address

Street Number Street Name



AU382756L

Page 1 of 2



Reference: 39601083/6701 D G LAND USE VICTORIA, 2 Lonsdale Street Melbourne Victoria 3000 GPO Box 527 Melbourne VIC 3001, DX 250639 ABN 90 712 052 204



Electronic Instrument Statement

Mortgage Form version 1.5

Street Type Locality State Postcode



The mortgager mortgages the estate and/or interest in land specified in this mortgage to the mortgagee as security for the debt or liability described in the terms and conditions set out or referred to in this mortgage, and covenants with the mortgagee to comply with those terms and conditions.

Terms and Conditions of this Mortgage

(a) Document Reference

AA5960

(b) Additional terms and conditions

Nil further covenants

Mortgagee Execution

- The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents,:
 (a) has taken reasonable steps to verify the identity of the mortgagor or his, her or its administrator or attorney;
 - (b) holds a mortgage granted by the mortgagor on the same terms as this Registry Instrument or Document.
- The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
- 3. The Certifier has retained the evidence supporting this Registry Instrument or Document.

Executed on behalf of Signer Name Signer Organisation Signer Role Execution Date



File Notes:

NIL

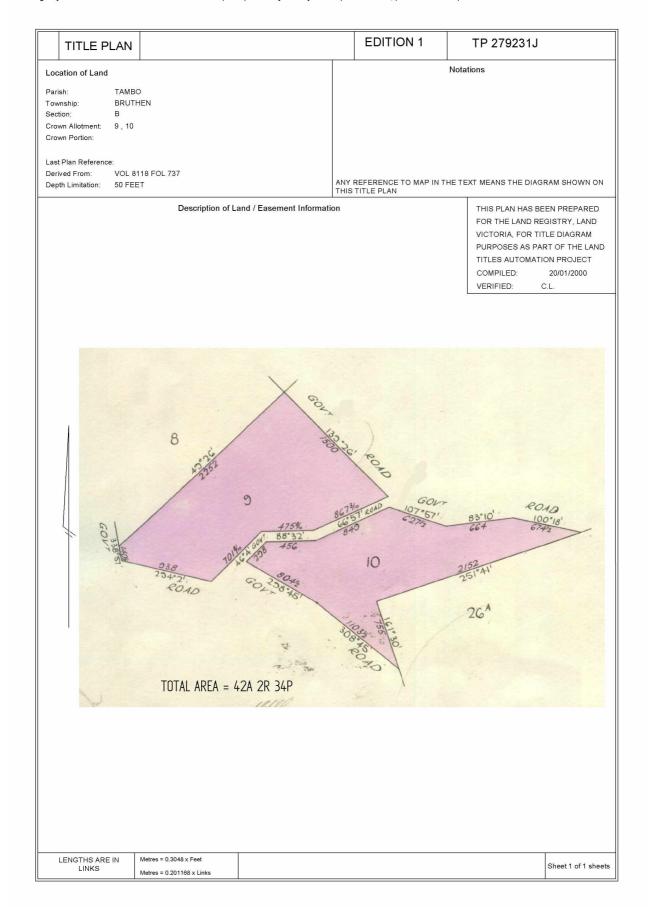
This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

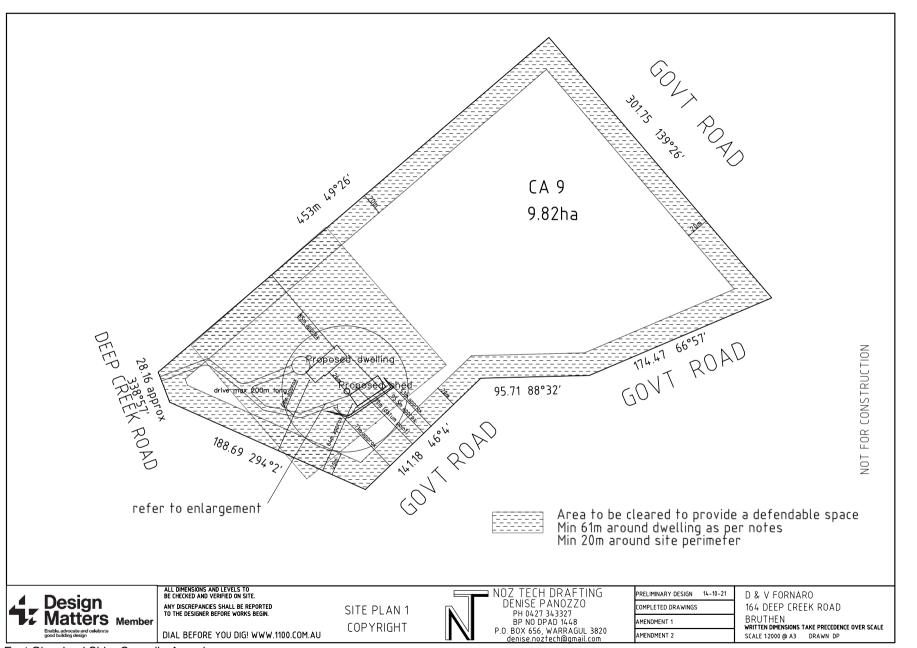
Statement End.

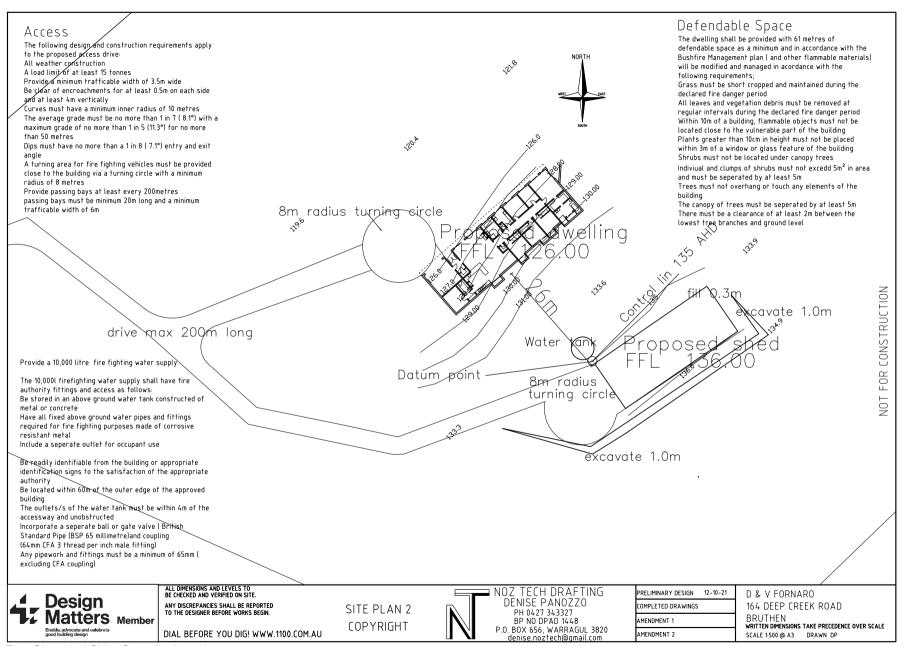


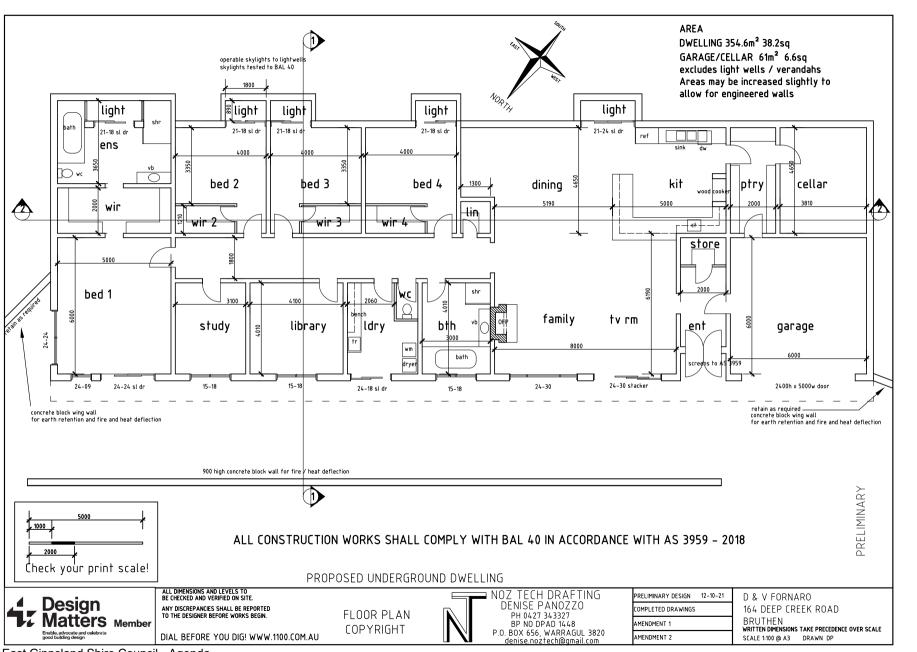
Delivered by LANDATA®, timestamp 14/10/2021 10:03 Page 1 of 1

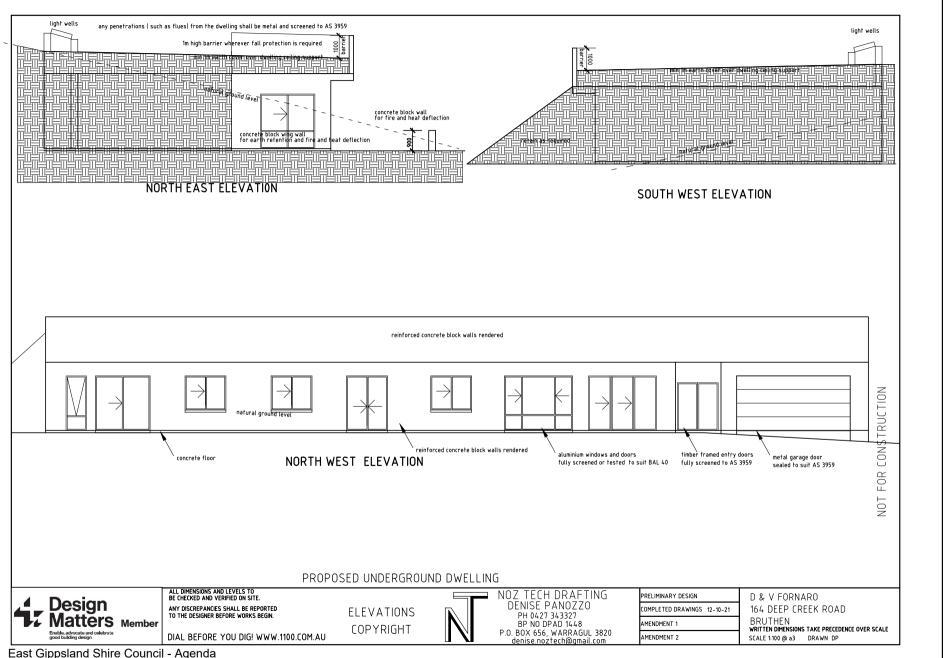
© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

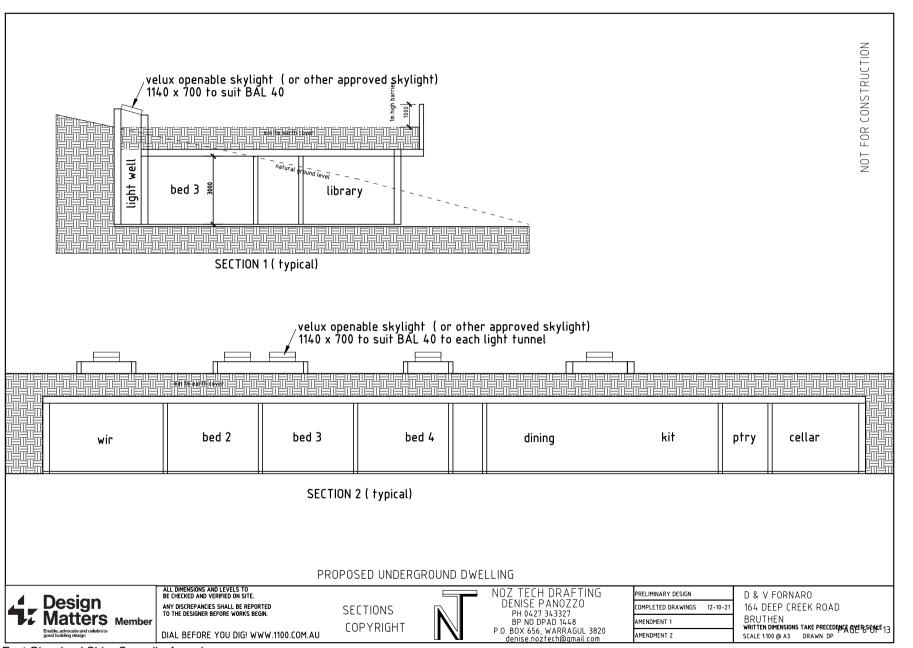


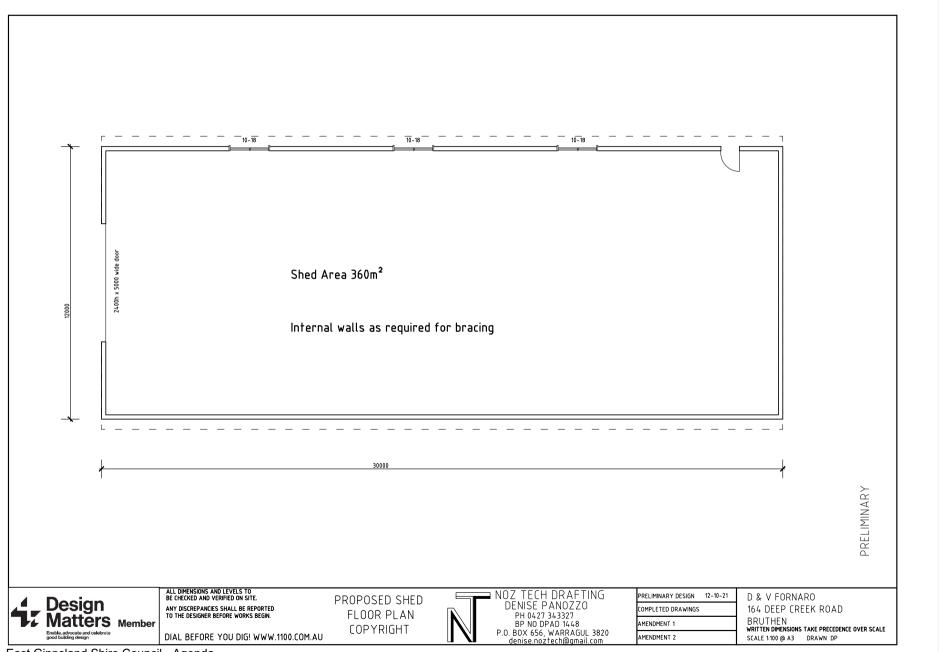


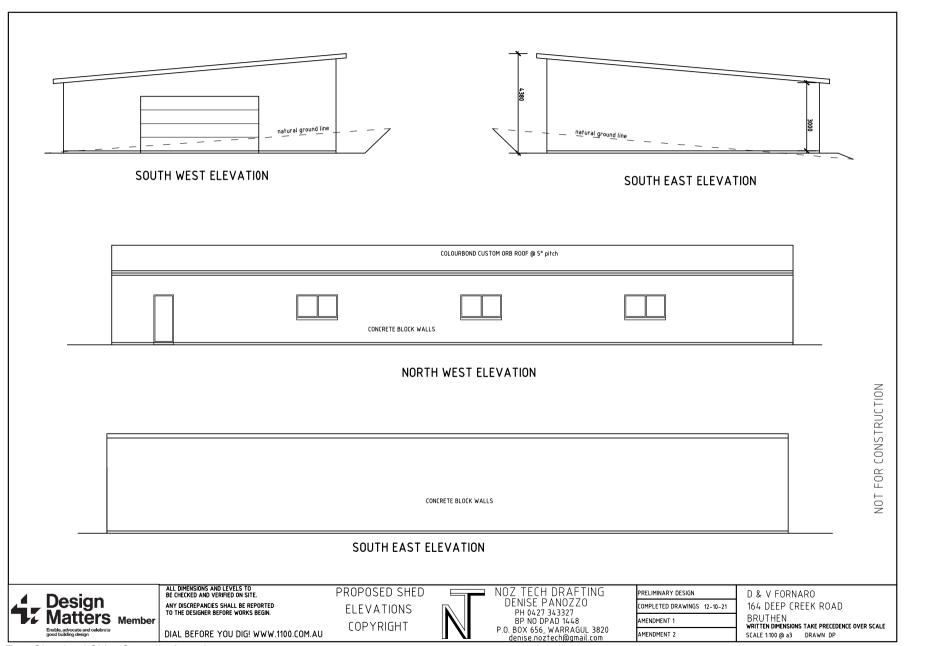












11/21/22, 2:08 PM dwa6F12.htm

From: David Fornaro

Sent: Tuesday, 18 January 2022 9:54:41 AM

To:

Subject: Re: 540/2021/P - 164 Deep Creek Road BRUTHEN

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

Hi ,

540/2021/P - 164 Deep Creek Road BRUTHEN

I have collected all the required info you have requested.

please see the attached PDFs for your review.

I also contacted DELWP with regards to the driveway and access to the property, please see the email from DELWP, they are happy with the existing access. So the drawings for the driveway location have been adjusted on the preliminary plans.

If there is anything else please let me know

Kind Regards

David Fornaro

On Wed, Nov 24, 2021 at 2:40 PM

wrote:

Good afternoon David,

I have reviewed your planning application and require additional information, please find attached letter.

Kind regards,



East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawel people as the Traditional Custodians of the land that encompasses East Gippsland Shire.

file:///C:/DATAWRKS/TEMP/9343968/dwa6F12.htm

11/21/22, 2:08 PM dwa6F12.htm



We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

From: Tracey J West (DELWP) • @delwp.vic.gov.au>

Sent: Wednesday, 12 January 2022 2:01 PM

To:

Cc:Courtney Campbell - Development Solutions VictoriaSubject:OFFICIAL: 164 Deep Creek Road, Bruthen - Access

Attachments: 164 deep ck rd bruthen aerial.pdf

Hi David

Please find attached an aerial map of your property.

I presume you are enquiring about access into your property off Deep Creek Road at the north east corner, where it deviates off the road reserve (coloured pink) and into the Crown land?

If this is the case, and the map is not 100% accurate have you had this property surveyed to show the extend of CL that is being trans-versed?

Once you get this please call me to discuss this further.

As I said the property has legal access, the existing deviation through the CL for practical access is usually acceptable. Licensing of CL is a low priority and in this case you are not occupying CL, however you cannot undertake on work on the road, earthworks or vegetation removal without prior consent from DELWP.

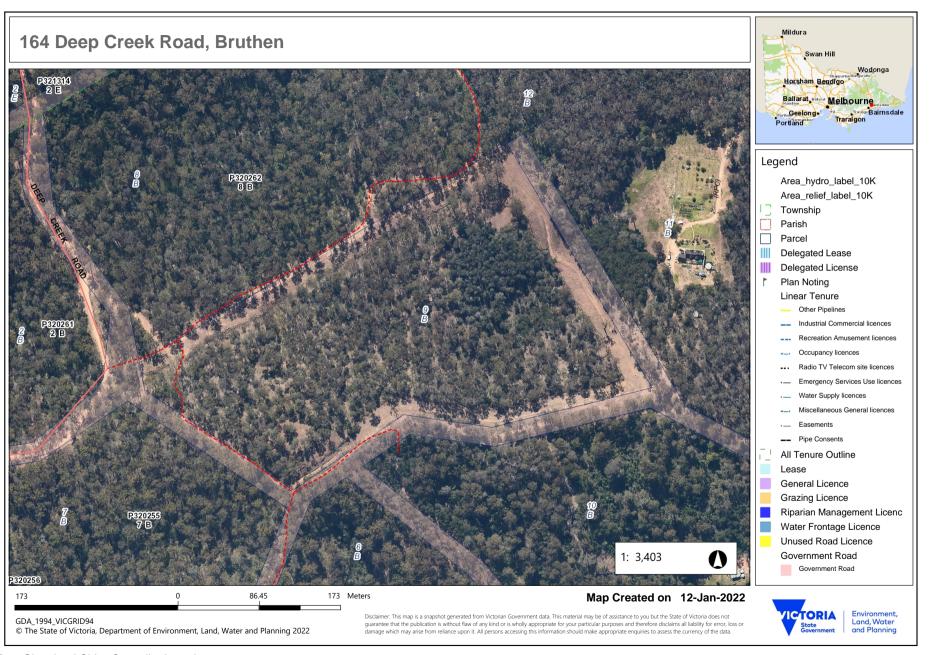
Please note my new <u>mobile number</u> below, however my landline has been diverted to this number therefore either phone number can be used.

| Program Officer | Land & Built Environment | Bairnsdale Forest, Fire and Regions | Department of Environment, Land, Water and Planning

574 Main Street, Bairnsdale, Victoria 3875

delwp vic gov gu

OFFICIAL





SOIL FOUNDATION ASSESSMENT FOR 164 DEEP CREEK ROAD BRUTHEN 05/01/22

ASSESSOR:	CLIENT:
Scott McFarlane Ba. Eng. (Civil)	David Fornaro
Ark Angel P/L	
475 Old Melbourne Rd	
Traralgon	
VIC 3844	
PH: (03) 5175 0895	PH:
EMAIL: arkangel@wideband.net.au	EMAIL

INTRODUCTION

As requested, I have developed the following Foundation Classification and corresponding soil foundation report at this address. In this report the author has used the triangular textural analysis classification system, as is allowed by AS1726; as it has a number of simple advantages not offered by other classification systems. However, any drawbacks in this classification system are specifically mentioned in Table 1 of this report, e.g. Collapsing, High shrink swell and Peaty soils. Please note that the author is fully qualified, experienced and insured to undertake this geotechnical assessment.

As I understand, it is proposed that new underground, solid concrete masonry, Class 1 building will be built at this property; and a foundation assessment is required so as to meet Council building approval requirements. As a result of my findings, the foundations for this site are classified as Class P for the proposed Class 1 building. It is recommended that all foundations be excavated, checked for stability and designed by a suitably qualified structural engineer.

Site Classification

The following foundation characteristics in this report have been developed in accordance with AS 2870 - 2011, *Residential Slabs and Footings*. Any limiting criteria that have not have been described in Table 1 and supporting commentary is to be compliant with the relevant sections of this Standard. The soils at this site were sampled with a hand auger and classified by the author, refer Figure 2. In the author's experience, **only 1 bore hole was necessary for the type of soils found at this construction site.** The results of this borehole sampling program are attached to the end of this report.

TABLE 1: Site Classification, Assessment and Design Recommendations

ITEM	RISK VALUE	NOTES
Seasonal soil	Low	This is the most common cause of cracking and loss of building
movement.	Class S	functionality. This Climatic Zone 2 site is classified as a Class "S"
	Foundations	site for the soil at this site for the proposed Class 1 building.
		However, other parameters in this table need to be considered
		when designing the foundations for this site.
Soft soils		None
Collapsing		None
soils		
Bedrock soils	High	The Bedrock soils are only 100 mm be blow the surface. As a
		consequence of this it is recommended that all foundations for the
		proposed building be constructed at least 300 mm below the existing
		surface.
Fill soils		None
Shrink-		None
swell+ soils		
Slope		OK
stability		
Groundwater	High	It is recommended that all below ground foundations be surrounded
		with a subsurface drainage system that is capable of removing any
		groundwater away from the foundation area.
Flood water		None

Influential		Low
trees		
Cut and Fill	Low	 If this is to be the case at this site: All cut batters are to have a minimum grade of 1 horizontal to 1 vertical. All fill batters are to have a minimum grade of 2 horizontal to 1 vertical.
		 Remove at least 100 mm of topsoil from the area covered by any proposed slab. Remove at least 100 mm of topsoil from all fill areas before backfilling with compacted fill. All fill areas under any proposed slab are to be compacted in
		 accordance with AS2870. 6. Stabilise any exposed fill area by covering them with the removed topsoil, and by resewing with a suitable turf grass. 7. All cut and fill areas are to be constructed so that they drain all rainfall runoff away from any proposed building. 8. The toe of all cut areas is to be graded so that it drains any rainfall runoff away from the proposed building.
Retaining Walls	High	It is proposed that the house be constructed underground. Consequently all retaining walls are to be carefully excavated, checked for stability, and designed by a suitably qualified structural engineer.
The P Class		OK
Bay		
Adjoining foundations		None
Building > 30m		None
Building Extension		None
Sewer & Storm Water Easements		None
Drainage		None
Foundation bearing qualities and	High P Class Foundations	 The proposed foundation pressure limit is due to the soil qualities found in the boreholes. The minimum bearing capacity of any foundations in this
design for a	Foundations	rock, at least 300 mm below the existing surface is 1 MPa.
Class 1		3. All proposed P Class foundations are to be designed by a
building		suitably qualified structural engineer.
		4. It is proposed that the stability of excavated rock foundations be inspected for stability prior to any foundation or retaining wall construction.
Maintenance		1. All stormwater from the roof is to be directed away from the local environment of the proposed building.
		2. Garden plants planted adjacent to the proposed building should be watered evenly when required.
		3. All leaking plumbing should be fixed as soon as possible.

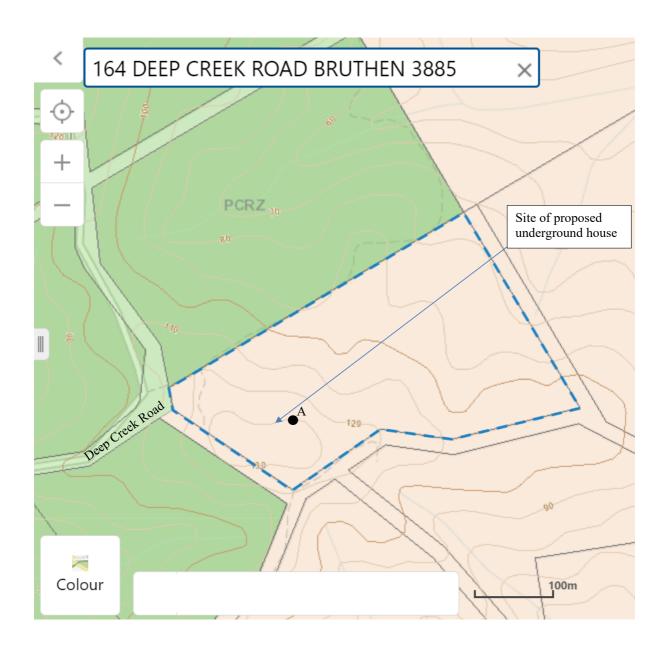
4.	Regularly	ensure	that	the	stormwater	drains	around	the
	foundation	s of the	oropo	sed st	tructure are in	workin	g order.	

Final Check by Builder

It should be noted that if during the construction of the proposed foundations that if it is suspected that the soil conditions are different to that shown in the borehole logs, then it is recommended that the foundation design be reassessed prior to further construction.

Unless otherwise employed, the author is not responsible for assessing the final location of any proposed construction, easements and essential services (e.g. Power, water, gas, telecom lines, etc.) that may be built over during the course of the construction. Unless employed or stated otherwise, the author is also not responsible for designing the individual structural components of the proposed building. It is suggested that the owners (or their representative) of this property pass this report onto a suitably qualified practitioner for design and construction purposes. If you need any further assistance or clarification on the recommendations made in this correspondence, please do not hesitate to contact me.

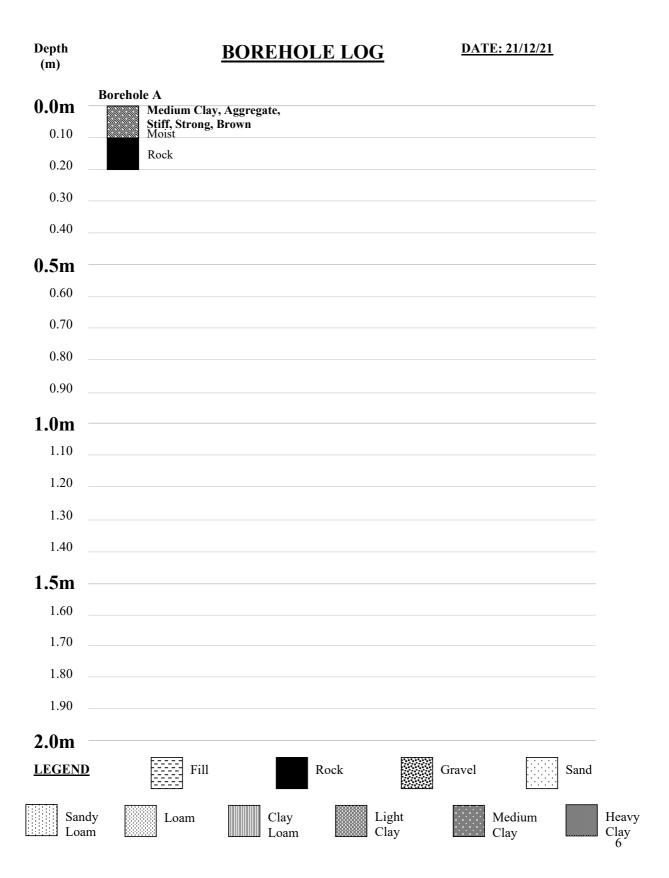
Scott McFarlane Ba. Eng. (Civil) **Earth's Manager**



PLAN OF THE EXISTING PROPERTY

NB:

- 1. Soil borehole test site shown at alphanumeric dots.
- 2. Metre dimensions unless specified otherwise.
- 3. This is an uncleared site.
- 4. To be read in conjunction with attached report.





