



Latrobe City Council submission to the draft Victoria's Bushfire Management Strategy

Select Strategic Planning Comments

August 2023



1. Introduction

The Department of Energy, Environment and Climate Action is seeking feedback on the draft Victoria's Bushfire Management Strategy.

Submissions on the proposed changes are required by 20 August 2023.

Latrobe City Council officers have provided some comments around the proposed changes, specifically the submission focuses on:

- Planning controls and guidance on how to apply those controls need to be clearer and more concise;
- The referral agency should provide timely advice to municipal councils

2. Submission

2.1 Section 1 People and Community

2.1.1 Strategic Direction 1.5 Use a broad range of mitigation strategies to reduce the chances of fires starting and limiting impact on values.

(Strategic Direction 1.5, Page 25) Improving the data and models that underpin Victoria's risk-based decision-making processes will improve understanding of climate change on bushfire risk (see Chapter 5 for further details). This will support decision making in land-use settlement planning to consider the future impact of climate change on bushfire risk. This includes progressively updating planning, building and infrastructure standards to respond to the current and projected impacts of climate change based on the most current advice from relevant natural resource and emergency management authorities.

Latrobe City Council supports the use of land use planning and building controls as a tool to manage bushfire risk along with engagement, community capacity building, ignition prevention, compliance, and enforcement.

(Strategic Direction 1.5, Page 25) This information will support building the capability and capacity of local government to implement the State Bushfire Planning Policy and prioritise the protection of human life in planning decisions. Although protection of human life is the overarching objective, the state policy discourages planning decisions that will result in unacceptable environmental impacts.

Latrobe City Council supports building the capacity of local governments to implement the State Bushfire Planning Policy to prioritise the protection of human life in planning decisions. Clear guidance at the referral authority level needs to be supplied for how this should occur at the strategic planning level. Rezoning cannot rely on having a prepared development plan to demonstrate that the proposed development will meet the 12.5kw/m² BAL standard prior to the rezoning when a development plan overlay is being applied to the land as a part of the amendment process. Rather those strategic directions should be imbedded in the overlay controls that are being applied prior to a development plan being prepared.

Clause 13.02-1S is difficult to implement and does not fully integrate with rest of the planning scheme, especially around protection of native vegetation assets. There is a significant amount of guidance for how to assess a planning permit but not how to implement policy through a planning scheme amendment. Clear guidance both through an updated planning practice note and through resourcing of the CFA as a referral authority is needed to provide clear, concise, consistent and timely advice for how to proceed.

(Strategic Direction 1.5, Page 25) Adaptation and maladaptation, including resettlement planning, will continue to be critical for communities living in increasingly high-risk bushfire areas. Improving our ability to assess the potential impacts of climate change future scenarios on bushfire risk across the state will help design protection and risk reduction measures, including long-term transition planning for settlements facing extreme risks that cannot be mitigated. Using climate change scenarios can also support discussion about long-term risks to settlements and new buildings.

The tools and policy currently within the planning scheme do not allow for re-settlement planning to any great extent. The Victorian Bushfire Risk Commission in 2009 found that 'there are some areas where the bushfire risk is so high that development should be restricted', the Bushfire Management Overlay (BMO) does not do this, it only applies mitigation strategies. The *Reducing Bushfire Risks* report (VAGO, 2020) identifies the possible use of a Restructure Overlay for resettlement of areas that are deemed to have too high of a bushfire risk, however, it is reliant on the current landowners wanting to move away from the area and may not achieve significant results.

Land use planning currently uses tools such as the Development Plan Overlay and Design and Development Overlay to add additional bushfire measures in for areas that sit within a Bushfire Prone Area. These controls are not built to deal solely with bushfire. This creates a somewhat ad hoc approach as each Council applies these controls differently and is reliant on the input of the CFA to develop these controls.

Greater direction needs to be provided both in the form of updated planning practice notes and in additional controls such as additional overlays (such as Bushfire Management 1 Overlay, Bushfire Management 2 Overlay instead of the one overlay) where there is an identified risk particularly with climate change as the frequency and intensity of bushfires will continue to increase. This was supported by the Victorian Bushfire Risk Commission in 2009 which recommended that the Bushfire Prone Areas be an overlay. As it stands, the Bushfire Prone Areas do not trigger a planning permit, a planning permit is only triggered if the zone or overlay triggers it. .

It is noted that Clause 13.02-1S directs planners to use Clause 53.02 Bushfire Planning and the *Planning Permit Applications in the Bushfire Management Overlay - Technical Guide 2017* to make decisions in the Bushfire Prone Area when settlement planning. These tools were developed for a higher bushfire risk and apply solely to the BMO, if the Bushfire Prone Areas are just as risky then the same control needs to be applied or if it is outside the Bushfire Management Overlay, and seen as a lower risk than a separate set of assessment criteria should be developed for Bushfire Prone Areas.

2.1.2 Strategic Direction 1.8 Ensure Assets, critical infrastructure, community infrastructure and essential services are more resilient to the impact of bushfire.

(Strategic Direction 1.8, Page 28) Buildings and infrastructure, both private and public, will be designed and located to better withstand bushfires, and existing houses in high-risk areas will be retrofitted or 'hardened' to resist high intensity fires. This includes implementing measures to mitigate house-to-house ignition in existing settlements and consider this risk in future land-use planning decisions.

