



# Victoria Government Gazette

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## Safety on Public Land Act 2004

### DECLARATION OF PUBLIC SAFETY ZONES

I, Scott Falconer, Deputy Chief Fire Officer – Loddon Mallee, as delegate of the Secretary to the Department of Environment, Energy and Climate Action, make the following declaration of public safety zones under section 4(1) of the **Safety on Public Land Act 2004**.

#### 1. Definitions

In this declaration:

- (a) ‘the Act’ means the **Safety on Public Land Act 2004**;
- (b) ‘the declared public safety zone’ means the area declared under clause 2 of this declaration;
- (c) ‘the Schedule’ means the Schedule to this declaration.

#### 2. Declaration of Public Safety Zones

- (a) The areas of State Forest contained within the location coordinates in the Schedule are declared to be public safety zones and associated map.
- (b) The extent of the public safety zones is described by the minimum planimetric extent using a North South orientated rectangle that encloses the area bound by:
  - a. the north-west limit described by the first two metric coordinates (Easting and Northing); and
  - b. the south-east limit described by the next two metric coordinates (Easting and Northing).
- (c) The public safety zones are limited to all areas that contain State Forest within an area identified by the coordinates and map in the Schedule.
- (d) The coordinates in Schedule 1 are provided in Map Grid of Australia (MGA) Universal Transverse Mercator (UTM) Zone number 55. These use the Geodetic Reference System 1980 (GRS80) spheroid.

#### 3. Purpose for which the area has been declared

The purpose for which the declared public safety zones have been declared is for the maintenance of public safety in relation to flood affected areas.

#### 4. Period of the declaration

The period for which the declared public safety zones are declared is the period commencing from 1 May 2023 and ending on 30 June 2023 inclusive.

#### 5. Activities prohibited

The activities that are prohibited in the declared public safety zones are:

- (a) Knowingly entering a declared public safety zone during a period when access is prohibited; and
- (b) Knowingly remaining in or being present in a declared public safety zone during a period when access is prohibited.
- (c) Unlawfully alter, obliterate, deface, remove, or destroy a notice displayed in accordance.
- (d) unlawfully break down, damage, or destroy a barrier or fence which has been erected to prohibit or restrict access to a public safety zone.
- (e) A person who is not authorised to do so must not carry out any activity in a public safety zone in contravention of a public safety zone declaration.

**SPECIAL**

- (f) A person who is not authorised to do so must not contravene any restriction or condition applying to a public safety zone which is specified in the public safety zone declaration.
- (g) A person who is not authorised under this Act to be in a public safety zone must not, contrary to a direction of an authorised officer under section 14 – (a) re-enter a public safety zone; or (b) attempt to re-enter a public safety zone.

**6. Periods when access is prohibited**

Access is prohibited to the declared public safety zone throughout the period of the declaration.

**7. Exempt persons or classes of person**

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) Employees, agents and contractors of the Department of Environment, Energy and Climate Action engaged in carrying out their functions.
- (b) Employees, agents, volunteers, and contractors of the Country Fire Authority engaged in carrying out their functions.
- (c) Employees, agents and contractors of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions.
- (d) Members of the police force of Victoria engaged in carrying out their functions.
- (e) Employees, agents, and contractors of the Local Government Areas engaged in carrying out their functions.
- (f) Employees, agents, and contractors of the Department of Human Services engaged in carrying out their functions.
- (g) Employees, agents, volunteers, and contractors of an Emergency Management Services engaged by the Department of Energy, Environment and Climate Action or the Country Fire Authority to carry out an emergency management functions.
- (h) Employees, agents, volunteers, and contractors of Networked Emergency Organisation partners engaged by the Department of Energy, Environment and Climate Action or the Country Fire Authority to carry out their functions.
- (i) Employees, agents, and contractors of Water Authorities engaged in carrying out their functions.
- (j) Members of the public using State Forest roads as the most practical access to and from private properties adjoining or surrounding State Forest, notwithstanding road closures due to hazardous trees and road conditions to ensure safe egress to private properties.
- (k) Employees, agents, contractors, and Licensees of VicForests engaged in carrying out their functions.
- (l) Employees, agents, and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development Act 1990)**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.
- (m) Traditional owners engaged by the Department of Environment, Energy and Climate Action to assess cultural heritage impacts.

