



**MORNINGTON
PENINSULA**
Shire

ATTACHMENTS

COUNCIL MEETING

TUESDAY, 19 DECEMBER 2023

6.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

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THE BUSHFIRE PROTECTION EXEMPTIONS EXPLAINED

The exemptions are contained in contained in [Clause 52.12-1: Bushfire Protection Exemptions](#) of the Victoria Planning Provisions.

1. The '10/30' and 'Fence Line' Rules

The '10/30' rule allows residents to clear any vegetation within 10 metres of a residential building and any vegetation (except trees) within 30 metres of a residential building. The 'fence line rule' allows residents to clear any vegetation either side of a fence for a combined width of 4 metres.

Until recently, these exemptions applied to all land on the Peninsula. Ministerial Amendment VC176 (gazetted on 4 August 2020) realigned the exemptions to apply in BPA areas only.

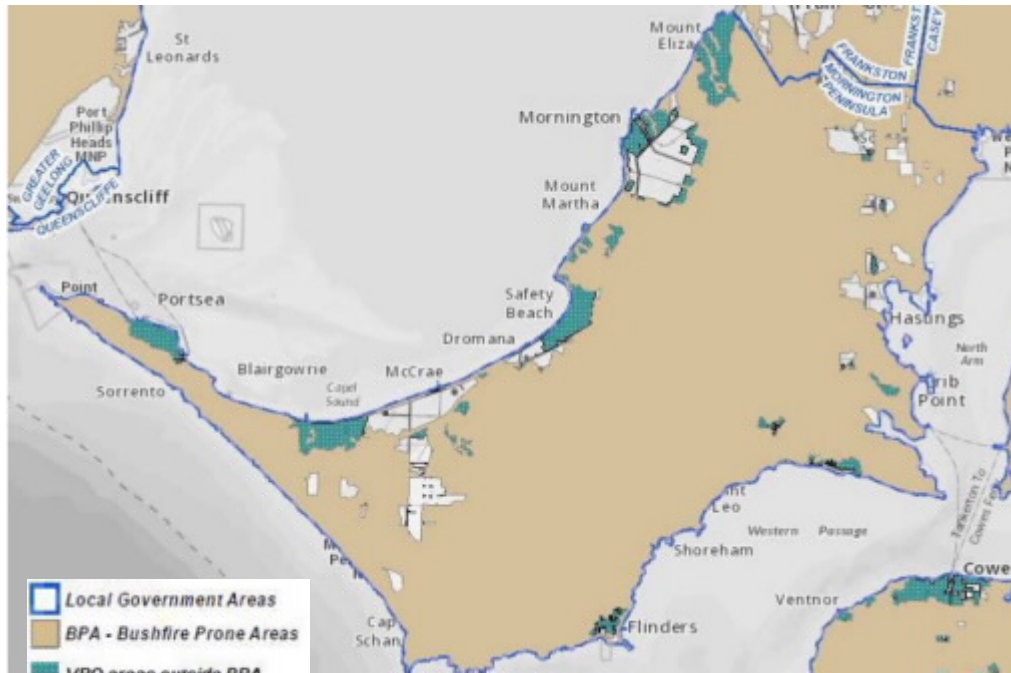
BPAs are areas which have been identified as subject to, or likely to be subject to bushfires. The BPA triggers specific construction requirements via the Building Permit process, aimed at improving bushfire protection for residential buildings. (Importantly, the BPA does not normally address vegetation removal and requires landowners to build to a bushfire standard at their own cost, regulated by a private building surveyor – not Council).

As demonstrated in Map 1, BPA areas cover most land on Peninsula. Those areas where it does not apply are predominantly limited to urban areas within townships or where vegetation coverage is minimal. Whilst Vegetation Protection Overlays (VPOs) apply in some of these areas, no VPOs exist in large areas of Mornington, Rosebud, Dromana, McCrae, Somerville, Tyabb and Hastings (see Map 2). As such, the reduction in application of the 10/30 and fence line exemptions has limited practical impact in these non-BPA areas – with no permit triggers in place (or vegetation to protect), the exemptions had limited effect to being with.

Map 1: Bushfire Prone Areas (BPA)



Map 2: Vegetation Protection Overlay (VPO) areas outside Bushfire Prone Areas (BPA)



2. The '10/50' Rule

The 10/50 rule applies to land covered by the BMO in the planning scheme (see Map 3), which is land identified as being significantly at risk of bushfire. The 10/50 rule allows landowners in these areas to clear any vegetation within 10 metres of a residential building plus any vegetation (except trees) within 50 metres.

Map 3: Bushfire Management Overlay (BMO) areas



3. Important Caveats

- a) Bushfire exemptions are not mandatory requirements. The exemptions don't *require* landowners to remove vegetation for fire protection purposes. Rather, they are State-sanctioned provisions that provide landowners with legal rights to remove vegetation if they so wish.
- b) In a similar vein, landowners do not have to avail themselves of the full extent of vegetation removal afforded by the exemptions. That is, landowners can use their discretion to remove some – not all – of the vegetation that falls within the exemptions. It is noted that Council does not currently provide any officially endorsed guidance for local residents as to how modify vegetation in response to bushfire risk as an alternative to the 10/30 rule.
- c) Landowners are not required to demonstrate that their use of the exemptions is for bushfire protection purposes. This means that the exemptions can be used for purposes other than bushfire protection – namely to clear land to gain a development advantage.
- d) The exemptions only apply to buildings used for accommodation that were constructed or approved before 10 September 2009 ('Black Saturday'). As such (and unless this date is removed from the provisions by the Minister), the impact of the exemptions will diminish over time.

4. Political Considerations

- e) State Planning Policy 13.02-11S (Bushfire Planning) and Clause 71.02-3 (Integrated decision making) mandate that managing bushfire risk to protect human life and property takes precedence over all other policy considerations in the Victoria Planning Provisions. That is, if there are competing policy objectives – such as protecting biodiversity, heritage, neighbourhood character, etc – responding to bushfire risk must always prevail.
- f) A permit exemption allowing as-of-right vegetation removal for bushfire purposes has been in place for over 20 years. The 2009 'Black Saturday' bushfires and subsequent 2011 Royal Commission resulted in a strengthening of policy and provisions in the planning and building systems, to ensure life-safety is the priority in decision-making over all other considerations. This position has not changed.
- g) Several councils across Victoria have tried and failed to convince State Government to substantially alter exemptions, primarily because:
 - i. councils have not provided any documented evidence base to prove that the exemptions (particularly the 10/30 rule) are directly responsible for detrimental impacts; and
 - ii. advocacy efforts have tended to focus on matters other than prioritising human life in decision-making, which is contrary to State requirements.
- h) Any changes to the exemptions would have State-wide implications. As a State-based instrument, any change to exemptions cannot be confined to the Peninsula alone – it would affect the whole of Victoria. It follows that, if proposed changes could result (albeit inadvertently) in increased bushfire risk in parts of the Peninsula, a similar outcome could result in other areas of the State. Such an outcome would be unacceptable, not only from a life-safety perspective, but also with respect to State and local government liability.
- i) There is currently no documented body of evidence proving that bushfire exemptions are a primary driver for vegetation change across the Shire (or indeed other parts of the State). Significant vegetation loss may in fact be more appropriately attributed to

progressive urbanisation, particularly the replacement of old dwelling stock (such as holiday homes) over time with more substantial modern homes.

- j) Exemptions remain a key bushfire protection measure for the Shire and other councils. Like many councils across Victoria, the Shire relies on exemptions like the 10/30 rule as a key bushfire risk reduction strategy in its Municipal Fire Prevention Plan. Adjusting the rule or where it applies could compromise the Municipal Fire Prevention Plan.
- k) Exemptions are a political necessity. The exemptions are effectively a relief mechanism for managing the politics of bushfire during and after a bushfire event. It places the primary responsibility for bushfire fuel management around residential buildings on individual landowners – not State or local government. With no mandated role, State and local governments are removed from associated regulatory burden and liabilities for fire protection with the ambit of the rule. Despite the concern of some, other councils welcome not having a regulatory role in fuel management due to the complexities that arise if a permit application is required. In any case, it would be politically unacceptable for the State Government to be in a position where a planning scheme has prevented a landowner from managing fuel loads in circumstances where a dwelling is substantially destroyed or lost by bushfire and, especially, where a fatality arises.

5. BPA & BMO Mapping Reviews

DELWP conducts six-monthly reviews of BMO mapping to identify and rectify any anomalies (which may have the effect of reducing further unnecessary vegetation loss where BMO mapping is reduced). DELWP invites members of the community and Council to identify areas that warrant review – targeted mainly at specific sites that have been substantially cleared of vegetation.

Following a resolution of the Planning Services Committee on 18 March 2019, Council lodged a request with DELWP to review BPA mapping for the whole southern region of the Peninsula (i.e. Portsea, Sorrento, Blairgowrie and Rye) given mapping appeared anomalous with vegetation coverage evident in aerial photography. The review, completed after 12 months with consultation between DELWP, Council and the CFA, resulted in an increase in BPA mapping (albeit only for a relatively small pocket of residential properties in Rye as shown in Map 4). No further changes – including any reductions – to BPA mapping were made for the region, nor have any further such regionally-based requests been made.

Map 4: 2019 BPA mapping review results (properties within the red dotted line were added)



6. Advocacy through Resilient Melbourne's – Living Melbourne Strategy: Our Metropolitan Urban Forest

Following Council's original 16 March 2020 resolution, Shire officers met on a monthly basis with officers from several other councils (including Frankston, Whittlesea, Manningham and Casey) and representatives of the MAV and CFA to explore advocacy options to refine bushfire exemption provisions as part of a 'Living Melbourne' project led by Frankston City Council.

Living Melbourne Strategy was developed by Resilient Melbourne– a coalition of inter-agency groups hosted by the City of Melbourne that seek to advance actions to increase the resilience of Melbourne in the face of growing physical, social and economic challenges– including climate change. The Living Melbourne Strategy seeks to create a greener more liveable Melbourne and is supported by various collaborative implementation projects.

Council resolved to endorse the Living Melbourne Strategy on 14 May 2019, noting support for residents in high fire risk areas to create defensible space through bushfire exemptions, but that Council ought to advocate for refinements to exemptions to achieve urban forest objectives.

At the 8 September 2021 Living Melbourne symposium, Shire officers successfully advocated to resurrect the original advocacy push to establish an interagency taskforce to review bushfire protection provisions and other allied initiatives, including:

- ☐ aligning the 10/30 and 10/50 vegetation removal with the 'vegetation management requirements' in [Clause 53.02-5 \(Bushfire Planning, Table 6\)](#),
- ☐ improving the BMO to create bespoke and codified defensible space provisions that are more locally responsive,
- ☐ scoping how Clause 52.12 applies in different local government areas and any associated issues and opportunities,
- ☐ exploring improvements to the 'Safer Together' program to increase collaboration and integration between agencies for a more consistent approach to bushfire management on public and private land, and
- ☐ assisting in implementing recommendations from the Royal Commission and Victorian Bushfire Inquiries.

It was noted in the 5 October 2021 NOM 310 report that this renewed project remained in the early planning stages and was subject to resource and funding support (both internal and external) that was yet to be fully scoped and could not be accommodated in the 2021/22 Financial Year.

As of mid-2023, no further progress has been made both internally and externally for this project because of limited resourcing and funding and the working group has not reconvened on the project since 2021.

BUSHFIRE PLANNING REVIEW FRAMEWORK – ADVOCACY POSITION AND ACTION PLAN
(Summary of 16 March 2020 PSC Meeting Report & Resolution)

Clause 52.12: Bushfire Protection: Exemptions

Advocacy Position 1: Advocate to the Minister for Planning to remove the '10/30 rule' (Clause 52.12-1) and fence line vegetation exemptions (52.12-2) from identified low- to no-risk areas on the Mornington Peninsula.

Advocacy Position 2: Advocate to introduce a provision to Clause 52.12 that enables a responsible authority to consider vegetation recently removed under the exemptions where the land is subsequently proposed to be developed.

RECOMMENDATION	TIMING	SUB-TASK	CAPABILITY	COST EST (+GST)
The Council should make a good faith offer to the Minister for Planning to work with DELWP on identifying options for the 10/30 rule.	Immediate (within 1-3 months)	Prepare correspondence.	Officer	In-house
The Council should advocate for a provision to be added to the planning scheme to enable a responsible authority to consider vegetation recently removed under the 10/30 rule where the land is subsequently proposed to be redeveloped.	Immediate (within 1-3 months)	A brief evidence base be prepared demonstrating why the Council is seeking the change, based on selected examples of actual misuse. Proposal and evidence to be included in correspondence to the Minister for Planning (see above)	Expert consultant planner	I & S
The Council should develop evidence on how the 10/30 rule is being used in Mornington Peninsula Shire and if the 10/30 rule is a contributing factor to enhanced bushfire resilience and the loss of vegetation.	Short term (3-6 months)	Develop and test a proposed methodology. This will include a basis to attribute vegetation loss to different causes.	Expert consultant planner	
	Short term (3-6 months)	Field work in conjunction with council environment, fire protection and enforcement functions.	Expert consultant planner (bushfire focus)	
	Short term (3-6 months)	Historical / long term analysis of vegetation change (30 years)	Expert consultant planner	

RECOMMENDATION	TIMING	SUB-TASK	CAPABILITY	COST EST (+GST)
continued...	Short term (3-6 months)	Development analysis, including planning permit & building permit analysis (with access to Council records) and preparing typologies of development	Expert consultant planner Consultant urban designer / landscape architect	I & S
	Short term (3-6 months)	Aerial photography (it is likely aerial photography would be a key part of the methodology).	Third-party provider	
	Short term (3-6 months)	Vegetation coverage GIS analysis (it is likely GIS analysis of vegetation coverage would be a key part of the methodology).	Third-party provider	
	Short term (3-6 months)	A framework for understanding the contributing factors to urban change, with a focus on outputs orientated to community education and engagement	Expert consultant planner Expert consultant planner (bushfire focus) Consultant urban designer / landscape architect	
	Short term (3-6 months)	Analysis and report writing	Expert consultant planner	
	Short term (3-6 months)	Project management.	Expert consultant planner	
			TOTAL	

Clause 44.06: Bushfire Management Overlay – Schedules 1 & 2

Advocacy Position 3: Advocate to the Minister for Planning to amend Schedules 1 & 2 to the BMO to introduce tailored defensible space requirements that align to localised bushfire risk on the Mornington Peninsula.

Advocacy Position 4: Continue to develop and implement an active compliance regime for vegetation modification for defensible space within BMO areas aligned with bushfire risk to ensure that the amended, more locally appropriate defensible space requirements are of the BMO1 and BMO2 are being delivered.

RECOMMENDATION	TIMING	SUB-TASK	CAPABILITY	COST EST
Recommendation BMO1 Investigate the level of compliance with implementing defensible space requirements specified in planning permits.	Short term (3-9 months) <i>Avoid bushfire season</i>	Develop and roll out a methodology for determining compliance with BMO defensible space permit conditions.	Officer (planning, environment and enforcement)	I & S
		Capacity support to staff team to progress investigations in a timely manner.	Expert consultant planner	
		Engage with and encourage CFA involvement as part of the staff team	CFA	
Recommendation BMO2 Prepare a genuine, life-safety focused offer to the CFA to enter a process of joint-consideration of: <input type="checkbox"/> How defensible space in the Southern Peninsula can be more consistently delivered, including though codified and bespoke defensible space requirements. <input type="checkbox"/> Whether a landscape design guide for modified fuel areas that focuses vegetation modification on areas within a site where it is most needed would be more appropriate in response to the risk arising in modified fuel environments.	Short term (3-9 months) <i>Avoid bushfire season</i>	Develop an enforcement regime / proposal, including costings and deliverability, that would deliver a high level of compliance with defensible space permit conditions. Consider good practice in other local government areas, including how planning and fire prevention functions relate to each other.	Officer (planning, enforcement and fire protection)	
		Develop a landscape proposal that would deliver bushfire protection in modified environments. Consider the impacts on urban design and development form / site coverage.	Consultant landscape architect Expert consultant bushfire behaviour analysis (field work) Consultant urban designer	
		Project management, framework development and engagement with CFA	Expert consultant planner (bushfire)	
Recommendation BMO3 In partnership with the CFA, consider the development of an active compliance regime for defensible space permit conditions.	Short term (3-9 months) <i>Avoid bushfire season</i>	Partnership, relationship and joint work with the CFA	Officer	

RECOMMENDATION	TIMING	SUB-TASK	CAPABILITY	COST EST
			TOTAL	I & S

Advocacy Position 5: Continue to advocate to DELWP to complete its review of mapping in Sorrento, Portsea, Blairgowrie and Rye as requested in Council's submission to the BPA14 and BMO-R5 Mapping Review. (It was not recommended that Council undertake further research on this matter as the expense of undertaking works to verify mapping should be borne by State Government given BPA mapping is a State responsibility that is implemented according to State-set criteria).



18 May 2020

The Hon. Richard Wynne
Minister for Planning
Level 16
8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Minister Wynne,

BUSHFIRE PLANNING PROVISIONS – REVIEW

Following a resolution of the Mornington Peninsula Shire Council on 16 March 2020, I write to you seeking your support for a partnership approach between State and local government to review bushfire protection provisions within the Victoria Planning Provisions (VPPs).

The VPPs play a critical role in managing bushfire risk, as evidenced in the findings and recommendations of the 2009 Victorian Bushfires Royal Commission Report. Council believes the current provisions could be improved to enhance the State's bushfire resilience whilst minimising unnecessary vegetation loss. Corresponding benefits would include greater protection of Victoria's highly valued biodiversity and natural ecosystems.

Mornington Peninsula Shire would like to work collaboratively with the Department of Environment, Land, Water and Planning (DELWP) on identifying, investigating and piloting possible refinements.

Council appreciates that any proposed changes to the VPPs must be:

- premised on life-safety as the primary focus,
- strategically justifiable and evidence-based, and
- capable of working across the State of Victoria.

Contact the Mornington Peninsula Shire

☎ 1300 850 600
🌐 mornpen.vic.gov.au
✉ customerservice@mornpen.vic.gov.au

By post: Private Bag 1000,
90 Besgrove Street, Rosebud VIC 3939
ABN: 53 159 890 143



Council therefore recommends that a broader taskforce be established for this work, with the Country Fire Authority (CFA) and all interested councils invited to join the Shire and DELWP in undertaking the review. Council recommends that the Municipal Association of Victoria (MAV) be invited to coordinate the taskforce.