LAND CAPABILITY ASSESSMENT 164 DEEP CREEK ROAD BRUTHEN 05/01/22

ASSESSOR: CLIENT:
Scott McFarlane Ba. Eng. (Civil) David Fornaro

Ark Angel P/L

475 Old Melbourne Rd

Traralgon VIC 3844

PH: (03) 5175 0895

EMAIL: arkangel@wideband.net.au

PH: EMA

1.0 Introduction

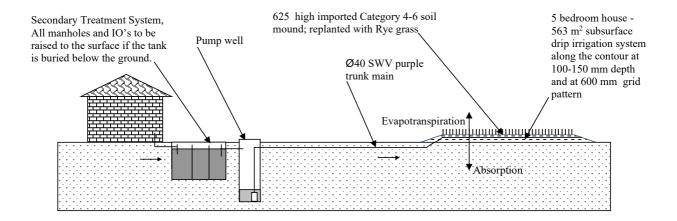
The author has been commissioned to conduct a land capability assessment for a proposed onsite sewerage system by the owner for a new 4 bedroom house at this Rural Living Zoned Property, refer Figure 2. A land capability assessment is required to ensure that in any future development, an approved onsite sewage management system can successfully maintain all treated effluent onsite in accordance with EPA, 2016, Code of Practice – Onsite Wastewater Management, Publication 891.4. It is expected that the assessment will accompany a septic tank permit application/s to East Gippsland Shire Council. This application will be undertaken by the owner, developer, or their representative, e.g. a plumber or drainer.

This report recommends the best practical assessment known to the author who is a fully qualified, Certified Practicing Engineer (#6680), experienced and insured to undertake such assessments. However, the author cannot guarantee the assessment will be approved by Council. The proprietary information contained in this report is also site specific and is not to be used outside the bounds of the property.

2.0 Summary

It was found that an approved secondary treatment system is suitable for maintaining all effluent onsite. The limiting site conditions are such that the following onsite wastewater management system is recommended:

- 1. A suitable EPA approved secondary treatment system can be installed at this site, refer Figures 1, 5-10 and Section 6.2 for more details.
- 2. All secondary treated effluent is to be disposed of by shallow drip irrigation system located in a 625 mm high clay-loam soil mound that is shown in Figures 1, 5, 6 & 10.
- 3. Minimum buffer distances described in Section 8.0 from the effluent dispersal area to salient features are to be adhered to.
- 4. The soils in the proposed effluent dispersal area are to be amended, refer Section 6.3.2 for details, and for drip irrigation systems it is Section 6.3.4.
- 5. It is recommended that water conservation appliances and practices are to installed and maintained, refer Section 9 for more details.
- 6. All other services (e.g. Gas, water telecom, underground power, etc. are to be determined by others before beginning system construction.
- 7. It is recommended that the onsite sewage system be maintained like that discussed in Section 9 and the attached management information file.
- 8. All other details regarding the construction and management of the proposed effluent management system are to be compliant with the recommendations of this report and regulatory authority directives where appropriate.



<u>Figure 1:</u>
Typical Section of a Proposed Secondary Treatment and Drip Effluent Management System

Table 1: Required Residential Effluent Management System Characteristics

ITEM	Influent (L/d)		Effluent dispersal area (m²)	Minimum septic tank size, without a partition (L)		
Drip	150 L/p		EFF = 1.6 mm/d			
irrigation						
3 Bedroom House	600	4	375	3,000		
4 Bedroom House	750	5	469	3,000		
5 Bedroom House	900	6	563	3,000		

NB:

- 1. The sewage influent and absorption area in this table is calculated on the basis of average effluent production rate of 150 L/p.d being used, as recommended by Table 4 of EPA, 2016, Code of Practice Onsite Wastewater Management, Publication 891.4 for average water consuming households. However, I also recommend that any proposed household install water conservation fixtures. These include 3-4 star flush toilets, 3 star shower roses, 4-5 star dishwashers (or no dishwashers), and 4-5 star washing machines.
- 2. The maximum number of design people in a household equals the number of bedrooms + 1.
- 3. Minimum septic tank size as per Code of Practice.
- 4. It is recommended that a septic tank system without an internal 2/3's partition system be installed; refer attached system management notes.
- 5. All effluent is to be delivered evenly to all drip irrigation systems via a pumped distribution system.

3.0 Method

The author Scott McFarlane undertook an **onsite investigation on the 22/12/21**. The main purpose of this assessment is to take the guess work out of the design of onsite sewage systems. As a consequence, a range of potentially limiting site and soil features were assessed. This information is summarised in Table 2.0 along with proposed management comments that recommend land improvement works, soil amelioration, or simply adopting high level technologies to ensure environmental protection and containment on site. This combined information is then used by the author to design an effluent management system that is suited to this site.

At this site the author has used a hand auger to determine the texture and the structure of the soil ped structure (refer Table 5.2 of AS/NZS1547:2012) to a minimum depth of 1.5 m in deep permeable soils, or to refusal. When taking into consideration the Geology of the local area, only 1 investigative borehole was all that was needed to show that this site has Category 5 soils that need to be carefully taken into account by an experienced designer like the author of this report. The soils at this site are best managed by a mounded drip irrigation system irrigation system, refer Figures 1, 5-10. No more boreholes are likely to improve this design outcome.

4.0 Location

Figure 2 provides a locality plan and indicates the location of the site of the proposed development. **Figure 3** provides a typical existing site plan describing the sites key site features. **Figure 5** below will provide information on the proposed effluent management system, including any effluent dispersal envelope/s.

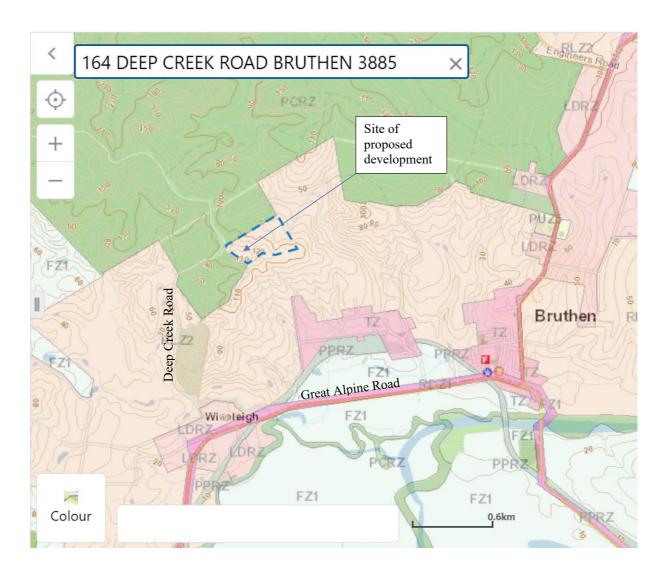


FIGURE 2 LOCALITY PLAN OF PROPOSED SITE

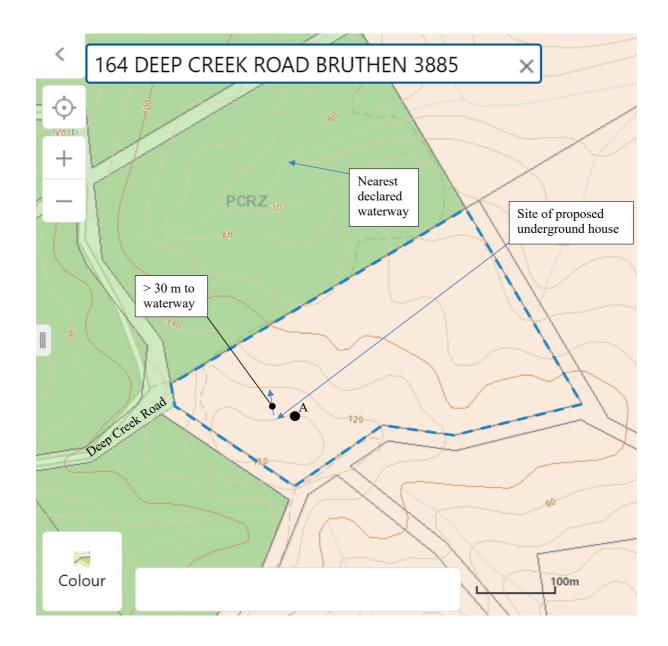
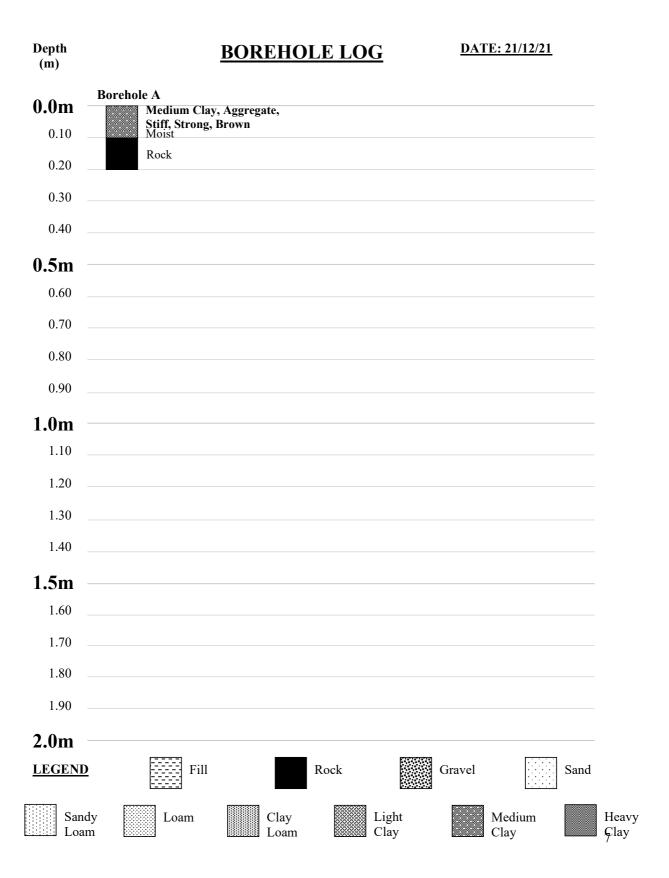


FIGURE 3 CONTOUR PLAN OF PROPOSED SITE



5.0 Land Capability Assessment

The land at this site is primarily assessed and designed from the information shown in Table 2. The proposed risk assessment method and their meanings are outlined in MAV, 2014, *Victorian Land Capability Assessment Framework*. Some parameters are determined from site observation. The method of soil and permeability assessment is consistent with AS/NZS 1547:2012, Tables E1, E4, B2, 5.2, and Appendix G where relevant. Field measured soil qualities are taken from hand augured borehole samples within 100mm of a soil horizon change, or at 400 mm depth where trenches are considered.

Table 2: Land Capability Assessment Parameter Risk Check and Resulting Design Strategy

Land Features	Risk	Observation & Remarks
	Assessment	
	- Minor,	
	Moderate,	
	Major	
GENERAL SITE		
Aspect	Minor	This is OK.
Climate	Minor	
Erosion	Minor	
Exposure	Minor	As for Aspect above.
Fill	Minor	None
Flood Frequency	Minor	None
Groundwater Bores	Minor	None
Available Land Area	Minor	Plenty available
Land Slip	Minor	None
Rock Outcrops	Major	There is rock outcropping at the surface, and the top soil was found to be only 100 mm thick before the bedrock horizon was encountered. As a consequence of this, it is recommended that all effluent be treated to secondary treatment quality and that it be applied to a 600 high imported Light Clay soil mound via a shallow (100 mm deep) drip irrigation system at a rate of 1.6 mm/d. It should be noted that the shallow metamorphic sand & siltstone is highly fractured. This proposal is supported by Table K2 (p.137) and Table R1 of AS/NZS1547.
Slope	Moderate	For ease of construction purposes, the proposed effluent dispersal area is to be located on the gentle slopes near the top of the hill, not far East (>30 m), from where the proposed house is to be located.
Soil Drainage	Major	I borehole was conducted at this site to determine the surrounding areas suitability for onsite sewage management, refer Borehole analysis and Figure 3 above. The borehole analysis indicates that the area around borehole A has very shallow topsoils over highly fractured metamorphic sand and siltstone. Consequently this area is not suitable for onsite effluent management without first applying the effluent to an imported sand mound, refer to the Rock Outcrops section above.
		A water balance is not recommended here as the recommended procedure is in gross error due to the fact that the deep infiltration rate is not known. However. Instead it is recommended that a conservative drip irrigation rate of 1.6 mm/d be used at this site, refer to Section M6.2, and Tables M1 & M2 for this alternative conservative approach.
Stormwater run on and off	Low	It is proposed that the effluent dispersal system be constructed within a mounded system, consequently no upslope runoff collection system be installed.
		This site is in a declared catchment region, and it is more than 100 m away from any declared waterway.
Waterway Set Back	Minor	>30 m away is possible.

Vegetation Coverage and Aspect	Moderate	The site is covered by relatively moderate quality grass and has a good aspect. However the proposed effluent dispersal system will be located within an imported soil mound. The mound will need to be resewn with grass to help improve the systems evapotranspiration rate.
SOIL PROFILE		
Electrical Conduct.	Minor	Not a problem in this type of soil.
Emerson (Simple)	Minor	The soils in the A soil horizon had an Emerson rating of >3. Consequently they are considered stable.
Gleying	Minor	None
Mottling	Minor	None
рН	Minor	The vegetation quality indicates that this is not a problem, and therefore has no effect on the overall size of the effluent dispersal system. In addition to this, the soil's pH usually becomes critical if the soils have an Emerson rating that is ≤ 3 , which they do not.
Rock Fragments	Moderate	Floating rock fragments in the soil profile will be managed like that suggested in the Soil Drainage Section above.
Sodicity	Minor	Sodic soils have the same characteristics as soils with an Emerson rating ≤ 3 , and is managed in the same way as recommended in the Emerson section above.
Soil Depth to Rock	Minor	~0.1m. These soils will be managed like that suggested in the Soil Drainage Section above.
Soil Texture	Major	The soils at this site are all Category 5 soils. The topsoils are quite permeable; however the underlying rock soils are potentially less so. These soils are best managed like that recommended in the Soil Drainage Section above. It is proposed that the effluent dispersal area be covered over with at least 300 mm of Clay-Loam topsoil. Assuming that the DIR is 1.0 mm/d, the total effluent dispersal area required for a 4 bedroom house producing 150 $1/p$.d @ 5 persons per house is: 5 x 150 $1/1.0 = 750$ m ² . It is recommended that the volume of soil required to cover this area be borrowed from another area onsite.
Soil Structure	Major	The top soil layer is strongly structured, and highly permeable. A recommended effluent application rate of 1.6 mm/d is suitable for this site. It is proposed that the effluent be applied to an imported mounded Category 4-6 soil, i.e. A Clay-Loam to Clay soil. The mounded soil should not be overly compacted as this will potentially make the soil too impermeable. The sides of the mounded system should have a slope no steeper than 3 to 1, and the drip lines should be placed no further apart than 600 mm, with drippers spaced at 600 mm intervals along the drip line.
Water Table Depth	Minor	Not detected. This indicates that he underlying bedrock horizon is permeable.
TREATMENT SYSTEMS		
Suitable Treatment System	Moderate	A suitable EPA approved secondary treatment system is recommended; refer Figures 1, 5-10.
Suitable Effluent Dispersal System	Moderate	A suitable 625 mm high, mounded drip irrigation system is recommended; refer Figures 1, 5, 6 & 10.
Special Management	Major	Refer to attached management information sheet.
Land Features	Assessment	Remarks

6.0 The Onsite Effluent Management System

This Land Capability Assessment has been prepared to accompany a development application to the local Council for the management of onsite wastewater. A detailed design of the proposed effluent management system, as based on the information in Table 2 is discussed in the following Sections of this report.

6.1 Estimated Quantity and Quality of Sewage and Other Influential Parameters

The quantity and quality of sewage and other influential factors used in the design of onsite sewage systems are as follows:

- 1. The **average sewage production rate Q** for a residential sewage on mains water is **150 L/p.d**.; refer Table 4 of EPA, 2016, Code of Practice, *Onsite Wastewater Management*, Publication 891.4.
- 2. **The number of design people is equivalent to the "number of bedrooms + 1"**; refer Section 3.4.1 of EPA, 2016, *Code of Practice, Onsite Wastewater Management*. Publication 891.4
- 3. The average raw sewage BOD₅ quality for a domestic household is **50 g BOD**₅/**p.d**; refer Table 2 of EPA, 1997, Code of Practice for Small Wastewater Treatment Plants, Publication 500.
- 4. All EPA approved treatment plants must be capable of effectively treating this amount and strength of influent.

6.2 Treatment Systems

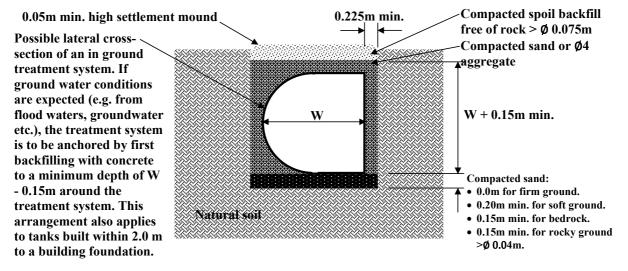
A secondary and primary treatment system will be analysed for use at this site. The following treatment system requirements are recommended for low risk and trouble free service:

1. Though not mandatory, it is recommended that septic tank treatment system be constructed like that shown in Figures 7 & 8.

It should be strongly noted that the septic tank design shown in these Figures will:

- 1. Provide natural anchorage against groundwater buoyancy forces,
- 2. Provide security against the tank's operation being compromised (e.g. by scum layer overflow to the absorption lines) when the area is inundated by heavy rainfall and the tank becomes flooded. It should be noted that this is particularly relevant to a flat site installation where the ingress of rainwater runoff via backflow along the absorption lines is ever present,
- 3. Provide 1 days backup storage in the event when the tank is used in combination with a pumped irrigation system (refer to Section B 5.4.2.2.1 of AS/NZS1547:2012),
- 4. The design length to width ratio will help ensure adequate storage detention and treatment of sewage.
- 5. Provide good foundation support against ongoing settlement under load,
- 6. Reduce start up smells by allowing the scum blanket to cover all exposed septic water surfaces,
- 7. Increase the time between desludgings by 1/3 over and above a tank with a partition (i.e. will reduce the long-term desludging operating cost by 1/3).
- 8. Provide an ever reminding presence (i.e. due to the tank being constructed ~200 mm above ground level) that the tank needs to be desludged on a regular basis.
- 9. Provide a simple 5 min. cost effective method for determining when the septic tank needs to be desludged.
- 10. Make it easy and less time consuming for desludgers to find and desludge the tank.
- 11. Prevent the ingress of storm water into the top of the tank under normal operating conditions; refer Section 2.2 of AS/NZS1546.1:2008.
- 2. Where primary or secondary treated effluent is required, only EPA approved treatment systems are recommended. Primary treatment systems are expected to reduce the influent BOD₅ loading rate by ½, refer page 304 of Crites & Tchobanoglous, 1998, *Small and Decentralized Wastewater Management Systems*. Secondary treatment systems are expected to reduce the organic BOD₅ effluent loading rate to at least 20 mg/L. If a secondary treatment system is being considered, and it is proposed to use the property on an intermittent basis (e.g. as a retreat, or holiday house); then it is recommended that a sand filter treatment system be installed.

3. Treatment systems are typically constructed to high structural performance standards for their intended service; however, the structural performance of the foundations in which they are placed is often overlooked in the installation process. Consequently, all treatment systems, including pump wells are to be installed on firm ground foundations so that they do not adversely move and cause failure in service; e.g. either to the treatment system or to the unyielding pipes that they are connected to, refer Section B2.2 of AS/NZS1546.1. Unless otherwise advised by the manufacturer, the following installation conditions are to be followed:



4. Where pumping is required, the effluent management system will perform the best if it is pulse dosed over at least 16 pump starts per day, refer p.708 of Crites & Tchobanoglous, 1998, *Small and Decentralized Wastewater Management Systems*. The simple pumping cut in and cut-out differential height settings for this arrangement is shown in Table 3 below.

	ITEMS						PULSE	DOSING PL	JMP CONTE	ROL INTER	VAL (mm)				
							li	nternal Pur	npwell Dian	neter (mm)					
Bedrooms	People	Q (L/d)	600	650	700	700 750 800 850 900 950 1000						1050	1100	1150	1200
1	2	300	59	50	43	38	33	29	26	24	21	19	18	16	15
2	3	450	88	75	65	57	50	44	39	35	32	29	26	24	22
3	4	600	118	100	87	75	66	59	52	47	42	38	35	32	29
4	5	750	147	126	108	94	83	73	65	59	53	48	44	40	37
5	6	900	177	151	130	113	99	88	79	71	64	58	53	48	44
6	7	1050	206	176	152	132	116	103	92	82	74	67	61	56	52

Table 3: Recommended Cut-In to Cut-Out Difference in Height Pump Settings (mm) for Best Long-Term Treatment Performance

5. A drip irrigation system can be used at this site however the total effluent dispersal area in this case is equivalent to that shown in the total effluent dispersal area column in Table 1 above. EPA's, 2013, *Septic Tank Code of Practice* does not require a reserve area when a drip irrigation system is installed.

Any proposed drip irrigation system is to be constructed in accordance with Appendix M of AS/NZS1547:2012 where relevant. Typical systems of this nature will have the following features:

- 1. The major trunk pipelines from the pump are to have at least 200mm of soil cover. If these pipelines are to be constructed under a road, the pipeline is to be surrounded by 75mm of packing sand and have a minimum soil cover of 500mm.
- 2. The φ14 mm (ID) plastic drip lines will have root and anti-scaling inhibiter compounds impregnated into their structure to help ensure the drippers do not get clogged. This type of pipe typically has a pale blue liner
- 3. It is recommended that all bumps and hollows in the effluent dispersal area be smoothed over or filled in with loam top soil before laying any drip lines.
- 4. The drip lines are typically laid at 100-150mm depth below the ground's surface, and along the contour.
- 5. Just downstream from the irrigation pump, an easily accessible ~Ø80 x 120 micron filter shall be installed.
- 6. The effluent disposal lines will have a lilac colour coding.
- 7. The drip line will typically have pressure compensating drippers that operate at a rate at ~2.4 L/hour. @ 100 KPa. The drippers are spaced at 600 mm intervals along the drip line. The drip line will be laid 600 mm apart over the dispersal area and is not to run any more than 65m in any one direction from a supporting \$\phi25\$ manifold pipe.
- 8. The trunk main from the treatment plant to the drip irrigation system must be at least Ø40 mm in diameter. This main must connect into the Ø25 mm drip irrigation manifold system at 2 evenly spaced locations to help reduce the loss of head in the distribution process, refer Figure 6.
- 9. Vacuum/Air relief valves must be located at high points, within a valve box, in the delivery, dispersal and flushing system where appropriate. The valve will help to purge all air from the drip irrigation system while it is operating, and let the water out of the line when it is not operating.
- 10. On steep sites it is recommended that an excavator with a 600 mm wide bucket be used to dig out the top 100-150 mm of topsoil along the contour. The drip lines are then placed in the hole's corners before being backfilled with the excavated soil; and so on for the next 2 rows of drip line, etc.
- 11. Where possible, it is recommended that the $\phi 25$ flush lines at the end of the dispersal system be returned to the top of the treatment plant system. Where a common flush line is used to flush multiple sections, a check valve (in an accessible valve box) is used to isolate each section being flushed. The flushing of these lines is controlled by a ball valve that is located near the treatment plant. These lines are flushed at least once every 3-12 months, i.e. during the regular maintenance period.
- 12. If trees are proposed it is recommended that the drip lines should be located no closer than 0.9m to that of the mature tree trunk.
- 13. An indexing (rotor) valve, in combination with an immediate upstream air relief may be required for larger systems.
- 6. For a typical 5 bedroom house, the proposed drip irrigation system will have 2.4 L/h drippers installed on a 0.60 mm grid pattern over an irrigation area of $(6 \times 150)/1.6 = 563 \text{ m}^2$.
- 7. When the drippers are operating at a rating of 2.4 L/h @ 100 KPa head of pressure, the maximum flow rate for a 0.60 m grid drip irrigation system is:

 $563 \times 2.4 / (0.6 \times 0.6 \times 60) = 63 \text{ L/min}$

The estimated duty head for the pump is 15-20 m. Consequently these pump duties require a typical Davey D42 or similar pump, connected to a \$\phi40\$ pipe.

6.3 Land Application

After the site investigation and desktop analysis of the soil conditions at this site, the author has determined that a drip irrigation system be installed at this site, refer Table 2. However, in order to determine if the proposed irrigation area has salinity problems, a water balance analysis is required.

6.3.1 A Water Balance Analysis for Drip Irrigation Systems

It should be known that the monthly MAV water balance model for drip irrigation systems is not suitable for determining if a site has suitable salinity management, or absorption management. Salinity assessments require an annual water balance assessment in order to determine the total annual percentage of deep infiltration. For accumulating salinity to have minimal effect on the quality and the evapotranspiration rate of grass plants like Rye grown on the effluent dispersal area, there needs to be at least a 25% annual deep infiltration rate. For typical domestic sewage this will result in a soil water salinity of 4 dS/m. For absorption management, the author is recommending that the alternative conservative Effluent application rate of 1.6 mm/d, as recommended by Section M6.2, and Tables M1 & M2 of AS/NZS1547 be adopted instead.

In order to determine these characteristics, the author recommends that the basic water balance analysis as outlined in Appendix Q of AS/NZS1547 be used to determine the effluent application rate Effluent_D, i.e. for a drip irrigation

The basic annual water balance equation in accordance with Appendix Q of AS/NZS1547 is as follows:

```
Effluent<sub>D</sub> = Evapotranspiration + Deep Infiltration + Runoff - Precipitation (mm/year) (Equation 1)
```

Effluent_D = Et + DI + RO - P ... Equation 1 (i.e. shorthand version)

FIRST PART ANALYSIS

Deep Infiltration Rate Analysis for Drip Irrigation Systems in Permeable, Deep Category 6 Type Soils

Effluent_D = 1.6 mm/d or 584 mm/y, as recommended in Table 2 above.

P = $737 \text{ (mm/y)} (50^{\text{th}} \text{ percentile annual rainfall value as estimated by the author from BOM website}$

for nearby **Bruthen** station, No. **084003**.

DI = to be determined in the water balance analysis. (mm/y)

Et = Cropping Factor x Pan Evaporation Rate,

= 0.6 x 1,200 mm/y ... average for grass in this rainfall environment. The Evapotranspiration factor

comes from the BOM website annual average evaporation charts for this area.

=720 mm/y

RO = 0.15 x P, as recommended by the MAV model.

= 111 mm/y for this site.

Therefore:

Effluent_D = Et + DI + RO - P ... Equation 1

737 = 720 + DI + 111 - 737

Therefore:

DI = 643 mm/y or 1.8 mm/d

The percentage of deep infiltration is $2.5/6 \times 1.8 / 1.6 \times 100 = 47\%$. As this is >25 %, after considering an average house hold occupancy rate of 2.5 people/house in this 5 bedroom house, salinity is not a problem for this site. Therefore a conservative drip irrigation rate of 1.6 mm/d is considered suitable for this site.

In addition to this, any effluent management site whose effluent application rate is ≤ 2 mm/d is considered to be nutrient balanced, refer to VEPA, (1983). *Guidelines for Wastewater Irrigation*, Publication 168. This drip irrigation system irrigation information is summarised in Table 1 at the start of the report.

6.3.2 Dispersal Area Soil Amendments

The following soil amendments are recommended for the proposed:

The entire drip effluent dispersal area is to be located within a 625 mm high Category 4-6 mound, with 3 H: 1V side slopes. The mound is not to be overly compacted. This will help ensure good soil moisture retention, permeability, and evapotranspiration rate qualities. The entire imported soil mound is to be planted out with a suitable evapotranspiration grass species, like Rye grass.

7.0 Configuration of the Land Application Area

The full potential effluent dispersal areas for this property are shown in Figure 5 for the proposed drip irrigation system. It is recommended that the effluent dispersal systems be located approximately where and how they are shown in Figure 5. The final shape, type of treatment system of the effluent dispersal area does not matter, provided the minimum required irrigation area and setback distances are achieved, refer Table 1, and Figures 5 for more details.

8.0 Buffer Distances

The recommended key buffer distances for this development in accordance with Table 4.6 of EPA's, 2003, *Septic Tanks Code of Practice* are as follows:

- 1. There is a minimum effluent disposal system offset distance of 3.0 m to gas and water pipes and salient features such as upslope buildings and boundary lines.
- 2. There is a minimum effluent disposal system offset distance of 6.0m to salient features such as drains, downslope boundaries and buildings.
- 3. There is to be a minimum waterway offset of 60 m to any effluent management system.
- 4. All the above buffer distances can be halved where secondary treatment systems are used.
- 5. All sewer pipes built under roads and tracks are to have at least 600mm of soil cover or are to be placed in a suitable protective metal or concrete pipe sleeves.
- 6. All in-ground treatment systems, including septic tanks, pump wells, or other treatment systems are to have a minimum setback distance of 2m to buildings and effluent dispersal systems.
- 7. It is recommended that the minimum offset distance from a trench system to a tree trunk be at least 0.75 x Tree Height, or 1.0 x Clump of Tree Heights, otherwise a drip irrigation system is to be used. The minimum offset distance for a drip line (with anti-root intrusion properties) to a tree trunk is 1.2 m.

