

Macedon Ranges Localised Planning Statement

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Introduction

I agree with the recognition of Macedon Ranges as a special precinct close to Melbourne that deserves special attention to protect its unique features. It revives the concept of Statements of Planning Policy which facilitated the introduction of strategic planning in the 1960's and enabled the state government to give policy direction to governmental and planning bodies. Subsequently, Statements of Planning Policy have been augmented by other planning initiatives but the need for state policy direction remains. Indeed, I think the original Statement of Planning Policy No. 8 - Macedon Ranges and Surrounds [SPP8] had clearer expressions of intent and the advice of the Macedon Ranges Protection Advisory Committee (MRPACC) set up to review the policy made specific recommendations that would have better protected this significant area, if implemented. The proposed Statement is vague in implementation requirements and the areas defined as Settlement boundaries expand the townships are in excess of the land required to achieve the targeted sizes specified.

I do commend the government for its initiative in giving direction on policies of state importance and for clarifying a process for expanding township boundaries although I have concerns about the contents and the boundaries selected.

My greatest concern lies in the protection of human life and the proposed document fails to give sufficient attention to this despite the state policy of giving priority to this issue. In particular, the threat of bushfires has been badly handled in the past and this inadequacy continues in the current proposal. It is my opinion that the bushfire threat needs to be added as a tenth major issue in the Localised Planning Statement and objectives and strategies need to be developed to ensure that this is a prime consideration. I wish to illustrate how badly this issue has been handled in the past in the region and in the Macedon Ranges Shire and to demonstrate how this has led to a significant flaw in the Localised Planning Statement. I will make specific mention of my home town, Riddells Creek to provide a specific personal response using the reference of State Policy on Bushfires contained within the Macedon Ranges Planning Scheme.

Past Planning To Address the Bushfire Threat

Following the Royal Commission into the Black Saturday bushfires the government amended every planning scheme to specify that the protection of human life has a priority over every other policy issue. I believe this response is appropriate.

The Macedon Ranges has had a number of significant bushfires in the past and the direction of climate change suggests that the threat is likely to increase. Locally, the worst bushfire occurred on Ash Wednesday in February 1983 when many lives were lost and significant property and environmental damage occurred.

The Loddon Mallee Regional Strategic Fire Management Plan (Aug. 2011) proposed an outcome where we have safer communities which are resilient communities able to absorb the social, structural and psychological impacts of bushfires and a prosperous economy in which settlement is made safer by appropriate development planning. A strategy of building resilience was proposed which is *'built through capability and capacity programs to assist the preservation of life, minimisation of injury and minimisation of property damage...'*

Despite this, the settlement strategy that has been adopted as the policy guideline for the planning of settlements in the region (Loddon Mallee-South Regional Growth Plan) identified townships that had constraints due to bushfires. Riddells Creek was identified as having flooding problems but no bushfire constraints. In the panel report for amendment C84 to the Macedon Ranges Planning Scheme (which amended the Municipal Strategic Statement) the impact of flooding was identified as needing subsequent consideration but was silent on the need to address the bushfire threat. That report clarified that the town should have a designation as a District Town and not a Large District Town as had been the desire of council. (The Localised Planning Statement designates it as a District Town.) Despite this, planning directions subsequently given to the consultants investigating bushfire threats in Am100 and C110 were both advised to address the future size of Riddells Creek as a Large District Town. The council seems determined to create a very large settlement despite Ministerial determinations to confine the size to a District Town.

Other planning exercises were similarly deficient. The history of planning throughout the Shire of Macedon Ranges has neglected (except for catch-up exercises) to adequately address the threat of bushfires particularly in the central portion of the municipality where the forested ranges occur. This is where the most devastating fires have occurred in this municipality and the predictions are that this threat will continue in future. With projections of climate changes and with population increases these threats are likely to increase in future. Despite the known dangers, planning has continually ignored warnings and have not carried out adequate research into the nature of the threat and the ways to address them. While other settlements could be relevant, I will focus my following comments to my home town, Riddells Creek.

Recent studies into bushfires behaviour in the vicinity of Riddells Creek have been carried out in relation to both amendments C100 and C110 to the Macedon Ranges Planning Scheme only after exhibition of the schemes and panels and submitters had only days to absorb the findings prior to the panel hearings set up to hear submissions.