As a starting point, the Shire recommends that the taskforce explore the following possible changes:

Clause 52.12: Bushfire Protection Exemptions

- removing the '10/30 rule' (Clause 52.12-1) and fence line vegetation exemptions (52.12-2) from identified low- to no-risk bushfire areas,
- only applying the fence line exemption (52.12-2) to the Rural and Farming Zones where bushfire risk is evident,
- replicating the drafting of fence exemptions within Clause 52.17-7 (Native vegetation – table of exemptions) in relation to the four metre threshold,
- introducing a provision to Clause 52.12 that enables a responsible authority to consider vegetation recently removed under the exemptions where the land is subsequently proposed to be developed to prevent the possible misuse of exemptions to gain a development advantage, and
- reviewing the drafting of Clause 52.12 to ensure it better reflects the original intent of the provision and aligns with the '*Rules for writing a planning scheme provision*' from the Department's '*A Practitioner's Guide to Victoria Planning Schemes*'.

Clause 44.06: Bushfire Management Overlay

- Exploring more bespoke and codified defensible space provisions to deliver more locally responsive vegetation modification that aligns with bushfire risk attributable to different Ecological Vegetation Classes (EVCs), and
- Exploring the development of supporting landscape design guides, and/or possible refinements to *Planning Practice Note 64 (PPN64): Local Planning for Bushfire Protection* to assist councils and landowners in managing modified fuel areas that focuses vegetation modification on areas within a site where it is most needed.



Council would be pleased to discuss this collaborative approach to jointly review bushfire VPPs in further detail with the relevant officers from your Department, including establishing the taskforce and appropriate scope of works.

Please direct all communications regarding matter to Katanya Barlow (Manager, Strategic Planning) on 5950 1021 or via email at: katanya.barlow@mornpen.vic.gov.au.

Thank you for considering this request. I look forward to the opportunity to work together to strengthen the management of bushfire risk through the Planning System.

Yours Sincerely

Personal Information

Councillor Sam Hearn
Mayor



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Cr Sam Hearn
Mayor
Mornington Peninsula Shire Council
90 Besgrove Street
ROSEBUD VIC 3939

Ref: MIN073595



Dear Mayor

BUSHFIRE PLANNING PROVISIONS - REVIEW

Thank you for your letter of 18 May 2020 requesting a review of the current bushfire planning provisions, specifically Clause 52.12 Bushfire Protection: Exemptions and Clause 44.06 Bushfire Management Overlay.

I recognise Mornington Peninsula Shire Council's interest in enhancing bushfire resilience while minimising unnecessary vegetation loss to protect Victoria's biodiversity and natural ecosystems.

There is quite some interest from councils for a review of Clause 52.12, particularly in relation to the application of the '10/30 rule' and fence line vegetation exemptions. In approving any changes to this clause, I will need to consider the various options on how it applies, including aligning the vegetation clearing exemptions to the bushfire hazard.

There are currently three bushfire inquiries underway. In response to the 2019-2020 bushfire season, The Royal Commission into National Natural Disaster Arrangements 2020 and the Victorian Inspector-General for Emergency Management Independent Inquiry into the 2019-20 Victorian Fire Season are expected to release their final reports at the end of August 2020 and June 2021, respectively. There is also the Victorian Auditor-General's Office Bushfire Risk Inquiry which commenced in 2019; delivery of the final report for this inquiry is anticipated shortly.

Given these inquiries may provide recommendations regarding updates to current bushfire controls it would be premature to start undertaking the review process before these reports are released.

I agree that any future review arising from these inquiries will need to be done collaboratively with stakeholders including, as you suggest, the Country Fire Authority, councils and the Municipal Association of Victoria.

If you would like more information about this matter, please contact Phil Burn, Director, of Planning Systems, DELWP, on **I & S** or email phillip.burn@delwp.vic.gov.au.

Thank you again for writing.

Yours sincerely

Personal Information

HON RICHARD WYNNE MP
Minister for Planning

25 / 06 / 2020





[Bushfire Planning made clearer: Options for Victoria's Planning System | Engage Victoria](#)

Bushfire Planning made clearer: Options for Victoria's Planning System

Making the existing bushfire planning scheme provisions clearer.

Overview

Over the past 10 years the Victorian Government has delivered changes to how planning schemes consider bushfire with a focus on prioritising human life over other policy objectives. Many of these changes were in response to the recommendations made by the 2009 Victorian Bushfires Royal Commission.

The focus over the next two years is to enhance the bushfire planning provisions by making them clearer. A discussion paper has been prepared as a conversation starter on potential improvements, including many already identified by stakeholders. A copy of the discussion paper is found below in the 'Document Library'. The scope of this work excludes the provisions that support bushfire recovery and rebuilding in bushfire affected communities.

The Victorian Government is seeking your feedback on issues and opportunities with the bushfire planning provisions including developing:

- a more usable state bushfire planning policy
- clearer planning requirements for developing land in bushfire prone areas
- better bushfire hazard assessments
- improving the implementation of bushfire-related planning permit conditions
- training and capacity building opportunities.

The Victorian Government remains committed to the planning policy objective of prioritising life in decision making.

How to participate

1. Read the discussion paper which is found in the Document Library below.
2. Note the privacy notice at the bottom of this page.
3. Make a submission by completing the survey.

Next steps

The submissions will be processed and will contribute to the recommendations made to the Victorian Government.

Document Library



[Discussion paper](#)
PDF (14.91 MB)

Timeline



[See less](#)

Online Information Sessions

Thursday 20 January:

- Peak Bodies & Private Sector - 9.30am - 10.30am
- General Public - 11am - 12pm

Register and let us know your questions or topics of interest by **11 January** using the email shown below.

The questions and topics of interest will be addressed during the session, where possible.

Contact Us

Have questions or want to learn more about a project, contact us below:

✉ Email planning.systems@delwp.vic.gov.au

Survey

The survey consists of a number of pages each corresponding to the chapters in the discussion paper. The survey format is a mix of ratings, options and free text. Comment fields are available after some questions and at the end of each section to provide further details. Most questions are optional as we understand that some stakeholders may only be interested in specific issues.

11% complete

SIMPLER AND MORE USABLE STATE BUSHFIRE POLICIES

Improvements to the state policy, Clause 13.02-1S Bushfire planning, have been proposed to make the structure and concepts in the policy clearer. The proposal also includes integrating the bushfire hazard setback strategy for development enabled by planning scheme amendments after 2017 across the bushfire provisions.

1. Which parts of the policy are working well?

The current 'policy application' and 'objective' are clear. The following proposals included in the discussion paper to improve the policy are supported:

- ☐ providing greater guidance on applying the settlement planning strategies in a new Planning Practice Note,
- ☐ providing clearer strategies to guide decision-making, including:
 - o the scales of assessment necessary to fully consider the bushfire hazard
 - o describing locations that may be more suitable for development
 - o describing low fuel areas
 - o describing development setbacks from bushfire hazards
 - o clarifying when strategies are to be applied
- ☐ better managing bushfire setbacks in strategic plans and planning scheme amendments

2. Which parts of the policy are not working well?

Clause 13.02-1S does not provide sufficient guidance around assessing uses or developments which may create a bushfire hazard. While overarching policy preferences the protection of human life, there is nothing beyond this to provide guidance on assessing land uses which create a bushfire hazard. This should be expanded up and considered similar to uses with adverse amenity potential (under Clause 53.10 – Uses with adverse amenity potential).

3. Do you think we've identified the right policy areas for improvement?

Select by clicking in the box. A comment box will be visible after selecting.

☒ yes, ☐ no, ☐ unsure, ☐ other

See Question 1 response above.

4. What do you think about the identified policy improvements?

The areas identified for improvement are areas that need to be addressed.

5. What parts of the policy could be improved?

Please note that the prioritisation of life is not changing.

Clause 13.02-1S should provide further policy guidance around developments which may create a bushfire hazard. Beyond Clause 13.02-1S, improvements could be delivered by introducing referral and information requirements for uses with the potential to create a bushfire hazard, similarly to the structure of Clause 53.10.

6. Do you have additional comments?

Strengthening the definitions and veto power of “unacceptable biodiversity impacts” and “important areas of biodiversity” (Clause 13.02-1S) will help ensure settlement growth minimises its impact on biodiversity and reduce bushfire risk.

An additional point should be added to the decision guidelines of Clause 53.02-4.5 to specify consideration of the ‘impact of the proposed development and identified defensible space on biodiversity’. This would add weight to the biodiversity impact considerations in Clause 13.02-1S. Examples might include the percent land area required to be cleared; vegetation condition over a certain value; presence of threatened species habitat; or landscape connectivity.

Integration between strategic land use planning and emergency management in settlement planning should be improved, as stated in the Natural Hazards and Climate Change policy (Clause 13.01-1S).

Guidance is required to define how landscape bushfire risk can be reduced, without incurring unacceptable loss of biodiversity as required by Clause 12.01- 1S Protection of biodiversity, the Rural Conservation Zone, Green Wedge Areas, Environmental and Landscape Overlays, and the Native Vegetation Regulations. Ecosystem resilience is one of two strategic objectives (in addition to protecting human life) in the [Metropolitan Bushfire Management Strategy 2020](#), the [Code of Practice for Bushfire Management on Public Land](#) and one of the accepted recommendations from the [VAGO audit into Reducing Bushfire Risk \(2020\)](#).

22% complete

CLEARER PLANNING REQUIREMENTS IN THE BUSHFIRE PRONE AREA

The types of planning permits applications (use, development and subdivision) specified in the Use and Development Control in the Bushfire Prone Area section of Clause 13.02-1S Bushfire planning will be reviewed. No changes are proposed for planning scheme amendments, settlement planning and other strategic matters.

7. How satisfied are you with the Use and Development Control in a Bushfire Prone Area?

Rank by clicking on the scale below.

~~Very dissatisfied~~ — **Dissatisfied** — ~~Neutral~~ — ~~Very satisfied~~

8. Could the Use and Development Control in a Bushfire Prone Area be better targeted based on bushfire risk?

Rank by clicking on the scale below.

Substantial improvement required — ~~Neutral~~ — ~~No improvement required~~

9. What types of use, development and subdivision should be included within the Use and Development Control in a Bushfire Prone Area?

Recreation and retail facilities located outside the Urban Growth Boundary (UGB) or within a Rural Zone could potentially be added to the Use and Development Control. This would cover uses like Primary produce sales, Outdoor recreation, and be more specific than the general statement for “any application for development that will result in people congregating in large numbers”.

Rural areas are often more isolated from services and facilities, or require longer drive times to safe places, which increases the risk that bushfire poses to these uses. Identification of residential areas that are particularly subject to fire risk and the acknowledgement of the UGB or land zoning would serve to recognise this.

Additionally, all types of use, development and subdivision that impact biodiversity should be included.

9b. How would these changes to the Use and Development Control in a Bushfire Prone Area that you identified in the above question create safer communities?

Would allow for better assessment of how risk will impact the use, development or subdivision. Biodiversity and vegetation have benefits to human health, including urban cooling and climate resilience.

10. Would a permit trigger for the Use and Development Control in a Bushfire Prone Area be of assistance?

Select by clicking in the box. A comment box will be made visible after selecting.

yes, ~~no~~, ~~unsure~~, ~~other~~

Permit triggers should only be added for the highest risk uses when considering location and use, rather than a blanket permit trigger for all uses in the use and development control. Alternatively,

Clause 53.02 could be expanded to include specified uses in the Bushfire Prone Area while not triggering the BMO.

A key part of the Use and Development Control is that new development should be able to implement protection measures without unacceptable biodiversity impacts. This would be severely diminished by excluding single dwellings, accommodation, or subdivision from the use and development control.

11. Do you have additional comments?

The Use and Development Control could stand to outwardly recognise different levels of bushfire risk, including the inherent risk posed by the land use (eg. dwelling versus place of assembly), and the uses' location (eg. rural versus urban area). By taking an approach which explicitly recognises that risk differs based on context, the Use and Development Control could integrate more formal involvement of fire authorities in decision making in higher risk situations (outside of the BMO).

The use and development control in Clause 13 provides some guidance, however it does not provide a framework for Council to interact with relevant fire authorities on land use and development applications which lie outside of the BMO. This can make it difficult to know exactly when a fire authority's views are relevant to an application. Further, it places the necessity of determining what an appropriate level of information is for each application (for example, bushfire emergency plans, bushfire management statements) on Council planning officers who are often not adequately informed or qualified to make these judgement calls. More formal involvement of fire authorities for certain uses that fall within the use and development control would be beneficial.

33% complete

BETTER BUSHFIRE HAZARD ASSESSMENTS

There is an opportunity to improve the quality and utility of bushfire hazard landscape assessments and bushfire hazard site assessments by specifying information to be included without altering the methodology. Landscape typologies could also be integrated into the bushfire provisions.

12. What is your experience in preparing or assessing bushfire hazard assessments?

Rank by clicking on the scale below.

~~Inexperienced~~ - **Some experience** - Experienced

13. How well do they contain the information necessary to inform planning scheme decisions?

Rank by clicking on the scale below.

~~Insufficient~~ - **Adequate** - Sufficient

14. Do you think that specifying more clearly how to prepare bushfire hazard assessment would improve their quality and consistency?

Rank by clicking on the scale below.

Improvement required - Neutral - ~~No improvement required~~

15. What opportunities are there to improve the usability of bushfire hazard landscape assessments?

The BMO/Clause 53.02 should be drafted to ensure the hazard assessments are undertaken by suitably qualified individuals. Councils will sometimes receive assessments written by non-practitioners using template Bushfire Hazard Assessment documents which is available on the DELWP website. These are almost always completely unsatisfactory.

The Government should provide bushfire hazard landscape mapping for each local government. This should also link with bushfire risk considered in the Bushfire Management Strategies (Department of Land, Water and Planning, 2020; <https://www.safertogether.vic.gov.au/strategic-bushfire-management-planning>) and State Emergency Management Plan Bushfire Sub-Plan (Emergency Management Victoria, 2021; <https://www.emv.vic.gov.au/responsibilities/semp-sub-plans/semp-bushfire-sub-plan>).

16. Do you have additional comments?

It is not just the case that the bushfire hazard site assessment could be more clearly specified, but the assessment methodology could also be reviewed and refined with more current science and modelling.

It is agreed that more meaningful bushfire hazard landscape assessments would be helpful. Additionally, for improved transparency and consistency across a municipality, Shire-wide bushfire hazard mapping could be provided by the Government. This needs to link with other state government bushfire risk initiatives in the Bushfire Management Strategies (Department of Land,

Water and Planning, 2020; <https://www.safertogether.vic.gov.au/strategic-bushfire-management-planning>) and State Emergency Management Plan Bushfire Sub-Plan (Emergency Management Victoria, 2021; <https://www.emv.vic.gov.au/responsibilities/sem-sub-plans/sem-bushfire-sub-plan>).

44% complete

BETTER APPROACHES TO PREPARE AND ASSESS PLANNING APPLICATIONS

Opportunities have been identified to improve the useability of the Bushfire Management Overlay and Clause 53.02 Bushfire Planning, to enable bushfire risk to be addressed more comprehensively and updated to align with Clause 13.02-1S Bushfire planning.

17. Could the various application pathways under the Bushfire Management Overlay be simplified without losing the intent to streamline decision making?

Rank by clicking on the scale below

Simplification required – ~~Neutral~~ – ~~No simplification required~~

18. Do you think a use permit trigger in the Bushfire Management Overlay would be appropriate?

Select by clicking in the box. A comment box will be visible after selecting.

yes, ~~no~~, ~~unsure~~, ~~other~~

Officers support the following comments from the Municipal Association of Victoria (MAV):

A use permit trigger would capture risks that a development trigger may not. A significant contributor to bushfire risk, and in particular risk to life, is the knowledge, preparation, and decision-making of those in the area at the time.

Compared to a guest, a permanent resident is more likely to have a bushfire plan, know access routes and potential safe or dangerous areas, and keep tuned to relevant information sources.

However, the use of a building or property can change significantly without the need for assessment under the BMO. For example, a dwelling could change from a primary residence to a bed and breakfast without a permit trigger.

Arguably even more dangerous is changing use to short-stay accommodation where none of the owners or operators may be on-site. Currently there is no specific land-use term for short-stay accommodation. Potential bushfire risk may be one compelling reason for this to be addressed.

A control within the BMO that considers the tenancy of a proposed development may be an appropriate response to bushfire risk.

19. Could bushfire risk for proposals that do not contain buildings be better managed?

Select by clicking in the box. A comment box will be visible after selecting.

yes, ~~no~~, ~~unsure~~, ~~other~~

Clearer requirements would assist applicants, responsible authorities, and referral authorities, as well as improve bushfire risk outcomes.

20. Would clearer requirements in the planning scheme assist decision making for proposals that do not contain buildings?

Select by clicking in the box. A comment box will be visible after selecting.

yes, ~~no~~, ~~unsure~~, ~~other~~

Clearer requirements would assist applicants, responsible authorities, and referral authorities, as well as improve bushfire risk outcomes.

21. Should VicSmart be used for permit applications for outbuildings associated with a dwelling in the Bushfire Management Overlay and dwellings where the schedule applies?

Select by clicking in the box. A comment box will be visible after selecting.

~~yes~~, **no**, ~~unsure~~, ~~other~~

VicSmart is a process that should be expanded generally, but there are two issues with regards to the BMO specifically:

- ☐ Determining when a referral is required to the relevant fire authority
- ☐ Determining how defensible space interacts with other controls which may require a permit trigger for vegetation removal.

The current requirements for outbuildings in the BMO are effectively:

- ☐ Outbuildings ancillary to a dwelling but not used for accommodation under 100sqm in floor area do not require a permit.
- ☐ Non habitable outbuildings over 100sqm do not require referral to the relevant fire authority if they are provided with 10m defensible space, and meet the requirements of Clause 53.02-7 if they are within 10m of a dwelling.
- ☐ Habitable outbuildings require permit and referral.

VicSmart puts the onus of Section 55 referrals onto applicants. This is suitable when a referral requirement is a blanket requirement, but the current exemption from referral requirement for outbuildings contains a lot of caveats, which could be difficult for applicants to determine of their own volition. It is noted that it can be more frustrating for applicants to be told they need to go to the CFA directly before lodgement to gain their approval, or else their application will not be considered a VicSmart application - as opposed to having a Council officers complete the referral when required under a regular application process.

The BMO causes a lot of 'interactions' with other overlays to determine if vegetation removal for defensible space requirements would trigger a permit under other overlays, and whether the extent of vegetation removal pulls the application out of VicSmart under an Environmental Significance Overlay (ESO) or Significant Landscape Overlay (SLO). A common further information request that Council officers send for applications in the BMO is in relation to people not clearly showing the extent of vegetation removal for defensible space. While Clause 52.12-5 provides an exemption for vegetation removal associated with defensible space for applications for single dwellings, this doesn't apply in the Green Wedge Zone where the council can commonly see outbuildings over 100 square metres in floor area.

22. What other types of applications could be considered for VicSmart?

Avoid bringing VicSmart into the BMO. Council officers support the MAV's views that applications requiring a referral to fire authorities may not be suitable for VicSmart. For other VicSmart pathways, applicants have often encountered difficulty receiving written consent from the referral authority prior to lodging their application with council. This can diminish any purported efficiencies of having a VicSmart application.

