

Tarran Valley Rezoning Advisory Committee

Submission by:

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Qualifications and experience

B.A., Dip.Ed., B.Ed., Ph.D

Former head of Planning and Environment, School of Global Studies, Social Science and Planning, RMIT University

Experience includes: former senior positions in four Victorian planning and environmental agencies, contributing extensively to national and state environmental and planning policy; led the intergovernmental process developing a new National Greenhouse Strategy between 1994-96; Victorian local government councillor and Mayor for ten years and member of the Upper Yarra Valley and Dandenong Ranges Authority for six years; member of many government advisory committees including Melbourne 2030 Implementation Reference Group, and Chairperson of the Premier's Green Wedge Working Party which advised the government on the adoption of a legislated urban growth boundary.

Author of over 60 refereed journal articles, book chapters, monographs and conference papers, and many other conference papers and publications on planning and environmental matters.

Chief Investigator or a member of 15 major research projects including six major research projects on peri-urban development

Contributed to 18 major consulting projects on international and national projects for organisations such as The World Bank, AusAid, Asian Development Bank, the Mekong River Commission, the Australian Greenhouse Office, Commonwealth and State government agencies, and consulting firms.

Statement of evidence

This statement addresses the suitability of the site for the proposed development by examining:

- The state policy context including Planning Practice Note 37 Rural Residential Development, the State Planning Policy Framework and Plan Melbourne;
- Rural land supply and demand for small lots for the region and Mount Alexander municipality
- The 2009 Victorian Bushfires Royal Commission report.

1. State policy context:

Planning Practice Note 37 Rural Residential Development

This practice note provides guidance when planning for or assessing proposals for rural residential use and development. It seeks to provide the means for an assessment of proposals against strategic considerations instead of planning authorities reacting to applicant initiated proposals without proper strategic justification. It essentially outlines a process for considering proposals for such development. This practice note essentially continues the rural residential development guidelines 2006 which were linked to Ministerial Direction No. 6 as a practice note.

Amendment C36 was originally proposed in 2006 as a result of request by a proponent to council for the rezoning of the land in question, not by the council assessing the proposed site as a means of meeting dwelling demand and supply for rural residential housing.

The Mount Alexander Planning Scheme Amendment C36 Panel Report 2009 considered the subdivision proposal against Ministerial Direction No. 6 and the former practice note. This panel failed to adequately assess the proposal against the provisions of the practice note. The Bushfire Management Overlay Standing Advisory Committee C36 Report 2014 operated under terms of reference limited to fire management and vegetation retention matters and similarly did not assess the proposal using the process outlined in the former and current practice note. Neither does the Mount Alexander Rural Living Strategy provide the means to undertake such an assessment, not adequately addressing rural residential demand and supply. No housing strategy exists for the shire not an adequate settlement strategy.

This means that the process outlined in the former Ministerial Direction and in the relevant practice notes have never been adequately addressed. The development should not proceed until they are satisfactorily addressed.

Assessment process: Planning Practice Note 37 Rural Residential Development notes that rural residential development can have environmental, social and economic costs that are significantly higher than those of standard residential development, and states that these considerations mean that the following broad questions should be answered in sequence:

Strategy: *Does rural residential development align with the overall strategic planning of the municipality? The proposal must be considered against state, regional and local policy.*

Housing need: *How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?*

A planning authority must be able to show that a rural residential rezoning is part of its strategy to provide appropriate housing for forecast increases in population and changes in household structure and composition.

A detailed list of requirements are provided for a local housing analysis including housing market trends, population and household increases, projected population. The need for the proposal must then be assessed against these trends and needs to demonstrate need.

A rural residential rezoning must be supported with evidence that the proposed use and development supports and implements the housing needs of the municipality as identified in the MSS. This includes understanding the demographic and housing needs of the area and likely future trends.

Location: *Where should new rural residential development take place?*

Instead of councils reacting to ad-hoc proposals for development, this requirement intends that development occurs as part of strategic planning by a municipality. If need is established, then suitable locations should be identified according to locational criteria, or proposals by proponents assessed against these locations. If no settlement strategy exists, then locational criteria must be followed.