9.0 Monitoring, Operation and Maintenance

In each case it is assumed that the onsite sewage system is managed in such a way that the system has a long life, e.g. at least 30 years. However, this does not mean that the onsite sewage system can be left to look after itself without maintenance.

It is recommended that water conservation appliances be installed throughout the house. These include 3-4 star flush toilets, 3 star shower roses, 4-5 star dishwashers (or no dishwashers), and 4-5 star washing machines. It is also recommended that the onsite wastewater management system be monitored and operated in the manner outlined in the attached operation and maintenance sheet.

10.0 Stormwater Management

Any overflow from rainwater tanks and driveways is to be directed away from the effluent dispersal area.

11.0 Conclusion and Recommendations:

It was found that an approved secondary treatment system is suitable for maintaining all effluent onsite. The limiting site conditions are such that the following onsite wastewater management system is recommended:

- 1. A suitable EPA approved secondary treatment system can be installed at this site, refer Figures 1, 5-10 and Section 6.2 for more details.
- 2. All secondary treated effluent is to be disposed of by shallow drip irrigation system located in a 625 mm high clay-loam soil mound that is shown in Figures 1, 5, 6 & 10.
- 3. Minimum buffer distances described in Section 8.0 from the effluent dispersal area to salient features are to be adhered to.
- 4. The soils in the proposed effluent dispersal area are to be amended, refer Section 6.3.2 for details, and for drip irrigation systems it is Section 6.3.4.
- 5. It is recommended that water conservation appliances and practices are to installed and maintained, refer Section 9 for more details.
- 6. All other services (e.g. Gas, water telecom, underground power, etc. are to be determined by others before beginning system construction.
- 7. It is recommended that the onsite sewage system be maintained like that discussed in Section 9 and the attached management information file.
- 8. All other details regarding the construction and management of the proposed effluent management system are to be compliant with the recommendations of this report and regulatory authority directives where appropriate.

12.0 Limitations

Unless otherwise employed, the author is not responsible for choosing the treatment system subtype, the final location of the disposal system, the quality of construction, or determining the location of any essential services (e.g. power, gas, telephone, water lines etc.) that may be built over in the course of this proposals construction. Where construction details are not mentioned in this report, it is recommended that information in relevant Septic Tank Codes of Practice or Certificates of Conformity be adopted. While every care has been taken to design the proposed effluent dispersal system for the observed site and soil conditions in this report, Ark Angel P/L is not responsible for the performance of the proposed systems due to conditions beyond that observed in this report. It is recommended that appropriately qualified plumbers or drainers carry out all construction work. It is suggested that the owners (or their representative) of this property pass their landscape design, that includes an onsite sewage system, and building envelope proposal documentation onto the Council for approval.

Scott McFarlane Ba. Eng. (Civil) **Earth's Manager**

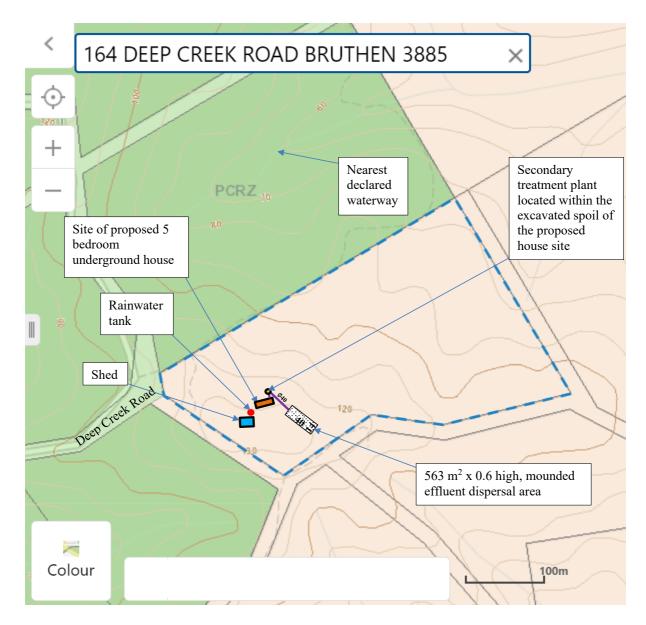
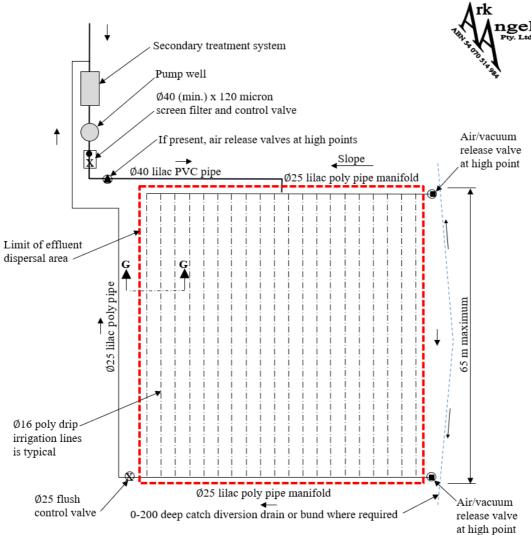


FIGURE 5:

PLAN OF TYPICAL TRENCH EFFLUENT MANAGEMENT AREA NB:

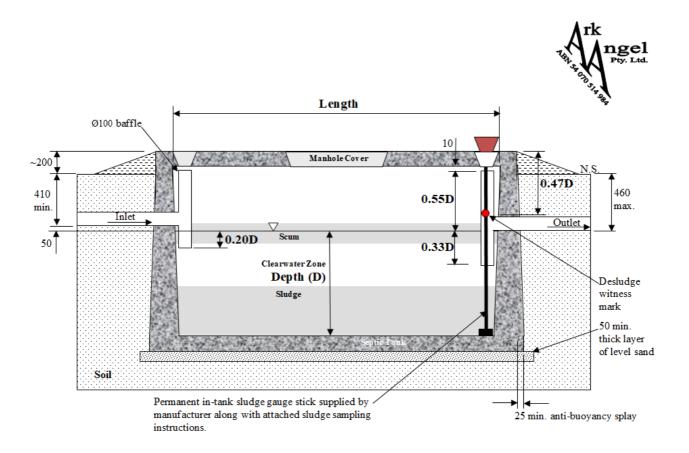
- 1. Not to scale
- 2. Metre dimensions unless stated otherwise.
- 3. In all cases the minimum sized envelope and required setback distances, as discussed in Section 2, Table 1; and offset distances discussed in Section 8.0 must be achieved.
- 4. To be read in conjunction with attached report.



TYPICAL PLAN OF A DRIP IRRIGATION SYSTEM

NB:

- 1. Not to scale
- 2. Unless stated otherwise, millimetre dimensions used.
- 3. All minor hills and hollows within the effluent dispersal area are to be cut or filled over before the drip lines are installed.
- 4. Where possible, the drip irrigation lines are to be laid along the terrains contour.
- $5. \ \ Ensure there is a dequate downslope drainage away from the effluent dispersal area.$
- 6. All valves and filters are to be located in a purpose built, subsurface valve box with a lilac coloured lid.
- 7. Where required, the catch diversion drain must drain all upslope runoff away from the effluent dispersal area.
- 8. The highest and/or most distant drip irrigation pipe must have at least 10 m head of pressure after allowing for pipe friction losses and elevation.
- 9. Drip irrigation systems are not to be installed at sites where the mean monthly temperature ≤ 4 °C.
- 10. To be read in conjunction with the attached conditions of installation.

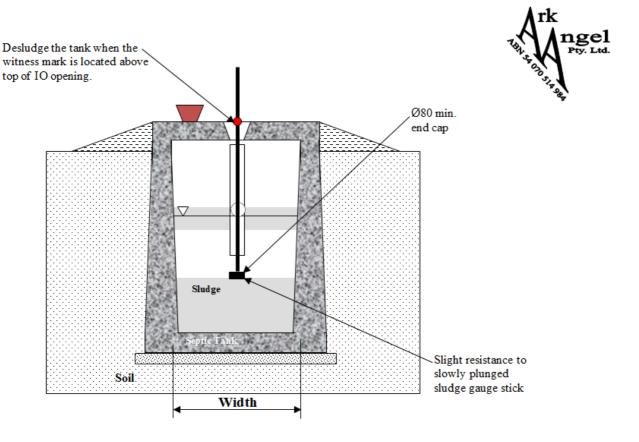


TYPICAL LONGITUDINAL CROSS-SECTION OF A SEPTIC TANK

- Minimum Recommended Requirements

NB:

- 1. Not to scale.
- 2. Millimetre dimensions used unless stated otherwise.
- 3. For practical minimum treatment requirements, the septic tank's $Length = 3 \times Width$
- 4. If the top level of the septic tank is below the finished surface level, all manholes and inspection openings (IO) are to be constructed so that they are at least level with the surface.
- 5. Due to the flat nature of this site it is recommended that the septic tank be elevated at least 100 mm higher than normal.
- 6. To be read in conjunction with the attached conditions of installation.



TYPICAL CROSS-SECTION OF A SEPTIC TANK

- Minimum Recommended Requirements

NB:

- 1. Not to scale.
- 2. Millimetre dimensions used unless stated otherwise.
- 3. To be read in conjunction with the attached conditions of installation.

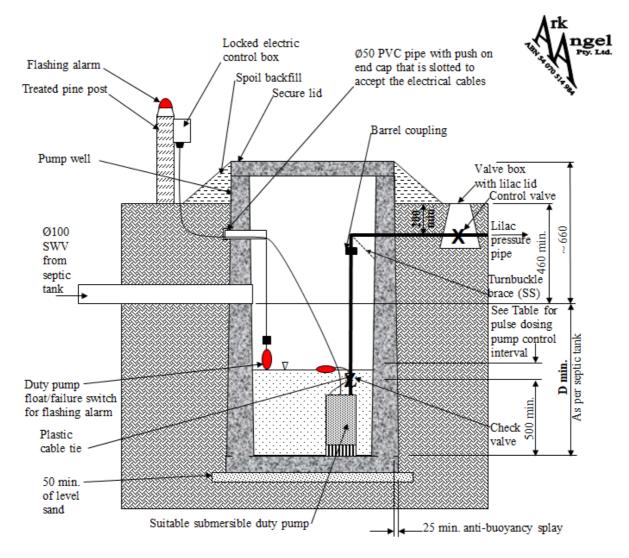


FIGURE 9

PROPOSED TYPICAL SECTION VIEW DD OF A PUMP WELL

NB:

- 1. Not to scale
- 2. Unless stated otherwise, millimetre dimensions used.
- 3. A standby duty pump is required if the effluent management system exceeds 1,000 L/d.
- 4. A Davey **D42A/B** pump or equivalent is recommended for this site.
- 5. Where applicable, the design and construction standards of the well are to comply with AS/NZS1546.1
- 6. The pulse dosing function is designed to switch the pump on and off 16 times per day, for discharge Q.
- 7. The pump off/on float control switches are set function as close as possible to the intervals shown in the pulse dosing Tables 1-3. Alternatively use a gap timer to control the pump in a similar manner.
- 8. This pump well system can be used for trench and drip irrigation systems.
- 9. To be read in conjunction with the attached conditions of installation.

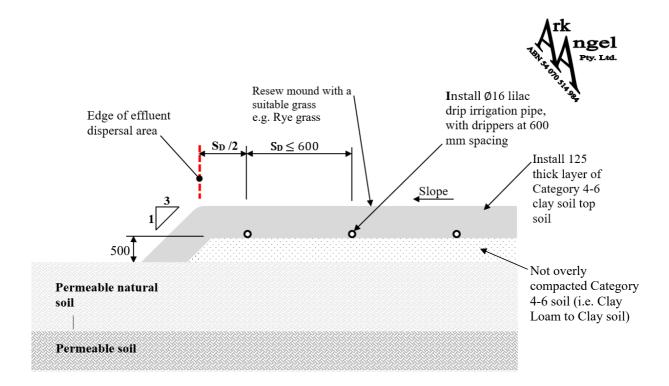


FIGURE 10

TYPICAL CROSS SECTION GG OF A MOUNDED DRIP IRRIGATION SYSTEM NB:

- 1. Not to scale
- 2. Unless stated otherwise, millimetre dimensions used.
- 3. If there are poor permeable soils near the surface, the effluent dispersal area is to be deep ripped prior to mound soil installation.
- 4. The quality of the vegetation and stability of the effluent dispersal area may be improved by remedial measures such as resewing with a hardy grass species, top dress with loam or natural topsoil, by applying gypsum, etc.
- 5. It is recommended that the poly drip irrigation lines have anti scaling and root inhibitors impregnated in their plastic structure.
- 6. To be read in conjunction with the attached conditions of installation.

Ref: 210062

Mr. David Fornaro.

Re: Report on the land stability 164 Deep Creek Road, Bruthen

Introduction

As required by East Gippsland Shire, a land stability assessment has been conducted for the above property. This report sets out the findings of this study.

The Site

The existing property is located at the top of a ridge on the north-east side of Deep Creek Road. The apex of the hill is located within the property, and slopes away to the north-west and north-east. The site is mostly covered in native bush.

Site Soil Testing

Limited testing has been carried out on the existing supporting soils by Ark Angel. One test hole was bored down to the natural rock layer, and depths were recorded for the hole.

This report should be read in conjunction with a copy of the test results carried out by Ark Angel dated 5 January 2022. The test holes found there is currently approximately 100mm of topsoil over a natural rock layer, with the test terminating at 200mm depth due to the rock.

Geological Classification

According to geological map SJ 55-7 Bairnsdale, the site is located in an area of Ordovician marine sandstone, mudstone and siltstone. The site investigation by Ark Angel would tend to confirm this ascertain.

Existing site form

The existing land form has been created by a gradual erosion over a long period of time. The usual process is that the weaker areas of the natural rock are eroded to form the creeks and gullies, and the stronger rock which weathers at a slower rate, is left to form the hills and ridges.

As the house site is located near the top of the hill, it can be safely assumed that it is located in more structurally sound harder rock.

This will then result in a far lesser chance of land instability becoming a concern.

Proposed construction

The owner is proposing to excavate the site using a cut and fill process, to form a near level construction bench and level area to the front of it.

It is also proposed to build an earth covered dwelling built into the cut hillside, then covered over with site material, with part in and part out of the hillside.

Siteworks Recommendations

Prior to excavation and site filling, the whole area of cut and fill shall be striped of all topsoil and organic matter, and that material stockpiled for re-use in covering the dwelling and filled bench after the earthworks are complete.

The area below the house which is proposed to have a filled bench constructed should be cut to form a series of near level benches, sloped slightly to the rear, and stepped up the hill to key the new fill into the hill and eliminate any potential slip surface down the interface between new and old.

The site can then be excavated and filled with near level layers up to the design finished surface level. Ag. drains should be built at the base of these benches to prevent the build up of water in the filled material.

Greg Dyer Consulting Engineer

RESIDENTIAL COMMERCIAL & INDUSTRIAL ENGINEERING CONSULTANT

441 EARLS ROAD' YARRAGON SOUTH VIC 3823

PHONE: 0408 332 093 Email; gdce@live.com.au

SERVICES AVAILABLE

- FOUNDATION
 DESIGNS
- SOIL REPORTS
- WIND BRACING DESIGNS
- STRUCTURAL DESIGN
- RETAINING WALLS
- STORMWATER SYSTEMS
- PORTAL FRAME DESIGNS
- MASONRY WALL DESIGNS
- DRIVEWAY DESIGNS

Drainage Recommendations

New ag. drains should be installed around the base of the new house, to prevent the build-up of water in the area behind the dwelling. Also contour drains should be constructed above and below the building site to carry any surface water away from the dwelling an around the hill to the where it will not cause erosion. Contour drains shall be sloped at minimal grades to slow the flow rate to less than 0.3m/s to prevent scouring. Rock beaching may be used to slow flow rates by creating more resistance.

Any fill batters should have a maximum grade of 1 vertical to 2 horizontal, and should be planted out with suitable vegetation to prevent scouring. Any finished benches should be sloped to prevent surface water flowing over the sides and down batters. All water should be collected and discharged well clear of the house site.

All runoff from paved areas, roof and treated septic water should be directed away from the areas above and below the house site, to an area where it can be safely discharged and allowed to spread out to prevent the formation of erosion gullies.

Water from the benched area should be collected and discharged as above, and not allowed to run over the edges of the filled batters where it will cause erosion.

Site Stability Recommendations

Considering the site geology and shallow depths of topsoils, it is our assessment that the site should be suitable for development, and that reasonable steps as discussed should be taken to minimise the risks of site instability or scouring.

I would be pleased to answer any questions you have about this report if required, and if we can be of any further assistance please do not hesitate to contact me.