Dated 27 April 2023

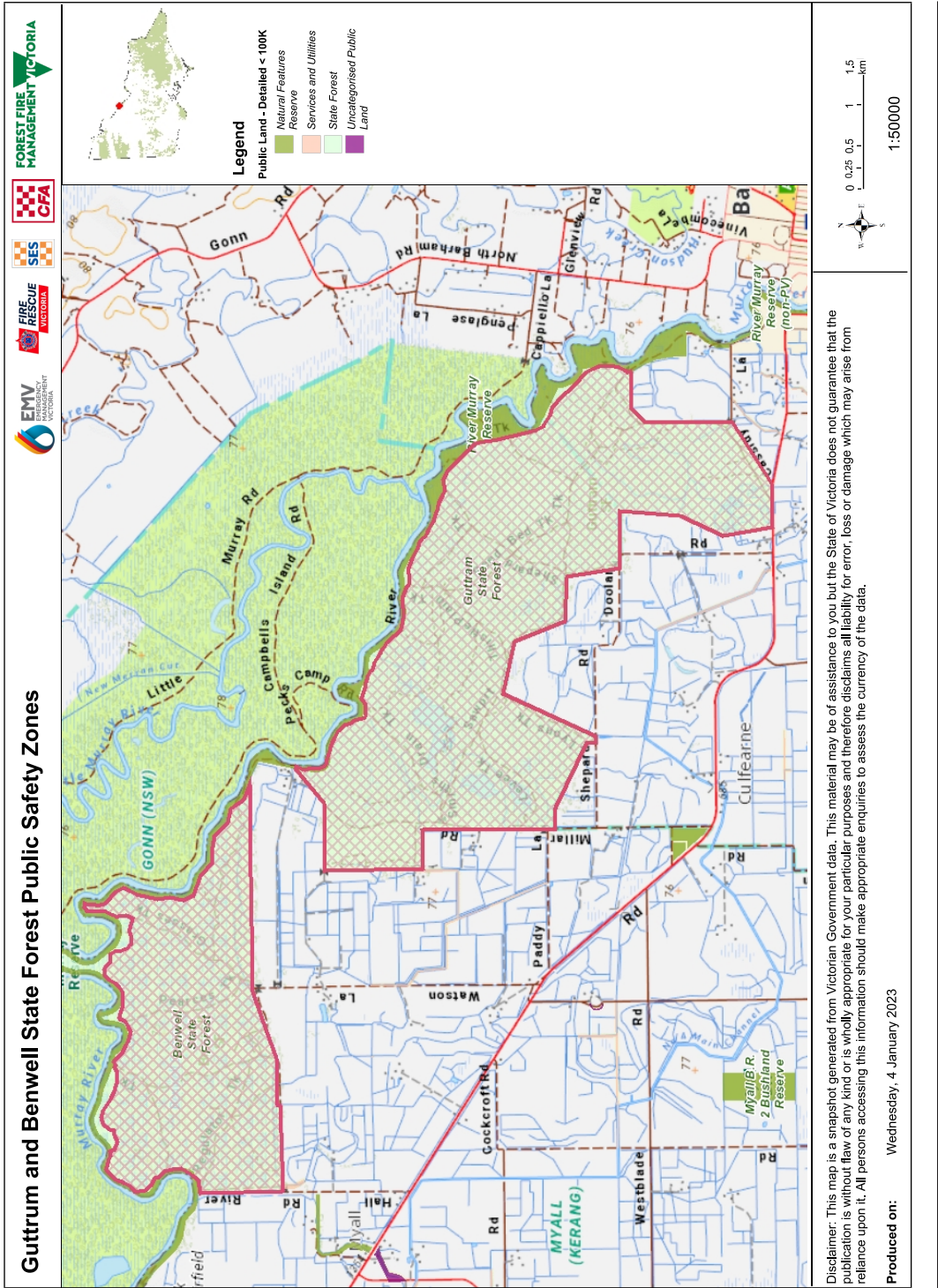
SCOTT FALCONER  
Deputy Chief Fire Officer, Loddon Mallee  
as delegate of the Secretary of the Department of Energy, Environment and Climate Action

## Notes:

1. Maps showing the public safety zones are held at the Department of Energy, Environment and Climate Action (DEECA) Regional office at Epsom and at 8 Nicholson Street, East Melbourne, Victoria 3002 (by appointment, telephone 136 186). Maps are also available on the following web site: <https://www.ffm.vic.gov.au/permits-and-regulations/closures-of-parks-and-forests>
2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
  - the Secretary;
  - an authorised officer;
  - a utility engaged in the carrying out of its functions in a state forest;
  - a transport authority engaged in the carrying out of its functions in a state forest;
  - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.

**Schedule: Public Safety Zones**

| <b>Extent of Public Safety Zones</b>        |                         |                 |                         |                 |                 |
|---|-------------------------|-----------------|-------------------------|-----------------|-----------------|
| <b>State Forest, Forest Park or Reserve</b> | <b>North-west limit</b> |                 | <b>South-east limit</b> |                 | <b>MGA Zone</b> |
|   | <b>Easting</b>          | <b>Northing</b> | <b>Easting</b>          | <b>Northing</b> |                 |
| Guttrum State Forest                        | 232617                  | 6058989         | 237668                  | 6054610         | 55              |
| Benwell State Forest                        | 229201                  | 6061349         | 233473                  | 6059860         | 55              |



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