These criteria emphasise the protection of natural resources; and state that rural residential development should be located in areas to avoid or minimise any adverse impact on the environment, native vegetation and biodiversity, and proposals assessed against an assessment of the locality's environmental features, fire risk, and landscape and heritage values. Infrastructure normally expected for residential areas must be provided. The proposal must be assessed against the physical capacity of the land to sustain the proposed development.

The proposed rural residential land use and development must be compatible with the existing and likely land uses of the locality.

Consideration should be given to the availability of alternative sites that could meet the same housing demand. Consideration of suitable alternative sites should also include those in the neighbouring local municipalities.

Any development must conform with a list of factors which prevent the use of land for rural residential use, including close proximity to public land of environmental significance including land that is fire prone

Subdivision and design: *Is the new rural residential development subdivided and designed in an attractive setting offering high amenity and efficient infrastructure?*

The practice note contains a detailed list of requirements for subdivision. It contains detailed requirements for a site analysis which should document the site opportunities and constraints.

State Planning Policy Framework (SPPF)

The SPPF includes clear implications for assessing the proposal, particularly in the settlement, risk management and natural resource sections.

Under settlement strategy, the clear intent of policy is as follows:

11.05-1: Direct settlement into nominated regional townships

11.05-3: Prevent dispersed urban development in rural areas, direct housing into existing settlements and discourage small lot fragmentation in rural areas (the key word here is 'into' supplementing the intent of Plan Melbourne to intensify development within existing regional settlements).

11.05-4: concentrate development along transport corridors to gain competitive advantage through efficient infrastructure use.

11.12: Manage growth to concentrate it into nominated regional towns (excluding Maldon).

A more comprehensive outline of the SPPF is shown in appendix 1.

A summary of some relevant provisions from appropriate sections is shown below:

11.05 Regional development

Regional Victoria Settlement Framework

Strategies

- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements within regions and in adjoining regions and states in accordance with the relevant regional growth plan.

11.05-2 Melbourne's hinterland areas

Strategies

Prevent dispersed settlement.

Site and design new development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards such as bushfire and flooding.

Manage the growth of settlements to ensure development is linked to the timely and viable provision of physical and social infrastructure and employment.

Strengthen and enhance the character and identities of towns.

Improve connections to regional and metropolitan transport services.

11.05-3 Rural productivity

Strategies

Prevent inappropriately dispersed urban activities in rural areas.

Limit new housing development in rural areas, including:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Restructure old and inappropriate subdivisions.

11.05-4 Regional planning strategies and principles

A network of integrated and prosperous regional settlements

Support a network of integrated and prosperous regional settlements by:

- Strengthening networks of settlements by maintaining and improving transport links, spatial patterns of service delivery, and promoting commercial relationships and community activities.
- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.

Environmental health and productivity

Maintain and provide for the enhancement of environmental health and productivity of rural and hinterland landscapes by:

- Managing the impacts of settlement growth and development to deliver positive landuse and natural resource management outcomes.
- Avoiding development impacts on land that contains high biodiversity values, landscape amenity, water conservation values, food production and energy production capacity, extractable resources and minerals, cultural heritage and recreation values, assets and recognised uses.

Regional Victoria's competitive advantages

Maintain and enhance regional Victoria's competitive advantages by:

- Focusing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.

Climate change, natural hazards and community safety

Respond to the impacts of climate change and natural hazards and promote community safety by:

- Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flood.
- Developing adaptation response strategies for existing settlements in hazardous and high risk areas to accommodate change over time.

Distinct and diverse regional settlements

Support the growth and development of distinctive and diverse regional settlements by:

- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.

Liveable settlements and healthy communities

Promote liveable regional settlements and healthy communities by:

- Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.

11.12 Loddon Mallee South regional growth

Planning for growth

Strategies

Support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.

Manage and support growth in Castlemaine, Gisborne, Kyneton and Maryborough as employment and service hubs that reinforce the network of communities within the region.

Support sustainable growth and expansion in Inglewood, Bridgewater, Marong and Harcourt to capitalise on their proximity to Bendigo.

Facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.

11.12-5 Natural and built environment

Strategies

Protect and improve the condition of the region's important environmental assets such as forests, wetlands and rivers.

Maintain non-urban breaks between settlements.

13.05-1 Bushfire planning strategies and principles

Strategies

Overarching strategies

Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

Bushfire hazard identification and risk assessment strategies

Identify in planning schemes areas where the bushfire hazard requires that:

- Consideration needs to be given to the location, design and construction of new development and the implementation of bushfire protection measures.
- Development should not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.