23. Do you think better reflecting state policy in the range of bushfire planning provisions would assist decision making?

Select by clicking in the box. A comment box will be visible after selecting.

yes, ~~no~~, ~~unsure~~, ~~other~~

Officers support the MAV's comments that better reflecting state policy in bushfire provisions would significantly increase visibility or all relevant considerations for both decision makers and applicants.

24. Do you have additional comments?

The terminology surrounding pathways and schedules *needs* to be simplified into clearer language. "Pathway" is not a term which is used in the Planning Scheme, with the pathways referred to on public websites only being separate clauses within Clause 53.02. The distinction between a pathway and a schedule is something that is extremely difficult for Council officers to clearly explain to applicants and is not a distinction which is made clear on DELWP's website. Council officers often see applications for a 'Pathway 1' development which come with a BMO1 Bushfire Management Plan, as an example. Pathways should be formally incorporated as terminology into the BMO and Clause 53.02. From a form and content perspective, the pathways could be more clearly set out.

There is potential utility in expanding Clause 53.02 so that it applies to a broader range of uses and developments than developments triggered by Clause 44.06. This may also serve as a means of expanding the Use and Development Control.

While streamlining and simplifying Clause 53.02 would be beneficial, there also needs to be scope for assessment of the differing levels of risk that different contexts presents. Clause 53.02 is a fairly blunt instrument in that it offers a 'tick box' approach to Bushfire Planning and the measures set out apply to all uses covered fairly equally – whether it be a single dwelling or a chemical refinery. Clause 13.02 requires a more contextual approach to risk and this is not reflected in Clause 53.02 as an assessment tool. The deficiencies of Clause 53.02 were well articulated by VCAT in *Department of Environment, Land, Water and Planning v Yarra Ranges SC* (6 March 2019).

Including policy matters (low fuel areas and landscape risk) should certainly be included. Shire-wide bushfire hazard mapping indicating landscape risk could be provided by the government.

56% complete

PERMIT EXEMPTIONS FOR MANAGING VEGETATION

There may be opportunities to make the permit exemptions to remove or lop vegetation for defensible space more accessible to landowners.

25. How satisfied are you with the bushfire permit exemptions?

Select by clicking in the box below. A comment box will be visible after selecting.

yes, **no**, unsure, other

The bushfire permit exemptions allow for the outright clearing of vegetation on a property within the 10/30 and 10/50 areas designated in Clause 52.12-1, to assist with the management and reduction of bushfire risk. This level of vegetation removal is not consistent with the defensible space standards included in Clause 53.02-5 (Table 6), nor does it correspond with CFA landscape guidelines or current scientific literature.

Changes to the current exemptions should be considered in the context of the inadvertent impacts they have on human health, biodiversity, natural systems, urban cooling and climate change resilience.

1. Need to minimise the extent of unnecessary vegetation loss because of exemptions to create defensible space (Clause 52.12)

Vegetation clearing exemptions for bushfire protection (Clause 52.12-1) promotes complete removal of all relevant vegetation within the 10/30 - 10/50 zones. Complete removal is not in alignment with defensible space standards in the Planning Scheme (Clause 53.02-5 Table 6), CFA guidelines (Landscaping for Bushfire: Garden Design and Plant Selection, CFA 2021; <https://www.cfa.vic.gov.au/plan-prepare/how-to-prepare-your-property>) nor current science (Gibbons et al. 2012. Land management practices associated with house loss in wildfires. *PLoS one* 7, e29212; Gibbons et al. 2018. Options for reducing house-losses during wildfires without clearing trees and shrubs. *Landscape and Urban Planning* 174: 10-17). Complete vegetation removal is:

- ☐ unnecessary to reduce bushfire risk
- ☐ can increase bushfire risk in some situations
- ☐ inconsistent with benefits of vegetation for human health, extreme heat mortality, biodiversity, natural systems, urban cooling and climate change resilience.
- ☐ has the capacity to unnecessarily denude whole suburbs of native vegetation and change neighbourhood character

Little consideration is given to existing implications of vegetation removal under these exemptions on human health, heatwave related death, biodiversity, urban cooling and climate resilience, let alone how these might change with proposed amendments. The amount of vegetation removal under these exemptions should be quantified, particularly to gauge the extent of potential unnecessary vegetation removal. As vegetation removal results from a permit exemption, it is difficult for local government to track and quantify. The state government needs to consider the extent of vegetation loss at a state level.

2. Align vegetation clearing exemptions for bushfire protection (Clause 52.12-1) with defensible space standards of Clause 53.02-5 (Table 6 vegetation management requirements).

Vegetation clearing exemptions for bushfire protection exist so landowners can create adequate defensible space. These exemptions need to align with defensible space standards in the VPP

in 'vegetation management requirements' of Clause 53.02-5 (Table 6). These standards align with current scientific literature on house loss and CFA guidance for property preparation (Landscaping for Bushfire: Garden Design and Plant Selection, CFA 2021; <https://www.cfa.vic.gov.au/plan-prepare/how-to-prepare-your-property>), which demonstrate that not all vegetation needs to be removed to create an adequate defensible space (Gibbons et al. 2012. Land management practices associated with house loss in wildfires. *PloS one* 7, e29212; Gibbons et al. 2018. Options for reducing house-losses during wildfires without clearing trees and shrubs. *Landscape and Urban Planning* 174: 10-17).

3. No vegetation removal exemptions beyond 10/30 -10/50 distances

There should be no exemptions applied to defensible space distances greater than the 10/30 - 10/50 distances (Clause 52.12-1). This includes no exemptions for the defensible space distances set out in [Clause 53.02-5 \(Tables 1-3\)](#).

The 10/30 - 10/50 distances (Clause 52.12-1) are roughly consistent with science on defensible space and house or life loss (Blanchi et al. 2012. *Life and house loss database description and analysis*. CSIRO, Bushfire CRC report to the Attorney-General's Department. CSIRO EP-129645; Cohen 2008. The wildland-urban interface fire problem. A consequence of the fire exclusion paradigm. *Forest History Today* Fall 2008: 20-26; Gibbons et al. 2012. Land management practices associated with house loss in wildfires. *PloS one* 7, e29212; Gibbons et al. 2018. Options for reducing house-losses during wildfires without clearing trees and shrubs. *Landscape and Urban Planning* 174: 10-17; Newnham, G. J., et al 2012. Exploiting three dimensional vegetation structure to map wildland extent. *Remote Sensing of Environment* 123: 155-162; Penman et al. 2019. The role of defensible space on the likelihood of house impact from wildfires in forested landscapes of south eastern Australia. *International Journal of Wildland Fire* 28, 4–14; Price et al. 2021. Comprehensive Examination of the Determinants of Damage to Houses in Two Wildfires in Eastern Australia in 2013. *Fire* 4, 44).

Although it is recommended to align Clause 52.12-1 with the defensible space vegetation standards described in [Clause 53.02-5 \(Table 6\)](#), the 10/30 - 10/50 exemption distances should not be expanded to a broader distances such as those represented in [Clause 53.02-5 \(Tables 1-3\)](#), which have the aim of restricting new developments. If anything, 10/30 – 10/50 distances could be narrowed (for example 10/40 instead of 10/50) for consistency with current scientific literature.

4. Balance bushfire provisions with other objectives; prioritising human life

The discussion paper highlights that the Victorian Government is delivering how planning schemes "address bushfire with a focus on prioritising human life over other policy objectives". As the planning scheme aims to prioritise human life in decision-making, then bushfire provisions need a more detailed review to be balanced against other objectives, including those that also contribute to prioritising life.

Regarding the impact of natural hazards on human mortality, extreme heat events have resulted in more fatalities "than the combined total of deaths from all other natural hazards" (Coates et al. 2014. Exploring 167 years of vulnerability: An examination of extreme heat events in Australia 1844–2010. *Environ. Sci. Policy* 42, 33–44). These statistics remain current (Coates et al. 2022 Heatwave fatalities in Australia, 2001–2018: An analysis of coronial records. *International Journal of Disaster Risk Reduction* 67: 102671).

Extreme heat events receive very little to no attention in the planning scheme. Extreme heat events should be considered in Clause 13 (perhaps as an additional provision under Clause 13) and as a higher priority to bushfire (13.02). The only consideration otherwise given is to the urban heat

island effect, which is mentioned in only three sections of the planning scheme (Clauses: 15.02-1S, 55.07-4, 58.03-5). The planning scheme identifies strategies to:

- ☐ Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
- ☐ Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals (Clause 15.02-1S).

This is consistent with other Victorian Government objectives, including decreased health impacts associated with climate change, including from extreme heat events (Victorian Government 2019. Victorian public health and wellbeing plan 2019–2023. Melbourne) and (Victorian Government 2021. Heat health plan for Victoria Protecting health and reducing harm from extreme heat. Department of Health, Melbourne). Other recommendations in our response to minimise unnecessary vegetation loss for bushfire protection will directly assist with reducing urban heat island effect and resilience to climate change and extreme heat events.

To quote from Coates et al. (2022): “at least 354 heatwave deaths were reported to a Coroner from July 2000 to June 2018. We find that heatwaves still pose a greater threat to Australian mortality than any other natural hazard. However, Australia has no national framework for heatwaves, despite a case for one being established as early as 2011 [56]. There is no consistent planning nationwide at local government level to connect with vulnerable groups”.

5. Simplicity of exemptions.

The discussion paper states that “some stakeholders say that the exemptions remain complex”, however, if this is the case and a trigger for its review, then this needs to be clearly quantified. Other stakeholders, including officers at Mornington Peninsula Shire, believe that the exemptions are too simplified and require greater specification. As stated elsewhere, the exemptions to allow the removal of all vegetation in 10/30 – 10/50 zones is overly simplified and undoubtedly results in the unnecessary removal of vegetation for adequate defendable space. Linking defendable space standards in Clause 53.02-5 Table 6, to 10/30 – 10/50 provisions will provide clarity, consistency and minimise unnecessary vegetation loss. To make exemptions simple to understand and apply, it is important to be clear on what is necessary and what is unnecessary for defendable space. It is very clearly specified in 53.02-5 Table 6, CFA guidance and scientific literature that removing all vegetation in defendable space is not necessary to reduce bushfire risk.

26. How simple are the exemptions to understand and apply? Rank by clicking on the scale below

~~very difficult~~, ~~difficult~~, **neutral**, ~~very easy~~

27. If someone wants to build on their land, should a permit be required to remove vegetation to create adequate defendable space?

Select by clicking in the box below. A comment box will be visible after selecting.

yes, ~~no~~, ~~unsure~~, ~~other~~

A permit requirement seems appropriate so that a landowner must demonstrate that defendable space can be created on their property without the need to remove all vegetation, which results in negative impacts on biodiversity. This would be assisted by a tool such as a landscape design guide which would demonstrate to landowners how high-quality landscaping outcomes are possible in a bushfire settings, whilst still managing bushfire risk and not resorting to stripping a property of vegetation using the 10/30 and 10/50 rules.

Clause 52.12-5 exempts some dwelling applications from requiring a permit application to remove vegetation for the creation of defendable space to the relevant distances specified in [Clause 53.02-5 \(Tables 1-3\)](#), which in some cases may include a radius of ninety-eight metres from a new dwelling. This needs to be removed to ensure that all dwelling applications are assessed and subject to vegetation offsets. Any exemptions should be strictly limited to the 10/30 – 10/50 distances (Clause 52.12-1). The intent of the planning scheme is to limit development to areas where bushfire risk is to an acceptable level and discourage development in areas where there is bushfire risk and requiring extensive vegetation removal. A permit requirement will allow for increased disincentive to build in high risk areas and improved opportunity for offsetting of vegetation and biodiversity loss.

It would be appropriate that green wedge areas (for example, RCZ and GWZ) are not included in bushfire exemptions as these areas have greater biodiversity values and landscape bushfire hazard risks than other zones. It is very important for decision makers to consider whether development is appropriate, especially for vulnerable uses, to prioritise the protection of human life in terms of landscape risk and unacceptable biodiversity loss.

28. Should a landowner be able to maintain adequate defendable space without the need for a permit?

Select by clicking in the box below. A comment box will be visible after selecting.

yes, ~~no~~, ~~unsure~~, ~~other~~

A landowner should be allowed to maintain defendable space without a permit, however as stated above the level of vegetation clearance allowed by these exemptions under Clause 52.12-1 should be consistent with the defendable space standards of Clause 53.02-5. The Clause 53.02-5 standards are informed by specific landscape characteristics including vegetation type and slope of land and were developed from an evidence base. A further review of these standards should be considered to align them with current science and other guidance (CFA), it would provide a much less ruthless approach to the creation of defendable space in bushfire areas.

Exemptions for maintenance of defendable space should not be required either. The point at which a permit would be required needs consideration. Regrowth vegetation under 10 years old does not require a permit for removal. Vegetation over 10 years old in a potential defendable space should be reassessed, as presumably bushfire risk understanding will be improved over a 10 year timeframe. This is particularly relevant to defendable space distances beyond 10/30 – 10/50 specified in 53.02-5. Maintenance activities in defendable space should comply with DELWP's (2017) '*Guidelines for the removal, destruction or lopping of native vegetation*'.

29. Do you have additional comments?

1. Improved BPA and BMO mapping to enhance the accuracy of bushfire hazard areas and low risk areas

Bushfire Prone Areas (BPA) and Bushfire Management Overlay (BMO) mapping strongly influence planning decisions, vegetation clearing exemptions and (inadvertently) operational bushfire risk management by local governments. Therefore, it is crucial to ensure that these areas are mapped accurately and do not cover locations where exemptions are not necessary or do not contribute to the reduction of bushfire risk.

These maps need to be as accurate and precise as they can be to ensure decisions are risk-based and evidence-based as recommended from recent bushfire inquiries. Considering no houses have been lost to bushfire more than 700m from the urban - bushland interface (Chen & McAneney 2004. Quantifying bushfire penetration into urban areas in Australia, *Geophysical*

Research Letters, 31: L12212), it is important to ensure accurate identification of bushland to establish genuine bushfire risk. Improved accuracy of these maps will:

- ☐ Improve prioritisation of higher bushfire risk areas
- ☐ Avoid unnecessary vegetation loss for bushfire protection in low risk areas

In addition to improved BPA and BMO mapping, a supporting bushfire hazard landscape assessment for each municipality shire-wide would add value.

2. Review of relative bushfire risk for municipalities

Bushfire Prone Areas (BPA) and Bushfire Management Overlay (BMO) mapping represent building and planning triggers, but do not necessarily represent landscape bushfire risk. The discussion paper suggests that Clause 44.06 refers to “land at the most extreme risk of bushfire”, however, this is factually inaccurate as the BMO is not a bushfire risk map and there are higher and lower levels of bushfire risk within this area. To be serious about addressing bushfire risk and the primacy of life in the planning scheme, there is merit in providing assessment of actual bushfire risk. There is need for a bushfire hazard landscape assessment for each municipality shire-wide to be delivered state-wide for consistency. This needs to link with bushfire risk considered in the Bushfire Management Strategies (Department of Land, Water and Planning, 2020; <https://www.safertogether.vic.gov.au/strategic-bushfire-management-planning>) and State Emergency Management Plan Bushfire Sub-Plan (Emergency Management Victoria, 2021; <https://www.emv.vic.gov.au/responsibilities/semv-sub-plans/semv-bushfire-sub-plan>). This can then be used in conjunction with BPA and BMO mapping to better inform decision-making with an assessment of risk.

Improvement of the quality and utility of bushfire hazard landscape assessments and bushfire hazard site assessments is welcome. Integrating landscape typologies into the bushfire provisions is a valid option, but does not go as far as integrating shire-wide bushfire risk through a municipal bushfire hazard landscape assessment. Different municipalities have different bushfire risk levels, including from vegetation, landscape type, slope, topography, bushfire behaviour, meteorological conditions, and passive shelter options.

For example, there is a fixed Fire Danger Index (FDI) threshold of 100 for Victoria (Table 2.1, Australian Standard 3959), which does not realistically represent actual bushfire risk for some municipalities. For the Mornington Peninsula Shire only one day (Black Saturday 7th February 2009) recorded an FDI above 75 (Extreme and Code Red), which represented 0.01% of records (Terramatrix 2015. *Hastings Bushfire Case Study: Warringine Park Coastal Section*, Report commissioned by Mornington Peninsula Shire & CFA).

"Virtually all of the house loss has occurred above the 99.5th percentile level in the distribution of daily FFDI for each of the regions considered" and "little house loss has occurred on days where the FFDI did not exceed 50" (Blanchi et al. 2010. Meteorological conditions and wildfire-related house loss in Australia. *International Journal of Wildland Fire* 19, 914–926).

3. Bespoke defensible space for municipalities.

Further development of defensible space standards (53.02-5 Table 6) could be investigated to create a credible mechanism to substitute existing bushfire planning controls requirements (10/30, 10/50 rules Clause 52.12-1) with bushfire responsive landscape objectives/outcomes. Better biodiversity protection measures can also be specified, including:

- ☐ Retain as many trees as possible when meeting 5m canopy separation
- ☐ Prioritise retention of hollow bearing trees, then largest indigenous trees
- ☐ Prioritise retention of threatened flora and habitat for threatened fauna

- Clumping vegetation where tree canopies are shared to minimising impacts to biodiversity, improve vegetation survivability and reduce hazards such as wind throw for remaining trees.

Guidance should be provided for best practice vegetation management, such as existing examples in the CFA's [Landscaping for Bushfire](#) guide and the Surf Coast's [Landscaping your Surf Coast Garden for Bushfire](#). These could align with actual bushfire risk as represented in shire-wide bushfire hazard landscape assessment mapping or similar.

Bespoke defensible space and guidance on fuel management will assist Councils achieving consistency in fire risk management between public and private land, which is a recommendation of the recent Victorian Bushfire inquiry. Guidance on species (natives) that can be planted to help manage fire risk whilst reducing unnecessary loss.

Some municipalities are already able to consider site-responsive defensible space options for new dwellings in some Zones, including removal of vegetation to an agreed level with retention of some canopy and mid-story elements without compromising fire protection. There is concern that proposed changes would remove the ability for a nuanced site-specific approach (which is the better practice) and allow complete removal without considering site context. Changes that promote this outcome should be avoided.

67% complete

COMPLIANCE WITH BUSHFIRE-RELATED PLANNING PERMIT CONDITIONS

The Victoria Auditor General has recommended that options be developed to improve owner and occupier awareness of and accountability for bushfire planning controls. The Department of Environment, Land, Water and Planning is leading this work.

30. Do you think there should be a greater focus on complying with bushfire planning controls and permit conditions?

Select by clicking in the box below. A comment box will be visible after selecting.