Latrobe City Council supports the intent to make buildings more resilient to bushfires, however, there is no mechanism in the planning or building scheme that can forcibly retrofit existing houses. There needs to be greater thought given to how this could be achieved, alternate measures such as grants for retrofitting could encourage much greater uptake, as things such as retrofitting roof design are prohibitively expensive.

Regional municipalities are most at risk with land use planning decisions as they are often time and resource poor. These councils will be in the same situation when it comes to bushfire risk if we take a 'do nothing' approach with our land use planning decisions. If there are not appropriate mechanisms in the planning scheme or easy pathways to implement them, we will continue to see the status quo. For example, there is an area near the Toongabbie township that is heavily fragmented into 2 hectare lots in the Farming Zone. Due to its fragmentation, each lot can apply for a planning permit for a dwelling and is likely to be given that permit as the lot cannot be farmed effectively for commercial agriculture. The area is close to the Alpine Ranges but sits within the Bushfire Prone Area.

As such, a planning permit is not referred to the CFA currently. Latrobe City Council proposed to rezone this to Rural Living Zone with a minimum subdivision size of 2 hectares and apply a Design and Development Overlay to ensure new dwellings were built with ember attack in mind in accordance with *Planning Permit Applications in the Bushfire Management Overlay - Technical Guide 2017* which would have seen improved resilience. Instead, the focus was on the rezoning which did not increase the risk of number of dwellings in that area, rather it streamlined the planning permit process to solely deal with bushfire resilience. Due to the objection, the amendment was deferred and there are still no controls on that land which deal with bushfire.

2.2 Section 5 Informed Decision-Making, Evidence-based Approaches and Tools

2.2.1 Strategic Direction 5.1 Make collaborative decisions based on high-quality shared data, science and research

(Strategic Direction 5.1, Page 50) High-quality data will be essential to decision making. Evidence collection will be strategically determined, and data will be gathered through both short and long-term research and monitoring. Decision makers will thereby be equipped with the most useful data available.

Latrobe City Council supports this initiative. In addition to the emergency management team, it believes that land use planners should have access to this data in order to inform land use planning decisions. This is not currently available. In preparing bushfire risk assessments, regional councils are often reliant on consultants to prepare these as we do not have access to the information or the in-house expertise to undertake these assessments. This is a resource burden for regional councils particularly small, rural councils that are often the most affected by bushfire risk. As such, the data needs to be readily available and user friendly to properly inform land use planning decisions.

(Strategic Direction 5.1, Page 51) The sector and communities will work closely together to share bushfire risk knowledge and information transparently and effectively. This will include knowledge on:

- *climate change*

- *the environment*
- *available tools and technology*
- *place-based data*
- *local knowledge and values.*

Decision-making and planning approaches will integrate science-based evidence and, with consent, the knowledge of Traditional Owners and community. The sector will communicate clearly and simply how its programs are being informed and supported by evidence and timely feedback.

Latrobe City Council supports the initiative however, it needs to be clearly defined as to what data is available and how it should be used for land use planning decisions. The relevant authority, in Latrobe City Council's case – the CFA, need to be able to respond in a timely manner and in a way that provides clear direction on how the data should be used. It is not always clear what the best available data is and what that data means for land use planning decisions. For example, residual risk is a tool that can inform fuel management loads and the impact that fuel management activities will have on a particular location but it does not inform land use planning decisions as fuel management is seen to be outside the planning system. This is not always clear as bushfire strategies often focus on fuel management rather than the tools for land use planning.

2.3 Section 6 Enhanced Capability and Capacity

2.3.1 Strategic Direction 6.6 Secure the necessary equipment and infrastructure for bushfire response in a changing climate

(Strategic Direction 6.6, Page 60) The sector will incorporate land-use and settlement planning concepts into precinct structure planning, subdivision design and firefighting infrastructure.

Latrobe City Council believes that land-use planning can effectively help to mitigate the bushfire risk and support the policy being embedded in subdivision design and precinct structure planning and that the planning policy is already achieving this. What needs to be strengthened is the simplification of controls and greater guidance on settlement planning. For example, it is very clear in settlement planning that in a Floodway Overlay no further subdivision can occur when a lot is wholly within the Floodway Overlay. The Bushfire Management Overlay is reliant on the underlying zone and does not always prevent additional dwellings.

2.4 Appendix 1 – Strategy Summary

It is noted that although land use planning is seen as one of the most effective ways to mitigate bushfire risk, there are no indicators relating to land use planning in the Outcome Indicators. It is believed that this is a clear failure of the strategy to not effectively address land use planning over the next 10 years.

3.0 Conclusion

Latrobe City Council are generally supportive of DEECA's Strategy for Victoria's Bushfire Risk Strategy over the next 10 years. However, there are some concerns around some aspect of the strategic directions.

Latrobe City Council believe further detail and consideration is required around which are:

- Additional bushfire overlays that simplify the controls for levels of bushfire risk;

- Consideration of stronger controls or alternate measures such as grants to retrofit dwellings.
- Additional resources for land use planning that provides clear and consistent advice on how to proceed for planning scheme amendments particularly for bushfire prone areas both through planning practice notes and additional resourcing at the CFA; and
- Access to data to allow land use planners to make informed decisions.