Plan Melbourne

Plan Melbourne contains a series of environmental objectives specifically addressing rural and regional issues. The plan recognises that the future of Melbourne is linked to the maintenance of natural resources in the city's hinterland, including the protection of agricultural land, biodiversity and native vegetation and waterways from the impacts of development.

Section 5 Environment and Water states that the "Melbourne, like all cities, depends on a range of natural processes to function. At the same time, the natural systems around the city depend on us caring for the condition of our land, waterways and vegetation, and supporting healthy habitats" (p.141).

Initiative 6.2.1 seeks to "Better manage Melbourne's peri-urban regions, including designating towns for growth". The plan states that "We need to manage future growth in the peri-urban regions to optimise their potential to accommodate additional housing and employment, while protecting their productive land, strategic economic resources and biodiversity assets" (p.162). Actions seek to define areas suitable for development and containing natural resources requiring protection.

Initiative 6.2.2 provides further detail on the preferred locations for future development. These seek to develop town plans for growth, and to support increased residential densities in regional city CBDs, and "identify a pipeline of renewal and infill opportunities in regional cities and centres".

Although the plan does not specifically address development in small towns, its emphasis on infill within existing regional town boundaries, and increased densities for these towns, has implications for ad-hoc proposals for rural residential development outside town boundaries generally.

2. Rural dwelling supply and demand

The 2014 report *Alternative Futures for Melbourne's Peri-urban Region*, prepared jointly by RMIT University and Spatial Vision, investigated urban and rural land supply for a study region of the municipalities of Moorabool, Macedon Ranges, Ballarat, Hepburn, Mount Alexander, Central Goldfields and Great Bendigo. This report added to previous research into Melbourne's peri-urban region conducted jointly with the State government and peri-urban councils. The following contains some findings from this report on rural land supply and demand relevant to the process outlined in Planning Practice Note 37 Rural Residential Development.

Land supply in rural areas

Summary

Extensive capacity exists in the rural parts of the study region for new rural dwellings and subdivision under existing lot and subdivision patterns and entitlements without the need for further rezoning of rural land. Overall supply remains much greater than is needed to meet projected demand.

Far more rural lots exist than demand for them in the region. Mount Alexander municipality

contains one the largest oversupplies of rural lots. Most existing rural lots in all rural zones are small. Mount Alexander has one of the highest proportions and largest numbers in the region of the smallest rural lots. Many Rural Living lots exist. Other urban zones (such as Township Zone) with the appearance of rural land add to the land supply.

Development pressure is greatest in well serviced areas close to the rail service.

Findings

Table 1 Study region rural dwelling demand and lot supply to 2041

	<i>Business-as-usual</i>
Supply	87,195
Demand	15,010
<i>Excess supply</i>	<i>72,185</i>

The rural parts of the study region can potentially accommodate 72,185 rural dwellings more than for which rural demand is likely to exist. Only three of the 23 study region SLAs have more projected demand for dwellings than is able to be met by development capacity.

In the study region, 79,075 lots exist in rural planning zones. In addition, under existing planning zones and schedules, these lots could be subdivided to produce 39,436 additional rural lots. With 31,316 lots currently occupied, 87,195 additional rural dwellings could be built on both the existing and newly subdivided lots. This excludes the substantial potential for additional dwellings under excision clauses (which lead to the creation of additional lots over those allowed under subdivision rules for zones). Table 2 shows this development capacity for each SLA in the study region.