Yours faithfully,

Signed

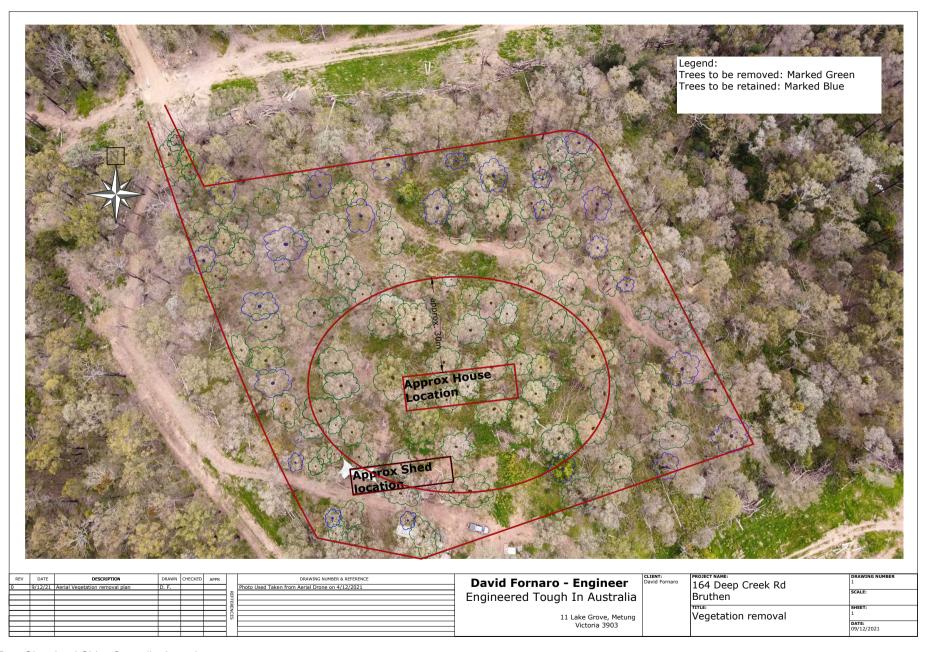
Greg Dyer B. Eng. Date 13/01/2022

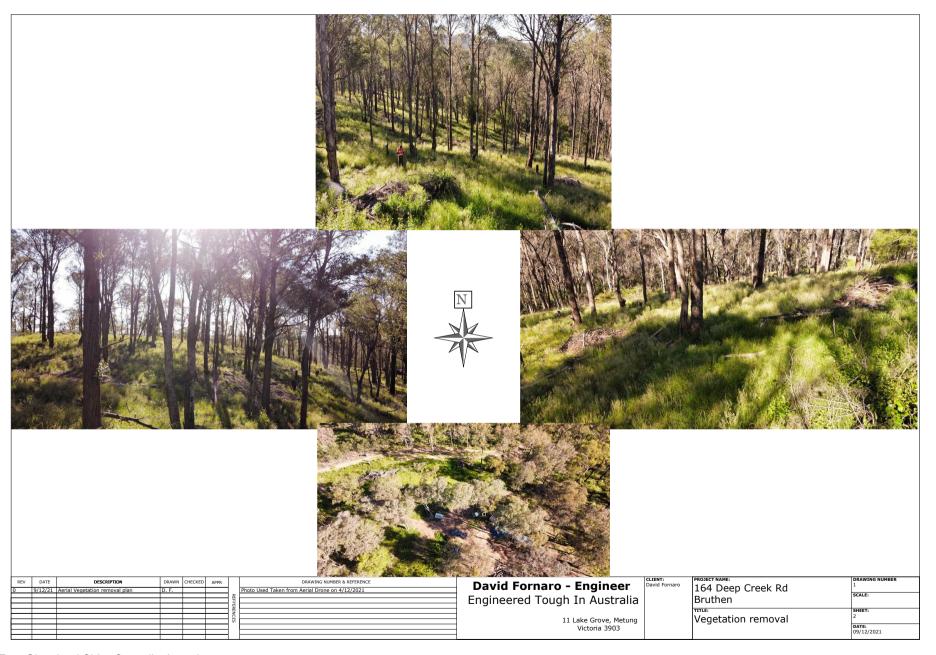
REGISTERED Building Practitioner

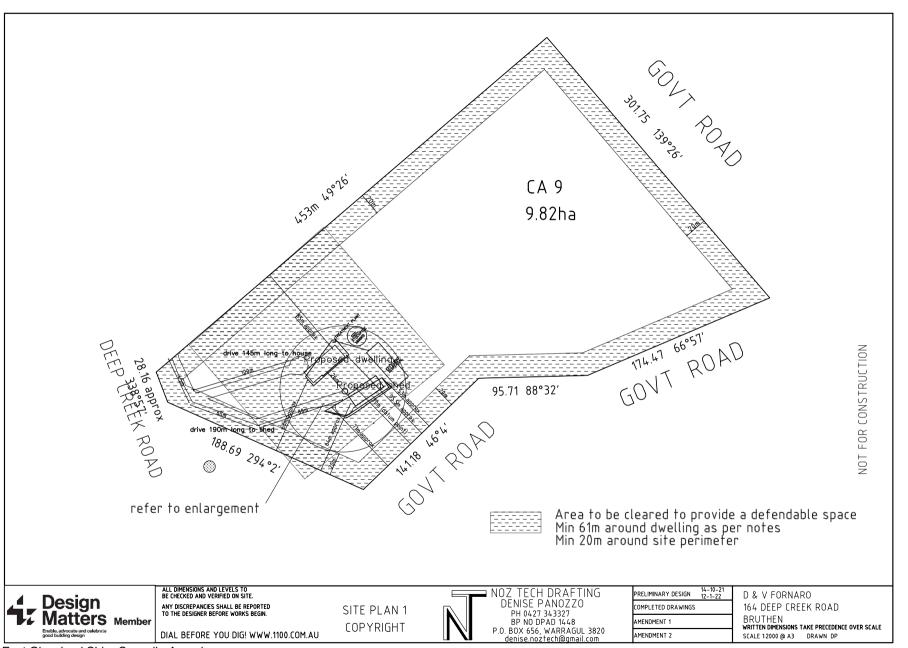
Registration No. PE0000608

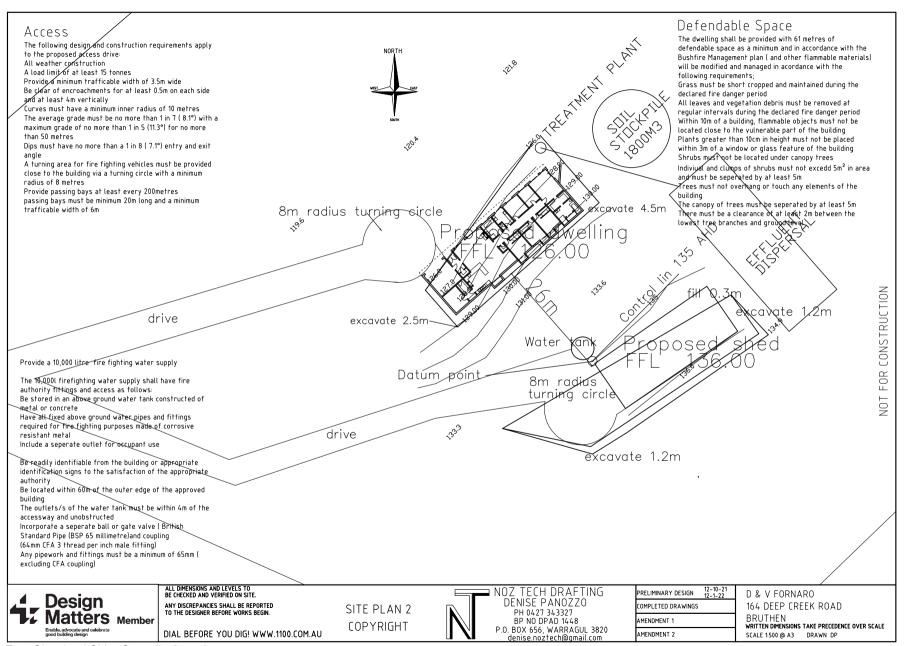


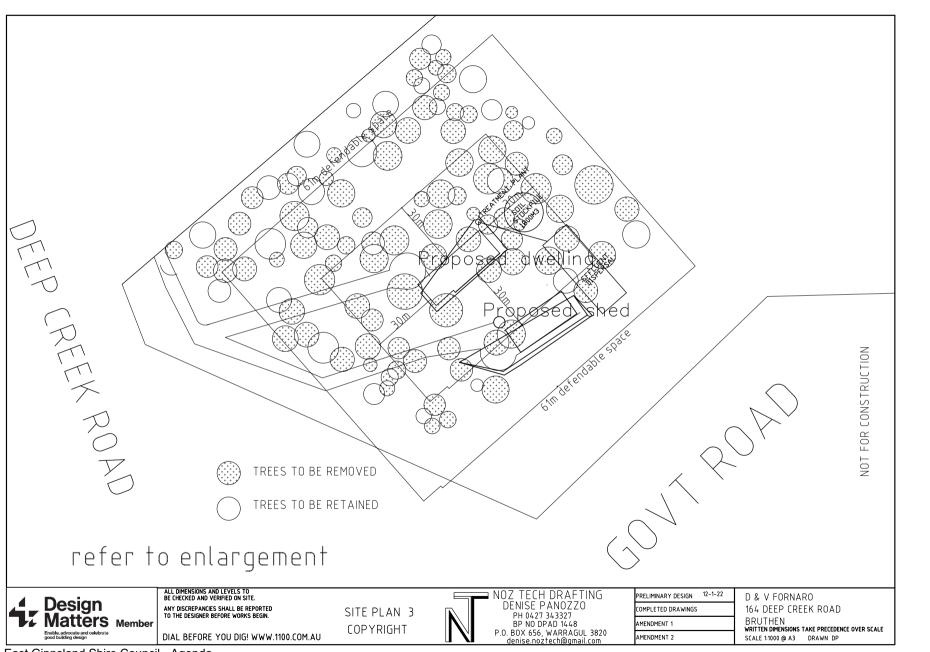
Site photo

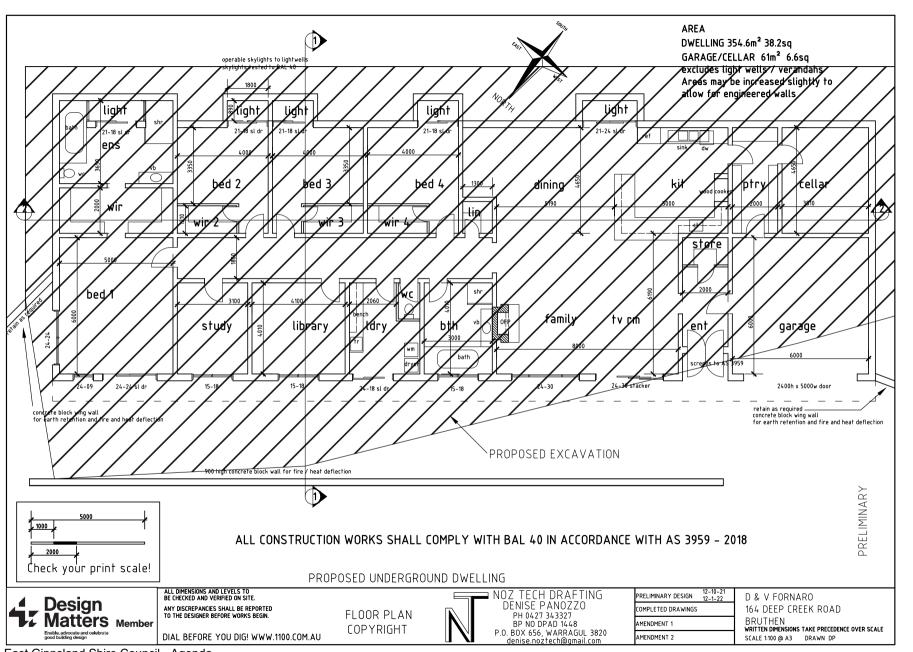


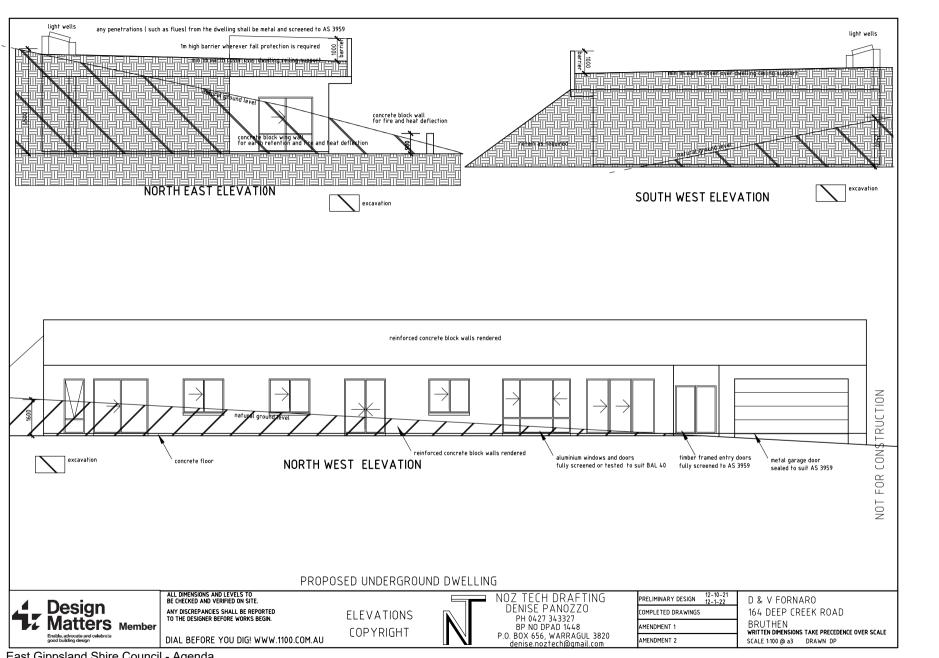


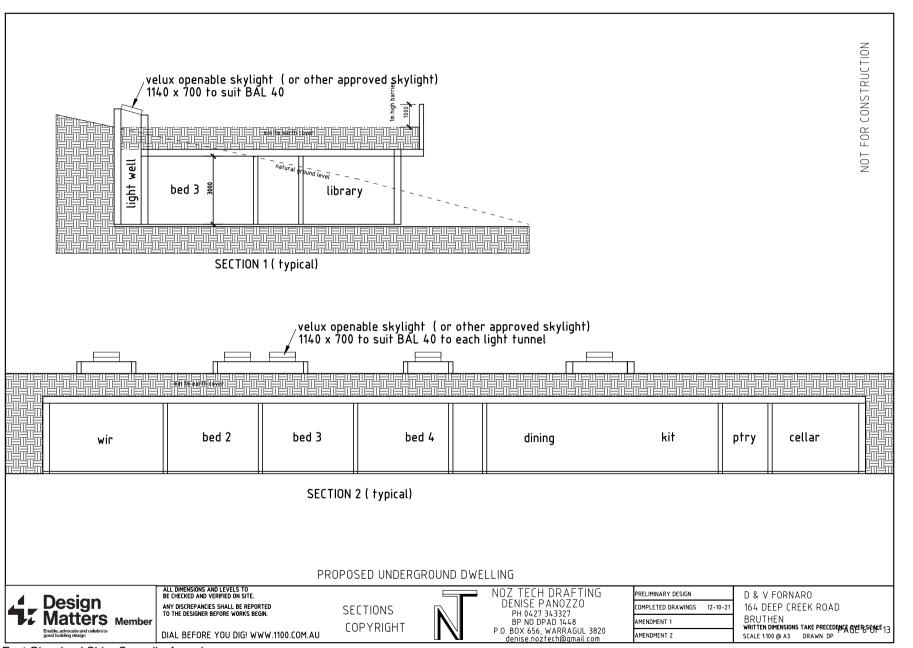


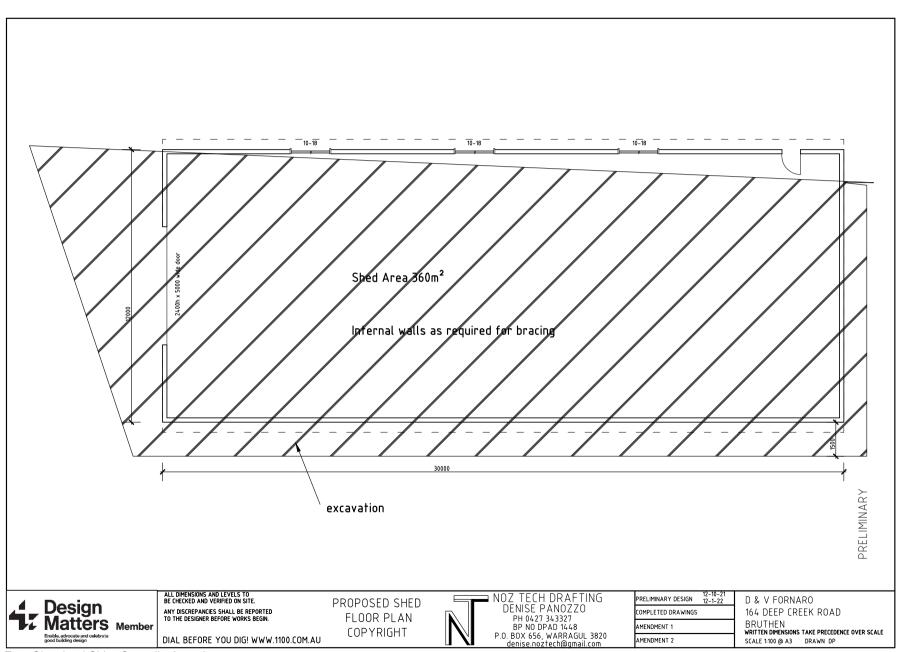


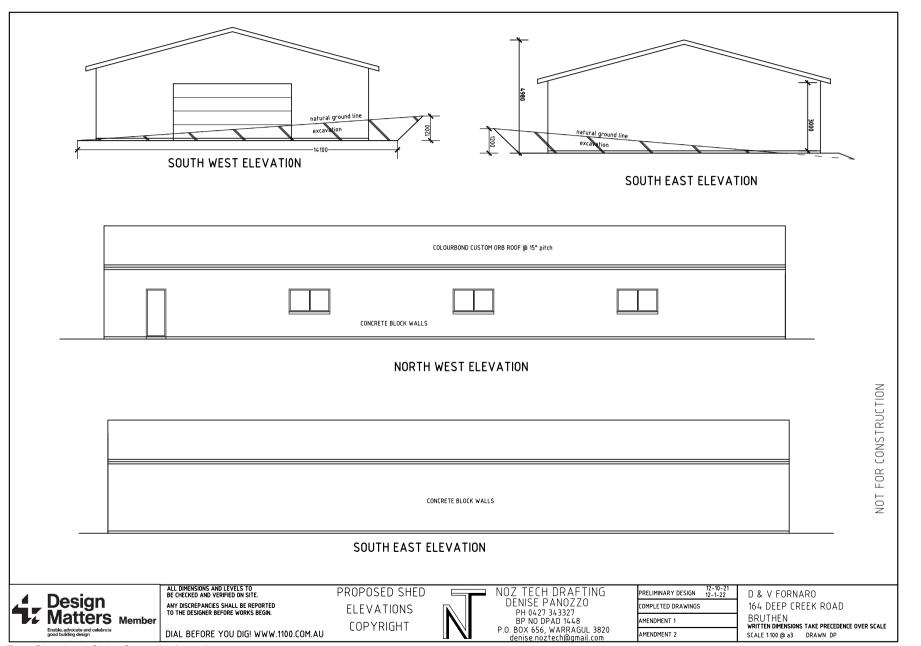


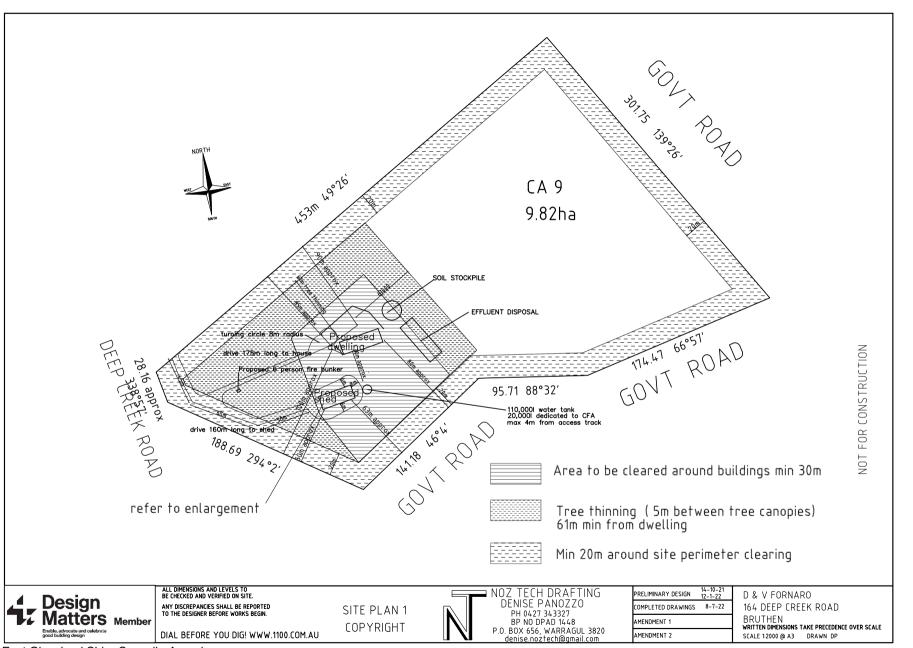


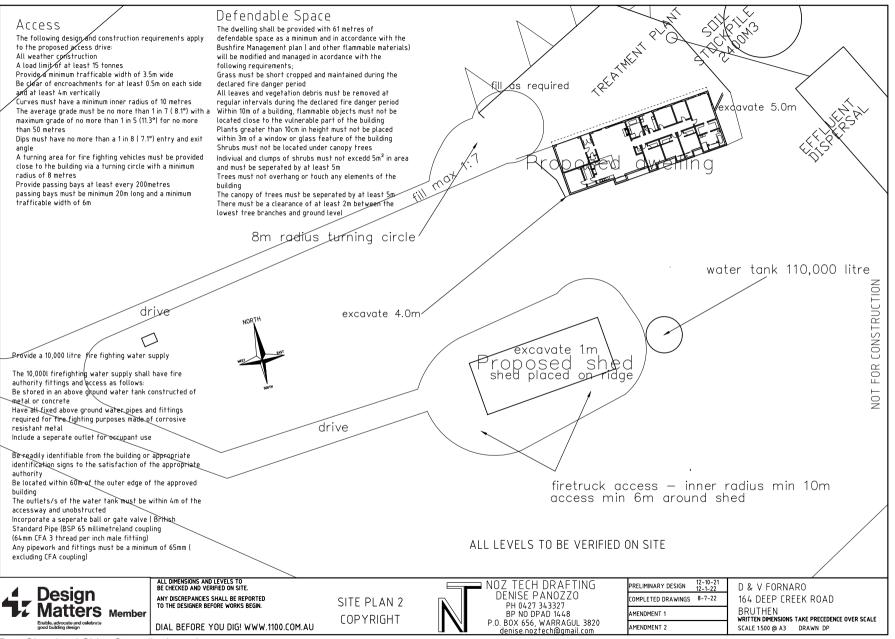


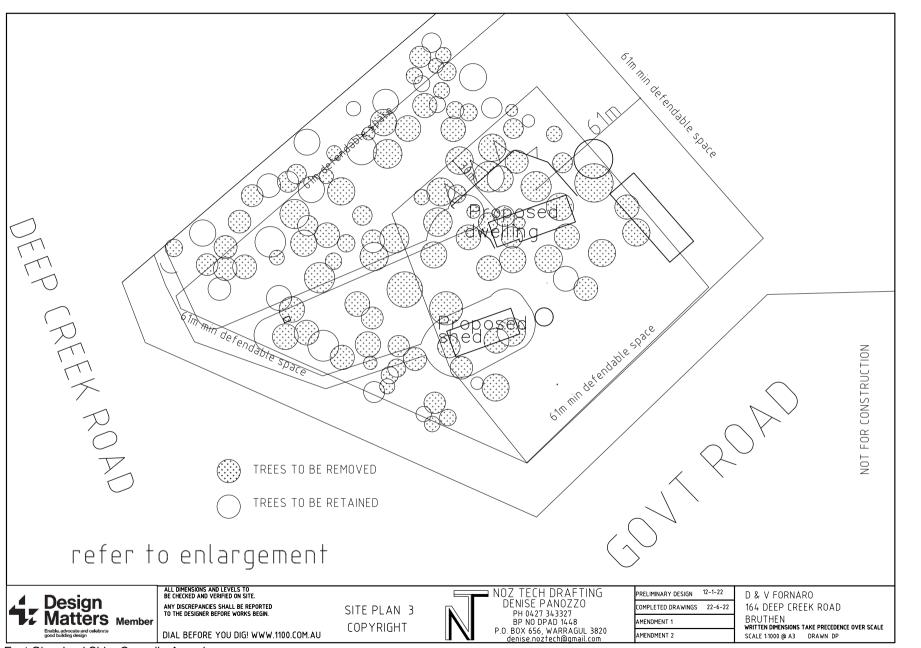


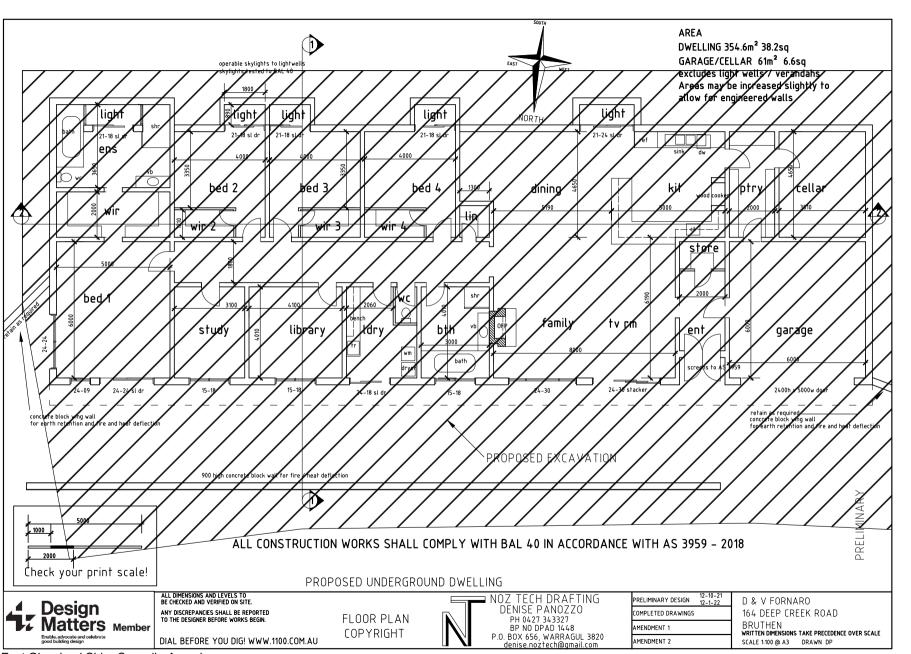


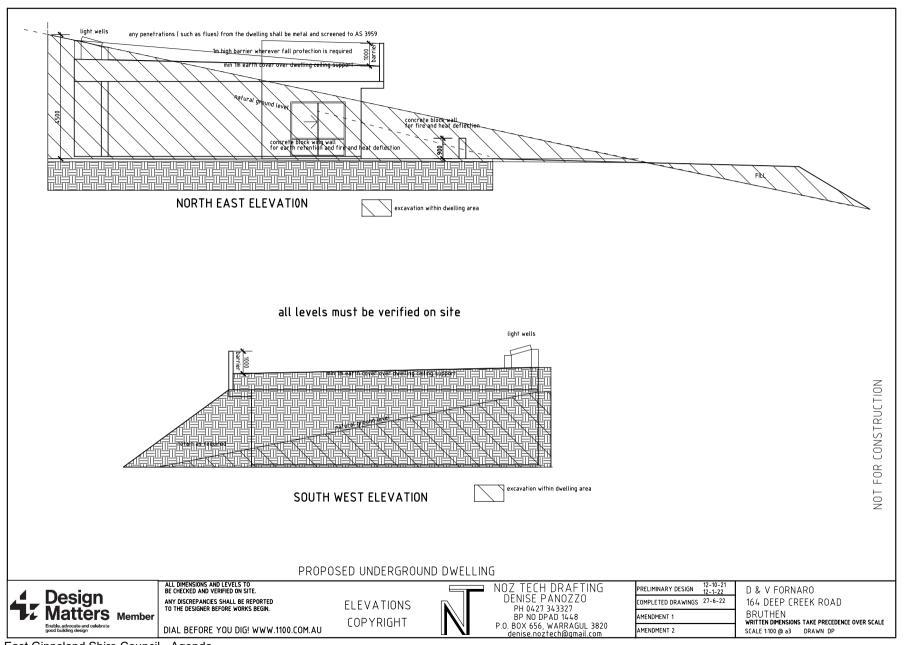


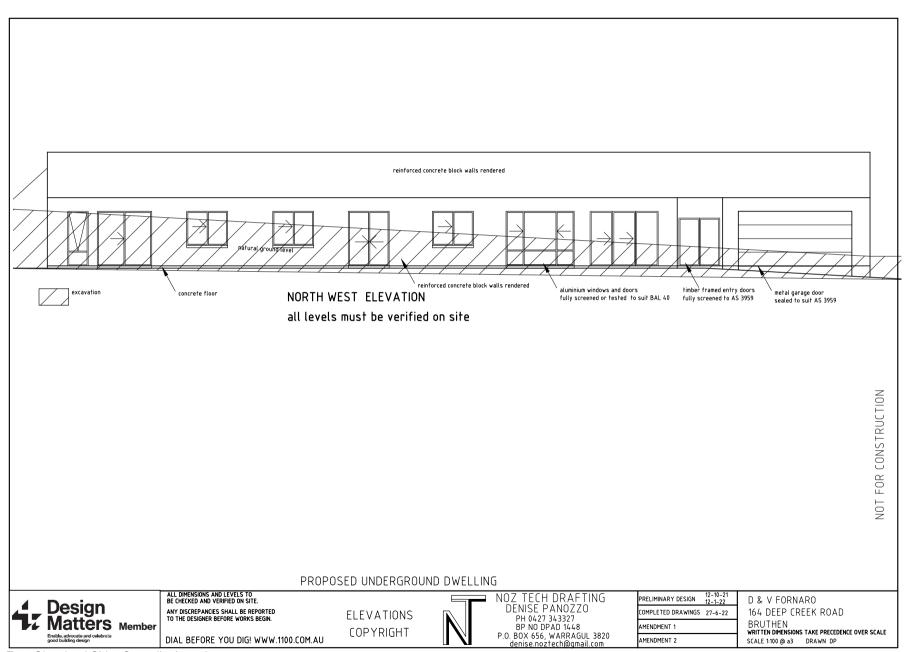


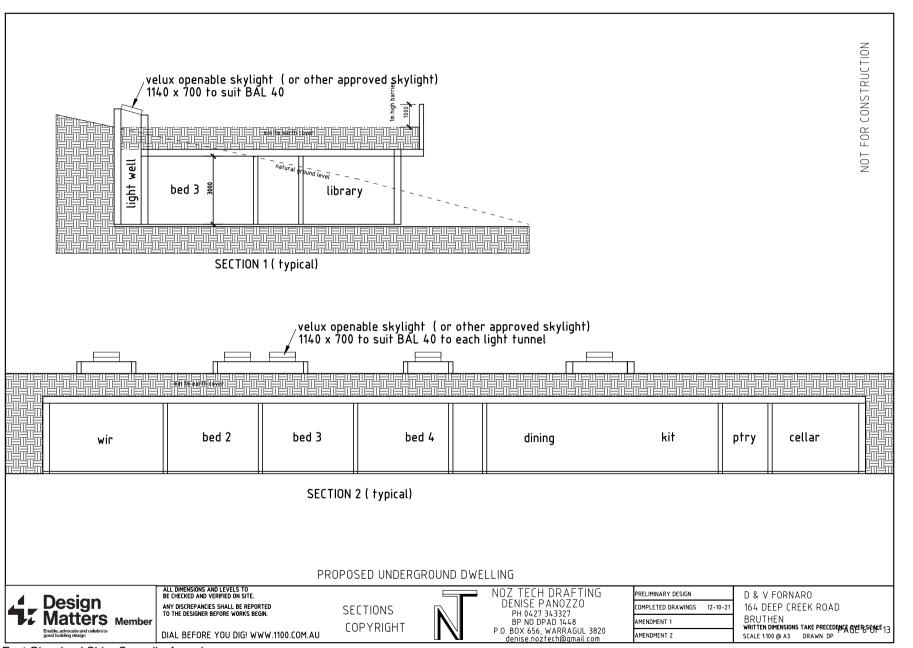


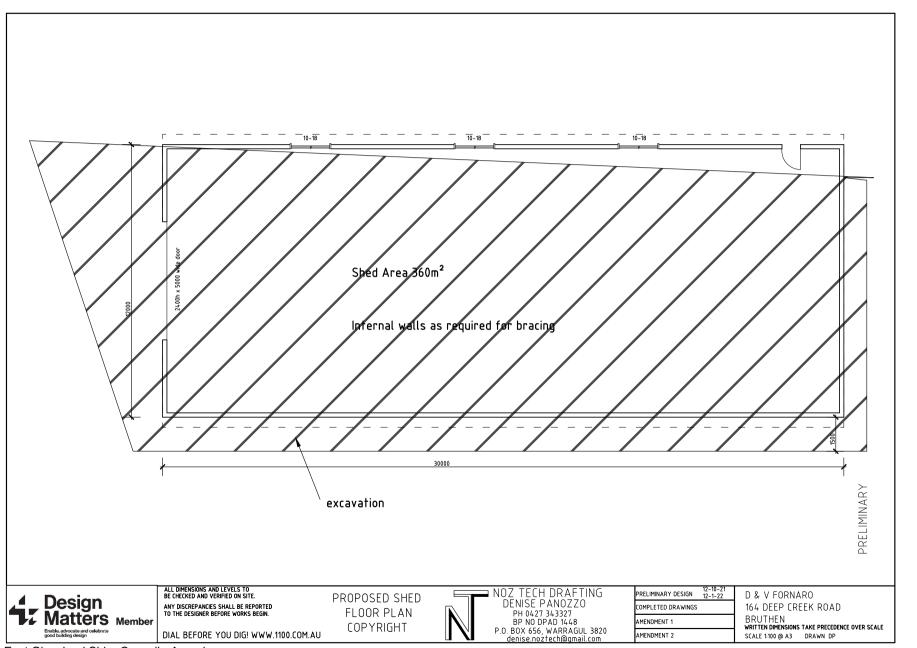


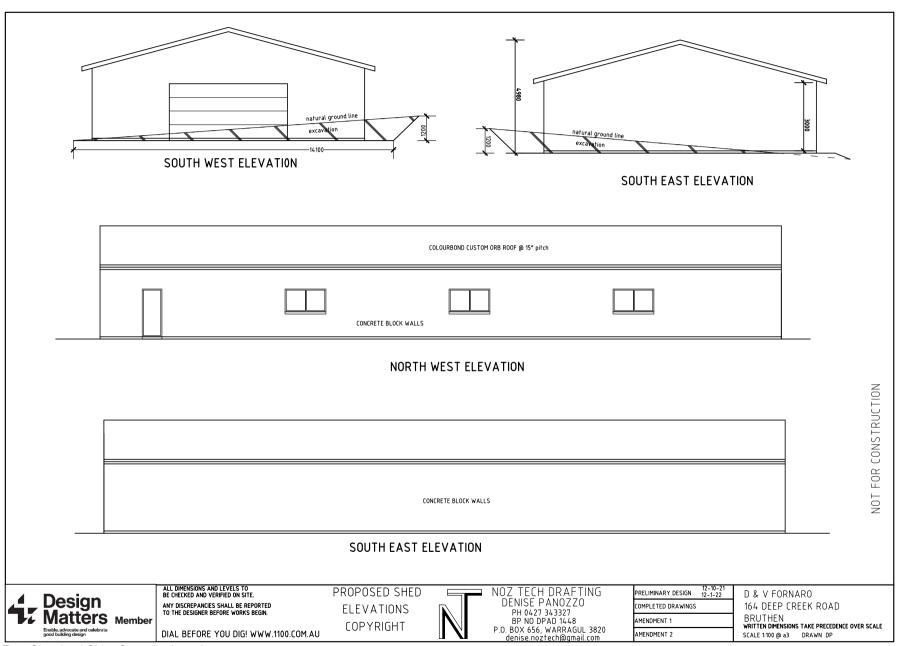












ngel

OPERATING INFORMATION FOR YOUR ONSITE SEWAGE SYSTEM					
Treatment system type Commissioning date					
					3.
4.	Minimum effluent disposal area	$\underline{\hspace{1cm}} m^2$			
5.	Maximum sewage loading rate (Litres/day)L/o				
ΝI	B: Inhouse water consumption (Litres/person.day) and conservat ≤100 L/p.d (GOOD), 150 L/p.d (AVERAGE), ≥	ion rating: 200 L/p.d (POOR)			
6.	Is water conservation maintenance highly critical?				
7.	Is sensitive environment maintenance highly critical?				
8.	Is this system designed for a spa greater than 200 litres?				
9.	Required septic tank and pump well desludging frequency	Years			
10	0. Required maintenance check frequency	Years			
11	Required treated effluent testing frequency	Years			
12	2. Special conditions				
Co	lso refer to the General Maintenance, Sensitive Environment Maintenance information sheet. If you plan to change and conditions, or you suspect your sewage system is failing and threat contact your service agent and Council Environmental Health Officer	ge any of the above tening public health,			
	ontact Details for Onsite Sewage Maintenance Contractors (Look				
	or a laminated sheet, use an indelible marker pen to insert information. Methylated spirits ext Service Date	and a rag remove writing.)			
Pl	lumber or Drainer Service Agent				
Se	eptic Tank Cleaning Service Agent				
Se	ewage Treatment Service Agent				
W	Vater Testing Service Agent				

To be placed in a prominent position, e.g. Back of kitchen, bathroom, laundry or toilet door.

Date: 21/07/21

Assessor: Scott McFarlane Ba. Eng. (Civil)

Copyright © Ark Angel Pty. Ltd., Ph. (03) 5175 0895, March 2004.



- 1. All onsite sewage systems are not designed for the disposal of baby or female sanitary napkins, cigarette butts, solvents, oils, unused medicines, hazardous chemicals, etc.
- 2. Gross kitchen food scraps, including that from food preserving activities are to be disposed of to a dedicated food scrap container.
- Left over kitchen fats and cooking oils are best collected in a tin and disposed of separately.
- 4. Use a plughole strainer in the kitchen sink to help remove residual food scraps.
- 5. As a general rule, insinkerators and spars are not recommended, however if they are proposed, always consult with your local Environmental Health Officer or Onsite Wastewater Engineer regarding a suitable wastewater management system.
- Septic systems, including effluent dispersal fields are not designed for the disposal of roof or garden rainwater runoff, swimming pool water or the wastewater from water softening appliances.
- 7. Spread clothes laundering times evenly throughout the week and use showers in preference to baths to help ensure that the septic system is not overloaded.
- 8. If you have a primary treatment septic tank system with a parallel, gravity flow junction pit system, periodically clean and adjust the weir outlets to ensure the even distribution of effluent to the absorption lines. The greenness of the absorption lines will indicate which lines are not receiving their even share of effluent.
- 9. Do not plant trees within 15m of trench effluent dispersal areas, including neighboring properties.
- 10. If you have a pumped drip irrigation system, periodically clean the drip-line filter and remove vegetation biomass from the effluent dispersal area, e.g., all grass cuts per year, however leave to refertilize when the vegetation in the cut area is looking unhealthy.
- 11. When treatment plant failure alarm systems are enacted, call your local service agent where appropriate.
- 12. Flush out drip irrigation lines, and pressurized trench distribution systems at least once per year.
- 13. If you have a drip irrigation system, only irrigate the number of zoned irrigation areas that is equivalent to the number of people living in the house. Every year in November rotate the zoned irrigation system by 1 zone.
- 14. Follow the operation and maintenance advice of the treatment system's manufacturer. In all cases it is recommended that records be kept on all maintenance activities of the treatment system, e.g., sludge pump out, inspection and maintenance etc.
- 15. A rough desludging frequency guide for primary treatment, septic tank systems is shown in Table 1 at the end of these instructions.
- 16. Maintain clear access for desludge trucks, suction lines and excavation machinery to all relevant parts of the effluent management system, including reserve areas for ongoing management purposes.
- 17. Roads and buildings are not to be constructed over the effluent dispersal area and reserve area unless this has been allowed for in the design process. Maintain effluent transpiring grass, or grass and tree cover (for drip systems only) at all times.
- 18. If the effluent dispersal area or areas around septic tanks and junction pits are lush and green, smelly, and are constantly wet under foot (i.e., the system has failed), it is recommended that the owner contact the Council and then rectify the problem under Council direction.

To be placed in a prominent position, e.g. Back of kitchen, bathroom, laundry or toilet door.

Assessor: Goott McFarlane Ba. Eng. (Civil) Date: 21/07/21

Copyright © Ark Angel Pty. Ltd., Ph. (03) 5175 0895, March 2004.



ngel



Sensitive Environment Maintenance

- 1. Use low sodium and phosphorus laundry and dishwashing detergents, particularly in hot dry climates. In general, liquid detergents are kinder than powdered detergents. For a summary of best detergent products refer to www.landfaxlabs.com.au
- Where feasible, use rainwater tank water in preference to salty and hard ground waters.
- 3. Onsite sewage systems constructed in stable and well drained surface soils should not suffer too much damage when lightly grazed by livestock. However if the onsite system is constructed in boggy and poorly drained surface soils, then the effluent dispersal area should be covered with at least 150 mm of loam topsoil, or be fenced off from any livestock.