☒ yes, ☐ no, ☐ unsure, ☐ other

Having an increased focus on compliance with bushfire planning controls would be positive step, however the main barrier to achieving this within a local government setting is the availability of resourcing and funding to monitor compliance with bushfire planning controls and permit conditions. Efforts should be directed towards ensuring that robust and clear permit conditions are provided prior to the 'occupancy' stage of development.

There are significant challenges for local government to monitor and enforce compliance. It is imperative that the government ensures that councils are adequately resourced for this and other related tasks.

31. Do you think the visibility and awareness of permit conditions could be improved?

Select by clicking in the box below. A comment box will be visible after selecting.

☒ yes, ☐ no, ☐ unsure, ☐ other

There is little that Mornington Peninsula Shire can do to improve visibility and awareness in addition to the initiatives raised in the discussion paper. The council's main role is to provide clear permit conditions at the 'prior to occupation' stage of development, but after this point it is difficult for a council to proactively monitor compliance with permit conditions further down the line. This is also compounded by the large volume of permits that are processed each year.

Permit conditions can be made available to the public upon request which provides some visibility, however it is ultimately the responsibility of a landowner to be aware of their responsibilities to manage bushfire risk.

32. How could the visibility and awareness of permit conditions be improved?

The further initiatives outlined in the discussion paper seem logical and could be undertaken to help raise landowner awareness of bushfire planning permit conditions and their responsibilities to manage bushfire risk. Any of the initiatives that would be led by local government would likely require further resourcing and funding to be undertaken.

33. Do you think there are triggers where raising awareness and compliance of permit conditions could occur?

Select by clicking in the box below. A comment box will be visible after selecting.

☒ yes, ☐ no, ☐ unsure, ☐ other

No further triggers other than the ones listed in the discussion paper, however a greater focus on compliance with permit conditions at the 'prior to the occupation' stage of development would be beneficial.

34. Do you think there are other regulatory systems that could assist or take the lead on compliance of permit conditions?

Select by clicking in the box below. A comment box will be visible if yes is selected.

~~yes, no, unsure~~, other (allows a comments box also for the following)

No other regulatory systems would seem appropriate. What may assist instead are funded positions within councils whose role would be to deal directly with bushfire planning controls and permit condition compliance.

35. Do you have any other ideas about how to increase landowner and occupier awareness and compliance with permit conditions? If yes, please explain.

Community engagement on these matters needs to be included in state government lead engagement opportunities, including by the CFA and FRV.

36. Do you have any other additional comments?

The planning system itself can also make it difficult for councils to proactively monitoring compliance with bushfire-related permit conditions. The statutory timeframes applied to the expiry of a planning permit (P & E Act 1987, Sec 68) mean that an approved planning permit might not be acted upon for several years. A council is generally not aware of when a permit is acted upon so it is difficult to determine when compliance with bushfire-related permit conditions should be monitored. It is more often a reactive process triggered by third party requests for the investigation of planning permit compliance.

Compliance is a local government resourcing issue. The State should ensure that local governments are adequately resourced to undertake compliance monitoring and enforcement, as these are additional responsibilities beyond what is currently possible for most local governments.

78% complete

TRAINING, CAPACITY BUILDING AND LONGER-TERM OPPORTUNITIES

As the risk of bushfire increases, the planning system will need to keep upskilling and broadening the capability of systems users. There may also be new ways to manage bushfire planning requirements over the longer term.

37. Could an accreditation system work to support bushfire planning scheme decision making?

Select by clicking in the box below. A comment box will be visible after selecting.

~~yes, no, other~~, **unsure**

There is an inherent bias from the CFA with bushfire risk, as this agency is not required to consider other government objectives as does local and state government in general. Consistency of approach across trained practitioners both government and business is a good idea. However, any accreditation system should not replace statutory decision-makers or referral authorities.

38. Do you think that a risk-based approach could be used to align bushfire referrals and decision making with the bushfire risk?

Select by clicking in the box below. A comment box will be visible after selecting.

~~yes, no, other~~, **unsure**

Not necessarily. Fully trained and accredited practitioners could equally provide quality assessments regardless of the level of bushfire risk.

39. Would more training and professional development assist in preparing and assessing planning applications and undertaking strategic planning in bushfire areas?

Select by clicking in the box below. A comment box will be visible after selecting.

yes, ~~no, unsure, other~~

Support and training for planners.

Better training is required to help inform decision-making for planners around bushfire risk, the built environment (Clause 15 Built Environment and Heritage) and biodiversity impacts, including:

- ☐ development in high conservation and/or fire risk areas
- ☐ incorporating guidance such as [The Draft Built Environment Adaptation Action Plan | Engage Victoria](#)
- ☐ Bushfire Attack Level assessments; and Bushfire Hazard Site and Landscape Assessments
- ☐ Understanding of landscape bushfire risk

40. What training and professional development would you like to see more of?

- development in high conservation and/or fire risk areas
- incorporating guidance such as [The Draft Built Environment Adaptation Action Plan | Engage Victoria](#)
- Bushfire Attack Level assessments; and Bushfire Hazard Site and Landscape Assessments

- Understanding of landscape bushfire risk

41. What other information could be made available to better support bushfire decision making?

Bushfire hazard landscape mapping for each municipality that links with other state bushfire risk mapping in the Bushfire Management Strategies (Department of Land, Water and Planning, 2020; <https://www.safertogether.vic.gov.au/strategic-bushfire-management-planning>) and State Emergency Management Plan Bushfire Sub-Plan (Emergency Management Victoria, 2021; <https://www.emv.vic.gov.au/responsibilities/semp-sub-plans/semp-bushfire-sub-plan>).

42. Do you have additional comments?

Improved resourcing for local governments.

Recommendations from the recent bushfire inquiries indicate the State's obligation to adequately resource councils to implement delegated responsibilities, such as bushfire management. The Royal Commission into National Natural Disaster Arrangements stated that "state and territory governments remain accountable, and should therefore ensure local governments have the support and resources they need to carry out their responsibilities". Local governments are currently not resourced adequately to carry out all their responsibilities to an adequate standard including urban planning and enforcement for bushfire, fire prevention management on private land, fuel management on public land, community engagement and the assessment and identification of bushfire risk in the landscape.

The Discussion Paper talks about improving inspection and compliance by local government, which amounts to additional workloads. What consideration is there for the State to improve resourcing to Councils?

89% complete

OTHER OPPORTUNITIES

43. Are there any other improvements to the bushfire planning provisions that you would like to see that are not identified in the discussion paper?

Note that decision making which prioritises life will remain.

1. Establishment of an inter-agency collaborative group for bushfire provisions

The Planning Minister has previously indicated to the Mornington Peninsula Shire support for a collaborative approach to any future review of the bushfire planning provisions with local government. We request the Planning Minister establish, fund and resource an inter-agency collaborative group to progress this, and any subsequent review of the bushfire planning provisions (and other allied actions).

The discussion paper states that the “focus over the next two years is to enhance the bushfire planning provisions” suggesting that there is an ongoing process which local governments and other DELWP and CFA partners should be closely involved with.

2. A number of other improvements that are not identified in the discussion paper have been raised in the responses above.

100% complete

Review & Submit

Kevin Hazell

BUSHFIRE PLANNING

**Mornington Peninsula Shire
Strategic Planning Bushfire Assessment**
Final Report

25 May 2023
Version 1.0

Prepared for:
Mornington Peninsula Shire Council
2 Queen Street
Mornington VIC 3931

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About

Kevin Hazell Bushfire Planning is a town planning service that works with public and private sector clients to understand and apply planning scheme bushfire policies and requirements. It is led by Kevin Hazell who is a qualified town planner with extensive experience working on bushfire planning at State and local levels in Victoria.

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Disclaimer

The views expressed in this report are those of the author. Information in this document is current at the time of writing. While all professional care has been undertaken in preparing the document, the author accepts no liability for loss or damages incurred because of reliance placed upon its content.

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Version Control

Version	Date	Comment	Name
v0.1	6 May 2022	Draft for Council review	Kevin Hazell Town Planner
v1.0	25 May 2023	Final report	Kevin Hazell Town Planner

1. Introduction

Kevin Hazell Bushfire Planning has been engaged by Mornington Peninsula Shire Council (the '**Council**') to prepare a Shire-wide strategic planning bushfire assessment.

The assessment includes contextual information on bushfire and identifies locations that are relatively higher or lower risk to support strategic land use planning and the preparation of planning scheme amendments. This information is important as it enables the consideration of municipal, sub-regional and regional bushfire policies in *c13.02-1S Bushfire Planning* of the Mornington Peninsula Planning Scheme (the '**Planning Scheme**').

1.1 Study area

The study area is the municipal area of Mornington Peninsula Shire.

See **Figure 1A: Study area**

1.2 Methodology for this report

This report applies landscape types them to different parts of the Shire. They are derived from considering likely bushfire scenarios, the potential for neighbourhood scale destruction and the availability and access to safer areas. These are all considerations within the policies of *c13.02-1S Bushfire Planning*. Landscape types enable inter-related considerations to be practically applied spatially.

Landscape types are described in *Planning Permit Applications Bushfire Management Overlay Technical Guide* (DELWP 2017). Landscapes type range from 1 to 4. Generally, as assessed landscape types progress through 1-4, the landscape risk increases. Landscape types are a particularly useful tool to appreciate the relative risk between locations, especially in the context of policies which seek to direct development to lower risk locations.

See: **Figure 1B: Overview of landscape types**

The landscape types identified in the assessment are necessarily strategic and are not intended to be scaled to individual properties. Landscape types are also not always a perfect match to a particular location but they remain useful in strategic planning, including as a stepping off point for discussions and further investigations (especially at a settlement, neighbourhood or local scale).

1.3 Structure of this report

The strategic bushfire assessment includes the following:

- Section 1.1 provides a brief planning context of the strategic and settlement context of Mornington Peninsula Shire.
- Section 2 provides an overview of bushfire content in the planning scheme, especially the strategies in *c13.02-1S Bushfire Planning*.
- Section 3 describes the bushfire context using a range of information sources, mostly arising from the work of public authorities such as fire authorities and the Council.
- Section 4 to 8 provides an assessment of how locational policies in *c13.02-1S Bushfire Planning* affect different parts of the Shire, using landscape types.
- Section 9 includes a summary of recommendations.

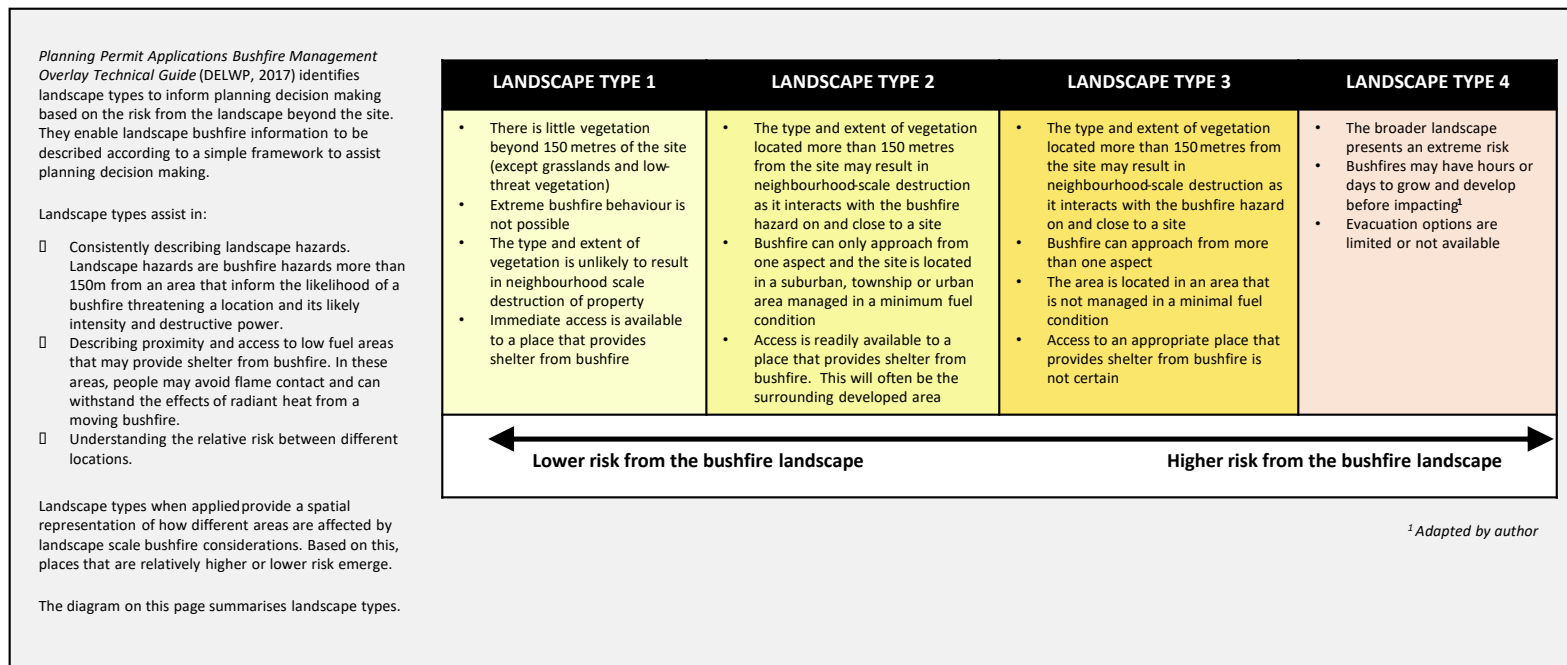
1.4 How to use this report

The landscape types identified in this report are only of utility to strategic planning as they have been prepared for this purpose and in recognition that any future strategic planning proposal affords the opportunity for further analysis. This report does not consider bushfire for the purpose of preparing or assessment a planning application and should not be used for this purpose.

FIGURE 1A: STUDY AREA



FIGURE 1B: OVERVIEW OF LANDSCAPE TYPES



1.1 Context on strategic and settlement planning in Mornington Peninsula Shire

The Mornington Peninsula Planning Scheme provides an appreciation of how places, settlements and growth are currently planned in Mornington Peninsula Shire, as derived from State, regional and local planning policies.

1.1.1 Municipal Planning Strategy

The Municipal Planning Strategy at c02.01 describes Mornington Peninsula Shire as follows:

The Mornington Peninsula is a special place, with a unique relationship to the rest of Melbourne. The Shire is located between Port Phillip Bay and Western Port Bay, approximately 50 kilometres south-east of central Melbourne, and is one of Victoria's most visited destinations for informal recreation.

The Shire has a total area of more than 720 square kilometres, with productive rural areas, scenic landscapes of state significance and a coastline extending more than 190 kilometres. Substantial areas of the Shire, such as the Western Port coast and Mornington Peninsula National Park, are of high conservation value and support sites of national and international significance.

The Peninsula is not a designated urban growth area. The green wedge planning provisions implement a 'green break' to protect the Peninsula from inappropriate metropolitan development and protect areas of environmental, landscape and scenic value. These areas include the Peninsula's biodiversity assets, national and state parks, Ramsar wetlands and coastal areas. In this context, the Peninsula has a different but complementary role to other parts of Melbourne in meeting the overall needs of the community.

The Peninsula retains a distinctive settlement pattern consisting of more than 20 separate settlements within a hierarchy ranging from larger centres to smaller towns and coastal villages. Around 70 per cent of the Shire is rural land within the green wedge planning zone and 30 per cent is taken up by towns and villages. Green wedge policy seeks to consolidate any new residential development into these existing settlements. The settlement pattern, rich history of buildings, places and sites of heritage significance, and the relationship between the townships, coast and rural landscape contribute to the Peninsula's distinctive "sense of place".

The Mornington Peninsula Shire has a permanent population of approximately 160,000 people (ABS 2016 Census). Many holiday houses are located on the Peninsula, leading to a substantial increase in its population during the summer peak period.

The Peninsula has a substantial rural population that is not directly or primarily engaged in traditional agriculture. That is, many properties are used for rural living, generating a further range of issues including fragmentation of rural land into smaller parcels, which leads to pressure on agriculture.

The strategic directions for settlements at c02.03-1 includes the following:

Direct growth primarily to major activity centres, and the remainder to neighbourhood activity centres.

Strengthen the hierarchy of activity centres while having regard to their individual character and functions, their relationships to each other and to adjacent rural, coastal and port development areas.

Concentrate commercial and non-commercial services in activity centres to serve the needs of the community, visitors and tourists, commensurate with the role and function of that activity centre in the activity centres hierarchy on the Mornington Peninsula.

Protect the distinctive sense of place of the Mornington Major Activity Centre, its low-scale village ambience and seaside atmosphere, its heritage values and its focus on Main Street.

Strengthen the Rosebud Major Activity Centre as a regional visitor destination, with a focus on its low-scale coastal ambience, its integral connection with the foreshore and its backdrop of Arthurs Seat.

Strengthen the Hastings Major Activity Centre as a regional visitor destination, with a focus on its coastal ambience, its integral connection with Western Port Ramsar Wetland and its scenic backdrop of Western Port Bay.

Protect the unique character and functions of the small coastal townships and rural villages, and maintain their compact form and amenity.

Avoid out-of-centre development and the creation of new activity centres.

Protect green wedge land, maintain the Urban Growth Boundary and protect the 'green break' between the Peninsula and metropolitan Melbourne.

Maintain rural areas for their environmental, landscape, recreational and agricultural values, and minimise development that could have an adverse impact on these values on land located in the Green Wedge Zone or Farming Zone.

Maintain separation between port development areas and activity centres, as identified in the Strategic Framework Plan under Clause 02.04.

Encourage greater housing diversity in established areas.

See Figure 1C: c02.04 Strategic framework plan

1.1.2 Zones

Planning scheme policies are given effect through the application of Zones. Through the applied Zones, the dominant patterns of Mornington Peninsula Shire can be observed, including:

- A corridor of mostly continuous urban development along Port Phillip Bay.
- A township pattern along the Western Port Bay, with distinct settlements separated by non-urban areas.
- A non-urban hinterland area where agricultural uses are dominant with several smaller rural-type settlements. Within non-urban areas there can be a dominance of rural living uses.
- Larger settlement and urban areas in the northern part of the Shire, including Somerville and Tyabb.

FIGURE 1C: c02.04 STRATEGIC FRAMEWORK PLAN



2. c13.02-1S Bushfire Planning locational policies and commentary

c13.02-1S Bushfire Planning includes strategies on locational considerations that influence where development could be directed to enhance life-safety outcomes in response to bushfire hazards. These locational policies relate to landscape bushfire considerations, availability of safer areas and alternative locations for development. A summary of these policies are outlined in this chapter.

2.1 Landscape bushfire considerations

Landscape bushfire considerations include the scale of likely bushfire and the type of hazard in the wider locality where a bushfire can start and grow large. The following policies require these matters to be considered:

- *Considering and assessing the bushfire hazard on the basis of [...] landscape conditions - meaning the conditions in the landscape within 20 kilometres and potentially up to 75 kilometres from a site.*
- *Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.*

These policies ensure that decision making fully appreciates whether there is potential for destructive bushfires to arise. They emphasise the assessment of bushfire hazards not only very close to a site or area of planning interest but in the much wider area (referred to as the bushfire 'landscape').

