

APPENDIX C

THE MUNICIPAL FRAMEWORK

THE FRAMEWORK GENERALLY

Municipal councils play an important role in developing and implementing plans designed to prevent, respond to and recover from emergencies at the local level.

The framework underpinning councils' obligations is complex. Key requirements considered by the Commission are located in more than 12 Acts, which are set out in Table C.1.

There are four main areas covered by the framework:

- emergency management planning (including fire management planning and emergency prevention, response and recovery)
- vegetation and land management
- road management
- planning and building.

As well as the legislation and applicable regulations there are guidelines, codes of practice, practice notes and other instruments that direct or assist councils in complying with their obligations.

This appendix is not intended to provide an exhaustive description of the obligations of councils in relation to emergency management planning, and fire management planning in particular. Instead, it provides guidance on their broad obligations and highlights where they are addressed in more detail in the final report.

Emergency management planning

Emergency management planning, as discussed in this appendix, incorporates councils' prevention of, response to and recovery from emergencies.

Councils must undertake certain emergency management preparations, including preparing key emergency management planning documents, appointing people to particular positions and committees and implementing risk reduction and prevention actions.

Councils should (and in some cases must) prepare:

- a municipal emergency management plan, to be audited by the Victoria State Emergency Service every three years
- a municipal fire prevention plan, to be audited by the CFA every three years (this will be progressively replaced by a municipal fire management plan—a sub-plan to the MEMP).

Councils should (and again in some cases must) establish and appoint persons to the following committees and roles:

- a municipal emergency planning committee, also referred to as a municipal emergency management planning committee. A member of Victoria Police must sit on the MEMPC in the role of municipal emergency response coordinator
- a municipal fire prevention committee (this will be progressively replaced by a municipal fire management committee—a sub-committee to the MEMPC)
- a municipal emergency response officer
- a fire prevention officer
- municipal recovery managers.

Where required, councils must also:

- comply with the guidelines for local government set out in the Emergency Management Manual Victoria
- identify and maintain any identified 'neighbourhood safer places'
- establish and manage emergency relief centres.

Vegetation and land management

Councils have obligations in relation to land and vegetation management, which may at times conflict.

Councils are required to prevent and minimise fires, or the spread of fires, on land or roads under their control or management. This entails appropriate cutting and clearing of vegetation on council land and roadsides to ensure that fire risk is kept to a minimum.

Councils are required to observe complex requirements to preserve and protect vegetation and wildlife, under both Victorian and Commonwealth laws.

Councils have obligations in relation to keeping electric power lines in their urban areas clear from contact with vegetation, in accordance with the Victorian *Electricity Safety Act 1998*, associated Regulations and Code of Practice for Electric Line Clearance.

The tension between these obligations is discussed in more detail in Chapters 4, 6 and 7 of Volume II.

Road management

In addition to roadside clearing, councils have obligations to maintain and repair municipal roads and certain other roads in their jurisdiction.

Councils must manage the use of roads and traffic on roads; design, construct, inspect, repair and maintain roads and infrastructure; and minimise adverse impacts on the provision of utility services.

Councils may develop and publish a road management plan and, if they do, they must review it periodically.

Planning and building

Finally, councils administer and enforce planning schemes, using the Victoria Planning Provisions (which incorporate Victoria's Native Vegetation Framework and bushfire management provisions), and administer and enforce the issuing of building permits and occupancy permits, inspection of building work and enforcement of safety and building standards.

Relevant overlays having implications for fire management and prevention are:

- Wildfire Management Overlay (to become Bushfire-prone Overlay, in accordance with the Commission's recommendations)
- Environmental Significance Overlay
- Vegetation Protection Overlay
- Significant Landscape Overlay.

Councils may make local laws with respect to building matters, including fire prevention, firefighting equipment and precautions and other emergency installations, services and equipment.

Table C.1 Legislation applicable to councils

Legislation	Topics covered
<i>Emergency Management Act 1986 (Vic)</i>	Emergency management planning
<i>Country Fire Authority Act 1958 (Vic)</i>	Emergency management planning Vegetation and land management Road management
<i>Metropolitan Fire Brigades Act 1958 (Vic)</i>	Emergency management planning Vegetation and land management Road management Planning and building
<i>Victoria State Emergency Service Act 2005 (Vic)</i>	Emergency management planning
<i>Conservation, Forests and Lands Act 1987 (Vic)</i>	Vegetation and land management
<i>National Parks Act 1975 (Vic)</i>	Vegetation and land management
<i>Planning and Environment Act 1987 (Vic)</i>	Vegetation and land management Planning and building
<i>Electricity Safety Act 1998 (Vic)</i>	Vegetation and land management
<i>Flora and Fauna Guarantee Act 1988 (Vic)</i>	Vegetation and land management
<i>Road Management Act 2004 (Vic)</i>	Road management
<i>Local Government Act 1989 (Vic)</i>	Road management Planning and building
<i>Building Act 1993 (Vic)</i>	Planning and building
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>	Vegetation and land management

Note: This is not an exhaustive list of all laws applicable to councils.

GUIDE TO THIS REPORT

The obligations of councils are addressed in more detail in the following sections of this report:

- Emergency management planning:
 - Chapter 1 in Volume II
 - Chapter 2 in Volume II
 - Chapter 7 in Volume II
 - Chapter 8 in Volume II
- Vegetation and land management:
 - Chapter 14 in Volume I
 - Chapter 4 in Volume II
 - Chapter 7 in Volume II
- Road management:
 - Chapter 7 in Volume II
- Planning and building:
 - Chapter 6 in Volume II