On 10 December 2012 the Chief Officer of CFA wrote to every family in Riddells Creek informing them that *'You live in one of the highest fire risk areas in Victoria'*. Further advice from CFA indicated why Riddells Creek was at risk from bushfires: *Fire Authorities have assessed Riddells Creek as having EXTREME bushfire risk. Local residents and visitors should be prepared for fire and have a fire plan for when the Fire Danger Rating is SEVERE, EXTREME or CODE RED. The bushland to the north and east of Riddells Creek consists of a variety of large eucalyptus trees including Stringybark, Candlebark, Manna Gums and Yellow Box with a thick understory of acacia*. [Note, the reference to *'east of Riddells Creek'* should have referred to *'north and west of Riddells Creek'*]

Despite this, prior to the exhibition of a Structure Plan for Riddells Creek there was no further examination of the bushfire threat. Terramatrix (bushfire consultants) were subsequently appointed after the threat was identified in submissions and the study released just prior to the panel hearings for Amendment C100 to the Macedon Ranges Planning Scheme dealing with the structure plan. That study clearly identified that Riddells Creek has a major bushfire threat and particularly from the north and the west.

In passing, it is noted that Woodend is also classified as 'Extreme' but similar fire studies have not been carried out and major expansion of the Settlement Boundary is proposed. This submission however focuses on Riddells Creek as a demonstration of the inadequacy of the proposed Localised Settlement Strategy.

The Panel Report to Amendment C100 on page 6 included a Strategic Framework Map of Riddells Creek which included a township boundary and also identified the threat of bushfires from the north and west. This was ratified by CFA at the panel hearings. Indeed at the hearings the CFA suggested that development of Riddells Creek should be preferably developed to the south and east rather than the north and west. Further attention was needed to deal with the existing low-density land within the area to the north and west which was within the exhibited township boundary but was endangered by bushfires. [Note: At that stage council had suggested a 2ha minimum lot size for subdivision to the north and west to minimise population increases but this was abandoned.]

More specifically the CFA submitted to the panel that:

Environmental Risk

Objective 4

To direct development away from areas subject to high risk of bushfire and flooding.

Strategies

Strategy 4.1 Minimise exposure to bushfire where the risk is highest by limiting new development and subdivision in the Low Density Residential Zone to the north and west of the township and the Rural Bushland neighbourhood character precincts.

Strategy 4.2 Avoid new development and subdivisions that would require extensive clearing of native vegetation in order to meet bushfire risk management requirements.

Precinct 4 - Rural Bushland A

Growth in this precinct should be constrained in order to minimise bushfire impact and retain the precinct's very large back yards that are rural in character, with minimal intrusion of built forms.

Precinct 5 – Rural Bushland B

Growth in this precinct minimise bushfire impact and retain the consistent subdivision pattern of very wide lots which cannot accommodate re-subdivision without negatively impacting the distinctive rhythm and character of the streetscapes

Precinct 6 – Rural Bushland C

Growth in this precinct should be constrained in order to minimise bushfire impact and retain the precinct's very large back yards that are rural in character, with minimal intrusion of built forms

It is noted that the Settlement Boundary proposed to be adopted for the Macedon Ranges Localised Planning Statement is exactly as exhibited for the Structure Plan exercise for the Township Boundary despite the fact that we now know that the bushfire threat has been identified. The panel report for the AM C100 included the bushfire threat as identified by the Terramatrix report and verified by CFA at the panel hearing. Figure 1 on page 6 of the panel report includes the Township Boundary as well as the bushfire threat and it shows how the bushfire threat impacts on the low density area included within the proposed Township Boundary. (See attachment)

In my opinion the Localised Planning Statement needs to include *Bushfires* as a priority issue which has objectives and strategies relating to the risk. Future planning should not be carried out without taking into consideration the reality of the threat to life as a priority concern and to property and other matters as secondary concerns in accordance with state policy. By this process, future planning can be directed to address water supplies, access to and from settlements as well as access within settlements, boundaries and treatments as areas are developed in hazardous areas, the provision of shelters and similar treatments that are well-known to CFA. At this time I do not intend to elaborate further as expert input from CFA is required if the concept is adopted as I propose.

The Settlement Boundary

As discussed earlier, Riddells Creek was previously treated as if it had a flooding problem for planning purposes but not a bushfire problem. This has now been re-evaluated but it appears that the 'Township Boundary' which was originally exhibited before this difficulty was identified has now been adopted without alteration in Localised Planning Statement as a 'Settlement Boundary'. This is a serious flaw.