2.2 Alternative locations for development

An appreciation of alternative locations for growth and development can assist in considering where best amongst alternatives can life safety be enhanced. The following policies require these matters to be considered:

- *Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.*
- *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.*

Policies on assessing alternative locations for development tend to be determinative to acceptable strategic planning outcomes, including because of the policy focus on directing development to low risk locations. In many bushfire settings, such locations often do not exist and reinforce the need to avoid planning scheme enabled new development.

2.3 Availability of safer areas

Consideration of how occupiers of a development or people living in a specific location can move to a safer area was introduced into planning schemes in 2017. Bushfire protection is enhanced where people have a layering of options available to them, including being able to move to a safer location.

The following policies require these matters to be considered:

- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS3959-2018 Construction of buildings in bushfire-prone areas (Standards Australia) where human life can be better protected from the effects of bushfire.*
- *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 term BAL:Low seeks to define an area of land that is low fuel and generally more than 100m away from hazardous vegetation (or 50m for grasslands). It uses the methodology in AS3959-2018 Construction of a building in a bushfire prone area (Standards Australia). This methodology does not accommodate all forms of bushfire impact, including:

- Land that may be subject to extreme ember attack.
- Land where the vegetation is low-threat as defined by AS3959-2018 but which still presents a bushfire hazard from localised vegetation and other flammable elements, including buildings being on fire.
- Land in proximity to forested areas where there are steep slopes under the hazardous vegetation.

Despite limitations, policies relating to safer areas do provide a stepping-off point for considering safer areas in more detailed strategic planning activities.

2.4 Other supporting policies

c13.01-1S Natural hazards and climate change applies to bushfire decision making. The objective of the State natural hazards and climate change policy is:

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

c13.01-1S Natural hazards and climate change contains a series of strategies to meet the above objective, and these include:

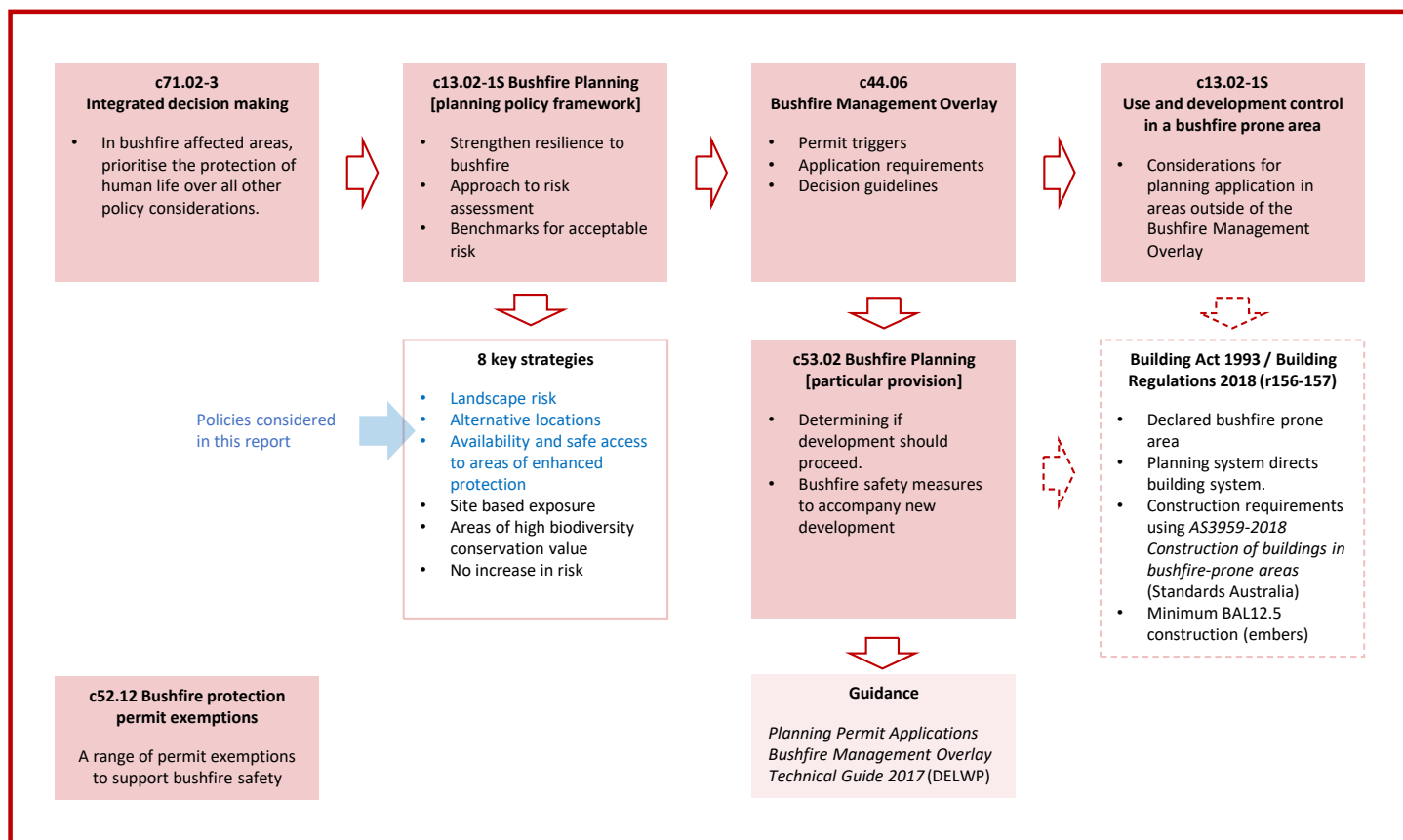
- *Consider the risks associated with climate change in planning and management decision making processes.*
- *Identify at risk areas using the best available data and climate change science.*
- *Integrate strategic land use planning with emergency management decision making.*
- *Direct population growth and development to low risk locations.*
- *Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.*
- *Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.*
- *Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.*

The above policies are complimentary to bushfire policies and reiterate the planning scheme focus on managing natural hazards by directing population growth and development to low risk locations.

2.5 Other *c13.02-1S Bushfire Planning* policies

The report considers locational policies only. Other policies in *c13.02-1S Bushfire Planning* are also relevant. This includes policies focused on neighbourhood and site scale factors along with policies requiring bushfire protection measures to be deployed in conjunction with new development.

FIGURE 2: PLANNING SCHEME BUSHFIRE PROVISIONS AND SUPPORTING MATERIAL



3. Bushfire context of Mornington Peninsula Shire

This section describes the bushfire context of Mornington Peninsula Shire using a range of information sources that help understand bushfire. The matters identified include information typically provided as part of a bushfire hazard landscape assessment as described in *Planning Permit Applications Bushfire Management Overlay Technical Guide* (DELWP 2017).

3.1 Bushfire conditions

The Department of Environment, Land, Water and Planning (DELWP) (2015) identifies key features relevant to bushfires in Victoria. These include:

- A forest fire danger index of well over 100
- Severe drought conditions
- Temperatures above 40° C
- Relative humidity below 10%
- Strong to gale-force north-westerly winds
- A strong to gale-force west-south-westerly wind change that turns the eastern flank of a running bushfire into a wide new fire front.

DELWP notes that these weather conditions are representative of where a bushfire does most of its damage in a single day. The greatest loss of life and property in Victoria have historically been caused by such single day bushfires.

The climate in the municipality is dominated by warm dry summers and cool wet winters. Whilst bushfires can start any time of the year, most occur between October and April. The largest and most damaging bushfires generally occur from December through February.

DELWP (2020) notes that climate change is forecast to:

- Extend the bushfire season
- Make bushfires larger, more severe, and more frequent
- Make days with an elevated fire danger rating more frequent
- Start the bushfire season earlier, with more bushfires starting in spring (which may also change fire weather conditions that are experienced, such as wind speed and direction).

3.2 Landscape bushfire hazards

The bushfire hazard includes vegetation and slope, along with weather that was outlined in the previous section.

3.2.1 Vegetation

Vegetation in the Shire includes:

- Coastal vegetation within Point Nepean National Park and along the coastal parts of Mornington Peninsula National Park.
- Large areas of vegetation including coastal vegetation on Western Port Bay orientated around HMAS Cerberus, Crib Point and Hastings.
- Large areas of forest and woodland vegetation in the hinterland areas, including Mornington Peninsula National Park, Arthurs Seat State Park and around Devil Bend Reservoir.
- Small areas of forest and woodland throughout the rural hinterland and around Mount Martha, often associated with riparian corridors.

The balance of vegetation in the Shire comprises grassland areas. Due to the modified environment grasslands are often in a managed setting because of agricultural activities, which may be both seasonal and periodical, or because land is managed in a rural living setting.

For considering the landscape risk associated with grasslands, it is assumed that the grasslands are unmanaged. The Country Fire Authority (2022) identify the following grassfire characteristics:

- Grassfires can start and spread quickly and are extremely dangerous.
- Grassfires can travel up to 25 km per hour and pulse even faster over short distances.
- Grass is a fine fuel and burns faster than bush or forests.
- Grassfires tend to be less intense and produce fewer embers than bushfires, but still generate enormous amounts of radiant heat.
- The taller and drier the grass, the more intensely it will burn.
- The shorter the grass, the lower the flame height and the easier the fire will be to control.
- Grassfires can start earlier in the day than bushfires, because grass dries out more quickly when temperatures are high.

3.2.2 Slope

Slope under hazardous vegetation informs how fast a bushfire may travel. The Country Fire Authority (2022) identify the following characteristics of slope:

- A fire will burn faster uphill. This is because the flames can easily reach more unburnt fuel in front of the fire. Radiant heat pre-heats the fuel in front of the fire, making the fuel even more flammable.
- For every 10° slope, the fire will double its speed.
- By increasing in speed the fire also increases in intensity, becoming even hotter.
- Fires tend to move more slowly as the slope decreases.
- Vegetated areas in steep and rugged terrain correlate with areas where more extreme bushfire behaviour can arise.

Areas where the terrain may particularly influence bushfire behaviour at a landscape scale include Arthurs Seat State Park and in the gullies / topography of the rural hinterland between Dromana and Cape Schanck. Other areas of slope such as on coastal reserves and in Mount Martha and Mount Eliza are more localised.

See Figure 3E: Slope based on a 10m contour

3.3 Bushfire management strategy guiding public agencies

The *Metropolitan Bushfire Management Strategy* (DELWP 2020) considers the long-term implications of bushfire to direct the activities of bushfire-related public agencies and to reduce bushfire risk to people, property, infrastructure and economic activity.

The bushfire management strategy includes simulations of house loss to identify areas across a landscape where bushfires could have the greatest impact.

The outputs from these simulations show that comparative to other locations in the Metropolitan region, some areas in Mornington Peninsula Shire are included where modelled house losses are anticipated. This includes locations forming a corridor through the rural hinterland between Rosebud and Hastings. Other areas where house losses are anticipated include St Andrews Beach and the rural hinterland.

Conversely, settlements in the balance of Mornington Peninsula Shire contain no areas identified as being at any elevated risk of modelled house loss.

See Figure 3A: Modelled house loss bushfire risk (adapted from DELWP 2020)

3.4 Planning scheme bushfire designations

Planning schemes identify potentially bushfire affected land through the inclusion of land into the Bushfire Management Overlay or within a designated bushfire prone area (referenced in *c13.02-15 Bushfire Planning* and approved under the Building Act 1993).

See Figure 3C: Bushfire Management Overlay

See Figure 3D: Bushfire Prone Area

3.4.1 Bushfire Management Overlay

The Bushfire Management Overlay is applied across Victoria based on areas of non-grassland vegetation larger than 4ha, with a 150m buffer applied to account for ember attack. It is also applied to land likely to be subject to extreme bushfire behaviour.

Of particular note is that the Bushfire Management Overlay is entirely included on the basis of the 150m buffer around non-grassland vegetation larger than 4ha. This means the criteria applying to land likely to be subject to extreme fire behaviour is not applied (or relevant) in the Shire.

It is noted that the Bushfire Management Overlay from Rye to Ocean Beach Road is based on non-bushfire hazard features (Melbourne Road, lot boundaries) which is not a typical feature of contemporary planning scheme bushfire mapping. This may be an area for Council advocacy to DELWP for a review of the mapping in selected parts of the Shire to ensure the criteria is correctly applied.

3.4.2 Schedules to the Bushfire Management Overlay

There are extensive areas included in the Bushfire Management Overlay that contain a schedule. These schedule areas are locations where the planning scheme pre-determines for single dwellings on a lot that the bushfire risk is acceptable with relatively basic protection measures.

3.4.3 Bushfire Prone Area

The bushfire prone areas applies to all land within the Bushfire Management Overlay. It also applies to grassland areas, smaller patches of non-grassland vegetation and land usually within 50m of these areas. All land in Mornington Peninsula Shire is within a Bushfire Prone Area except for urban land not at the immediate hazard interface in urban areas on Port Phillip Bay and settlements on Western Port Bay.

For the purpose of applying landscape types, land not in a bushfire prone area is excluded based on the planning scheme not identifying land as being affected by bushfire hazards.

It is noted that land from Rye to Sorento is included within a Bushfire Prone Area and land in parts of Portsea are excluded. The Bushfire Prone Area in these locations is not apparent in terms of the underlying hazard that is resulting in land being included or excluded. This may be an area for Council advocacy to DELWP for a review of the mapping in selected parts of the Shire to ensure the criteria is correctly applied.

3.5 Victorian Fire Risk Register

The Victorian Fire Risk (VFRR) is a data set prepared by fire authorities and local councils that identifies assets at risk of bushfire. The human settlement data is most relevant to planning scheme decision making.

The VFRR is useful to the extent that it shows current assets (for example, settlements) at risk. The VFRR should not be over-emphasised in planning decision making as it has not been prepared for this purpose and does not contemplate new risk that might arise because of a planning decisions.

The VFRR generally identifies higher risk assets in and around the larger hazard areas in the Shire, with relatively lower risks identified in the grasslands and smaller areas of hazard in many parts of the Shire.

The VFRR identifies areas of extreme risk around Arthurs Seat State Park.

See **Figure 3B: Victorian Fire Risk Register human settlement polygons**

3.6 Regional bushfire planning assessment

The *Regional Bushfire Planning Assessment Metropolitan Melbourne Region 2012* (DPCD) provides information about 'identified areas' where a range of land use planning matters intersect with a bushfire hazard.

Identified areas are shown in many parts of the Shire, including where hazard areas adjoin urban areas creating an urban / hazard interface, other areas where development is close to patches of non-grassland hazards, and the hinterland area between Arthurs Seat and Flinders where areas of hazard correlate with smaller lots used for residential or rural residential purposes.

See **Figure 3G: Regional Bushfire Planning Assessment**

3.7 Bushfire history

Bushfire history can be informative to understanding possible bushfire behaviour, but where bushfire has or has not occurred in the past should not be overemphasised in planning decision making. All bushfire hazards are assumed capable of being part of a bushfire and planning decision making is required to respond to bushfire hazards on this basis.

Bushfire history can assist in understanding how communities have previously experienced bushfire and can reiterate important features likely to arise in any future bushfire (for example, the effect of the late afternoon wind change typical in Victoria's worst bushfire weather).

Bushfire history comprising larger fires have arisen around Crib Point, Arthurs Seat State Park and in Point Nepeann National Park. Numerous smaller fires have also arisen in conjunction with hazard areas in Baxter, Mount Martha and Main Ridge.

There is limited grassfires history recorded. This may reflect a higher level of management of grassland areas in the Shire.

See **Figure 3F: Bushfire history**

FIGURE 3A: MODELLED HOUSE LOSS BUSHFIRE RISK (ADAPTED FROM DELWP 2020)

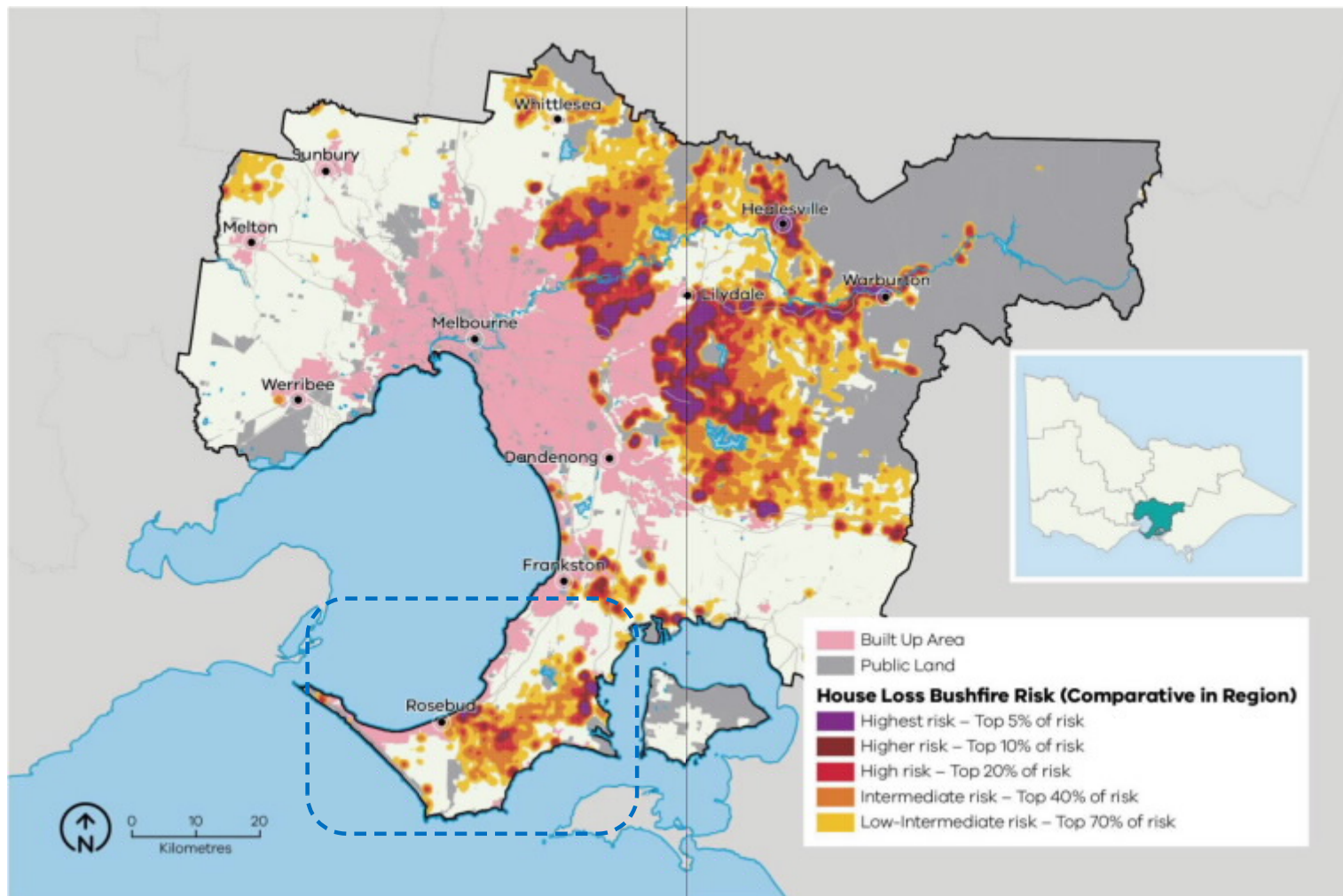


FIGURE 3B: VICTORIAN FIRE RISK REGISTER HUMAN SETTLEMENT (2022)