Water Conservation Maintenance

- 1. Use water efficient appliances, e.g. 3-4 star flush toilets, 3 star shower roses, 4-5 star washing machines, and 4-5 star automatic dishwashers, or no automatic dishwasher.
- 2. Adopt good water conservation habits like using the dishwasher and washing machines only when they are full. Restrict shower times to 4 minutes.
- 3. Do not leave taps running unnecessarily.
- 4. Promptly fix all leaking appliances.

Also refer to the operating information sheet for your onsite sewage system.

Table 1: Estimated Desludge Times for Various Septic Tank Sizes and Household Occupancy Rates

ITEM	1 Person	2 Persons	3 Persons	4 Persons	5 Persons
3 year desludge					+3,000 L
4 year desludge			.	+3,000 L	
5 year desludge			+3,000 L		3,000 L
6 year desludge				3,000 L	
7 year desludge					
8 year desludge		+3,000 L	3,000 L		
9 year desludge					
10 year desludge					
11 year desludge					
12 year desludge		3,000 L			
~					
16 year desludge	+3,000 L				
~					
25 year desludge	3,000 L				

NOTES:

- 1. The 3,000 L septic tank in this table represents a standard septic tank size in Victoria without a 2/3's partition.
- The +3,000 L septic tank in this table represents a standard septic tank size in Victoria with a 2/3's partition.
- 3. The values in this table have been developed from Section 5.4.2.2 of AS/NZS1547:2012.

To be placed in a prominent position, e.g. Back of kitchen, bathroom, laundry or toilet door. Assessor: Sout McFarlane Ba. Eng. (Civil) Date: 21/07/21

Copyright © Ark Angel Pty. Ltd., Ph. (03) 5175 0895, March 2004.



17th December 2021

Robert Pringle Statutory Planning Coordinator PO Box 1618 BAIRNSDALE VIC 3875

Dear Robert,

Re: Planning Permit Application 540/2021/P
164 Deep Creek Road, Bruthen
Buildings and Works for a Dwelling and Outbuilding

We act on behalf of David Fornaro in response to point 4 of the request for additional information dated 24th November, 2021 for the planning permit application outlined above.

The removal of native vegetation associated with the construction of a dwelling falls within and the creation of defendable space exemptions as outlined below and in accordance with the Bushfire Management Plan prepared by Fire Risk Consultants as submitted with the original planning application.

Clause 52.12-5 of the East Gippsland Planning Scheme provides an exemption from the need to obtain planning approval for the removal of vegetation providing the following requirements are met:

- Land is in the Bushfire Management Overlay.
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
 - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding at application for a building permit under the *Building Act 1993* for a dwelling or alteration or extension to the dwelling; or
 - Is required to be undertaken by a condition in a planning permit issued after 31 July, 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.

The subject site is zoned Rural Living Zone and is affected by the Bushfire Management Overlay. The Bushfire Management Statement prepared by Fire Risk Consultants provides a BAL 40 is applicable to the proposed dwelling and the defendable space requirement is 61 metres. The Bushfire Management Plan has provided a 20 metre defendable space buffer around the property boundary is in order given the landscape risk assessed at 150 metres. The Bushfire Management Plan imposes several measures to be implemented to ensure the risk to life and property from bushfire is reduced to an acceptable level. This Bushfire Management Plan will need to be endorsed and form part of any planning permit issued.



The vegetation removal plan prepared by David Fornaro shows the extent of vegetation to be removed, all of which is within the 61 metre defendable space requirements. Additionally, it shows the retention of several trees that will be suitably separated to meet the defendable space requirements outlined in the Bushfire Management Plan.

This plan provides clear evidence that only the minimal amount of vegetation removal is being undertaken to ensure the risk to life and property is reduced to an acceptable level.

The location of the dwelling being in the western portion of the subject site has been chosen to ensure the amount of vegetation to be removed is minimised. The creation of driveways is significantly reduced which also reduces the extent of vegetation clearing. A detailed survey of the trees by David Fornaro has been undertaken to ascertain the most appropriate trees to retain in order to ensure we avoid removal of larger and healthier trees. The trees to be retained have been clearly marked on the plans provided. This is clear evidence that the applicant has avoided and minimised vegetation removal where possible.

The above information in addition to the supporting documentation provided with the application, grants an exemption for the removal of vegetation for this proposal under the provisions of the East Gippsland Planning Scheme.

We trust this information assists and enables consideration of the planning permit.

Regards,

Courtney Campbell
Development Solutions Victoria

From:

Sent: Tuesday, 9 August 2022 8:37 AM **To:** Planning Unit Administration

Subject: FW: 540/2021/P - 164 Deep Creek Road BRUTHEN

Attachments: Vegetation Removal Rev 1.pdf



Please consider the environment before printing this e-mail.

From: David Fornaro
Sent: Monday, 8 August 2022 7:44 PM

To Cc:

Subject: 540/2021/P - 164 Deep Creek Road BRUTHEN

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

Afternoon

With the onsite inspection giving some additional information, we have made the following changes:

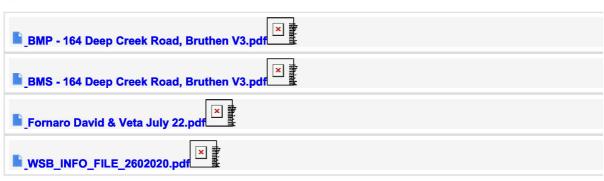
- 1. Increased the defendable space to 200m, effectively from boundary to boundary
- 2. Changed the house location, moving it from the valley to the ridge line
- 3. Added a 6 man Fire Bunker approved by Emergency Management Victoria with the accredited WIldFire Safety Bunker company in Melbourne
- 4. Increased the amount of water reserve from the CFA from 10,000 Liters of water to 20,000 Liters, with the tank being 110,000 Liters potentially available for firefighting water.

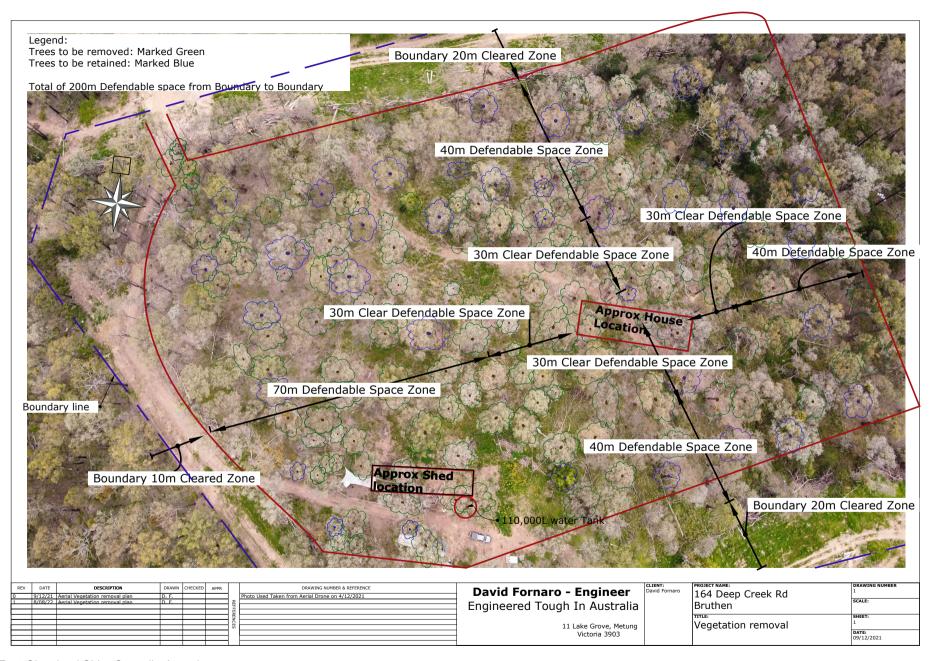
All these and more, so please see the attached revised plans. BMS and other documents.

If there is anything else or have any questions please let me know.

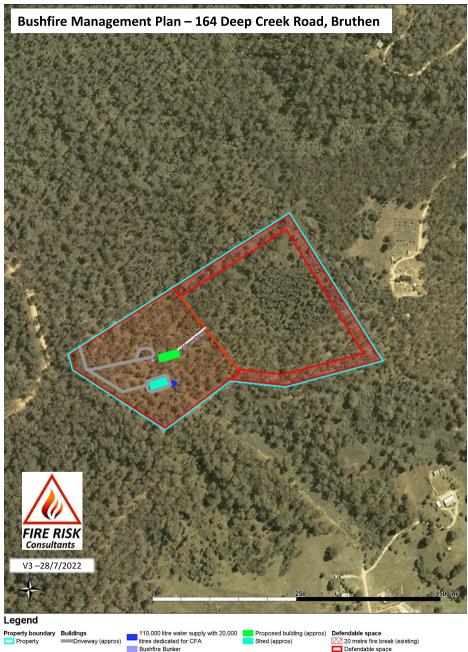
Kind regards

David Fornaro









Construction standard

The dwelling will be designed and constructed to a minimum Bushfire Attack Level of BAL 40.

Defendable Space

The dwelling will be provided with 61 metres of defendable space as a minimum and in accordance with this Bushfire Management Plan where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature
 of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Water Supply

Unless otherwise agreed in writing by the relevant fire authority, the 20,000 litres of water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and be unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA couplings).

Access

Where fire authority access to the water supply is required under AM1.3 fire authority vehicles must be able to get within 4 metres of the water supply outlet

The following design and construction requirements apply:

- All weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically
- Curves must have a minimum inner radius of 10 metres
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle
- A turning area for fire fighting vehicles must be provided close to the building by one of the following:
- A turning circle with a minimum radius of eight metres
- · A driveway encircling the dwelling
- The provision of other vehicle turning heads such as a T head or Y Head which meet the specification
 of Austroad Design for an 8.8 metre service vehicle.
- · Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

Private bushfire shelter

- Prior to the occupation of the dwelling a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018) is:
- Constructed in accordance with the Building Regulations 2018 and the National Construction Code (NCC) performance requirements.
- Available for use by the occupants of the dwelling at all times.
- · Maintained in accordance with the requirements of the building permit

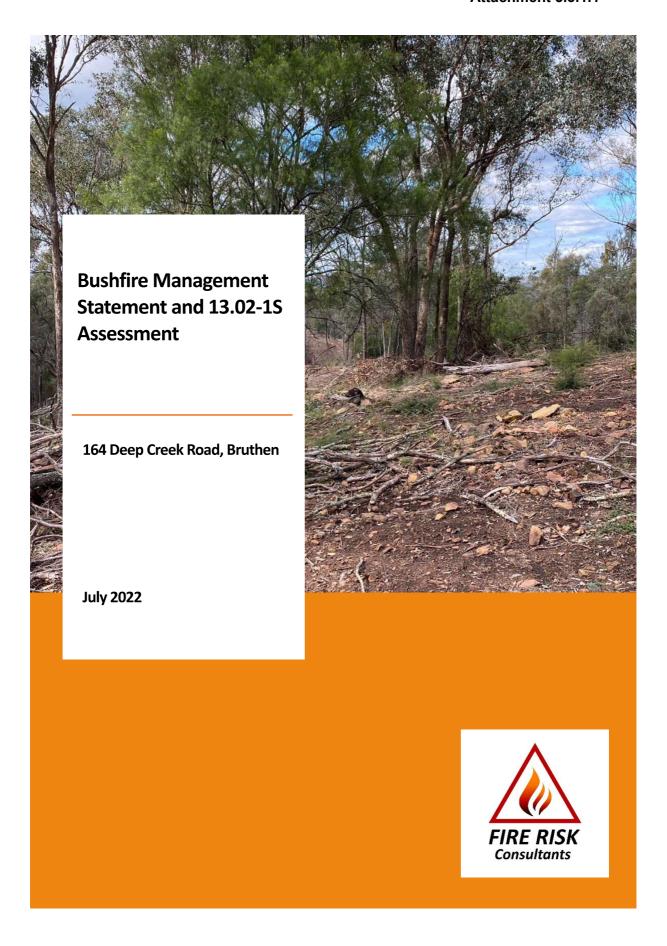


Table of Contents

Introduction4
Application Details4
Site Description
Bushfire risk in south east Australia5
Bushfire Hazard Landscape Assessment
Clause 13.02 assessment
Bushfire Hazard Site Assessment
Bushfire Management Statement
53.02-4.1 Landscape, siting and design objectives
53.02-4.2 – Defendable Space and Construction Objectives
53.02-4.3 – Water Supply and Access Objectives16Approved Measure AM 4.1 – Water Supply and Access16Water Supply Requirement16Access Requirement18
Conclusion
Appendix 1 – Bushfire Hazard Site Assessment
Appendix 2 – Bushfire Management Statement
Appendix 3 – Photos24
Appendix 4 - Supplied plans
Appendix 5 – BAL levels explained27
Appendix 6 – References

Fire Risk Consultants Ptv Ltd

PO Box 12 Glengarry VIC 3854

0439 289 234 <u>www.fireriskconsultants.com.au</u>

Prepared by: Mark Potter - Risk & Emergency Planning Lead

Disclaimer and Information Statement

This report is issued by Fire Risk Consultants Pty Ltd and the information in this report is current as at the date of publication. Any Bushfire Emergency Plan or Bushfire Response Plan is current only at the date of issue as it is up to you to maintain the Australian Standard AS3959:2018 (or equivalent) and AS3745:2018 (or equivalent) for the property and/or building. Failure to maintain the property and/or building to these standards may compromise an insurance policy if currently covering any of your assets or those of any third party that may be consequentially affected due such failure. If not insured, and if you are seeking insurance, this report may not influence the decision of any insurer not to offer cover. To the extent permitted by law, Fire Risk Consultants Pty Ltd will not be held liable for any claims, demands, costs or expenses for any personal injury, property damage or death arising out of failure by you to maintain the property and/or building to AS3959:2018 (or equivalent) and AS3745:2018 (or equivalent).

The information and/or the recommendations contained in this report have been compiled and based on the information, records, data and any other sources of information supplied by you. Whilst we have exercised all due care and skill in compiling the report, you should confirm the accuracy and reliability of the information and material we have relied upon in producing the report. The information contained in the report is confidential and you should only read, disclose, re-transmit, copy, distribute or act in reliance on the information as you are authorised to do so. This report may also contain information, systems or data which is the property of Fire Risk Consultants Pty Ltd and Fire Risk Consultants Pty Ltd has in no way waived or altered in any way its ownership right, or provided consent for use by the report recipient, unless expressly provided in the report.

Any fire safety work, including but not limited to planned burning, back burning and/or fire suppression, on any property or building is specifically excluded from this report.

Where the term "Bushfire prevention and mitigation related activities" (or words to that effect) are used, this is to be defined as the clearance of vegetation in accordance with the Victorian State Government guidelines, including clearing and maintenance of existing fire breaks and/or fire access for fire fighters under electricity pylons and properties that have been constructed to Australian Standard AS3959 and/or the National Construction Code.

164 Deep Creek Road, Bruthen V3

Introduction

This report has been developed to meet the requirements of the Bushfire Management Overlay as outlined within the Victorian Planning Provisions. The site located at 164 Deep Creek Road, Bruthen is within the Bushfire Management Overlay. This report outlines the required treatments to enable compliance with the Bushfire Management Overlay.

The proposal is to construct a dwelling and shed on the property. The dwelling is proposed to be mostly buried into the slope which will provide additional bushfire protection.

The report has been developed following extensive assessment of the landscape and local bushfire risk along with access, egress and topography.

The report addresses the following provisions of the Victorian Planning Scheme:

Clause 13.02-15 - Bushfire Planning

Clause 44.06-3 – Bushfire Hazard Site Assessment, Bushfire Hazard Landscape Assessment and Bushfire Management Statement.

To ensure sufficient information is provided to both CFA and Council to enable a detailed understanding of bushfire risk, a Pathway 2 report has been developed along with a Clause 13.02-1S assessment. This report only addresses those parts of the Victorian Planning Provisions that relates to Bushfire.

Application Details

The second of th		
Municipality:	East Gippsland	
Title description:	9~B\PP5120	
Overlays:	Bushfire Management Overlay (BMO), Erosion Management Overlay (EMO) and Vegetation Protection Overlay (VPO)	
Zoning:	Rural Living Zone (RLZ)	

Site Description

Existing use and siting of buildings and works on and near the land:	The site is currently vacant. The vegetation on the site is regrowth and in response to a direction from Council, a 20 metre wide break has been constructed around the entire perimeter of the property.	
Existing vehicle arrangements:	There are multiple access points to the property with the main access from Deep Creek Road. Access is available to Lambournes Road in the event of an emergency.	
Location of nearest fire hydrant:	There are street hydrants located in Lambournes Road.	



Figure 1 - Overview of the site with the BMO shaded (site boundary shown in blue outline)

Access and egress

The site is accessible from Deep Creek Road which connects to Princes Highway. Access to the property is also available from Lambournes Road in the event of an emergency. Travel to the Princes Highway which enables direct access to Bruthen or Bairnsdale and is approximately 5 minutes driving time.

Travel to Bairnsdale does involve driving through forested areas but would be the safer option than travelling east.

Topography

The topography on the property consists of slopes up to 20°. On the eastern part of the property the slopes exceed 20°. The surrounding area is undulating with numerous gullies and ridgelines, in particular to the north of the property.

Vegetation

The vegetation on the property is forest apart from a 20 metre wide break around the entire property. There has also been some clearing undertaken at the proposed location for the shed and dwelling. The vegetation coverage is continuous in all directions.

Bushfire risk in south east Australia

The south east of Australia is one of the most fire prone areas in the world.

The rate a bushfire can spread is a direct result of the weather, fuel hazard (including dryness, quantity and arrangement) and the topography in which the fire is burning. Bushfire fuel is the only one of these three factors that it is possible to modify.

Extreme fire conditions can occur in south eastern Australia when dry winters and springs are followed by summers where bushfire fuels become very dry.

When these conditions combine, fires can be expected to move quickly under the influence of strong, gusty north westerly winds. These fires can then move rapidly in a different direction when the subsequent south–westerly wind change arrives.

164 Deep Creek Road, Bruthen V3

Fires that start under these conditions can reach a very high intensity, even in areas of relatively low fuel loads and can be difficult to control until the weather conditions abate.

The height of a bushfire's intensity is directly linked to its destructiveness and the more difficult it is to control. As the intensity increases so does the difficulty of containment and effective suppression. Very high intensity fires with flame heights greater than 10 metres are generally uncontrollable.

Bushfire intensity is a function of the heat content of the fuel, the quantity of fuel and the rate of spread of the bushfire. The heat content of vegetation fuels is roughly constant. It has been found that the quantity and distribution of fine fuels are the main factor influencing bushfire behaviour. Larger fuels burning during a bushfire do not contribute significantly to the spread of a bushfire.

Fine fuels available to a bushfire are fuels such as grass, leaves, dead pine needles and twigs that ignite readily and are consumed rapidly when dry. They are often defined as those dead fuels less than 6mm in thickness. Fine fuel load (measured in tonnes per hectare) has therefore been used as a convenient measure of the underlying bushfire hazard in areas dominated by woody vegetation. The fine fuel load at any given time is a balance between the rate of fuel build up, and factors that remove fuel such as litter decomposition and fire. In the absence of fire, fuel loads in forests and woodlands with a shrubby or heathy understorey build up to a quasi-equilibrium state where the rate of fuel production equals the rate of decomposition. The maximum levels vary for different vegetation types and for the same vegetation types in different locations.

It has been found that fuel structure is possibly more important than the total fine fuel load in determining bushfire behaviour. Fuels in forests, woodlands and shrublands can be categorised into four layers with differing effects on fire behaviour (Hines, et al., 2010). These layers are:

<u>Surface fine fuels:</u> leaves, bark, small twigs and other fine fuel lying on the ground. These fuels provide the horizontal continuity that allows a bushfire to spread

<u>Near surface fine fuels:</u> grasses, low shrubs, bracken etc. up to about .5 m above the ground surface. Fuels in this layer will burn when the surface fuel layer burns and will increase bushfire intensity

<u>Elevated fuels:</u> larger shrubs and small saplings with most of the fuel closer to the top of this layer and a clear gap between them and the surface fuels. These interact with the two-layer fuel layers to further increase bushfire intensity. They also contribute to the vertical continuity of fire that allows fire to 'climb' into the tree canopy

<u>Bark fuels:</u> flammable bark on trees, saplings and large bushes from ground level to the canopy. Loose fibrous bark on string-bark eucalypts, and candle bark on some gums can generate large amounts of burning embers which can start spot fires ahead of the main fire front.

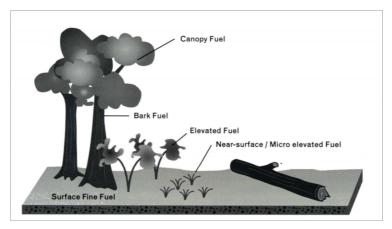


Figure 2 - Overview of fuel structure that affects bushfire behaviour

Bushfire Hazard Landscape Assessment

The Bushfire Hazard Landscape Assessment is completed to provide an assessment of the bushfire hazard more than 150 metres away from the subject site. This assessment considers all available information to determine the effects of a bushfire from more than 150m from the site.

For this assessment, the landscape risk has been assessed at one kilometre and 10 kilometres.

Fire History

The available records demonstrate that there is a history of bushfires in this area. Numerous bushfires have occurred in the surrounding area with the most recent being the 2019/20 bushfires that burnt to the north of the property. Due to the extensive forest vegetation to the north, the threat of bushfires in this area is a constant threat. Most bushfires will burn through the Public Land and threaten private property to the south when the fire danger conditions become elevated.

Based on the history of bushfires in this area, the area is considered at extreme risk.

Figure 3 shows the bushfire history according to DELWP records.



Figure 3 - Bushfire history with the property outlined in blue. The shapes represent multiple bushfire events

Likely Bushfire Scenarios

Figures 4 and 5 indicate the likely scenarios from a bushfire in the surrounding area and how they may impact on the proposed dwelling. This assessment considers all aspects however history shows us that bushfires would be likely to impact on the property from a north westerly direction and then subsequently from a south westerly direction after the wind change. These two fire scenarios cause the greatest amount of damage, including loss of life, in south eastern Australia during bushfire events.

The following table describes the scenarios that may impact on the dwelling:

Scenario reference	Description	Consequence
Scenario A	Figure 4 outlines the potential for bushfires to approach the property under a north westerly wind influence, Bushfires can approach in other directions as well due to the localised topography. There are large tracts of forest vegetation to the north of the property. Bushfires have the potential to travel long distances before impacting on the site. Whilst the management of the risk on the site can be achieved, the impact of embers will be significant. Figure 5 shows the potential for bushfires to travel unimpeded for more than 10 kilometres. The effect of the topography will see the bushfire become erratic as it burns through the gullies and across the ridgelines. In wetter years, the gullies may assist in slowing fire spread as they will likely retain moisture	Extreme
Scenario B	The bushfire conditions from the south westerly direction will be similar to scenario A in that a bushfire	Extreme

164 Deep Creek Road, Bruthen V3

has the ability to travel through forest vegetation before impacting on the property. The vegetation is more fragmented to the south west and will likely slow bushfire spread as it moves through varying different fuel types and loads.

The dwelling location is on the northern facing slope and any approach from the south west will be upslope from the dwelling.

In summary, both scenarios are possible with ember attack being the key bushfire attack mechanism along with radiant heat that is generated by combustibles burning around the property. There is vegetation within the assessed areas that will generate embers that could land at the site. These embers are likely to start smaller fires in the local areas surrounding the site.

The landscape has been assessed as Type 4.

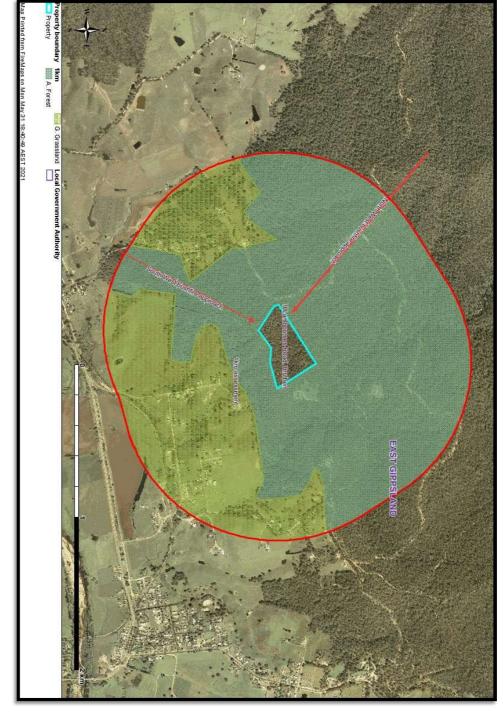


Figure 4 - Aerial photo showing site and identified bushfire attack scenarios (1 kilometre)

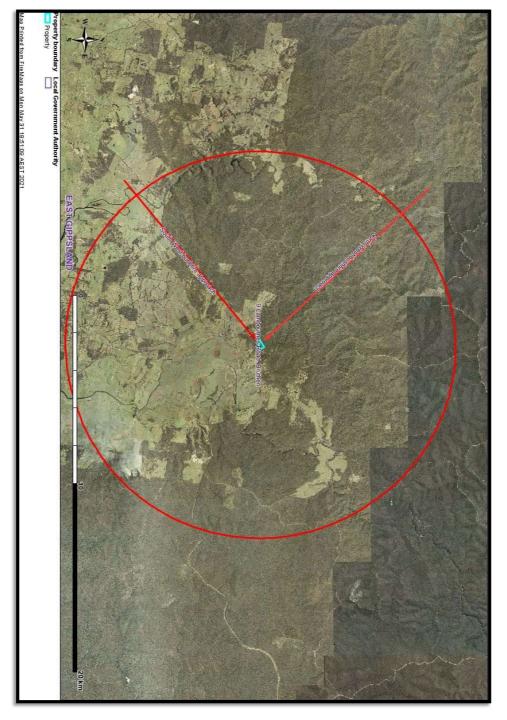


Figure 5 - Aerial photo showing landscape 10 km from site and potential bushfire scenarios

11

Clause 13.02 assessment

Clause 13.02 of the Planning Scheme outlines its objective as:

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The analysis against Clause 13.02 is reliant on the information contained within the Bushfire Hazard Landscape Assessment.

The following strategies from Clause 13.02-1S are aimed at ensuring a focus on the protection of life is achieved:

	Strategy	Response
1	Prioritising the protection of human life over all other policy considerations.	Compliance with the Bushfire Management Overlay has ensured that the prioritisation of human life is achieved. For this development, a solution is proposed that achieves the BMO requirements.
		The design solution for this property includes:
		 In recognition of the landscape risk to this area, the dwelling will be constructed to BAL 40. The dwelling will be largely buried within only the front façade exposed. This will be north facing. Defendable space will be provided to achieve a minimum of BAL 29 distances. The shed will be more than 10 metres away from the dwelling. 20,000 litre water supply. The dwelling is accessible to firefighters. 20 metres of defendable space is provided around the entire property. A six person bushfire bunker will be installed.
2	Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better	The dwelling is located in a Rural Living Zone and whilst the bushfire risk is extreme, the zoning provides the ability to construct a dwelling. The development on this site will support the reduction of bushfire risk to the neighbouring properties.
	protected from the effects of bushfire.	There are locations available including Bruthen and Bairnsdale where the building occupants can travel to quickly to better protect themselves from the impact of a bushfire.
3	Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.	This report addresses the Bushfire Management Overlay and has considered the bushfire risk and identified treatments based on this risk.

Bushfire Hazard Site Assessment

The bushfire hazard within 150 metres of the building is related to grassland vegetation.

Appendix 1 outlines the Bushfire Hazard Site Assessment.

Bushfire Hazard Site Assessment

	Direction (Aspect)						
	Northern	Southern	Eastern	Western			
Vegetation (within 150 metres of proposed building / works)	Excludable / Low Threat	Excludable / Low Threat Modified Forest Woodland Scrub (tall) Shrubland (short) Mallee Rainforest Grassland	Excludable / Low Threat □ Modified □ Forest ✓ Woodland □ Scrub (tall) □ Shrubland (short) □ Mallee □ Rainforest □ Grassland □	Excludable / Low Threat □ Modified □ Forest ✓ Woodland □ Scrub (tall) □ Shrubland (short) □ Mallee □ Rainforest □ Grassland □			
Effective Slope (under the classifiable vegetation within 150 metres)	Upslope / Flat ☐ DOWNSLOPE >0 to 5 ° ☐ >5 to 10° ☐ >10° to 15° ☐ >15 to 20° ✓ >20° ☐	Upslope / Flat ☐ DOWNSLOPE >0 to 5 ° ☐ >5 to 10° ☐ >10° to 15° ☐ >15 to 20° ✓ >20° ☐	Upslope / Flat ☐ DOWNSLOPE >0 to 5 ° ☐ >5 to 10° ☐ >10° to 15° ✓ >15 to 20° ☐ >20° ☐	Upslope / Flat ☐ DOWNSLOPE >0 to 5 ° ☐ >5 to 10° ☐ >10° to 15° ☐ >15 to 20° ✓ >20° ☐			
Distance (m) to Classifiable Vegetation	0 metres	0 metres	0 metres	0 metres			

Bushfire Management Statement

53.02-4.1 Landscape, siting and design objectives

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.
- · Development is sited to minimise the risk from bushfire.
- Development is sited to provide safe access for vehicles, including emergency vehicles.
- · Building design minimises vulnerability to bushfire attack.