Table 2 Business-as-usual rural lot supply

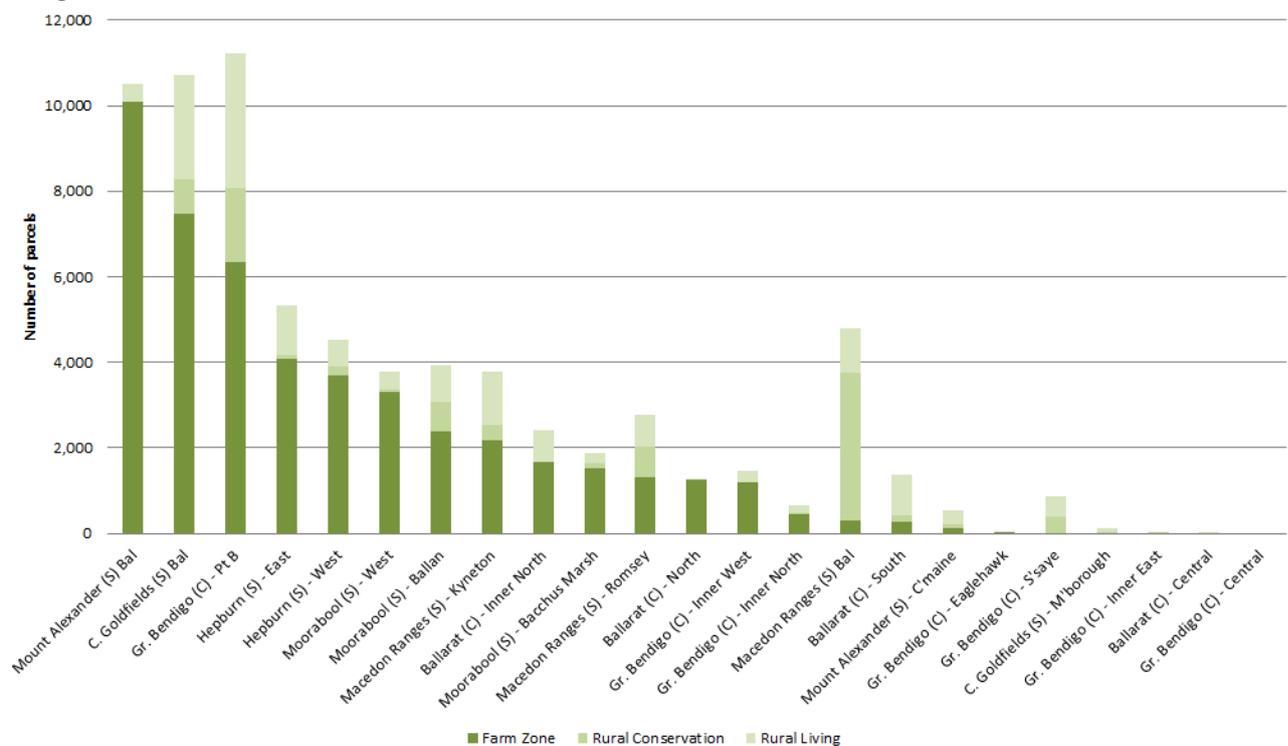
SLA	Lots with rural zoning	Additional lots from subdivision of existing lots	Total lots	Lots which currently have a dwelling	Additional new dwellings
	A	B	A+B = C	D	C-D
Ballarat (C) – Central	19	0	19	9	10
Ballarat (C) - Inner North	2,623	21,354	23,977	1,340	22,637
Ballarat (C) – North	1,313	95	1,408	474	934
Ballarat (C) – South	1,444	7,178	8,622	692	7,930
C. Goldfields (S) - Maryborough	123	4	127	84	43
C. Goldfields (S) Balance	10,876	1,099	11,975	2,249	9,726
Gr. Bendigo (C) - Eaglehawk	7	0	7	4	3
Gr. Bendigo (C) - Inner East	7	0	7	2	5
Gr. Bendigo (C) - Inner North	649	663	1,312	318	994
Gr. Bendigo (C) - Inner West	1,586	1,398	2,984	858	2,126
Gr. Bendigo (C) - Part B	11,897	1,669	13,566	4,621	8,945
Gr. Bendigo (C) - Strathfieldsaye	877	38	915	594	321
Hepburn (S) – East	5,897	410	6,307	2,313	3,994
Hepburn (S) – West	5,117	323	5,440	1,640	3,800
Macedon Ranges (S) - Kyneton	3,876	299	4,175	1,884	2,291
Macedon Ranges (S) - Romsey	2,846	354	3,200	1,581	1,619
Macedon Ranges (S) Balance	4,862	457	5,319	3,176	2,143
Moorabool (S) - Bacchus Marsh	1,938	1,772	3,710	1,023	2,687
Moorabool (S) - Ballan	4,853	216	5,069	2,231	2,838