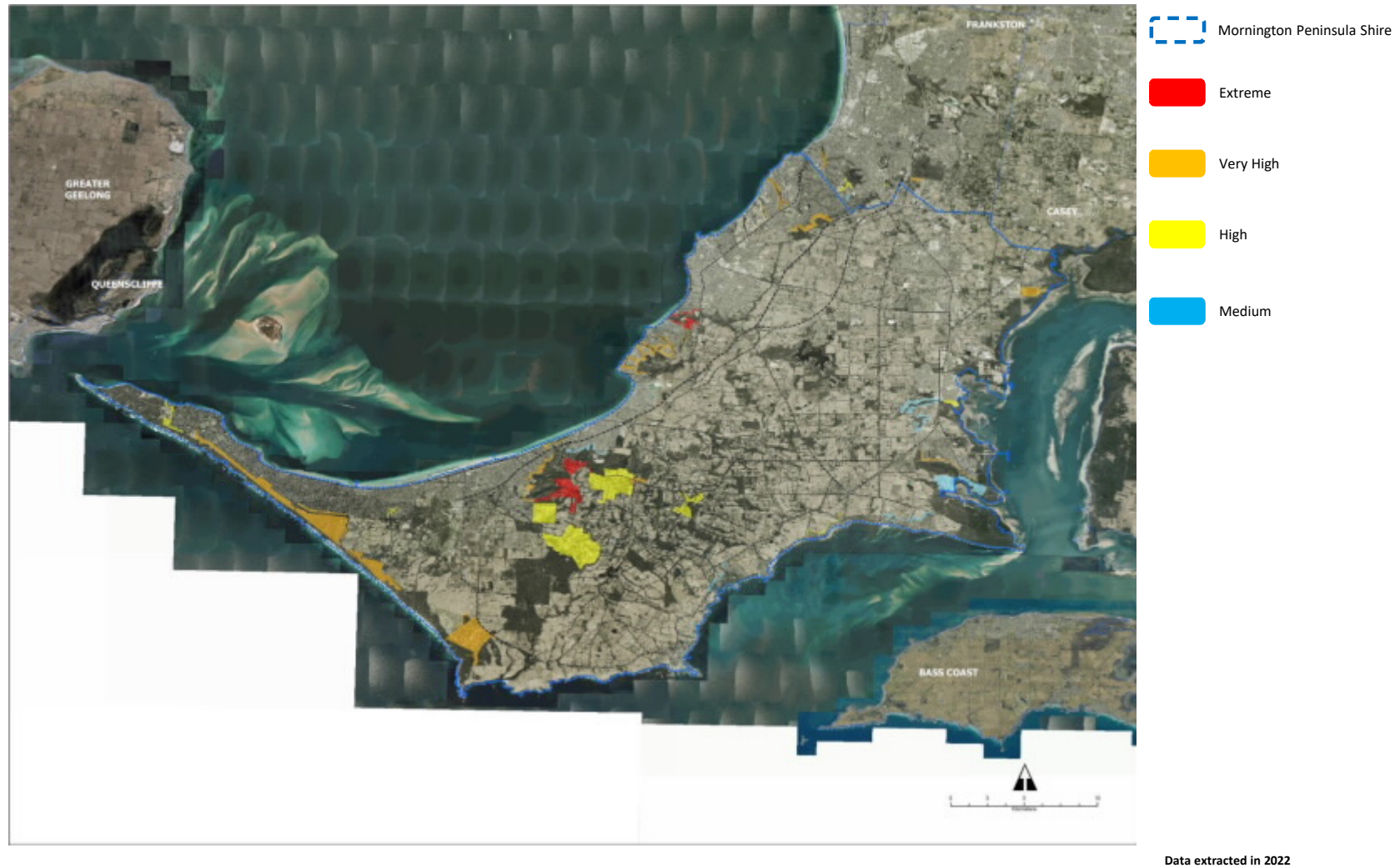


FIGURE 3C-1: BUSHFIRE MANAGEMENT OVERLAY



FIGURE 3C-2: SCHEUDLES TO THE BUSHFIRE MANAGEMENT OVERLAY

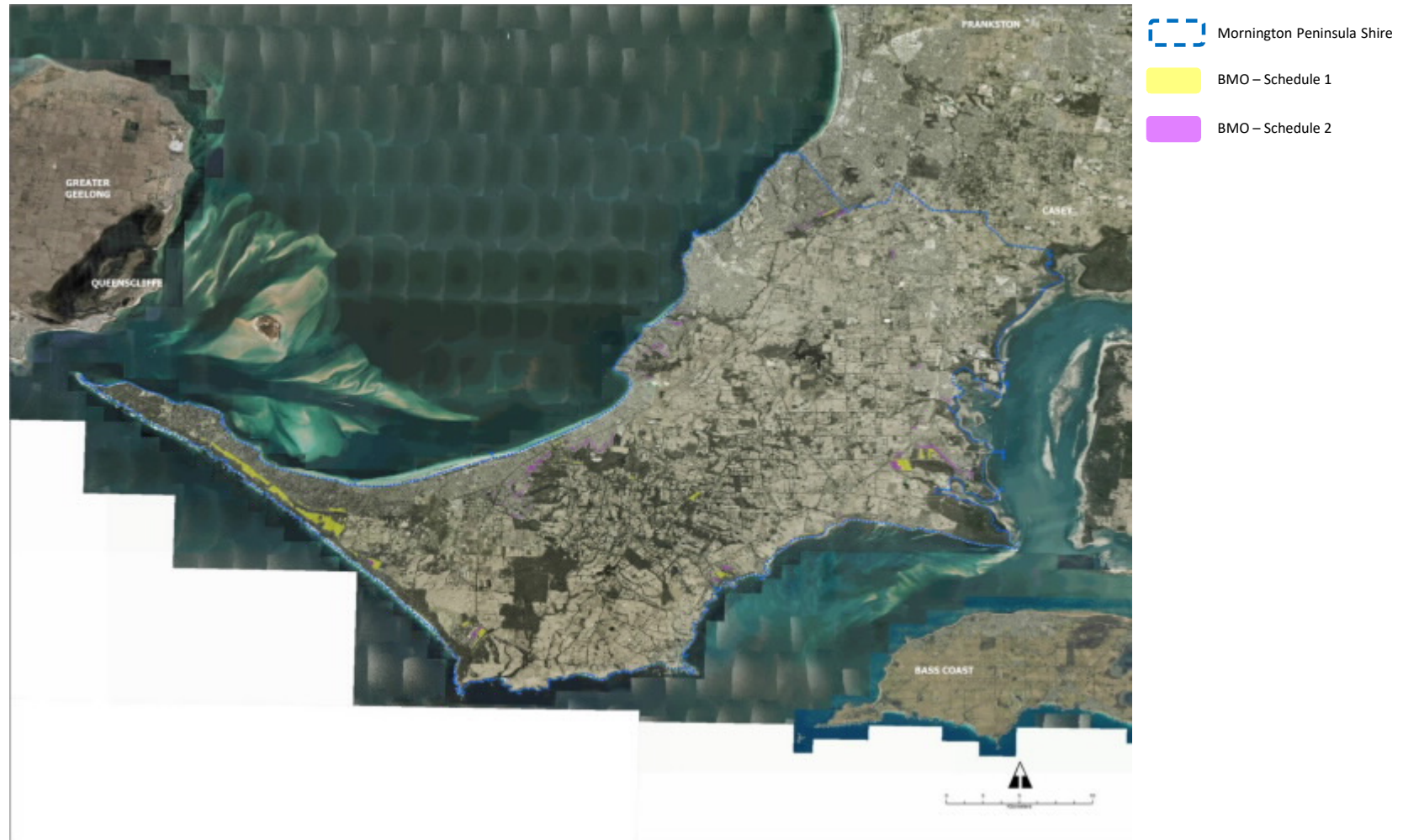


FIGURE 3D: BUSHFIRE PRONE AREA

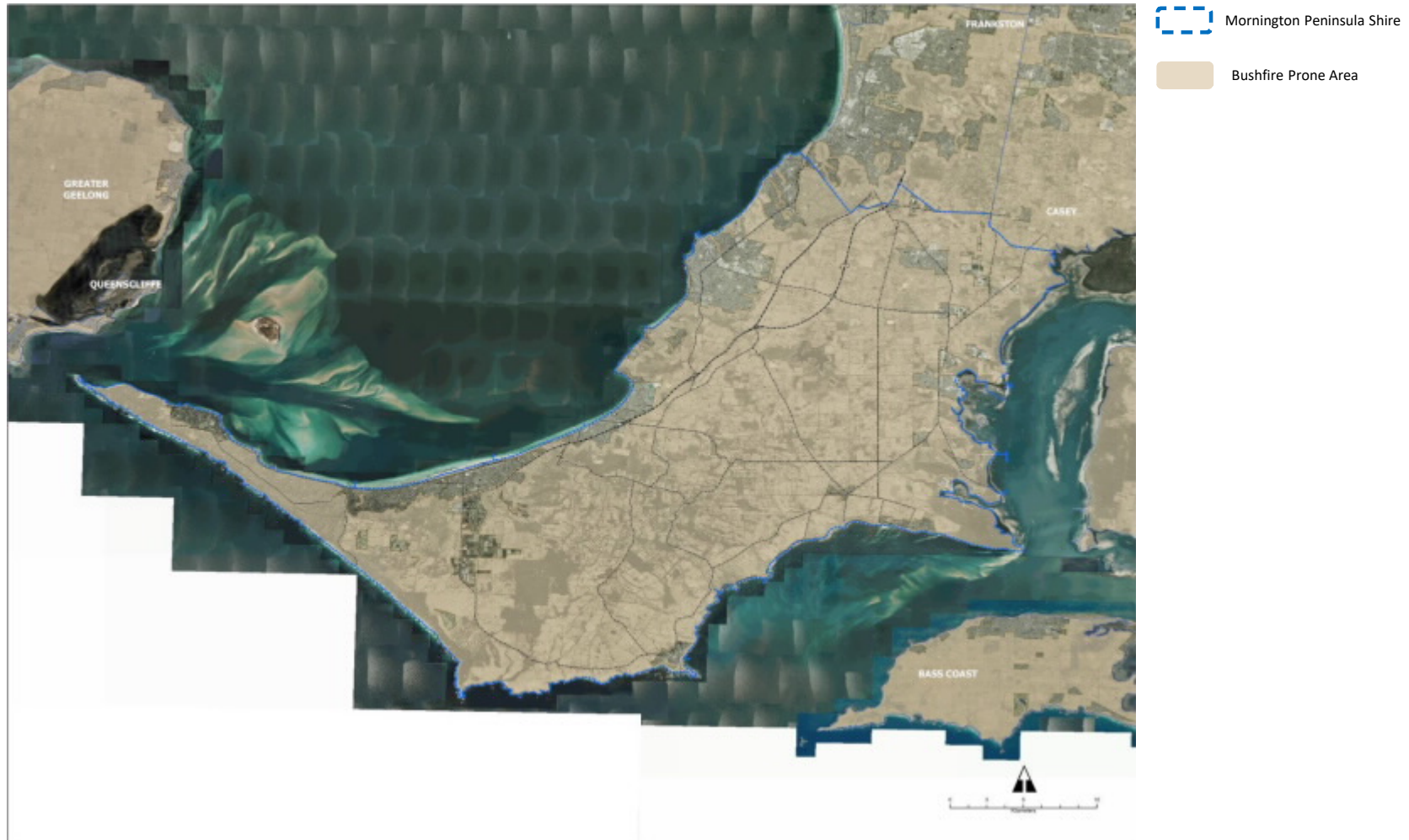


FIGURE 3E : SLOPE BASED IN A 10M CONTOUR



FIGURE 3F: BUSHFIRE HISTORY: LARGER BUSHFIRES

Hastings / Cribb Point



Mount Martha



Arthurs Seat



Data extracted in 2022

FIGURE 3G: REGIONAL BUSHFIRE PLANNING ASSESSMENT MELBOURNE METROPOLITAN REGION (DPCD)

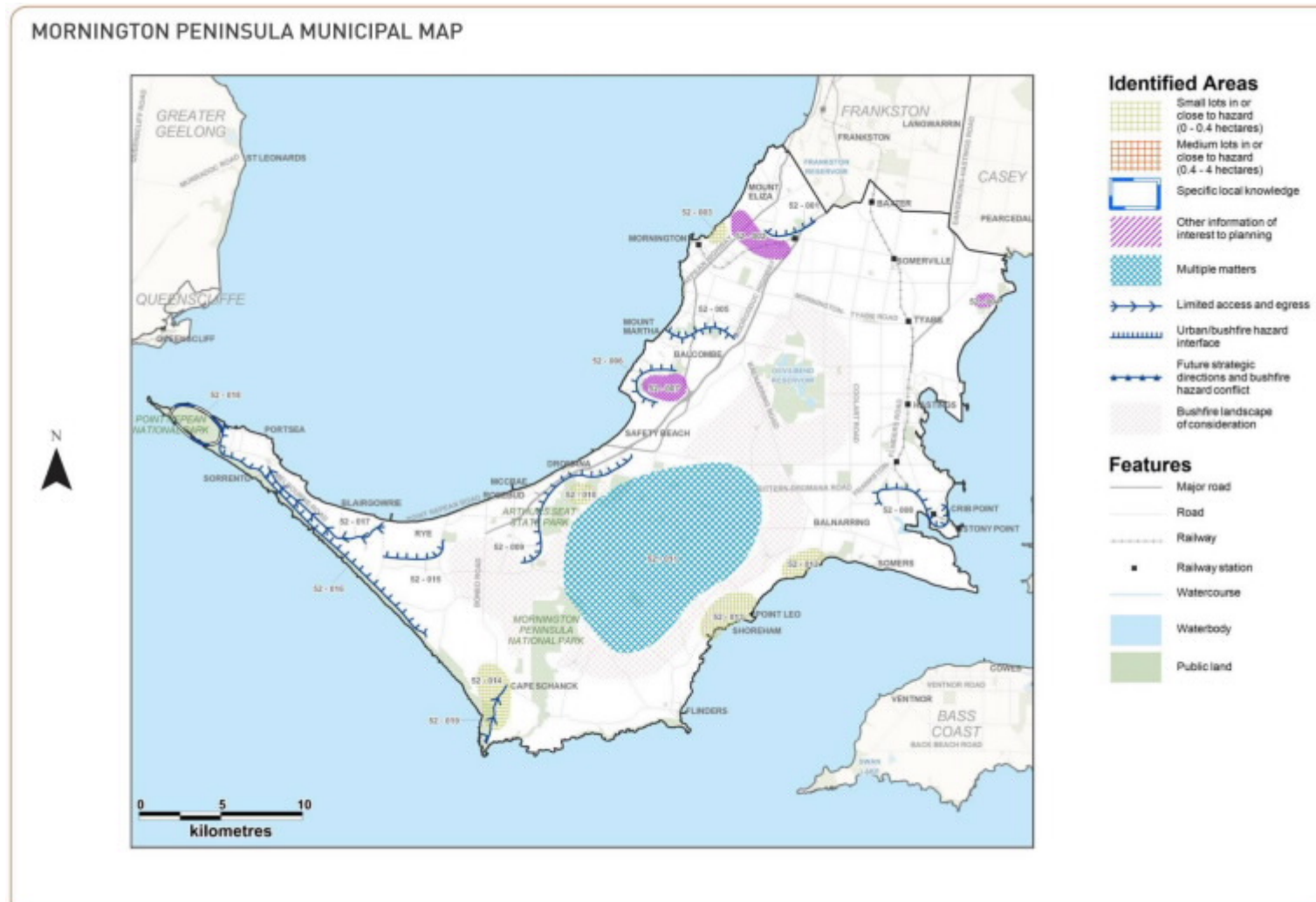


FIGURE 3H: GENERALISED UNDERSTANDING OF HOW BUSHFIRE THREATENS SETTLEMENTS (DEWLP 2019)

Understanding the bushfire threat

Landscape scale bushfire threats

Vegetation, topography and weather conditions are the three major characteristics that contribute to landscape scale bushfire threat.

The intensity and duration of a bushfire is largely influenced by these factors. These broader landscape characteristics strongly impact how a fire is likely to act and its probable size, intensity and destructive power and therefore its level of risk and potential to impact people and safety. In some circumstances the risk from a large bushfire cannot be mitigated, which is why development should be avoided in the areas of highest risk.

How bushfire may threaten a settlement

Bushfires are complex and many factors contribute to their behaviour and the threat they can pose. For the purpose of addressing bushfire through the planning scheme, there are three main factors to be considered at the settlement scale.

1. Flame contact and radiant heat
2. Ember Attack
3. Bushfire 'fuels' in vegetated areas

1. Flame contact and radiant heat

The settlement interface with the bushfire hazard is where a moving bushfire front will create flame contact and radiant heat that are harmful to human life and likely to destroy buildings.

Part 2 of the Guidelines provides direction on how to design the settlement interface to mitigate the impact of flame contact and radiant heat from a moving fire front.

2. Ember attack

Land on the settlement interface and land throughout a settlement may be exposed to ember attack.

Ember attack occurs when small burning twigs, leaves and bark are carried by the wind, landing throughout a settlement and igniting fuel sources. Fuel sources typically include vegetation but can also include buildings and sheds.

When ignited from embers, these fuel sources can generate flame contact and levels of radiant heat that are harmful to human life and can destroy buildings. Ember attack is the most common way that structures catch fire during a bushfire. Refer to Parts 1 & 3 on how to manage the threat from ember attack within a settlement.