Approved Measure (AM) 2.1 – Landscape

Requirement

The bushfire risk to the development from the surrounding landscape has been assessed as an extreme risk. This property is the last privately owned property before the Public Land estate. Following the implementation of the defendable space requirement, the likely bushfire attack mechanism is through embers landing on the property and starting new fires and radiant heat up to $29kW/m^2$. The dwelling will only have one aspect exposed to the radiant heat as it will be largely buried into the ground. In addition, the windows on the exposed part of the building will also be protected through the construction of a low wall from non-combustible materials that will act as a radiant heat barrier.

The front façade is being constructed on the leeside of the slope which will provide a level of protection from bushfire approaching under a south westerly influence. The property will also be provided with a six person bushfire bunker.

The landscape bushfire risk has been classified as Type 4¹.



Approved measure (AM) 2.2 - Siting

Requirement

A building is sited to ensure the site best achieves the following:

The maximum separation distance between the building and bushfire hazard

The dwelling location is at the western end of the property. Due to the slopes on the property, siting options are limited. In particular, the siting options on the eastern side of the property are non-existent due to the slopes and gullies.

The site will be provided with defendable space along with 20 metres of cleared breaks around the entire perimeter of the property.

The property provides sufficient distance between the bushfire hazard and the dwelling.

· The building is in close proximity to a public road

The dwelling is being constructed as close to Deep Creek Road possible whilst maintaining the ability to manage the bushfire risk.

164 Deep Creek Road, Bruthen V3

14

 $^{{}^{1}\} https://www.planning.vic.gov.au/_data/assets/pdf_file/0029/107669/Technical-Guide-Planning-Permit-Applications-Bushfire-Management-Overlay.pdf$

The driveway will comply with the BMO conditions.

· Access can be provided to the building for emergency service vehicles

Emergency service vehicles are able to access the dwelling.

Any other comments

The landscape risk has been assessed as extreme and this BMS demonstrates how the design manages this risk.

Has Approved Measure (AM) 2.2 been fully met? Yes \checkmark No \square

Approved Measure (AM) 2.3 – Building design

Requirement

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

To offset the landscape risk that is present the building will be provided with defendable space as per the Bushfire Management Plan with the building designed to meet **BAL 40**. The defendable space will be extended to the property boundary on the northern, western and southern boundaries.

To the east this will be extended to 61 metres which provides a BAL29 equivalent space. This will effectively manage the landscape risk by reducing the potential radiant heat impact on the building but increasing the construction requirements to assist with offsetting the impact of embers. This along with the majority of the dwelling being constructed underground, will manage the risk sufficiently.

Has Approved Measure (AM) 2.3 been fully met? Yes \checkmark No \square

53.02-4.2 – Defendable Space and Construction Objectives

 Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on the building.

Approved Measure (AM) 3.1 – Bushfire Construction and Defendable Space

A building used for a dwelling is provided with defendable space in accordance with:

 Table 2 Columns A, B, C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land

The building is constructed to the bushfire attack level that corresponds to the bushfire attack level that corresponds to the defendable space provided in the accordance with Table 2 to Clause 53.02-5.

The defendable space minimum distance required is **61 metres**. Due to the size of the property, defendable space will be provided to the property boundary to the north, south and west. Refer to the Bushfire Management Plan in Appendix 2 for further details.

Table 6 of Clause 53.02-5 - Vegetation management requirements

Defendable space is provided and is managed in accordance with the following requirements:

164 Deep Creek Road, Bruthen V3

15

- 1. Grass must be short cropped and maintained during the declared fire danger period.
- 2. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- 3. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- 4. Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- 5. Shrubs must not be located under the canopy of trees.
- 6. Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- 7. Trees must not overhang or touch any elements of the building.
- 8. The canopy of trees must be separated by at least 5 metres.
- 9. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

A building is constructed to the bushfire attack level:

That corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5. The building will be constructed to **BAL 40** and provided with defendable space to 61 metres to the east and to the property boundary in all other directions.

Any other comments

The defendable space is able to be provided on the property.



53.02-4.3 – Water Supply and Access Objectives

- A static water supply is provided to assist in protecting property.
- Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved Measure AM 4.1 – Water Supply and Access Water Supply Requirement

The building is provided with a static water supply for firefighting and property protection purposes as specified in Table 4 to Clause 53.02-5.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.

Lot Size (m²)	Hydrant Available	Capacity (litres)	Fire Authority Fittings & Access Required	Select Response
Less than 500	Not Applicable	2,500	No	

164 Deep Creek Road, Bruthen V3

500 – 1000*	Yes	5,000	No	
500 - 1000	No	10,000	Yes	
1001 and above	Not Applicable	10,000	Yes	✓

Note: a hydrant is available if it is located within 120 metres of the rear of the building

Note: Fittings must be in accordance with the published requirements of the relevant fire authority

Confirm Static Water Supply meets the following

requirements

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction
- of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling
- (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Additional Information:

The site will be provided with 20,000 litres dedicated static water supply. This will be part of a total 110,000 litre static water supply.

Has Approved Measure AM 4.1 (Water Supply)				
been fully met?	Yes	✓	No	

164 Deep Creek Road, Bruthen V3

Access Requirement

Vehicle access is designed and constructed as specified in Table 5 to Clause 53.02-5.

Column A	Column B		
Length of access is less than 30 metres	☐ There are no design and construction requirements if fire authority access to water supply is not required under AM 1.3		
Length of access is less than 30 metres	✓ Where fire authority access to the water supply is required under AM1.3 fire authority vehicles must be able to get within 4 metres of the water supply outlet		
Length of access is greater than 30 metres	The following design and construction requirements apply: ✓ All weather construction ✓ A load limit of at least 15 tonnes ✓ Provide a minimum trafficable width of 3.5 metres ✓ Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically ✓ Curves must have a minimum inner radius of 10 metres ✓ The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres ✓ Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle		
Length of access is greater than 100 metres	A turning area for fire fighting vehicles must be provided close to the building by one of the following: ✓ A turning circle with a minimum radius of eight metres ✓ A driveway encircling the dwelling ✓ The provision of other vehicle turning heads such as a T head or Y Head – which meet the specification of Austroad Design for an 8.8 metre service vehicle.		
Length of access is greater than 200 metres	 ✓ Passing bays must be provided at least every 200 metres. ✓ Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres. 		

Additional Information:

The dwelling is provided with effective access to the water supply and the property.

Has Approved Measure AM 4.1 (Access)				
been fully met?	Yes	✓	No	

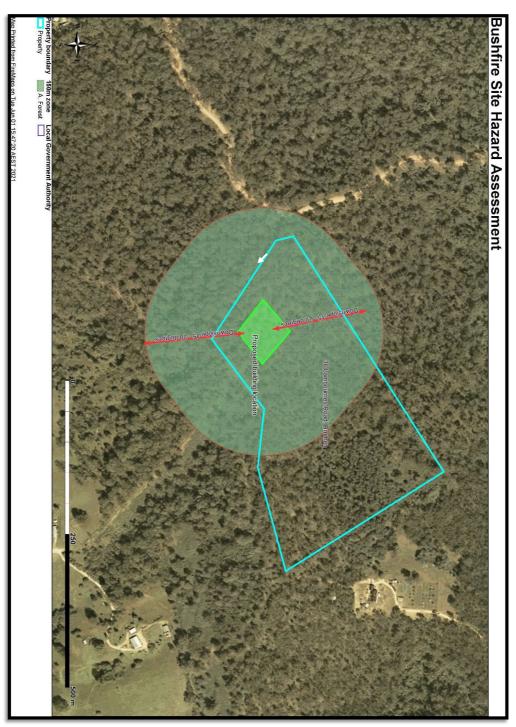
Conclusion

The construction of a dwelling on this site can be achieved safely and in accordance with the Bushfire Management Overlay.

Whilst it is acknowledged that the property is at the northern end of the Rural Living zoned area, due to the size of the property, it is possible to develop the land to achieve a level of safety for the building occupants and also reduce the risk to the surrounding properties.

The balance of BAL 40 construction, the building being constructed mostly underground and the increased defendable space means that the occupants can live safely at the property. This matched with the heightened understanding of our clients as to the level of bushfire risk and the desire to manage this effectively will result in an acceptable design.

The design solution including water supply, emergency vehicle access and a dwelling design that includes additional treatments will ensure this design achieves the requirements of the Bushfire Management Overlay and Clause 13.02.



Appendix 2 – Bushfire Management Statement

Construction Standard

The building will be designed and constructed to a minimum Bushfire Attack Level of **BAL 40**.

Defendable Space

The dwelling will be provided with **61 metres** of defendable space as a minimum and in accordance with this Bushfire Management Plan where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- · Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Water Supply

Unless otherwise agreed in writing by the relevant fire authority, the **10,000 litres** of water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling
- (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Access

Where fire authority access to the water supply is required under AM1.3 fire authority vehicles must be able to get within 4 metres of the water supply outlet

The following design and construction requirements apply:

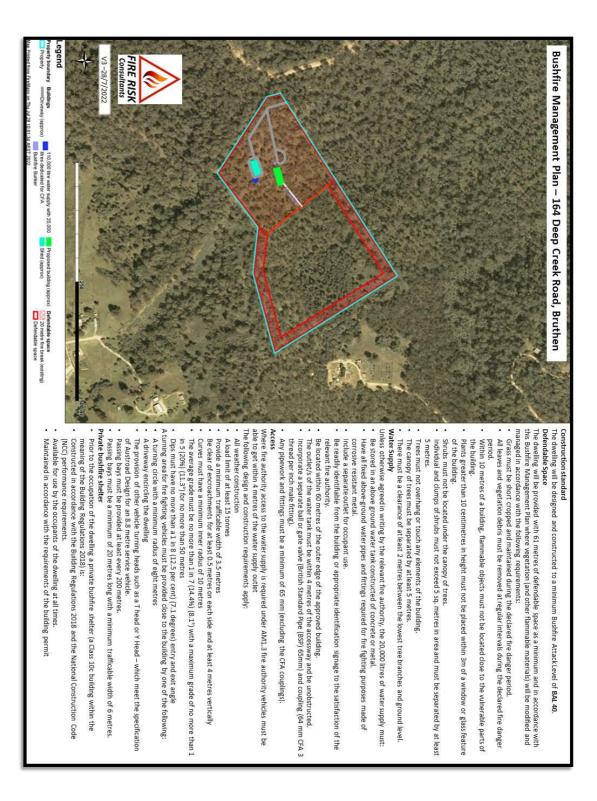
- All weather construction
- A load limit of at least 15 tonnes
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically
- Curves must have a minimum inner radius of 10 metres
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle

A turning area for fire fighting vehicles must be provided close to the building by one of the following:

- A turning circle with a minimum radius of eight metres
- A driveway encircling the dwelling
- The provision of other vehicle turning heads such as a T head or Y Head which meet the specification of Austroad Design for an 8.8 metre service vehicle.
- Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

Bushfire Bunker

- Prior to the occupation of the dwelling a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018) is:
- Constructed in accordance with the Building Regulations 2018 and the National Construction Code (NCC) performance requirements.
- Available for use by the occupants of the dwelling at all times.
- Maintained in accordance with the requirements of the building permit



Appendix 3 – Photos

Looking north west from the approximate location of the dwelling.



Looking northerly from the approximate dwelling location.

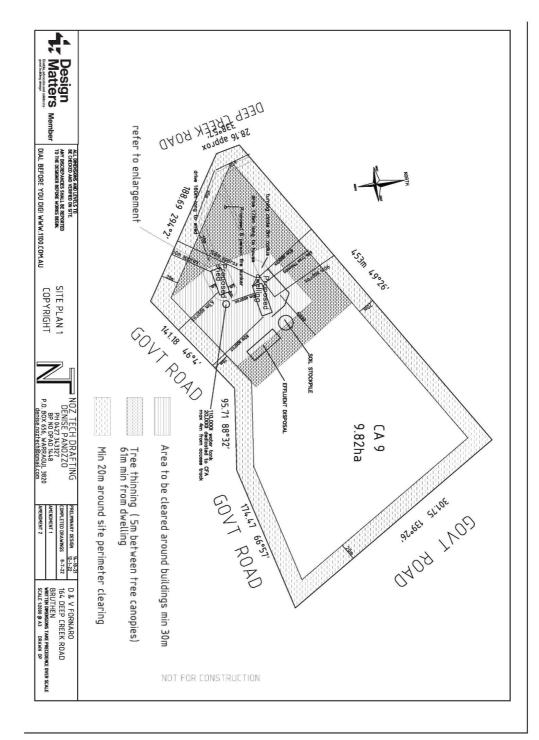


Looking easterly from the approximate dwelling location. Note the fuel break on the southern edge of the property.



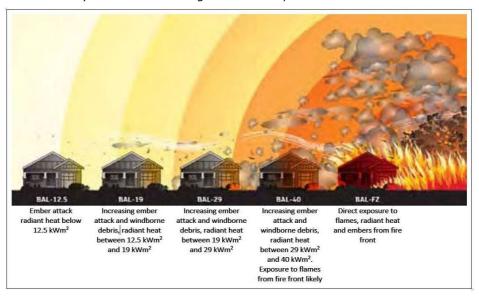
Existing vegetation management arrangements.





Appendix 5 – BAL levels explained

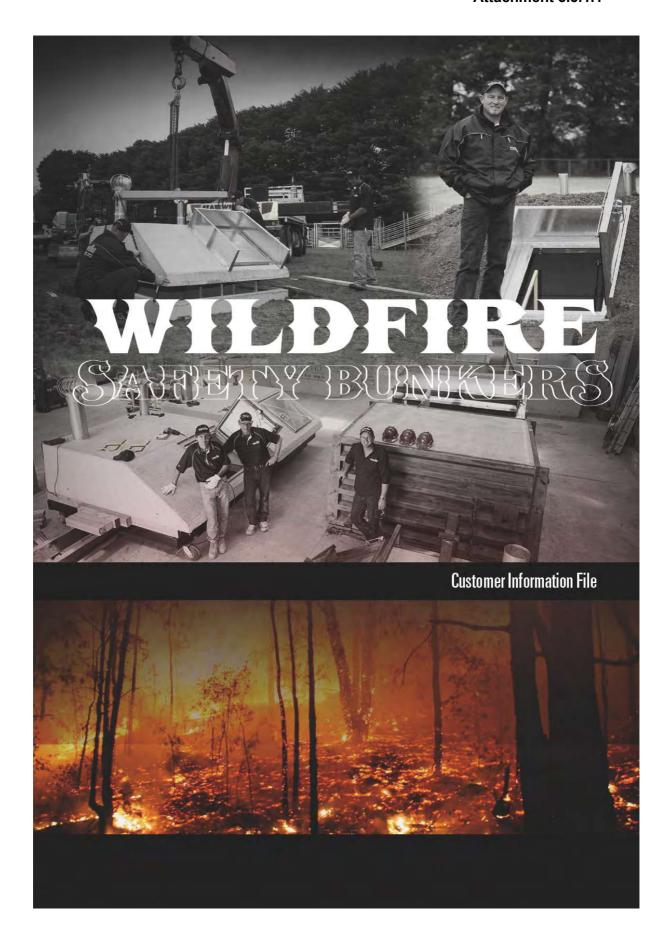
The following diagram outlines the type of bushfire attack method will impact on a dwelling associated. This then indicates the relevant BAL construction level as determined by the Bushfire Management Overlay.



Appendix 6 – References

- Francis Hines, Kevin G Tolhurst, Andrew AG Wilson and Gregory J McCarthy 2010, Overall Fuel Hazard Guide 4th Edition, Department of Sustainability and Environment, 44 pp
- 2. Ahern, A. and Chladil, M. (1999) *How far do bushfires penetrate urban areas?* Aon Re Worldwide and Tasmanian Fire Service
- 3. Attorney-General's Department (2015) *National Emergency Risk Assessment Guidelines*. Commonwealth of Australia.
- 4. Blanchi, R. and Leonard, J. (2005) *Investigation of Bushfire Attack Mechanisms Resulting in House Loss in the ACT Bushfire 2003*. CSIRO and Bushfire CRC.
- 5. Bull, H. (2011) Fire Ecology: Guide to Environmentally Sustainable Bushfire Management in Rural Victoria. Burwood East: Country Fire Authority
- Byram, G. (1959) Combustion of Forest Fuels, in: Forest Fire: Control and Use. New York: McGraw-Hill, pp. 113-126
- 7. Cheney, P. and Sullivan, A. (2008) *Grassfires: fuel, weather and fire behaviour, second edition.* CSIRO Publishing, Melbourne.
- 8. DSE (2012) Code of Practice for Bushfire Management on Public Land. Melbourne: Department of Sustainability and Environment.
- 9. Gill, M. (2008) *Underpinnings of fire management for biodiversity conservation in reserves* (No. 73). East Melbourne, Victoria: Department of Environment, Land, Water and Planning.
- 10. Gould, J. S., McCaw, W. L., Cheney, N. P., Ellis, P. F. and Mathews, S. (2007) *Field guide: fuel assessment and fire behaviour prediction in dry eucalypt forest*. Ensis-CSIRO, Canberra, ACT and Department of Environment and Conservation, Perth, WA.
- 11. Leonard, J. (2009) Report to the 2009 Victorian Bushfires Royal Commission: Building Performance in Bushfires (Report to the VBRC). p. 80. CSIRO
- 12. Luke, H. R, and McArthur, A. G. (1986) *Bushfires in Australia*. CSIRO Division of Forest Research,
- 13. Standards Australia (2018) *AS 3959-2018 Construction of Buildings in Bushfire Prone Areas* (No. up to amendment 3 (Nov 2011). Sydney: SAI Global.
- 14. Standards Australia Limited (2009) *AS/NZS ISO 31000:2009 Risk management Principles and quidelines.* Sydney: SAI Global Limited.
- 15. Tolhurst, K. (1994) Effects of Fuel Reduction Burning on Fuel Loads in a Dry Sclerophyll Forest. In DEST (1994) *Fire & Biodiversity: The Effects & Effectiveness of Fire Management, Biodiversity Series, Paper No. 8, Biodiversity Unit, Canberra.*
- 16. Tolhurst, K. and Cheney, N. (1999) *Synopsis of the Knowledge Used in Prescribed Burning in Victoria*. Melbourne: Department of Natural Resources and Environment, Fire Management.

164 Deep Creek Road, Bruthen V3





Hello Customer

Please see further information enclosed within this customer information pack, could you please contact me on the number below to discuss your inquiry in more detail.

Wildfire Safety Bunkers supply's its bunkers Australia wide including Tasmania, when considering our products allow freight costs from Melbourne, Wildfire can give you a quote for interstate freight charges.

You will see our certificate of accreditation from the Building Regulations Advisory Committee (BRAC) in the first file attached, this verifies our units are accredited as a class 10c building.

The average cost to supply, transport, and install 1 x six person Wildfire Safety Bunker within a 100 Kilometre radius of the Melbourne CBD is approximately \$16,000.00, a site or Google Earth inspection would be needed to give a firm quote.

A standard installation takes around 5 hours on flat ground where there is clear access for our delivery crane truck and small excavator.

The average cost to supply, transport, and install 1 x 12 person Wildfire Safety Bunker within a 100 Kilometre radius of the Melbourne CBD is approximately \$35,000.00, a site or Google Earth inspection would be needed to give a firm quote.

A standard installation takes 3 days on flat ground where there is clear access for our delivery truck, large crane and 15 tonne excavator.

Another option to consider is the installation of two six person units side by side.

The only variations to a quotation that may arise are the following.

- 1. The use of a rock breaker if rock is present at the excavation site.
- 2. The need for clean fill as rock cannot be place down around the unit once placed, this fill is sourced locally at local rates.
- 3. The need to remove excavated rock off site if it cannot be spread around the excavation site, this includes the use of a tip truck to relocate it somewhere else on site.

If you are not sure of the location of all under ground services (water - gas - power - drainage) we strongly recommend having them located.

Wildfire will take all care when on site although Wildfire will take no responsibility if below ground or above ground services are damaged, all costs to repair any damaged services remains with the home owner.

As trees can be an issue on most sites please address any vegetation that could fall and block the entrance to the bunker, please consult with your local council before removing any trees.

All permits remain the responsibility of the home owner, please see a step by step guide near the end of this document. Wildfire has been advised that a BAL, (Bushfire Attack Level), reduction may apply in some locations through out Victoria if an accredited bushfire shelter is installed on a property, please check with your local council for further advice.

As the units are made to order, please allow approximately 4 - 5 weeks from accepting your quotation to delivery, delivery times may very during the summer months.

CONTRACTOR OF THE STATE STATES OF THE STATES

Please feel free to call anytime if you require any further clarification on the above.

Regards

Anthony Tratt

Managing Director Wildfire Safety Bunkers Pty Ltd

0419 500 113 anthony@wildfiresafetybunkers.com.au www.wildfiresafetybunkers.com.au Lot 4/8-10 Simcock St, Somerville Victoria 3912



Media Release

From the Building Commission

2 November 2012

Victorians warned against buying non-accredited bushfire shelters

The Building Commission is warning Victorians against buying non-accredited private bushfire shelters, or using 'storage shelters' for personal use in the event of a bushfire.

The Building Commissioner, Mr Michael Kefford, said a number of companies had been advertising bushfire shelters in newspapers and online, but the quality and safety of those shelters had not been accredited by the Building Regulations Advisory Committee (BRAC).

"Some companies are even calling these constructions 'storage shelters', which don't usually require a building permit to create, but also have not been accredited as fire shelters," said Mr Kefford.

"A storage shelter should not be relied upon to keep you safe during a bushfire.

"Only one company, Wildfire Safety Bunkers, has received the BRAC 'stamp of approval' for use in situations assessed up to and including the highest bushfire attack level.

"This followed a series of rigorous tests by *Wildfire Safety Bunkers*, and an assessment by BRAC and an independent expert panel.

"Any other models by any other companies should be treated as non-accredited, as they have not been approved by BRAC.

"Buying one of these non-accredited models is not worth the risk it could pose to you and your family if a major bushfire threatened your home."

All private bushfire shelters require a building permit before construction, which specifies performance requirements for design and construction—such as access to the shelter, and necessary facilities, tenability and air supply.

Mr Kefford added that private bushfire shelters should only be used as a place of last resort.

"Regardless of the quality of the shelter, the only way to absolutely ensure your safety is to leave early," said Mr Kefford.

For more information on Bushfire Building Regulations and home preparedness, contact the Building Commission on **1300 815 127** or visit www.buildingcommission.com.au

For further information, contact:
Cameron Jackson, Building Commission
cjackson@buildingcommission.com.au
03 9618 9298 / 0418 271 988





26 September 2016

Level 23, 121 Exhibition St Melbourne Vic 3000 GPO Box 4356 Melbourne Vic 3001

T +613 8685 1355 F +613 8684 1399 E admin@emv.vic.gov.au DX 210077

www.emv.vic.gov.au

Our ref: BC/16/25769

Mr Anthony Tratt Managing Director Wildfire Safety Bunkers Pty Ltd 10 Simcock Street Somerville VIC 3912

Dear Mr Tratt

RE: HIGHLY COMMENDED VICTORIAN RESILIENT AUSTRALIA BUSINESS AWARD

The Resilient Australia Awards are important awards that recognise excellence and innovation in work that develops and strengthens community connectedness and disaster resilience across Victoria.

Your achievement in receiving a Highly Commended Victorian Resilient Australia Business Award for the development of Wildfire Safety Bunkers is significant.

You work has contributed to ensuring your community is safer, more resilient, and better prepared for disasters.

Congratulations and well done on your achievement and I encourage you to keep up this excellent work.

Yours sincerely

Craig Lapsley PSM

Emergency Management Commissioner

WORKING IN CONJUNCTION WITH COMMUNITIES, GOVERNMENT, AGENCIES AND BUSINESS









Resilient Australia Business Award

Awarded to
Wildfire Safety Bunkers Pty, Ltd.
for
Wildfire Safety Bunkers

Sponsored by











2012 RESILIENT AUSTRALIA AWARDS

HIGHLY COMMENDED

awarded to

Wildfire Safety Bunkers Pty Ltd

for

Fire and Storm Shelters

Presented on 14 November 2012 by

The Hon. Peter Ryan, MLA

Deputy Premier and Minister for Police and Emergency Services



Regulations Advisory Committee

Certificate of Accreditation

Amendment 3

WILDFIRE SAFETY BUNKER

Wildfire Safety Bunkers Pty Ltd PO Box 1225 MORNINGTON VIC 3931

has applied to the Building Regulations Advisory Committee for the accreditation of the **WILDFIRE SAFETY BUNKER** six person private bushfire shelter, as suitable for use by up to six people for a maximum period of one hour as a Class 10c building associated with a Class 1 building.

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the *Building Act 1993* has examined the application and accredited the **WILDFIRE SAFETY BUNKER** six person private bushfire shelter as complying with:

Performance Requirements P2.1.1 and P2.7.6

of the National Construction Code Series, Volume Two, Building Code of Australia, Class 1 and Class 10 buildings as adopted by the building regulations as in force from time to time, subject to the following conditions:

- The Wildfire Safety Bunker six person private bushfire shelter is limited to construction on sites that have been assessed as BAL-FZ or a lower BAL when assessed in accordance AS3959- 2018.
- The Wildfire Safety Bunker six person private bushfire shelter is installed, operated and maintained in accordance with Wildfire Safety Bunker instruction manual dated 18 January 2010.

This accreditation does not apply to any other provisions of the National Construction Code Series.

Signature:

Commissioner Yvonne von Hartel AM
Chair, Building Regulations Advisory Committee

Certificate Number: V10/01 – A3

Date of issue: 4 March 2010

DOC/20/77302 Page **1** of **2**

Goods Shed North, 733 Bourke Street, Docklands, VIC, Australia 3008



Regulations Advisory Committee

Amendment 1 (A1)

Nature of amendment: To update references to performance requirements and adjust

conditions.

Date of amendment: 8 August 2017

Amendment 2 (A2)

Nature of amendment: To update reference to performance requirement P2.7.6.

Date of amendment: 25 September 2019

Amendment 3 (A3)

To update reference to AS3959-2018 Nature of amendment:

Date of amendment: 26 February 2020

DOC/20/77302

Page **2** of **2** Goods Shed North, 733 Bourke Street, Docklands, VIC, Australia 3008



Regulations Advisory Committee

Certificate of Accreditation Amendment 3

WILDFIRE SAFETY BUNKER

Wildfire Safety Bunkers Pty Ltd PO Box 1225 MORNINGTON VIC 3931

has applied to the Building Regulations Advisory Committee for the accreditation of the WILDFIRE SAFETY BUNKER twelve person private bushfire shelter, as suitable for use by up to twelve people for a maximum period of one hour as a Class 10c building associated with a Class 1 building.

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the *Building Act 1993* has examined the application and determined that the **WILDFIRE SAFETY BUNKER** twelve person private bushfire shelter complies with the following Performance Requirements:

P2.1.1 and P2.7.6

of the National Construction Code Series, Volume Two, Building Code of Australia, Class 1 and Class 10 buildings as adopted by the building regulations as in force from time to time, subject to the following conditions:

- (i) The Wildfire Safety Bunker twelve person private bushfire shelter is limited to construction on sites that have been assessed as BAL-FZ or a lower BAL when assessed in accordance AS3959-2018.
- (ii) The Wildfire Safety Bunker twelve person private bushfire shelter is installed, operated and maintained in accordance with the Wildfire Safety Bunkers Product Manual, Edition 2 12 person bunker updated 24 May 2011.

This accreditation does not apply to any other provisions of the National Construction Code Series.

Signature:

Commissioner Yvonne von Hartel AM

Chair, Building Regulations Advisory Committee

Certificate Number: V11/04 – A3 **Date of issue:** 10 November 2011

DOC/20/77311 Page 1 of 2

Goods Shed North, 733 Bourke Street, Docklands, VIC, Australia 3008



Regulations Advisory Committee

Amendment 1 (A1)

Nature of amendment: To update references to performance requirements and adjust

conditions.

Date of amendment: 8 August 2017

Amendment 2 (A2)

Nature of amendment: To update reference to performance requirement P2.7.6.

Date of amendment: 25 September 2019

Amendment 3 (A3)

Nature of amendment: To update reference to AS3959-2018.

Date of amendment: 26 February 2020

DOC/20/77311 Page **2** of **2**

VICTORIA State Government

Goods Shed North, 733 Bourke Street, Docklands, VIC, Australia 3008

File: 1/8007

9 July 2010

Building Commission

Goods Shed North
733 Bourke Street, Docklands
Victoria, Australia 3008
PO Box 536, Melbourne
Victoria, Australia 3001
Telephone +61 3 1300 815 127
Facslimile +61 3 9618 9062
DX 210 299 Melbourne

www.buildingcommission.com.au

Mr Anthony Tratt Wildfire Safety Bunkers Pty Ltd PO Box 1225 Mornington, Victoria 3931

Dear Mr Tratt

ACCREDITATION OF WILDFIRE SAFETY BUNKER

As you are aware, the Building Regulations Advisory Committee (BRAC) accredited the "Wildfire Safety Bunker" personal bushfire shelter for use in Victoria at its meeting of 3 March 2010.

The accreditation was based on the Performance Requirement P2.3.4A implemented by the Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2009 which came into operation on 11 November 2009.

On 28 March 2010, the Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2010 came into operation. These regulations adopted the *Performance Standard for Private Bushfire Shelters Part 1 2010* published by the Australian Building Codes Board including a new Performance Requirement, also P2.3.4A which formed part of the new Standard.

As a consequence of the introduction of the Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2010, the former Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2009 were revoked, including the former Performance Requirement P2.3.4A the Wildfire Safety Bunker was accredited against.

Regulation 1408 of the Building Regulations 2006 permits BRAC to revoke an accreditation where the regulation in relation to which the product was accredited has been revoked.