Moorabool (S) - West	4,235	225	4,460	1,897	2,563
Mount Alexander (S) - Castlemaine	538	7	545	262	283
Mount Alexander (S) Balance	13,492	1,875	15,367	4,064	11,303
<i>Total</i>	<i>79,075</i>	<i>39,436</i>	<i>118,511</i>	<i>31,316</i>	<i>87,195</i>

Source: Victorian Government 2013; DTPLI 2014

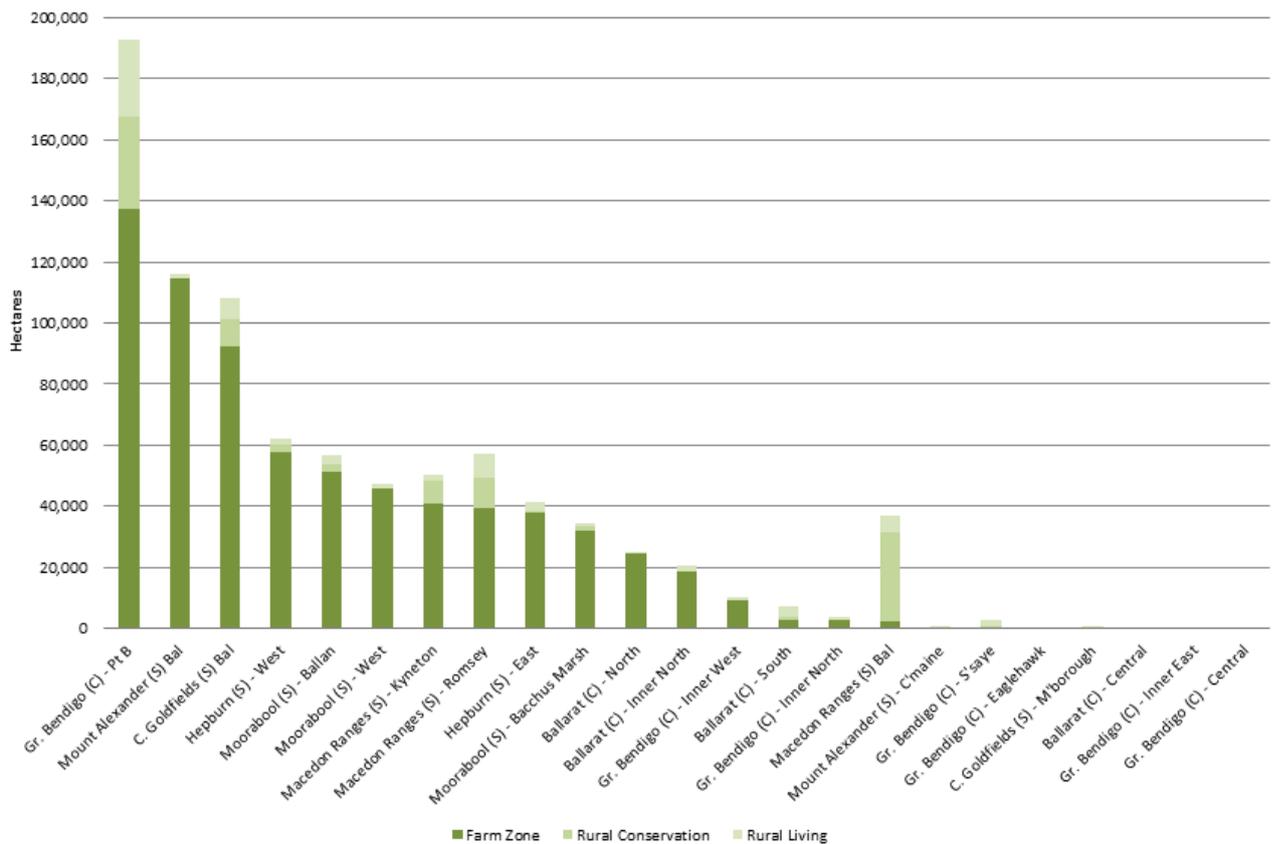
The study region has numerically more lots zoned Rural Living than Rural Conservation (15,000 compared to 9,000) but their total area is smaller; many municipalities contain fragmented rural landscapes with many small lots not necessarily used for farming.