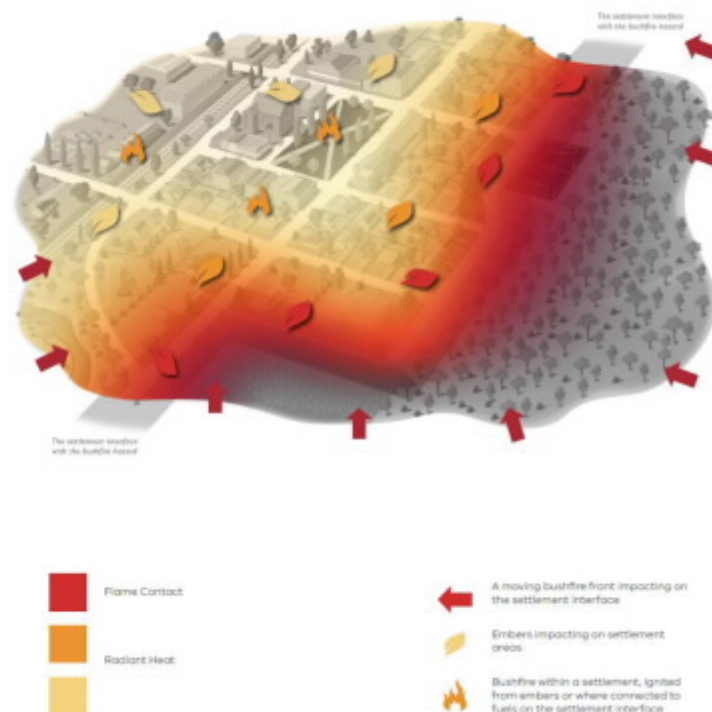
3. Bushfire 'fuels' in vegetated areas

'Fire runs' is the term given to describe how a bushfire will likely 'run' or move through a landscape. Fire runs are fuelled by vegetation and can be ignited where there is a continuous fuel path. This path may be from a forest and lead to a settlement. If the fuels at the interface are not managed it enables deeper penetration of a moving fire front or ember attack potential.

Vegetated areas within a settlement, such as nature reserves, river corridors and areas of remnant vegetation, can create a larger fire run by creating a continuous fuel path within or through a settlement.

Therefore, large vegetated areas may contribute to the fire run potential and therefore the risk to human life.

Refer to 1.4, 2.2, 3.1 and Attachment 1 on how to manage the threat from vegetated areas within a settlement.



4. Southern Mornington Peninsula

The southern Mornington Peninsula generally extends from Rosebud / Cape Schanck to the southern tip of the Shire. Landscape scale bushfire hazards are within Point Nepean National Park and Mornington Peninsula National Park. The latter forms a linear corridor of bushfire hazards along the southern coastline. These areas of hazard are of landscape significance.

Figure 4 illustrates the assessed landscape types in the southern Mornington Peninsula.

4.1 Landscape type 3 areas

Landscape type 3: National Park interfaces

Mornington Peninsula National Park forms a linear corridor of bushfire hazard along the 'back-beach' of the southern peninsula. It is relatively narrow and in part is fragmented by non-vegetated and other areas such as tracks, paths, roads and vehicle accesses.

Point Nepean National Park comprises the western interface between these landscape bushfire hazards and development. It is also fragmented in parts.

Land adjoining the national parks are exposed to landscape bushfire hazards. The lack of a defined hazard edge between the national parks and developed areas, including because developed areas are highly vegetated, means that a moving bushfire may enter developed areas. The hazard / interface area is also where ember attack is most likely. Through ember attack, there is the potential for localised fires in vegetated areas. This may include in gardens and on roadsides.

Neighbourhood scale destruction is to be expected in these areas. An elevated landscape risk exists and Landscape type 3 has been applied to reflect this.

Land on the interface from Portsea to Wildcoast Avenue, Blairgowrie provides access to lower fuel areas, enabling people to move away from the national parks into developed areas. The impact of the most severe bushfire is focused within 50m of the national parks. Landscape type 3 areas are therefore limited to a relatively narrow strip of land immediately adjoining the national parks.

Land between Wildcoast Avenue and Dundas Street is complicated by bushfire hazards within the freeway reservation. These provide an additional constraint on people moving to the north, away from bushfire in the national park.

Because of this, all land between the National Park and the freeway reservation are included in Landscape type 3 to reflect the increased uncertainty of movement before and during a bushfire. This has a correlation with how the Bushfire Management Overlay is applied to this area, likely reflecting similar considerations.

Landscape type 3: St Andrews Beach and Cape Schanck

Land in St Andrews Beach and Cape Schanck are influenced by Mornington Peninsula National Park, including areas where the bushfire hazard is less linear and may provide longer fire runs. These areas do not benefit from proximity to low-fuel areas, with reliably low fuel areas equivalent to BAL:Low being limited.

The combination of landscape-scale hazards and limited low fuel areas warrants the these locations being included in Landscape type 3.

Landscape type 3: Land around Fingal

Land around Fingal is within the hinterland of the southern peninsula. It is less influenced by Mornington Peninsula National Park. Instead, these rural hinterland areas comprise fragmented and smaller patches of non-grassland bushfire hazards mixed with grasslands. At a landscape scale, the lack of defined edges to bushfire hazards means moving bushfires and grassfires are possible throughout these areas, although the extent of grassland management either permanently or seasonally would be influential.

The configuration of development includes rural living style development and ribbon development along roads. Reliably low fuel areas equivalent to BAL:Low do not exist. The presence of fragmented vegetation, especially on road-sides, makes travel complicated before and during a bushfire.

These factors justify land around Fingal being included in Landscape type 3. This includes some small areas in the southern part of Tootgarook which interface with hazards.

The landscape risk around Fingal will be highly variable within quite small geographic areas and over time. For example, based on the patch-sizes of different hazard areas, where grasslands may be managed either permanently or seasonally, or the size of any parcel of land and whether bushfire protection measures are included (for example, well managed gardens).

4.2 Landscape type 2 areas

Landscape type 2: Southern peninsula middle areas

Landscape type 2 in the southern peninsula comprises a corridor of elevated landscape risk close to, but not immediately adjoining, Mornington Peninsula National Park and Point Nepean National Park. Landscape type 2 is assessed to reflect the 'middle' areas of landscape risk, forming a buffer between the higher risks at the immediate interface with the National Parks and the lower risk areas towards Port Phillip Bay. They also include some grasslands in the rural hinterland.

The southern peninsula middle areas contain higher fuel loads. But it is unlikely that sufficient hazards exist where a moving bushfire would penetrate into these areas. The main forms of bushfire attack are from embers and ember ignited localised bushfires in the pockets of higher fuel loads and within gardens and on roadsides.

The risk diminishes as people are able to move away from landscape scale hazards. As envisaged in Landscape type 2, this is in surrounding developed areas towards Port Phillip Bay. The places available to perform this function are generally capable of being defined as BAL:Low (and reflect the Landscape type 1 assessed below).

4.3 Landscape type 1 areas

Landscape type 1: Port Phillip Bay areas

Landscape type 1 comprises urban development on the Port Phillip Bay side of the southern peninsula. It is not exposed to landscape-scale hazards.

These areas sometimes contain higher fuel loads but these are within an urban and developed setting. They contain insufficient fuels to have a landscape influence and where a moving bushfire would progress through an area. The separation of these areas from landscape-scale hazards means that bushfire attack from embers and ember ignited localised bushfires interacting with the higher fuel loads is unlikely.

The main risk in these areas are from the small pockets of bushland, often in public reserves. These are not of landscape significance.

4.4 Land not included in a Bushfire Prone Area

Land not included in a Bushfire Prone Area includes urban areas along Port Phillip Bay between Rosebud and Rye, along with parts of Portsea.

Land not included in the Bushfire Prone Area means the planning scheme confirms there is insufficient hazard and insufficient risk to warrant any pre-designation of these areas as being exposed to bushfire or grassfire.

Land not included in the Bushfire Prone Area can also be defined as BAL:Low areas, comprising vegetation that is non-hazardous, and reinforcing their suitability as places for sheltering in the open air. This includes for people moving into these areas from nearby hazard areas assessed as a landscape type, especially Landscape type 3.

Land not included in a Bushfire Prone Area is low risk for the purpose of planning scheme decision making. To align with the landscape type methodology, they would be consistent with Landscape type 1. However, the risk is sufficiently low that a landscape type need not be applied.

FIGURE 4: LANDSCAPE TYPES: SOUTHERN MORNINGTON PENINSULA



5. Mount Eliza to Safety Beach

Mount Eliza to Safety Beach, including Mount Martha and Mornington, form a corridor of urban development along Port Phillip Bay.

Figure 5 illustrates the assessed landscape types between Mount Eliza and Safety Beach.

5.1 Landscape type 2 areas

Hazard areas in Mount Martha and Mount Eliza include bushland reserves and riparian corridors. Fire runs are up to about 2km long at worst, but often much smaller. The vegetation type is a mix of forest, woodland and modified vegetation, with significant areas of fragmentation associated with recreational uses, access tracks and grassland areas. The hazard is mostly surrounded by urban development and relatively well managed grassland areas.

The hazard areas are not of landscape significance. Extreme bushfire behaviour is unlikely. There are no large areas of landscape-scale hazards interacting with these areas which might otherwise increase ignition potential or the potential for a fully developed bushfire to influence them.

Advantageously, adjoining development is mostly lower fuel. Bushfire penetrating deep into developed areas is unlikely. The main bushfire impact is immediately adjoining hazards and, at worst, up to 100-150m around them. The risk therefore diminishes as people are able to move away from hazard areas.

Due to the availability of low fuel areas, access is available to a place that provides shelter from bushfire. As envisaged in Landscape type 2, this is in surrounding developed areas. The places that may provide shelter would be capable of being defined as an area of BAL:Low.

Despite not being of landscape significance, at the immediate hazard / development interface neighbourhood-scale destruction is possible, including where bushfire protection measures are not in place. Because of this, these locations warrant being included into Landscape type 2.

5.2 Landscape type 1 areas

Landscape type 1 in Mount Eliza to Safety Beach comprise low fuel urban areas and grassland areas which are relatively well managed. They are not exposed to landscape scale hazards but comprise areas that:

- Interface with land included in Landscape type 2.
- Are urban but have in parts elevated fuel loads within a managed garden setting.
- Comprise grassland areas which, when not interacting with other hazard areas, fit readily into landscape type 1.

There are insufficient fuels for a moving bushfire to arise. The main forms of bushfire attack are from embers, although this would not be at extreme or even particularly high levels.

5.3 Land not included in a Bushfire Prone Area

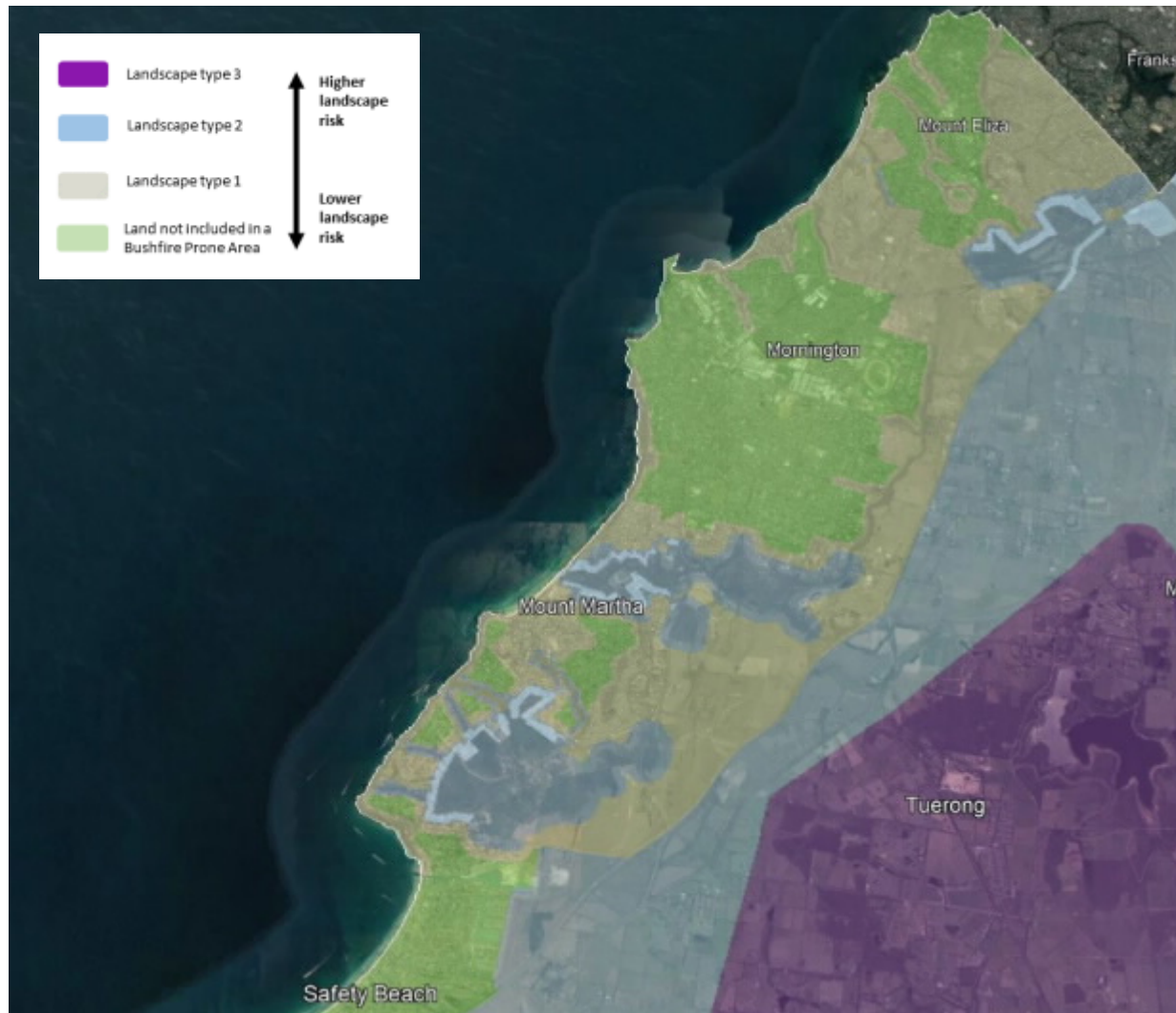
Land not included in a Bushfire Prone Area includes urban areas through Mount Eliza to Safety Beach, including Mornington, and areas more than 50-150m from hazards included the Bushfire Management Overlay.

Land not included in the Bushfire Prone Area means the planning scheme confirms there is insufficient hazard and insufficient risk to warrant any pre-designation of these areas as being exposed to bushfire or grassfire.

Land not included in the Bushfire Prone Area can also be defined as BAL:Low areas, comprising vegetation that is non-hazardous, and reinforcing their suitability as places for sheltering in the open air.

Land not included in a Bushfire Prone Area is low risk for the purpose of planning scheme decision making. To align with the landscape type methodology, they would be consistent with Landscape type 1. However, the risk is sufficiently low that a landscape type need not be applied.

FIGURE 5: LANDSCAPE TYPES: MOUNT ELIZA TO SAFETY BEACH



Boundaries shown on this plan are schematic only and should not be scaled to property boundaries

6. Western Port Bay areas and the northern hinterland

Western Port Bay areas include the eastern parts of the Shire, including settlements on Western Port Bay and non-urban areas between them. The northern hinterland comprises the dominant settlement of Somerville and extensive areas of lower-density development from Bittern, through Tyabb and to the outskirts of Somerville.

Figure 6 illustrates the assessed landscape types in the Western Port Bay areas and the northern hinterland.

6.1 Landscape type 3 areas

Selected Western Port Bay settlements

The eastern parts of Mornington Peninsula Shire contains a series of towns and settlements that are to the east of grassland areas. This includes Shoreham, Point Leo, Merricks Beach and Balnarring Beach along with parts of Bittern and Hastings. These settlements contain higher fuel loads on public and private land where a moving grassfire may enter developed areas and associated areas such as bushland reserves and coastal reserves.

Whilst the main impact area would be on the grassland / settlement interface, there remains a potential for fire to move relatively deep into settlement areas. Neighbourhood scale destruction as any grassfire moves into developed areas is to be expected.

Due to configuration of vegetation within the settlements, they do not benefit from reliably low fuel areas capable of being defined as BAL:Low. As envisaged in Landscape type 3, there is uncertainty on places that may provide shelter.

The combination of the above factors represent an elevated landscape and Landscape type 3 has been applied to reflect this.

It is necessary however to recognise that unlike many other Landscape type 3 places in the Shire and across Victoria, the driver of risk in these selected Western Port Bay settlements is hazard management within the settlement rather than landscape bushfire impacting on them. They are materially lower risk because of this within the spectrum of places capable of being included into Landscape type 3. This also means the management of hazards within a settlement is capable of being influenced through planning decision making, including to better manage hazards and deliver lower risk outcomes in completed new development.

Hastings southern interface and the Western Port Bay parts of Tyabb

Large areas of bushfire hazard exists to the south of Hastings and around Tyabb foreshore. These areas have the potential to generate larger bushfires that move towards settlements and developed areas.

In Hastings, the hazard abuts low-fuel areas capable of being assessed as BAL:Low. This is highly favourable and would be consistent with Landscape type 2 being applied. However, the scale of bushfire is more consistent with Landscape 3, which has been emphasised in the landscape type applied. In the Tyabb foreshore area, land is not reliably low fuel and in combination with the scale of bushfire, justifies Landscape type 3 being applied.

It is important to emphasise that in assessing these areas as Landscape type 3, they would be at the lower end of the risk spectrum within the landscape type.

Low-density residential areas in Somerville and Tyabb

Low density residential areas to the west and south of Somerville and Tyabb contain higher fuel loads where a moving grassfire may enter settlement and developed areas and where localised flammable elements may be ignited. The configuration of development in a low-density setting means there are limited reliable areas of minimal fuel and relative long journeys to places of enhanced safety, although areas immediately adjoining Somerville are relatively better in this respect.

6.2 Landscape type 2 areas

Grassland areas are included in Landscape type 2 on Western Port Bay and the northern hinterland. Ordinarily, grasslands can be included into Landscape type 1 and be considered lower risk. However, the grassland areas along Western Port Bay and northern parts of Mornington Peninsula Shire have the potential to:

- Carry higher fuel loads where land is used for rural living purposes rather than agricultural purposes. Smaller lot sizes (in a rural setting) in many parts of the grassland areas reinforce this.
- Be influenced by areas of fragmented vegetation in the central rural hinterland, where a bushfire and grassfires may develop and grow larger.

Grassfires can be very dangerous. Grassfire can move with a wide fire front and where hazard edges are not well defined penetration into settlement and lower density residential areas may arise.

The landscape risk in the grassland areas will be highly variable within quite small geographic areas and over time. For example, based on the patch-sizes of different hazard areas, where grasslands may be managed either permanently or seasonally, or the size of any parcel of land and the potential to implement bushfire protection measures.

6.3 Land not included in a Bushfire Prone Area

Land not included in a Bushfire Prone Area includes low fuel settlement areas in Hastings, Bittern, Crib Point, Somers, and Flinders. Land not included in the Bushfire Prone Area means the planning scheme confirms there is insufficient hazard and insufficient risk to warrant any pre-designation of these areas as being exposed to bushfire or grassfire.