At its meeting of 16 June 2010, the BRAC considered a technical report prepared by the Building Commission that provided a comparison of the 2009 and 2010 Performance Requirements. As a consequence, the BRAC is satisfied that the two Performance Requirements would result in the same design response.



I am pleased to inform you that the BRAC made a formal decision at this meeting to confirm the validity of your current Certificate of Accreditation V10/01, issued on 4 March 2010.

Should you need to discuss this further or have any enquiries in relation to this matter, please contact me on

Vours sideoroly

Manger, Technical and Research Services

WILDFIRE SAFETY BUNKERS

Examples of Installed Wildfire Safety Bunkers - 6 Person Bunkers





ESTABLISHED INSTALLS





CONNECTED BUNKERS INSTALLED





INSTALLED ONTO FLAT SITES

WILDFIRE SAFETY BUNKERS

Examples of Installed Wildfire Safety Bunkers - 12 Person Bunkers





12 PERSON UNIT INSTALL





12 PERSON UNIT DELIVERY & INSTALL





12 PERSON UNIT INSTALL

WILDFIRE SAFETY BUNKERS

Internal images of bunkers



6 PERSON UNIT



6 PERSON UNIT



6 PERSON UNIT



12 PERSON UNIT



12 PERSON UNIT



12 PERSON UNIT

WILDFIRE SAFETY BUNKERS

Examples of Crane Trucks - Deliver & Install of bunker





STRAIGHT FROM FACTORY TO INSTALL LOCATION







BUNKER BEING CRANED INTO POSITION RADY FOR INSTALL



WILDFIRE SAFETY BUNKERS

Examples of Installed Wildfire Safety Bunkers - Crane Installs





12 PERSON UNIT INSTALL



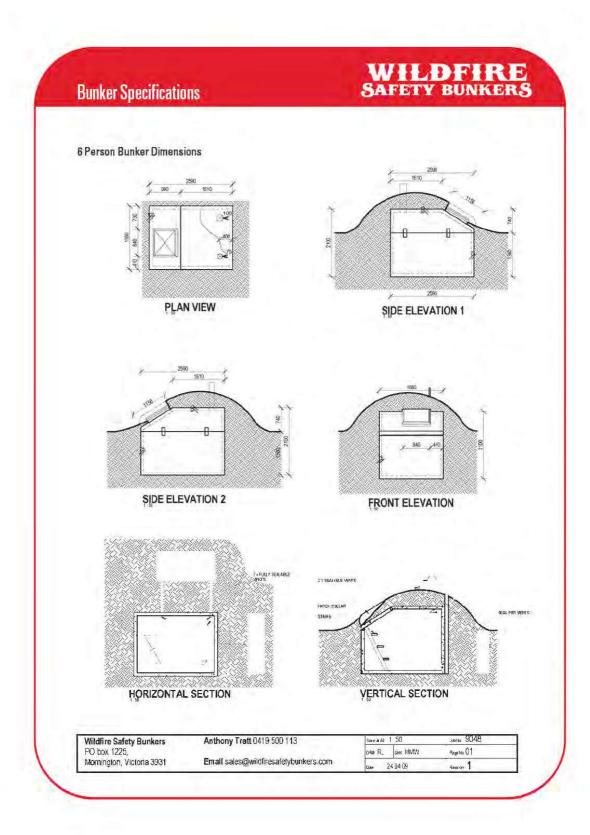


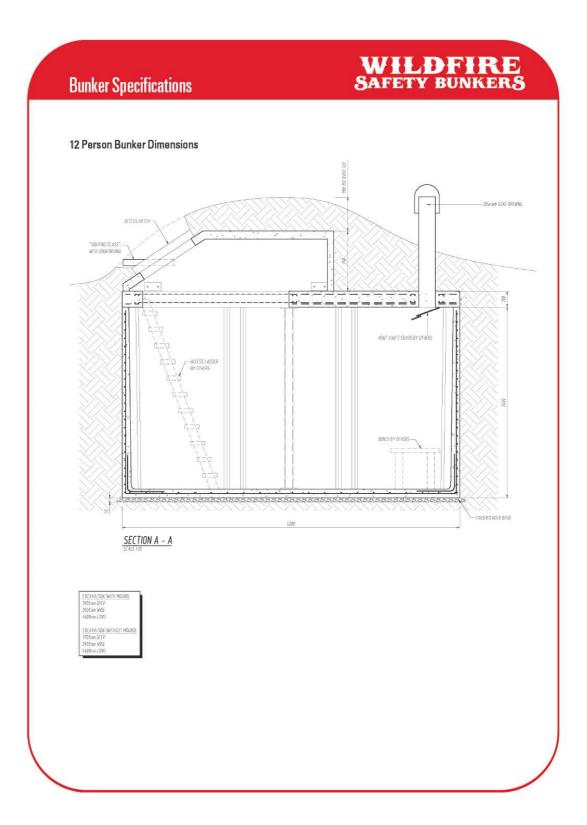
CRANE INSTALLS





CRANE INSTALLS





Installation



Site Selection Requirements:

The following is a list of considerations that must be adhered to when choosing a Wildfire Safety Bunker site. A Wildfire Safety Bunker can also be relocated at a later date if required to suit future building extensions.

The Wildfire Safety Bunker is certified for use in Bushfire areas rated to BAL- FZ or a lower BAL, when assessed in accordance with AS3959-2009.

Considerations:

- 1. Distance from the main residence. When selecting a site consideration must be given to the age of the occupants and or any disabilities.
- The siting of the bunker (in relation to slope, aspect, orientation and vegetation) must minimise exposure from the fire front and other structures.
- 3. The most common wind direction and the most likely path a fire will take.
- 4. The construction of the house brick veneer, timber, other.
- 5. The siting distance from other out-buildings or car-ports or storage sheds.
- $6. \ \ \, \text{Trees and vegetation re-distance from, amount, size, overhanging, relocation, removal.}$
- 7. Clear pathway from the residence to the fire bunker/shelter.
- 8. Access for machinery re crane truck and excavator.
- 9. Fences, boundaries, easements and other services.
- 10. Determine the Bushfire Attack Level (BAL)

It is not always possible to avoid overhanging tree branches, in this situation the tree branches must be trimmed or removed. A permit may be required from your local council before any clearing work can be started.

Wildfire Safety Bunker Site Selection:

In the following criteria careful consideration must be given to the age of the occupants and or, any disabilities which could affect access and so impact on the site selection.

Setback from dwelling:

The Wildfire Safety Bunker access door is to be located a minimum of 10.0 metres and a maximum of 40.0 metres from the residential dwelling. Ten meters is considered a safe distance should the dwelling ignite following a bushfire event. Forty meters is considered a safe distance in terms of the time taken to get to the Wildfire Safety Bunker in an emergency situation. The access door must be oriented to face the dwelling. This orientation also protects the door from possible future development to neighbouring properties. Where possible the rear of the bunkers earth mound should be facing towards the at-risk fire direction. (i.e. - the door should be facing away from this fire direction).

2. Side and rear boundary setback:

The Wildfire Safety Bunker access door must be located a minimum of 6.0 metres from a side or rear boundary with the access door oriented towards the dwelling. This setback offers protection against the possible placement by neighbours of firewood and other fuel loads on the boundary line adjacent to an installed bunker and the doorway would be facing away from this potential threat.

3. Front and side street setback:

The Wildfire Safety Bunker access door must be located a minimum of 6.0 metres from the far boundary of a front street or 8m from the far boundary of a side street with the access door oriented toward the associated dwelling on the same allotment, or the front or side street.

4. Setback from outbuildings and other fuel loads:

The Wildfire Safety Bunker access door must be located a minimum of 10.0 metres from other outbuildings and fuel loads with the access door oriented towards the dwelling. (Example garden sheds, garages, wood piles, carports etc.). Radiant heat from these structures if ablaze could prolong the time spent in the bunker during a fire episode. If this clearance is not achievable these hazards must be removed or relocated.

5. Site selection

Select a site that is free from any objects (including non-combustible objects) that could possibly fall or be carried by high wind that may block or obstruct the access door to the bunker.

Access pathway:

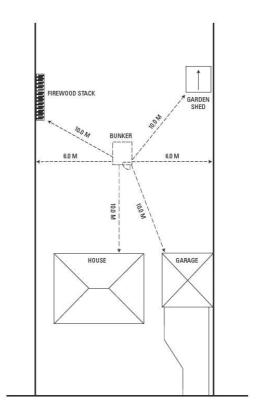
An access path must be established that provides a direct link from home to bunker. The path must be clear and level and have a tactile surface and must be maintained this way by the property owners as an ongoing maintenance item.

7. Vegetation management:

Ongoing Vegetation Management practices are to be implemented to maintain the BAL assessment that was undertaken for the purpose of obtaining the building permit issued for the construction of the Wildfire Safety Bunker.

WILDFIRE SAFETY BUNKERS

Bunker setback distances when selecting site. Measure the distance from the access door.



Site Excavation - 6 Person Bunker:

- 1. Locate any below ground services before you excavate.
- Mark out the area to be excavated, 2400mm x 3000mm.
 (Bunker dimensions are 2000 mm wide x 2600 mm long.)
- When marking out, align the bunker so the access door is facing in the desired direction.
 Refer to point 6 above.
- 4. Excavate to a depth of 1400 mm measured at the entry location. The joint between the top and the bottom of the bunker at the access door opening must be at natural ground level.
- Do not over excavate, the bunker must be set on a solid, level base.
 Do not back fill any over excavation with loose earth, quarter minus fine rock is recommended to level the base of the excavation.

Site Back filling - 6 Person Bunker:

- When back filling around the perimeter of the bunker, compact the fill by hand as you progress. Do not use heavy machinery for this process.
- 2. Mounding of the earth over the bunker should be done carefully.
- An earth cover to a depth of 300mm minimum and 500mm maximum is to be mounded over the top of the bunker and then battered back to natural ground level. The ventilation shafts are to be 100mm above finished ground level.
- It is recommended that a heavy clay type earth be use when mounding over the bunker.
 Sand and loose soils are not recommended for the mounding as they will erode over time.
- 5. Compact the earth by hand as you proceed with the mounding, Note: Do not drive heavy machinery over or close to the edges of the bunker during this process. It is recommended that a simple temporary fence be erected around the bunker (approximately 1500mm back from all four sides of the bunker) to limit the distance between any heavy machinery and the bunker.
- 6. The mounding over the bunker will need attention over time due to erosion. Always maintain the minimum and maximum earth cover (point 3 above) over the bunker at all times. This remains the responsibility of the home owner. The home owner could also contract the services of a landscape gardener for this work.







Avoid heavy machinery close to the edges of the bunker.

Wildfire Safety Bunker Installation - 12 Person Bunker:

Excavation and backfilling of 12 person bunkers must be done by trained Widlfire installers and or there preferred contractors.

Site Procedure -

- 1. Locate any below ground services must be indentified before excavation commences.
- Area to be excavated, 5000mm x 3000mm.
 (Bunker dimensions are 2400 mm wide x 4200 mm long.)
- 3. The bunker will be aligned so the access door is facing in the desired direction.
- Excavation will be to a depth of 2800 mm measured at the entry location. The joint between
 the top and the bottom of the bunker at the access door opening will be at natural ground
 level.
- 5. Quarter minus fine rock will be used to level the base of the excavation.

The mounding over the bunker will need attention over time due to erosion. Always maintain the minimum and maximum earth cover over the bunker at all times. This remains the responsibility of the home owner. The home owner could also contract the services of a landscape gardener for this work.



Owner Builder - Building - Planning - Permit Process Step By Step

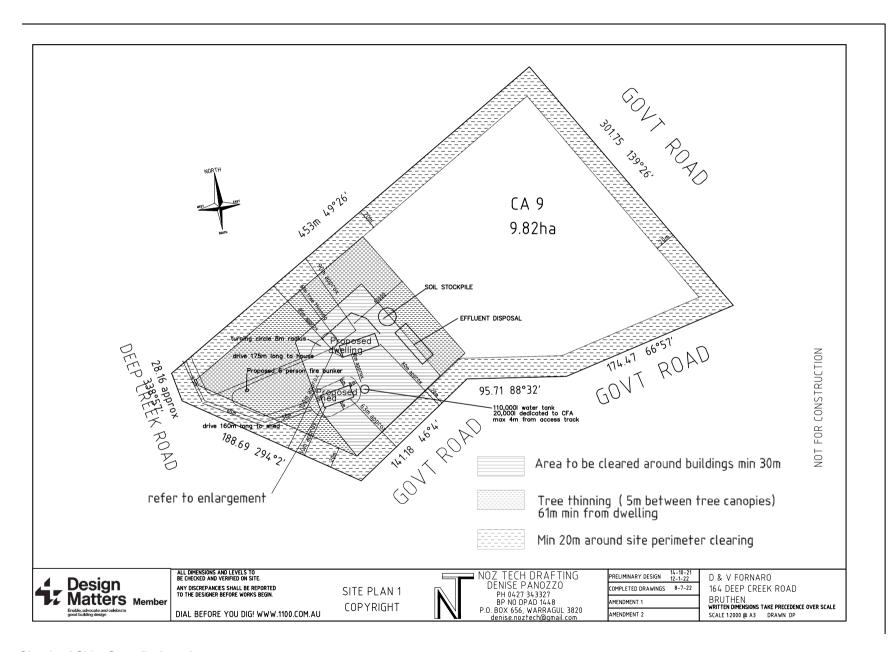
Before a building surveyor can issue a building permit he must first receive a planning permit from your local council or a letter from them confirming you **do not** require one. Some properties do not require a planning permit for new structures. This process is something that can only be done by the owner of the property. Secondly, if the project value is over \$16,000 a Certificate of Consent (Owner Builder permit) from the VBA (Victorian Building Authority) will be needed.

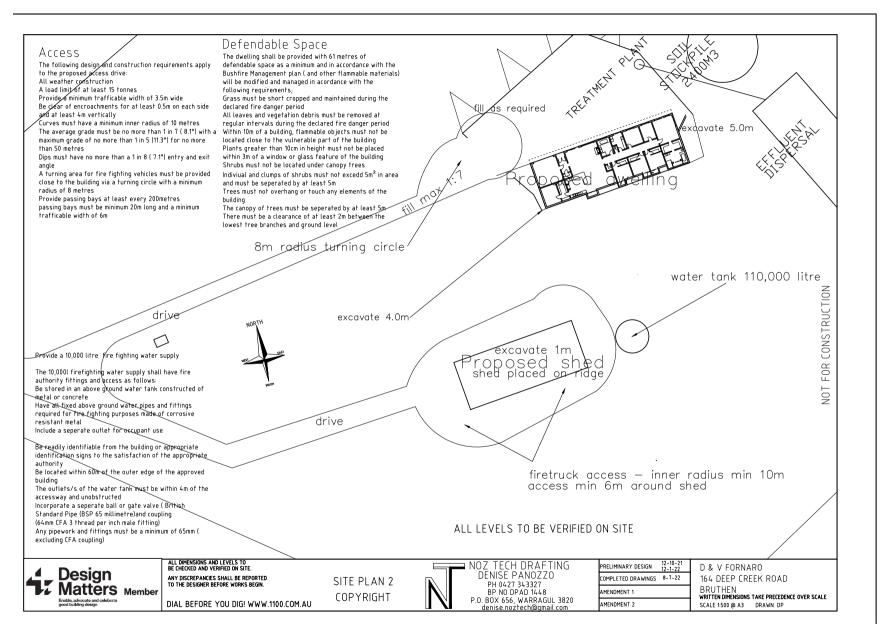
Steps

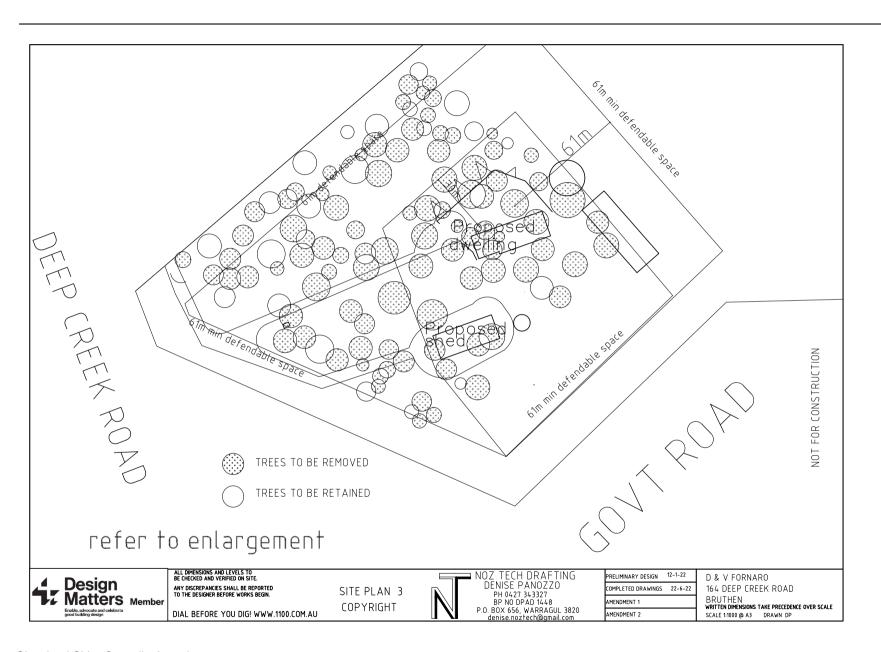
- Make contact with your local council (Planning Department), advise them you would like
 to install a Wildfire Safety Bunker on your property. They will advise you if you require a
 planning permit or not. Land slip, erosion, vegetation removal (trees), wildlife and flooding
 are among the most common reasons for a planning permit. Fill out all the relevant
 documents required by the council to obtain your planning permit.
- Building Permit application will be required via your local council or building surveyor.
 Owner Builder certificate (if the job is greater than \$16,000.00). Forms available from the Victorian Building Authority vba.vic.gov.au
- Copy of title and any underlying documents that might affect the work (example plan of subdivision, covenants, 173 agreements or caveats). Copy can be obtained from landata.vic.gov.au. Title to be no older than 3 months, unless you have amended the title recently.
- Site plan: showing the location of all existing buildings on the site, the location of the proposed fire bunker, approximate site levels of the building area, distance of bunker from house, direction which the bunker faces, location of vegetation on property.
- Specification: This is a copy of the documentation provided by the fire bunker manufacturer, detailing what particular bunker you are obtaining, 6 or 12 person units or in multiples of.
- Once all the documents are filled out we highly advise mailing and/or dropping these
 documents to each relevant party (building surveyor / VBA) at the same time or as
 close as possible, this will definitely speed up the permit process.
- When asked to nominate contractors used on the project, please call Wildfire to confirm their preferred contractors in your area.
- As the above documentation generally takes 4 5 weeks to be approved and permits issued, please allow for this in your planning.
- Please be sure to fill in all paperwork as accurately as possible, if you are unsure of any of the above please call Wildfire for assistance.

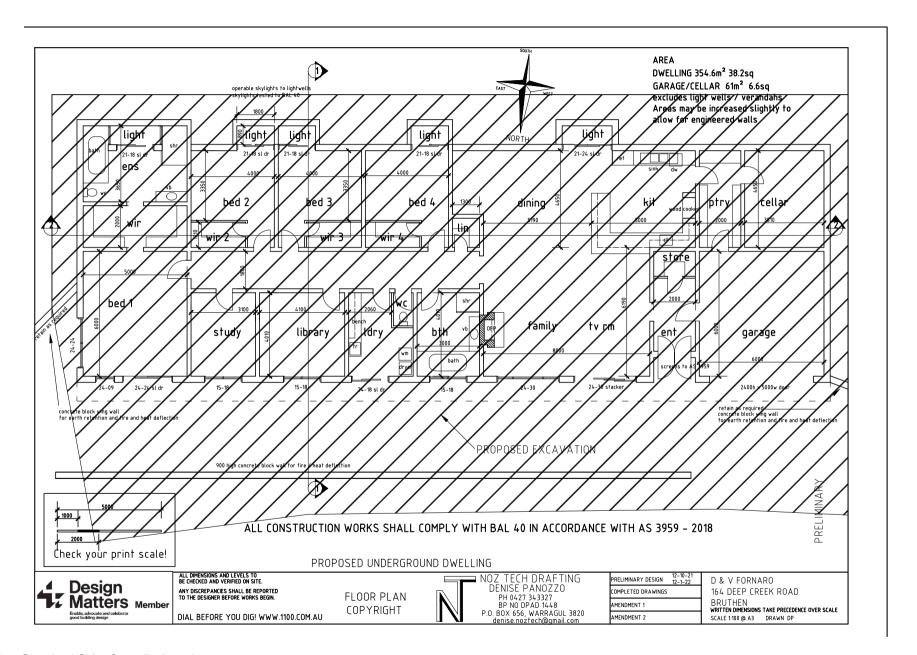
Please Note:

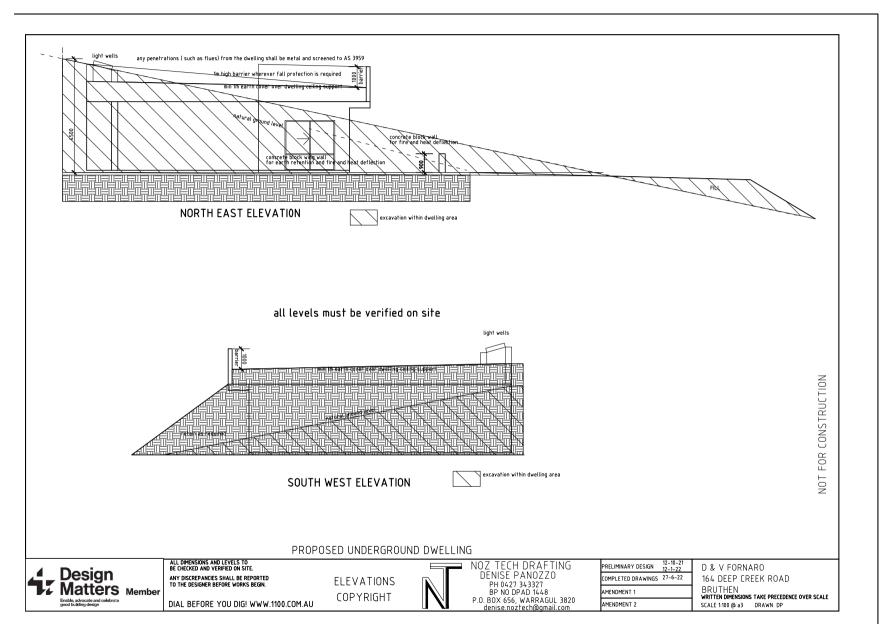
Wildfire Safety Bunkers has been advised by our building certifiers in Victoria and South Australia that if the 6 person Wildfire shelter you wish to install is for **storage purposes only**, you do not require a building permit or a Certificate of Consent. A planning permit may still be required though so please check with your local council. For further clarification on **Storage only** installations please call Wildfire Safety Bunkers.

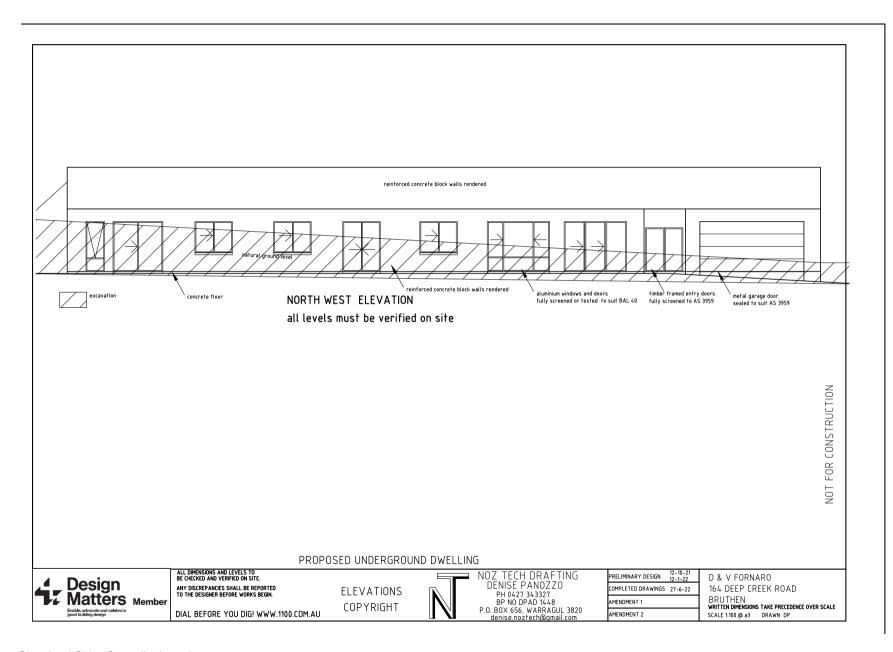


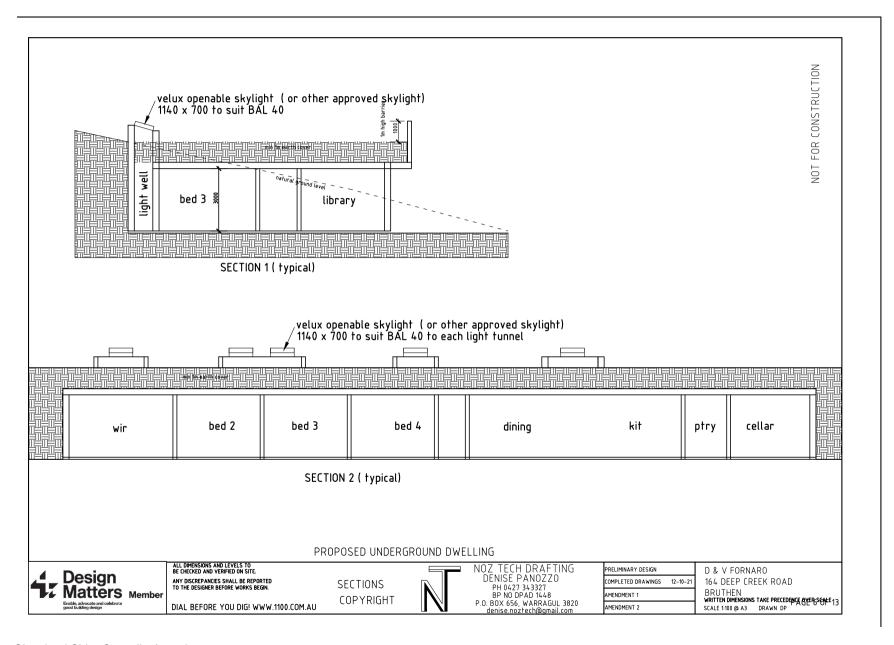


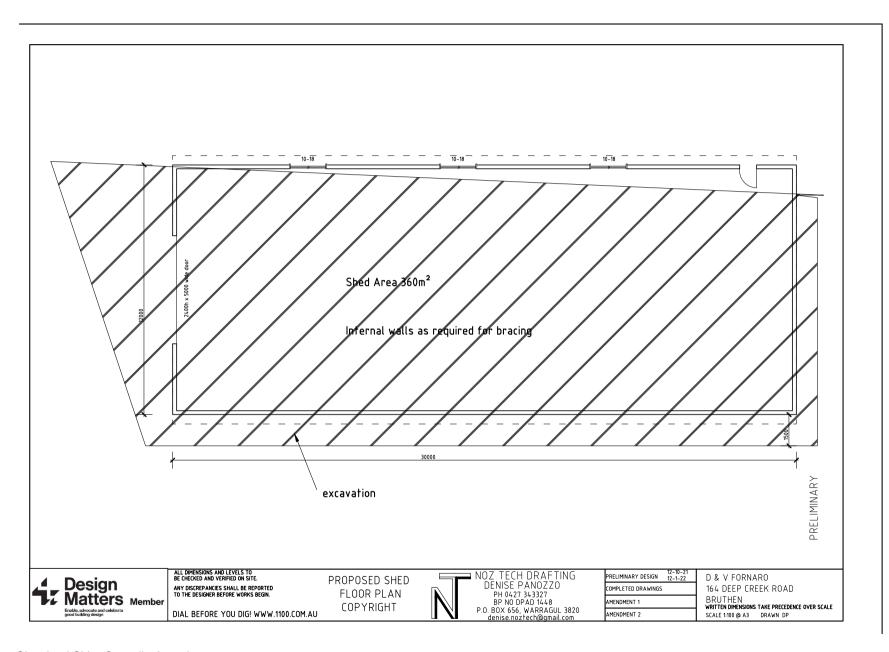


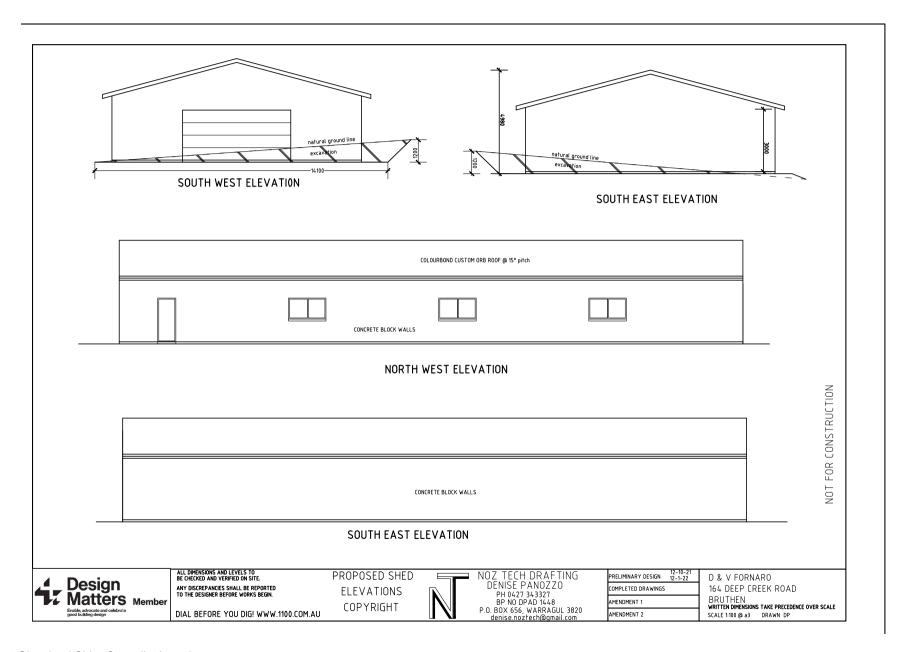














Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Community Preparedness 8 Lakeside Drive Burwood East Vic 3151 Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 11000-74966-115076

Council Ref: 540/2021/P

22 December 2021

East Gippsland Shire Council 273 Main Street BAIRNSDALE VIC 3875 planning@egipps.vic.gov.au

Dear I

LETTER OF ADVICE

Application No: 540/2021/P

Site Address: 164 Deep Creek Road, Bruthen

Proposal: Construction Of Dwelling & Outbuilding In Bmo

I refer to correspondence dated 24 November 2021 seeking comments on the above application. CFA have reviewed the application and provide the following advice:

- The site is in a Type 4 Landscape which is the highest risk and is surrounded by
 'forest' in the proximity of steep hilly terrain. Access to the site is poor from the
 perspective of bushfire risk with egress from the site being down forested dirt roads.
- CFA note the application has sort to address the bushfire risk by providing:
 - o a resilient BAL 40 design for the proposed dwelling;
 - o additional Column C (Clause 53.02) defendable space; and
 - access and water supply that meets the relevant approved measures of Clause 53.02.
- It's acknowledges that the above inclusions have been made to address bushfire behaviour concerns and provide improvement in safety over the approved measures in Clause 53.02. However, CFA is of the view that the proposal does not adequately address the bushfire risk arising from such an extreme landscape and the potential impacts on life and structures.