Clause 10 of the planning scheme identified the protection of human life as the greatest priority

In my opinion the Settlement Boundary should exclude the low density areas to the north and west of Riddells Creek for the purposes of the Localised Planning Statement to give priority to human life protection. To support this opinion, the state policies with regard to bushfires as included in Clause 13-05 to the Macedon Ranges Planning Scheme will be examined in the light of the proposed current inclusion of these areas in the Settlement Boundary as they address the bushfire threat in more detail than Clause 10.

In the following material, the text in italics is the state policy as expressed in Clause 13-05 and the notes are my comments on the policy as they relate to the proposed Settlement Boundary.

13.05 Bushfire

13.05-1 Bushfire planning

Objective

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

Application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Note: All of the land to the north and west is within a designated bushfire prone area and part of it is within a Bushfire Management Overlay. To retain this land within the Settlement Boundary results in the same hazard but the threat to human life would increase if the land was rezoned to urban densities. Now that the threat is recognised, the potential for this land to be developed at township densities at some future time is inappropriate. While it is not certain how the Localised Planning Statement will be regarded in the applications for rezonings, other policies for urban rezonings in Urban Growth Zones (Plan Melbourne Refresh discussion document) suggests that growth areas should accommodate 25 dwellings per ha. This is inappropriate for Riddells Creek, particularly for areas to the north and west of Riddells Creek. The adopted Urban Growth Zone is to the east and is not impacted to the same extent as land to the north and west but even here such densities are questionable.

Strategies

Protection of human life

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.*

Note: Retaining the north and west low-density areas in the Township boundary does increase the potential for loss of life and does not direct the population growth and development to safer areas. Growth should be directed to low risk locations. At this time it should be directed that these vulnerable areas be excluded from areas within the Settlement Boundary.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard.*
- *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;*
 - Local conditions - meaning conditions in the area within approximately 1 kilometre from a site;*
 - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and,*
 - The site for the development.*

- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*

Note: The forests of the Macedon Ranges have a demonstrated fire history and these forests extend into the Riddells Creek Township Boundary. To retain the potential for urban development is inappropriate and future requests for rezoning to urban use should be shown to be inappropriate (unless parliament determines at some future date that this should be reconsidered). The bushfire threat is already known and is clarified by the Terramatrix report and by CFA statements at the panel appointed to report on AM C100. The appropriate action now is to ensure that the Settlement Boundary excludes areas identified as being at threat.

- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Note: This is not directly relevant to the current issue under consideration

Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.*
- *Assessing and addressing the bushfire hazard posed to the settlement* ▪ *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development. and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.*
- *Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.*
- *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009.*

Note: Much of the area under consideration to the north and west exceed a radiant heat flux of 12.5 kilowatts/square metre. Indeed some areas are within a Bushfire Management Overlay. The retention of the Township Boundary as the Settlement Boundary will extend the potential for future

applications for rezonings for urban densities, thus causing frustrations for both owners and residents who wish this issue to be resolved now. The lower risk areas have been identified. What reason could there be to continue with Township Boundaries as transferred to Settlement Boundaries that are demonstrably inappropriate in the context of the proposed new legislation? The only logical options for the government if it retains the Township Boundary as the Settlement Boundary would be to remove Clauses 10 and 13-05 from the Macedon Ranges Planning Scheme which I believe would be inappropriate, or to remove the vegetation which would not comply with other policies of the planning scheme which deter the removal of environmental assets for bushfire protection as a result of development proposals in hazardous areas.

Conclusion

The government should be congratulated for re-introducing a strategic planning initiative which has the potential to protect landscapes of state significance around Melbourne. However more specific detail is required to implement the findings of MRPACC that the Minister endorsed.

There are some difficulties with the priority issues and with the Settlement Boundaries as exemplified by the proposed boundaries chosen for Riddells Creek.

In my opinion:

- The proposed Localised Planning Statement should be re-drafted to include the priority issue of Bushfire which remains a major threat to life which is also the priority issue in the Planning Scheme as specified in both Clauses 10 and 13-05.
- The Settlement Boundaries (at least for Riddells Creek) should be re-drawn to exclude the low-density development to the north and west of the township where a high fire danger has been identified since the original Township Boundary was exhibited.