Land not included in the Bushfire Prone Area can also be defined as BAL:Low areas, comprising vegetation that is non-hazardous, and reinforcing their suitability as places for sheltering in the open air.

Land not included in a Bushfire Prone Area is low risk for the purpose of planning scheme decision making. To align with the landscape type methodology, they would be consistent with Landscape type 1. However, the risk is sufficiently low that a landscape type need not be applied.

[illegible]

7. Central hinterland and interface areas

The central hinterland comprises non-urban and rural settlements within the central parts of Mornington Peninsula Shire and urban areas to its north in Dromana and McCrae.

Figure 7 illustrates the assessed landscape types in the Central hinterland and interface areas

7.1 Landscape type 3 areas

The central rural hinterland

The central rural hinterland is influenced by larger forested areas to its west and north. Bushfire would be moving into the central rural hinterland from these areas under dominant bushfire weather. Throughout the central rural hinterland are fragmented and smaller patches of non-grassland bushfire hazards mixed with grassland areas. The lack of defined edges to the bushfire hazards means moving bushfire and grassfires are possible throughout these areas.

The configuration of development includes ribbon development along roads, no larger settlements or settlement areas that are capable of being reliably assessed as BAL:Low. The extent of fragmented vegetation, especially on road-sides, makes travel complicated before and during a bushfire.

These factors justify land being included in Landscape type 3. It is noted that in the *Metropolitan Bushfire Management Strategy* (DELWP 2020) includes parts of the central rural hinterland as being within the top 20% of modelled risk in Melbourne.

The landscape risk in the central rural hinterland will be highly variable within quite small geographic areas and over time. For example, based on the patch-sizes of different hazard areas, where grasslands may be managed either permanently or seasonally, or the size of any parcel of land and the potential to implement bushfire protection measures.

Arthurs Seat State Park interface areas

Arthurs Seat State Park and adjoining vegetated areas are a major bushfire hazard in Mornington Peninsula Shire due to the vegetation type and topography. Larger bushfires are likely along with the potential for ember attack over interface areas orientated north and north-west of the bushfire hazard. This includes parts of Dromana and McCrae.

The interface areas generally include lower-fuel urban land and the ability to move further north away from the bushfire hazard. This is highly advantageous and closely aligns with elements of Landscape type 2. However, the scale of the bushfire hazard has been emphasised by including these interface areas within Landscape type 3.

The availability of low-fuel areas means they are at the lower end of the spectrum of locations contemplated in Landscape type 3.

7.2 Landscape type 2 areas

Southern parts of McCrae and Rosebud

Landscape type 2 areas are identified in the southern part of McCrae, which interfaces with Arthurs Seat State Park. They may be influenced by large bushfires in the vicinity although they are not directly interfacing with hazard areas.

Advantageously, they are relatively low fuel. Bushfire penetrating deep into developed areas is unlikely. The main bushfire impact is immediately adjoining hazards and up to 100-150m around them. The risk therefore diminishes the further away from hazard areas.

Due to the availability of low fuel areas, access is available to a place that provides shelter from bushfire. As envisaged in Landscape type 2, this is in surrounding developed areas. The places that may provide shelter are capable of being defined as BAL:Low.

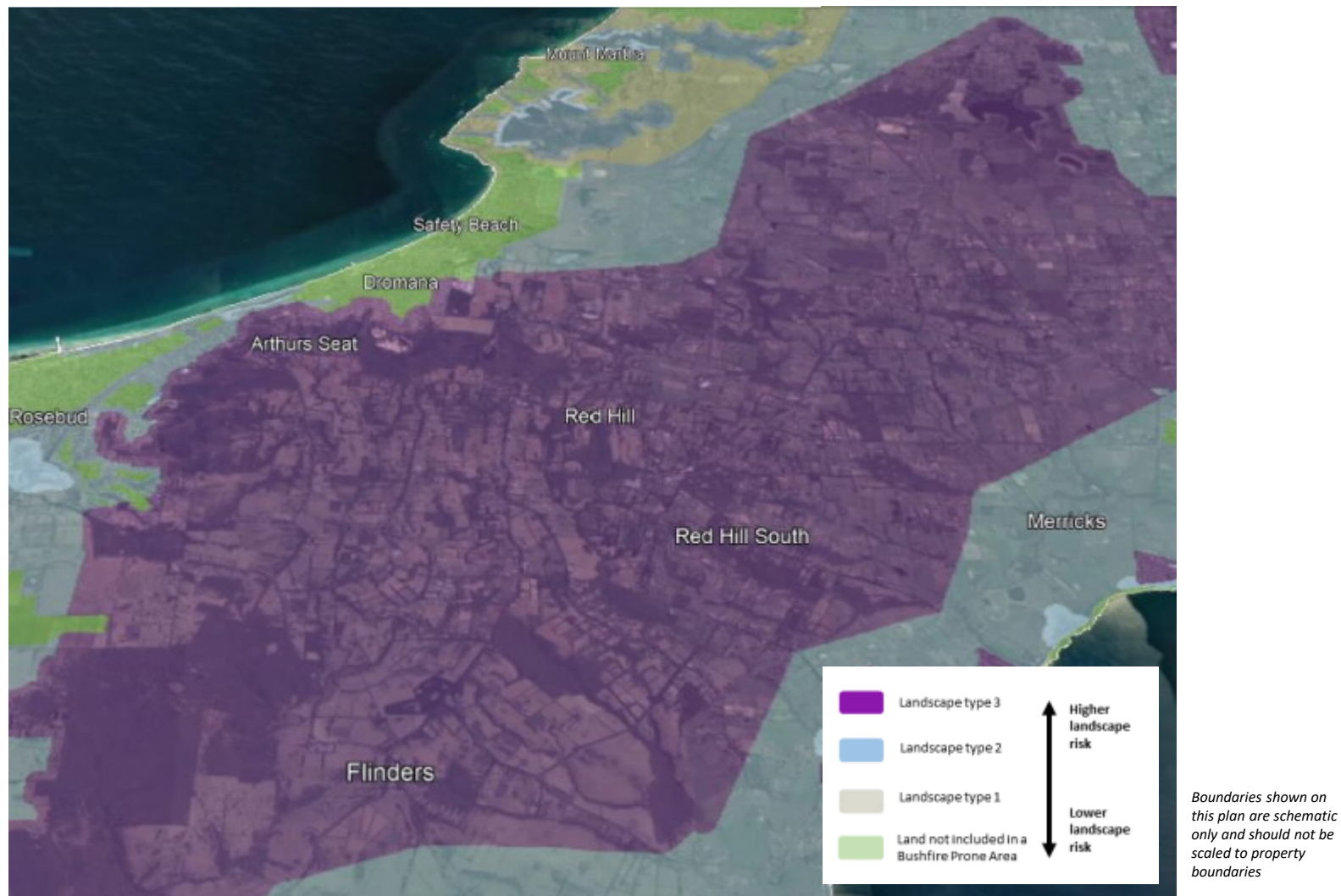
Grasslands to the east of Safety Beach

Grasslands are included in Landscape type 2 to the east of Safety Beach. This is a small area but is influenced by hazards further south where a bushfire and grassfires may develop, grow larger and move towards them. Whilst ordinarily grasslands would be Landscape type 1, the relationship with other hazards warrants Landscape type 2 being applied.

7.3 Land not included in a Bushfire Prone Area

There is no land within the central hinterland and interface areas not included into a bushfire prone area.

FIGURE 7: LANDSCAPE TYPES: CENTRAL HINTERLAND AND INTERFACE AREAS



8. Other landscape types

There are no locations in Mornington Peninsula Shire assessed as Landscape type 4 as part of this report. Landscape type 4 is at the highest end of the landscape risk spectrum using the landscape type approach.

The lack of Landscape type 4 locations is because there is no landscape significant hazard of a scale that might generate extreme bushfire behaviour commensurate with this landscape type. On a sub-regional and State scale, it is difficult to justify Landscape type 4 being assessed in Mornington Peninsula Shire.

However, this does not mean that conditions consistent with Landscape type 4 will not arise in conjunction with an individual development proposal, including for the purpose of an application under the Bushfire Management Overlay.

9. Conclusions

This report has applied landscape types from considering likely bushfire scenarios, the potential for neighbourhood scale destruction and the availability and access to safer areas. These are all considerations within the policies of *c13.02-1S Bushfire Planning*. Landscape types enable the inter-related considerations to be practically applied spatially.

The following conclusions are reached in response to the assessed landscape types.

9.1 Lower-risk locations

The following locations are lower risk from the perspective of locational policies in *c13.02-1S Bushfire Planning*:

- Land not included in a Bushfire prone area.
- Land identified within Landscape type 1 or Landscape type 2.

Planning scheme changes that direct growth and development to these areas are likely to be advantageous from the perspective of *c13.02-1S Bushfire Planning*.

9.2 Special considerations in Landscape 2

Land within Landscape type 2 often provides an area of transition (or buffer) from higher risk areas in Landscape type 3. They may also provide the area of low-fuel where people closer to the bushfire hazard will move into in the event of bushfire, to find places of shelter.

Planning in Landscape type 2 areas should recognise their role in managing risks associated with nearby higher risk areas.

9.3 Landscape type 3 areas

Landscape type 3 areas represent places of elevated bushfire risk when assessed against locational policies in *c13.02-1S Bushfire Planning*. In these areas, strategic planning will be particularly influenced by bushfire considerations and ensuring the planning scheme emphasises life-safety outcomes.

Landscape type 3 areas require further investigation before strategic planning proposals affect these areas. The investigations should consider:

- Whether development can be made further bushfire resilient through tailored bushfire protection measures. This is irrespective of whether land is within or outside of the Bushfire Management Overlay.

- Whether there are areas of BAL:Low already existing or capable of being created in conjunction with new development. *c13.02-1S Bushfire Planning* emphasises the importance of locations where people can find shelter in the event of bushfire.
- How the use of closure of non-permanently occupied development on higher risk bushfire days could assist managing the bushfire risk.
- In rural settings, how the siting of development maximises bushfire safety taking advantage of larger lot sites where options may be available to provide bushfire protection measures, including defensible space.

9.4 Bushfire mapping in the Planning Scheme

As discussed in Section 3.4, there is land in the Shire that does not appear consistent with contemporary planning scheme and building regulation bushfire mapping. This may be an area for Council advocacy to DELWP for a review of the mapping in selected parts of the Shire to ensure the criteria is correctly applied. This may result in land being excluded and additional land being included as a result of any review. The emphasis of any review should be on the correct application of the applicable criteria.

9.5 Landscaping guide

The Council is considering whether a bushfire landscaping guide could be developed in partnership with the Country Fire Authority (CFA). The guide could enable:

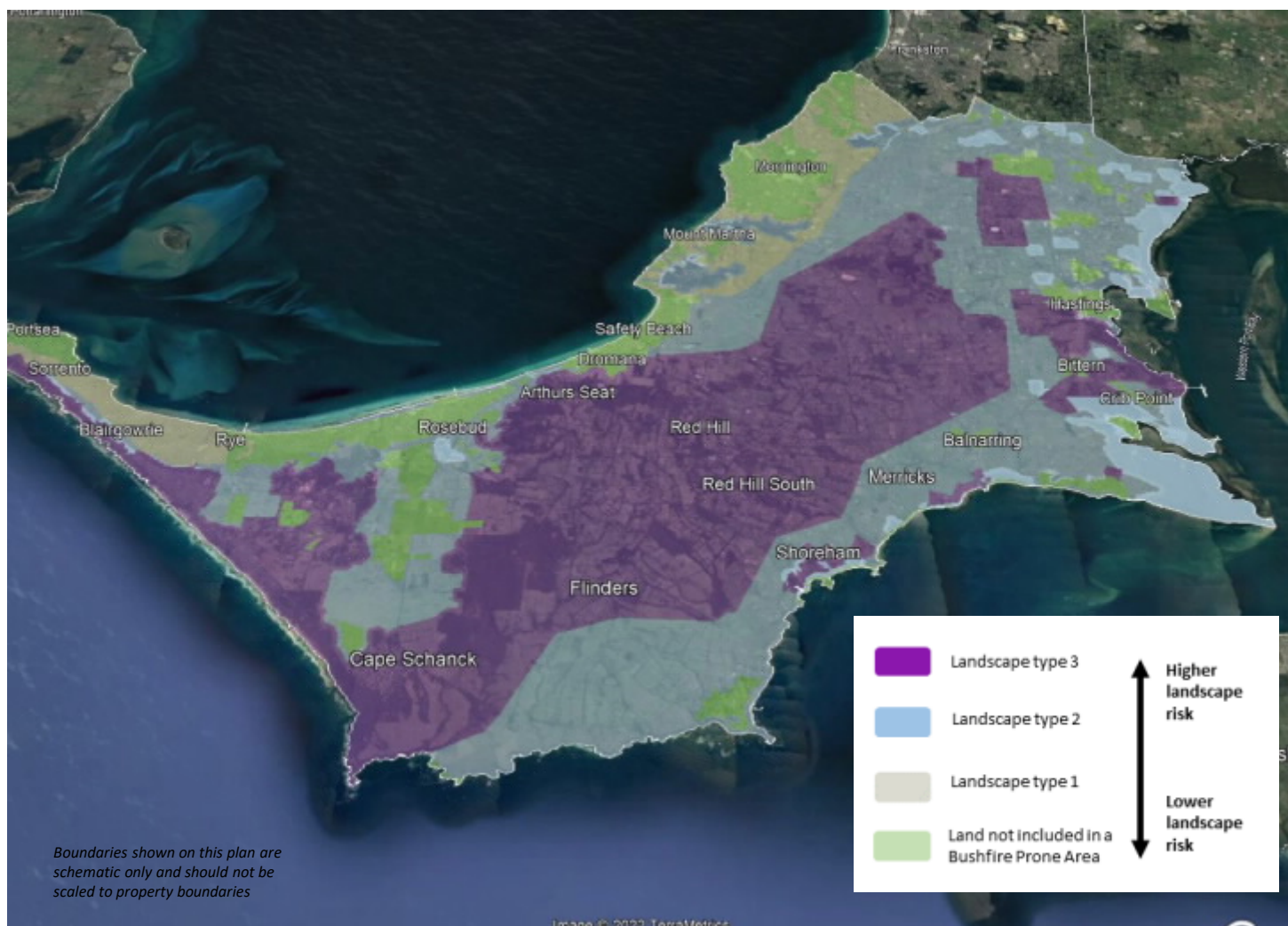
- More streamlined decision making where bushfire controls and other controls currently seek conflicting outcomes.
- Moving away from off-the-shelf bushfire vegetation rules in table 6 to those equally simply but tailored to the Shire or different parts of the Shire.
- Enhanced compliance with landscaping planning permit conditions, including through Council compliance activities.
- Better partnership working with fire authorities.

The landscape types identified in this report would provide a basis for distinguishing different areas in the Shire as part of any landscape guide.

9.6 CFA advice

CFA were provided with a briefing on this report and provided written advice in response to a draft of the report. Their advice is included in Attachment 1.

FIGURE 9: LANDSCAPE TYPE LOCATIONS: MORNINGTON PENINSULA SHIRE



References

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Mornington Peninsula Planning Scheme

Attachment 1 – CFA correspondence



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Kevin Hazell

BUSHFIRE PLANNING

END OF DOCUMENT

UPDATED BUSHFIRE PLANNING REVIEW FRAMEWORK – Advocacy Positions and Actions Plan

Clause 52.12: Bushfire Protection: Exemptions

Position 1: Advocate to the Minister for Planning to remove the '10/30 rule' (Clause 52.12-1) and fenceline vegetation exemptions (52.12-2) from identified low- to no-risk areas on the Mornington Peninsula.

Position 2: Advocate to introduce a provision to Clause 52.12 that enables a responsible authority to consider vegetation recently removed under the exemptions where the land is subsequently proposed to be developed.

ACTION	TIMING	IMPLEMENTATION	RESOURCING
1. Adoption of the 'Mornington Peninsula Shire Strategic Planning Bushfire Assessment (May 2023)'	Immediate	Nil	Council Officer
2. Undertake an analysis of the implications of broader planning scheme changes and bushfire planning scheme requirements on vegetation loss	Medium to long term (1-3 years)	<p>Build up an evidence base on the drivers of vegetation loss and change which could look into:</p> <ul style="list-style-type: none"> <input type="checkbox"/> pre-development and approved development typology comparisons (larger dwellings replacing smaller dwellings as an example) <input type="checkbox"/> the role of bushfire permit exemptions, including where they are and aren't being used to contribute to bushfire outcomes for developments <input type="checkbox"/> vegetation that has been modified or required to be introduced in new development <input type="checkbox"/> vegetation changes on land where no development has occurred (no recent planning applications) <input type="checkbox"/> whether the above factors play out differently across the Shire and if so, what the drivers of change could be. 	Consultant Planner
3. Investigate changes to the Victoria Planning Provisions to enable a responsible authority to consider vegetation recently removed under bushfire exemptions (10/30 and	Medium to long term (1-3 years)	<ul style="list-style-type: none"> <input type="checkbox"/> Seek legal advice on case law and practical examples of consequences that could be applied in instances where the misuse of the bushfire protection exemptions has been identified, noting 	Consultant Planner Legal firm

ACTION	TIMING	IMPLEMENTATION	RESOURCING
fenceline) where land is subsequently proposed for redevelopment.		<p>that it would need to be implementable under the <i>Planning and Environment Act 1987</i>.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Draft an appropriate change to the VPPs which would enable the consideration of vegetation recently removed under bushfire protection exemptions prior to a planning application being lodged. <input type="checkbox"/> Prepare a request to have the Minister for Planning formally consider the proposed change/s to the VPP. Any such request would need to articulate what (if any) consequences should be applied to identified misuse of the bushfire permit exemptions. <p>The evidence base suggested above will also be required to demonstrate why the Council is seeking the change.</p>	
4. Engage a bushfire behaviourist to review bushfire behaviour on the Mornington Peninsula to support future advocacy for refined bushfire mapping	Medium to long term (1-3 years)	<p>The expert's review work should focus on areas of lower risk identified in the SPBA, specifically the areas identified as 'Landscape Type 1'.</p> <p>The findings of the analysis should inform future advocacy for refinements to BPA and BMO mapping.</p>	Bushfire Behaviour

Achieving higher quality local bushfire landscaping outcomes

Position 3: *Continue to investigate and develop tools to guide better quality landscaping outcomes, which will improve bushfire resilience and enhancing local natural systems and biodiversity.*

ACTION	TIMING	IMPLEMENTATION	RESOURCING
Investigate a pilot of a Bushfire Landscaping Design Guide (or similar product) for a specific area of the Mornington Peninsula	Medium to long term (1-3 years)	Deliver pilot project in line with scope and methodology provided in letter of advice from Bushfire Planning Consultant (May 2022)	Expert Consultant Landscape Architect Bushfire Behaviour Analyst (field work) Urban designer