- CFA continues to be guided by the requirements of the Planning Policy Framework (PPF) at clause 13.02. *Bushfire Planning* that give priority to the protection of human life by:
 - o Prioritising the protection of human life over all other policy considerations
 - Directing population growth and development to low risk locations and ensuring the availability of and safe access to areas where human life can better be protected from the effects of bushfire
 - Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.

If you wish to discuss this matter in more detail, please do not hesitate to contact

Yours sincerely

11

Mark Holland Service Delivery Team Leader COMMUNITY PREPAREDNESS

cc: - · · -



Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Community Preparedness 8 Lakeside Drive Burwood East Vic 3151 Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 11000-74966-117123

Council Ref: 540/2021/P

10 March 2022

East Gippsland Shire Council 273 Main Street BAIRNSDALE VIC 3875 planning@egipps.vic.gov.au

Dear

LETTER OF ADVICE

Application No: 540/2021/P

Site Address: 164 Deep Creek Road, Bruthen

Proposal: Construction of a Dwelling & Outbuilding in the BMO

I refer to correspondence dated 24 November 2021 and received by CFA on the 16 February 2022 seeking comments on the above application and advise that CFA have again reviewed the application and provide the following advice:

The application does not appear to have materially changed from the previous referral to CFA for comment being:

- a resilient BAL 40 design for the proposed dwelling.
- · additional Column C (Clause 53.02) defendable space; and
- access and water supply that meets the relevant approved measures of Clause 53.02.

However, the site remains a Type 4 Landscape which is the highest risk that can be applied to an assessment as it is surrounded by 'forest' in the proximity of steep hilly terrain. Access to the site remains poor from the perspective of bushfire risk with egress from the site being down forested dirt roads.

A bushfire in this environment is likely to be large scale, fast acting, high intensity, erratic, and difficult to control. The nature of this bushfire behaviour means the ability to adequately reduce risk on the site through bushfire protection measures is limited and CFA is of the view the proposal does not achieve the State's bushfire safety requirements in the planning scheme. These requirements are set out below:

OUR COMMUNITY . OUR CFA

Planning Provisions and Policy:

Clause 71.02-3 Integrated Decision Making

The protection of life is given priority over all other policy consideration in bushfire affected areas under this clause. The normal weighting of net community benefit outcomes is secondary to the life safety bushfire response. This is even more important when dealing with an application at extreme risk from bushfire, such as this site. Whilst the application has had regard to the bushfire hazard, CFA is concerned that the risk at this site is severe enough that it would be difficult to overcome.

Clause 13.02-1S - Bushfire

The proposal does not meet the objectives of Clause 13.02-1S of the Planning Policy Framework (PPF). In particular, the proposal does not:

- direct development away from the highest areas of risk.
- mitigate the bushfire risk to an acceptable level via the use of bushfire protection measures. However, it is acknowledged that a small increase in the amount of defendable space has been proposed. The risk is such that this measure is still considered insufficient.

Clause 44.06 - Bushfire Management Overlay

The proposal does not meet the objectives of Clause 44.06. The proposal does not:

- prioritise the protection of human life over the development of land
- ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

If you wish to discuss this matter in more detail, please do not hesitate to contact

Yours faithfully,

Bushfire Planning Coordinator Fire Risk, Research and Community Preparedness

CC:

71 Hotham Street Traralgon Victoria 3844 Telephone: +61 3 5172 2111

www.delwp.vic.gov.au



24 March 2022

Planning Officer East Gippsland Shire Council P O Box 1618 BAIRNSDALE VIC 3875

By email: planning@egipps.vic.gov.au

Our ref: SP479702 Your ref: 540/2022/P

Dear Planner

PROPOSAL: BUILDINGS AND WORKS FOR A DWELLING AND OUTBUILDING

APPLICANT: DAVID FORNARO AND VETA-MARIE FORNARO

ADDRESS: 164 DEEP CREEK ROAD, BRUTHEN

LEGAL DESCRIPTION: CROWN ALLOTMENT 9, SECTION B, TOWNSHIP OF BRUTHEN, PARISH OF

TAMBO

Thank you for your correspondence dated and received 22 March 2022 pursuant to Section 52(1)(c) of the *Planning and Environment Act 1987* (the Act).

The application seeks buildings and works for a dwelling and outbuilding.

Under delegation from the Secretary, the Department of Environment, Land, Water and Planning (DELWP) is providing advice in response to notice of a planning permit application which may affect its responsibilities or assets. The referral is a section 52(1)(c) of the Act with the specific trigger being Clause 5 to Schedule 1 of Clause 42.02 - the Vegetation Protection Overlay *Tambo – Bairnsdale Roadside Vegetation Protection Network* in the East Gippsland Planning Scheme.

DELWP has considered the application and has no objection to the granting of a planning permit.

The attached **supporting information** provides advice and further information to inform the responsible authority's decision.

In accordance with section 66 of the *Planning and Environment Act 1987*, please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.

If you have any queries, or require clarification please contact gippsland.planning@delwp.vic.gov.au.

Yours sincerely

Planning and Approvals Program Officer Gippsland Region | Central East Hub

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

Supporting Information

The original application was not formally referred to the Department. At the time of lodgement the access across Crown land under DELWP management was not resolved.

Amended plans confirming altered access arrangements have since been lodged and provided to DELWP. Establishing a new entrance directly off Deep Creek Road creates practical ongoing access to the property. This route results in no clearing of native vegetation and consequently no impact to the biodiversity values of the Overlay.

Advice has been provided to the applicant from DELWP in relation to the amended plans which acknowledges the access across Crown land.

Please see attached diagrams illustrating the original and revised access arrangements.



OFFICIAL

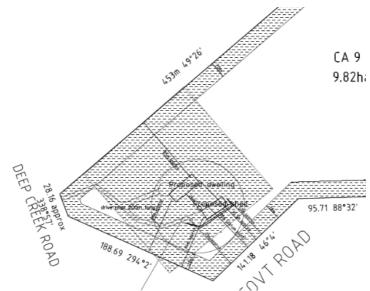
drive 145m long to house the state of the st

^{188.69} 294°2

refer to enlargement

ORIGINAL PLAN

REVISED PLAN





OFFICIAL



Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Community Preparedness 8 Lakeside Drive Burwood East Vic 3151 Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 11000-74966-121756

Council Ref: 540.2021.P

12 September 2022

East Gippsland Shire Council 273 Main Street BAIRNSDALE VIC 3875 planning@egipps.vic.gov.au

Dea

LETTER OF ADVICE

Application No: 540/2021/P

Site Address: 164 Deep Creek Road, Bruthen

Proposal: Construction of a Dwelling & Outbuilding in the BMO

I refer to correspondence dated 9 August 2022 seeking comments on the above application and advise that CFA have reviewed the enhanced application and provide the following advice:

The application appears to:

- retain a resilient BAL 40 design for the proposed dwelling being benched into the site
- provide additional Column C (61 metres) or property boundary defendable space
- 30 metres of clearance around buildings within the 61metres
- 20 metre site clearing around the perimeter of the site
- a Private Bushfire Shelter
- access that meets the requirements of Table 5 to Clause 53.02. and
- an enhanced static water supply of 20,000 litres for firefighting

As CFA has previously advised the site is in a Type 4 Landscape which is the highest risk that can be applied to an assessment as it is surrounded by 'forest' in the proximity of steep hilly terrain. Access to the site remains a concern from the perspective of bushfire risk with egress from the site being down forested unmade dirt roads.

A bushfire in this environment is likely to be large scale, fast acting, high intensity, erratic, and difficult to control. The nature of this bushfire behaviour means the ability to adequately reduce risk on the site through bushfire protection measures is limited and CFA is of the view the proposal does not achieve the State's bushfire safety requirements in the planning scheme. These requirements are set out below:

OUR COMMUNITY . OUR CFA

Planning Provisions and Policy:

Clause 71.02-3 Integrated Decision Making

The protection of life is given priority over all other policy consideration in bushfire affected areas under this clause. The normal weighting of net community benefit outcomes is secondary to the life safety bushfire response. This is even more important when dealing with an application at extreme risk from bushfire, such as this site. Whilst the application has had regard to the bushfire hazard, CFA is concerned that the risk at this site remains severe enough that it would be difficult to overcome despite the additional measures that have been proposed.

Clause 13.02-1S - Bushfire

The proposal does not meet the objectives of Clause 13.02-1S of the Planning Policy Framework (PPF). In particular, the proposal does not:

- direct development away from the highest areas of risk.
- mitigate the bushfire risk to an acceptable level via the use of bushfire protection measures. However, it is continued to be acknowledged that additional clearing, defendable space, and a private bushfire shelter has been proposed. The risk remains such that these measures are still considered insufficient.

Clause 44.06 – Bushfire Management Overlay

The proposal does not meet the objectives of Clause 44.06. The proposal does not:

- prioritise the protection of human life over the development of land
- ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

If you wish to discuss this matter in more detail, please do not hesitate to contact on

Yours faithfully,

Bushfire Planning Coordinator
Fire Risk, Research and Community Preparedness

cc:

DETAILED PLANNING REPORT

540/2021/P

164 Deep Creek Road BRUTHEN, CA 9 Sec B

Development of a Dwelling, Associated Outbuilding and Earthworks

KEY DETAILS

Subject address	164 Deep Creek Road BRUTHEN, CA 9 Sec B
Land area	9.8582 Hectares
Cultural sensitivity	The land is culturally sensitive.

CONTROLS

Control	Clause(s)	Consideration
Rural Living, Schedule 2 (RLZ2)	35.03	Use (Section 1)
(Dwelling and shed are not triggers)		Must be the only dependent person's unit on the lot.
		Must meet the requirements of Clause 35.03-2.
		Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources</i> (Sustainable Development) Act 1990.
		Schedule 2
		Dwelling Minimum Area (1 hectare)
		Setbacks
		- Road 20m - Boundary 10m - Another dwelling 100m
Vegetation Protection Overlay, Schedule 1 (VPO1)	42.02	A permit is required to remove, destroy or lop any vegetation. The Tambo-Bairnsdale Vegetation Protection Network - Remnant roadside vegetation.

Erosion Management Overlay	44.01-2	Earthworks where excavations or fill do not exceed one metre (height or depth).
Bushfire Management Overlay	44.06-2 44.06-3	Construct a building or construct or carry out works for accommodation (dwelling). Application requirements, bushfire hazard site assessment, bushfire hazard landscape assessment and bushfire management statement.
Bushfire Protection Exemptions	52.12 52.12-5	Any requirement of this planning scheme (permit or otherwise) associated with the removal of vegetation to enable the construction of a dwelling and creation of its defendable space are exempt if the requirements of this clause are met.
Integrated decision making	71.02-3	Society has various needs and expectations.

REFERRAL AUTHORITIES

AUTHORITY	DET or REC	REFERRAL CLAUSE	RESPONSE
CFA	Recommending (s55)	44.06 and 66.01	3 Letters - No consent provided.
DEWLP	S52 notice	Access over Crown Land and native vegetation exemption	Consent

INTERNAL ADVICE

DEPARTMENT	SCOPE OF ADVICE	OUTCOME
	Road, Access, and Drainage	Conditional Consent
Development		
Environmental Health	Land Capability Assessment	Consent granted

REPORT - PLANNING CONSIDERATION

Planning Policy Framework (PPF)

The assessment of the application before Council requires assessment against Planning Policy Framework.

The clauses that have an influence upon the assessment of this application include:

The assessment of the application before Council requires assessment against Planning Policy Framework.

The clauses that have an influence upon the assessment of this application include:

- 11 Settlement
- 13 Environmental Risks and Amenity
- 16 Housing
- 17 Economic Development
- 19 Infrastructure

Assessment:

The dwelling is within the Rural Residential Zone, Schedule 2, the zone is suitable for a dwelling; however, the proposal fails to meet the environmental risk factors of bushfire safety. This property was on the edge of the fire front of the 2020 bushfire season and is surrounded on two sides by Crown Land. Whilst the dwelling would be able to assist in the housing demands within the community, the risk of loss of life is paramount and the proposal should be refused.

The vegetation loss for this dwelling is exempt from review, it was also demonstrated that the application attempted to avoid and minimize, the defendable space would provide a great loss of biodiversity and vegetation loss.

The Geotechnical Analysis can demonstrate the suitability of the soil for the earth shelter dwelling and the Land Capability Assessment has demonstrated the ability of wastewater can be disposed onsite.

Municipal Strategic Statement (MSS)

Council is required to consider Local Policy as a part of this assessment.

Local Policy clauses that are relevant include:

- 21.03 Settlement
- 21.05 Environmental Risk
- 21.08 Housing
- 21.09 Economic Development
- 21.11 Infrastructure
- 21.12 Strategies for Sub-Regions, Towns and Localities

Bruthen

Bruthen township provides a basic level of services and facilities and is ideally located for rural-residential living, being approximately 25 kilometres north-east of Bairnsdale and 30 kilometres north west of Lakes Entrance. The population of the Bruthen district is around 600 people.

The housing supply in the district has been increasing at approximately 10 dwellings per year during the 1990s.

Bruthen was formerly the administrative centre of the Tambo Shire and a significant centre for the timber industry. In the past ten years it has become a dormitory settlement for Bairnsdale, as well as a focus for community services and recreation facilities for the district. The highway service centre role of the town is likely to increase significantly with the construction of the heavy vehicle alternative to the Princes Highway.

Mossiface and Sarsfield are small settlements near Bruthen, which contain a range of facilities and points of interest, including the historic Mossiface Hop kilns.

Council will support the existing roles and functions that Bruthen fulfils and encourage development of new and enhanced roles as follows:

Town/Locality	Support Existing Role(s)	Encourage New/ Enhanced Roles
Bruthen	Local commercial centre	Increasing tourism role, particularly crafts & small-scale tourist
including Mossiface,		accommodation
Sarsfield	Significant residential	
	community, increasing	Highway service role becoming more
Population 1996 and 2011 (forecast) (601-875)	rural residential development	significant since Great Alpine Road completed and heavy vehicle alternative to Princes Highway being
	Range of community facilities and services	developed.
	Range of sporting and recreation facilities	

View table in full screen

To achieve this, Council will apply the following strategies and policies:

- The built-up area of Bruthen has been zoned Township, to retain flexibility in distribution of non-residential uses. However, retail and commercial activities will be encouraged to locate on the Princes Highway or the Great Alpine Road (former Omeo Highway), unless they have specific needs which make another site more appropriate.
- Land adjoining the township has been zoned Rural Living to provide opportunities for 'rural residential' style development.
- Bruthen is a priority for provision of a sewerage system, since the lack of this infrastructure is constraining its potential and leading to adverse impacts on water quality in the Tambo River.
- The Tambo River frontages and linkages between the river and the township will be improved as resources permit.
- Bruthen and its surrounds are of high cultural landscape significance the area is currently being assessed by the National Trust of Australia (Victoria) and these values will be taken into account in planning. There are also a number of buildings and places of potential heritage significance in and around Bruthen.

Assessment:

The land location is on the fringe of The Burthen State Forest which was burnt within the 2020 Bushfire Season, the application proposes an earth shelter dwelling and the Strategic Direction of the area does identify this land for a rural lifestyle dwelling. Whilst this is the case, a site specific assessment has been undertaken and the risk to life with the bushfire constraints identify higher risk, as there is significant slope up the hill from Deep Creek Road and then a long distance of slope for the western side.

The Bushfire Management Plan has been prepared, we referred the application to the CFA, they have acknowledged the efforts BAL ratings, water tank, bushfire shelter and still have determined the proposal is still not satisfactory. Therefore, it is not recommended this proposal be supported as the fire risks have been identified and deemed too substantial to approve a dwelling in this location.

In addition, there would be substantial loss of vegetation and biodiversity to mitigate the fire risk, whilst there are exemptions for the use of a dwelling that could be applied, it is considered not able to mitigate fire risks enough to consider approval.

ZONE

35.03 Rural Living Zone

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Assessment

The land use and development are exempt from review in the Rural Living Zone, the dwelling meets the setback requirements and there is no work authority licences in the vicinity.

Erosion Management Overlay is triggered for the building and works of a dwelling in Clause 44.01. It is required to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development. Council Engineering have reviewed the Geotechnical Risk recommendations provided by and have concluded appropriate.

Bushfire Management Overlay

Bushfire Management Overlay is triggered for the building and works of a dwelling in Clause 44.06 for the protection of human life, to implement bushfire protection measures, to reduce the risk to life and property from bushfire to an acceptable level. The dwelling is proposed to be constructed to a Bushfire Attack Level (BAL 40).

The applicant has provided a bushfire hazard site assessment, bushfire hazard landscape assessment and a bushfire management statement for assessment.

The CFA has reviewed the initial information, the CFA requested further information and subsequently the applicant provided a revised proposal and the CFA still have not provided consent, their comments are as follows:

[&]quot;The application appears to:

[•] retain a resilient BAL 40 design for the proposed dwelling being benched into the site

- provide additional Column C (61 metres) or property boundary defendable space
- 30 metres of clearance around buildings within the 61metres
- 20 metre site clearing around the perimeter of the site a Private Bushfire Shelter
- access that meets the requirements of Table 5 to Clause 53.02. and
- an enhanced static water supply of 20,000 litres for firefighting

As CFA has previously advised the site is in a Type 4 Landscape which is the highest risk that can be applied to an assessment as it is surrounded by 'forest' in the proximity of steep hilly terrain. Access to the site remains a concern from the perspective of bushfire risk with egress from the site being down forested unmade dirt roads.

A bushfire in this environment is likely to be large scale, fast acting, high intensity, erratic, and difficult to control. The nature of this bushfire behaviour means the ability to adequately reduce risk on the site through bushfire protection measures is limited and CFA is of the view the proposal does not achieve the State's bushfire safety requirements in the planning scheme. These requirements are set out below:

Planning Provisions and Policy:

Clause 71.02-3 Integrated Decision Making

The protection of life is given priority over all other policy consideration in bushfire affected areas under this clause. The normal weighting of net community benefit outcomes is secondary to the life safety bushfire response. This is even more important when dealing with an application at extreme risk from bushfire, such as this site. Whilst the application has had regard to the bushfire hazard, CFA is concerned that the risk at this site remains severe enough that it would be difficult to overcome despite the additional measures that have been proposed.

Clause 13.02-1S - Bushfire

The proposal does not meet the objectives of Clause 13.02-1S of the Planning Policy Framework (PPF). In particular, the proposal does not:

- · direct development away from the highest areas of risk.
- mitigate the bushfire risk to an acceptable level via the use of bushfire protection measures. However, it is continued to be acknowledged that additional clearing, defendable space, and a private bushfire shelter has been proposed. The risk remains such that these measures are still considered insufficient.

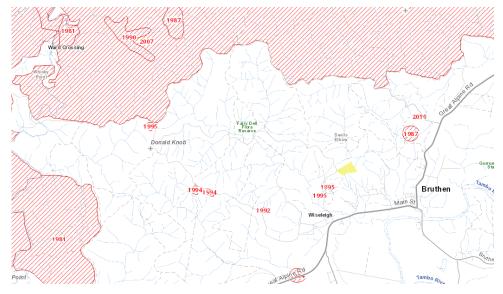
Clause 44.06 - Bushfire Management Overlay

The proposal does not meet the objectives of Clause 44.06. The proposal does not:

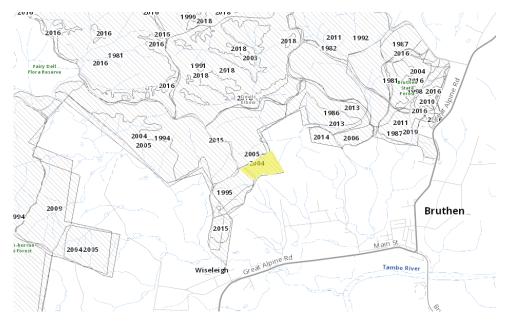
- prioritise the protection of human life over the development of land
- ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level."



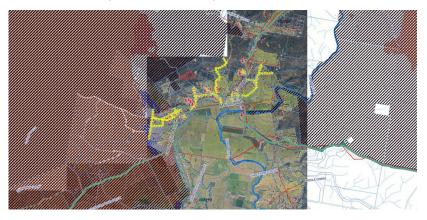
Photo Source: Site Inspection



Historic Fire History 1970 (Source: Nature Kit)



Prescribed burns (Source: Nature Kit)



Bushfires 2019-20 (Council: Internal Mapping)

The fires are inevitable part of life in the secluded bushland, even with prescribed burns and previous fires the area was scorched with intensity. The regrowth of vegetation will impact fire risk, as it presents strong ladder fuels and shrubs that can catch fire quickly and reach the crowns of the trees.

Intense fires will continue with bushland properties, all dwellings will need to be designed for this climate and surrounding vegetation must be managed to ensure there is no loss of life and social infrastructure.

Continued assessment of any State, Regional or Local bushfire management and prevention actions will be required to continue to occur and the recent bushfires has presented the case for intensive programs in mitigation efforts that assist in fuel reduction around the site and in the wider area on the bushfire hazard area within the immediate small communities of East Gippsland and within Australia.

PARTICULAR PROVISIONS

52.12 BUSHFIRE PROTECTION EXEMPTIONS

Purpose

To facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire.

To facilitate the construction and protection of community fire refuges and private bushfire shelters.

52.12-5 Exemption to create defendable space for a dwelling under Clause 44.06 of this planning scheme

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling, or the alteration or extension of an existing dwelling, and create its defendable space if **all** of the following requirements are met:

Relevant

- Land is in the Bushfire Management Overlay.
- Land is in Rural Living Zone
- The removal, destruction or lopping of vegetation:
- Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
- under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.

The effect of clause 52.12-5 is that if an application for building and works is made and all requirements of the clause are met, that application is not required to be accompanied by a permit application to remove the vegetation covered by this clause.

53.02 BUSHFIRE PLANNING

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.

To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

Clause	Requirement	Assessment
53.02-4.1 Landscape, siting and design objectives	Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape. Development is sited to minimise the risk from bushfire. Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack.	The bushfire risk in this area is significant as the surrounding area is vast undulated terrain and forested vegetation (Bruthen State Forest). There is potential for long uncontrolled bushfires in time with the compounding of regrowth and vegetation with strong ladder fuels and topography will intensify fire and increases the risks to life for the residents (or future residents) and to various emergency services that will have to defend the land. The dwelling has been sited within close proximity to the road. Deep Creek Road is a gravel road maintained by the East Gippsland Council and there is significant slope on the access 15 percent or greater but is under 50m with this slope. Vehicle access is proposed, a turning circle and no passing bays are required. The proposed dwelling is to be an earth shelter home, only the light wells and the frontage to the dwelling will be exposed. A BAL 40 rating would be provided to the dwelling and the outbuilding walls would be concrete. Whilst the dwelling and outbuilding proposed is robust, the vegetation and slope provide a risk to any

				residents and to the CFA if a fire were to attack.
53.02-4.2 Defendable space and construction objective		Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.		The proposed dwelling has been sited in the most practical location being within proximity to the existing road, any deeper into the property would make it even riskier to anyone entering and exiting the property.
				The proposed dwelling will be constructed to meet requirements of BAL 40 however the associated defendable space is optimised to ensure the further protection of the building having regard for the surrounding context. The defendable space is proposed at 84m at the front of the dwelling and 61m to the remaining sides, as well as a 20 m vegetation clearing surrounding the entire property line.
				The defendable space proposed on site to the east is 100m, which exceeds the absolute maximum of 98 m for a BAL 12.5 construction requirement. The defendable space to the north, south and west meet the requirements outlined within the table 2 of Clause 53.02-5 for the development to BAL 40. The landscape surrounds require further mitigation efforts to prevent loss of life on the subject site.
	P	ercent Slope	Vegetation Class	Proposed Defendable Space (metres)
North	Do	wnslope 20	Forest	90
South	Downslope 20		Forest	60
East	Do	wnslope 15 -20	Forest	100
West	Do	wnslope	Forest	61
53.02-4.3 Water supply and access objectives A static water provided to assume property.		supply is sist in protecting	A 20,000L water tank proposed to be installed for the proposed dwelling near the bushfire shelter and required CFA fire fitting installed and this is	

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

greater than the required 10,000L water tank.

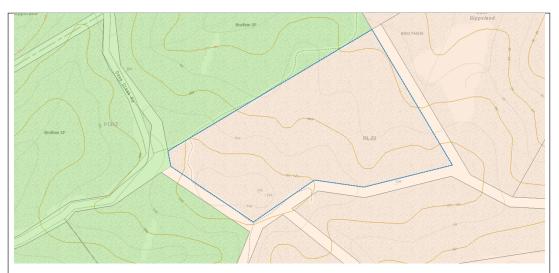
Vehicle access suitable in length and the grade over 15 percent does not exceed 50m and there is availability for the CFA maneuver within the site as a turning circle has been proposed.

The proposed development meets many of the objectives of Clause 53.02-4. The main issue to this land is the slope and the broader landscape risks to the site.

The forest vegetation class is type 4 and the topography of the area creates significant risks within the northern region. The terrain to the north can provide erratic fire behavior and create unsafe access to the site.



Property ownership in green is Crown Land and the topography lines. (Source: VicPlan)



The onsite slope ranges from 60m AHD to 136m AHD (Source: VicPlan)



(Source: Google Earth)

Inner Circle = 150m Around Proposed Dwelling

Outers circles = 400m and 1km around proposed dwelling



(Source: Google Earth)

Inner circle = 150m Around Proposed Dwelling



(Source: Google Earth)

Inner circle = 150m Around proposed Dwelling

Outers circles = 400m and 1km Around Proposed Dwelling

The landscape risk within the wider region provides significant justification there will be threat to human life with the risk of high fire intensity; therefore, without the CFA's recommendation for approval Council should not proceed.

Previous planning permit application 145/2019/P: Application for use and development of land for a dwelling and creation of access to a road in RDZ1 at 1321 Bullumwaal Road, Mount Taylor; the CFA recommended approved of this planning application and then the Council proceeded to refuse the application based on the fire risks.

Land Capability Assessment

The Land Capability Assessment (LCA) identified that the location of septic tank and effluent disposal is in a suitable location and away from the structure of the home and waterways.

71.02-3

Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

The protection of human life is paramount the application attempts to mitigate the risks to human life, however given the location and vast vegetation and significant slope it is not recommended for approval.

GENERAL PROVISIONS

65 Decision Guidelines

There would be substantial loss of vegetation to the site for two reasons, the earthworks to create the earth shelter dwelling and for the defendable space.

The property is isolated as this is the last property to the State Forest area and will not have substantial amenity impacts the town of Bruthen.

The extent native vegetation to be removed will create a considerable amount of biodiversity loss to the site.

The degree of fire hazard associated with the location of the land and the development and proposed management of the land, cannot be mitigated enough to minimise the fire hazard for future residents and the firefighters required to protect it.

71.02-3 Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

The protection of human life is paramount, attempts to mitigate the risks have been made; however, given the location with vast vegetation and significant slope, it is not recommended for approval.

6 Urgent and Other Business

7 Confidential Business

Council will close the meeting to the public in accordance with the provision of section 66(2) of the *Local Government Act* 2020 to consider the following list of items:

7.1 Audit and Risk Committee Appointment

Under section 66(2) of the *Local Government Act* 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act* 2020, the information contained in this report is confidential because it contains personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

8 Close of Meeting