Figure 1 Lots in rural zones



Source: Victorian Government 2013

Figure 2 Area of lots in rural zones



Source: Victorian Government 2013

The size of existing lots also affects landscapes and land use. Greater Bendigo (C) – Part B, Macedon Ranges (S) – Romsey, and Moorabool (S) – Ballan and Bacchus Marsh all contain farm zone lots which on average are over 20 hectares. This contrasts with smaller average farm lots of around 11 hectares in the SLA with the most farm lots, Mt Alexander (S) Balance. Six of the study region’s SLAs contain farm zone lots under an average of ten hectares.

Table 1 shows that the majority of rural lots across the study region are under ten hectares.

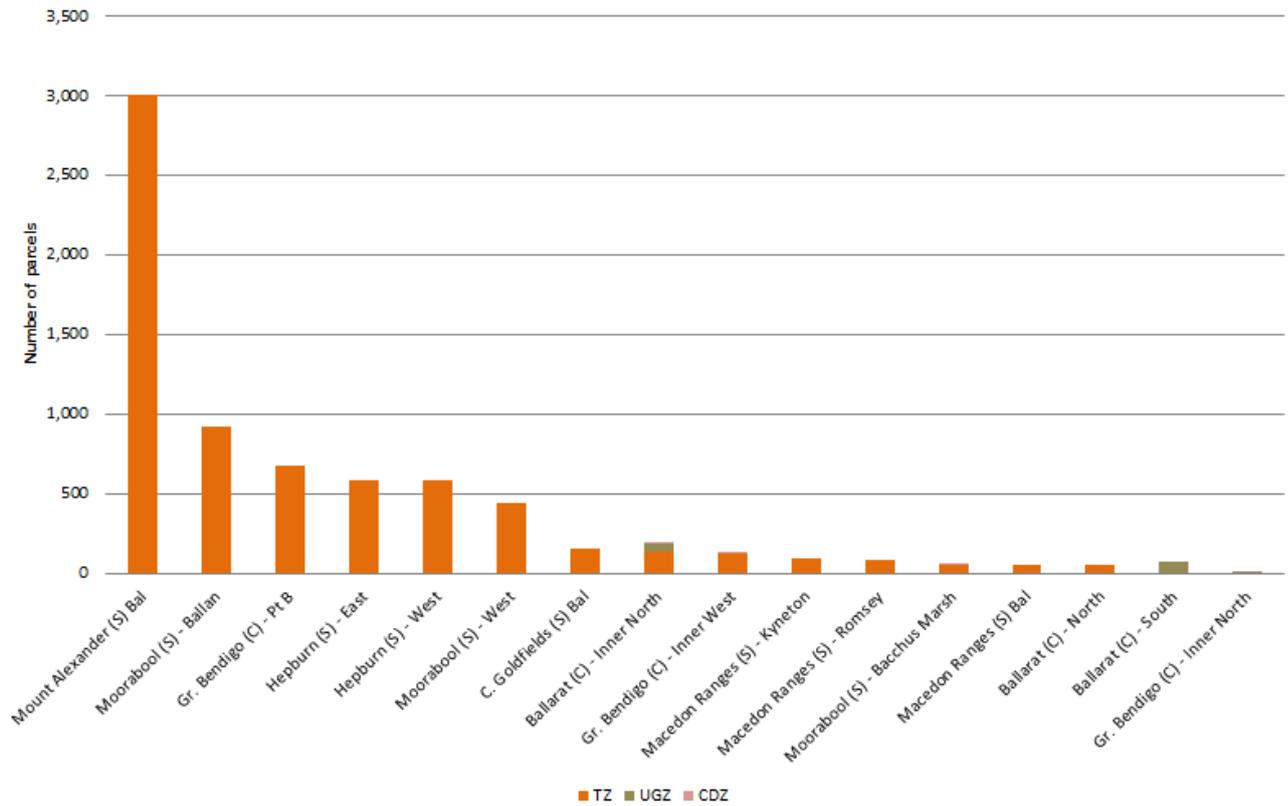
Table 1 Area of rural lots

	Lot Size (hectares)						<i>Total</i>
	0 to 4	4 to 10	10 to 20	20 to 40	40 to 80	Over 80	
Number of lots	29,372	14,919	8,072	18,370	9,065	7,397	87,195
Proportion of all lots	34%	17%	9%	21%	10%	8%	100%

Source: Victorian Government 2013

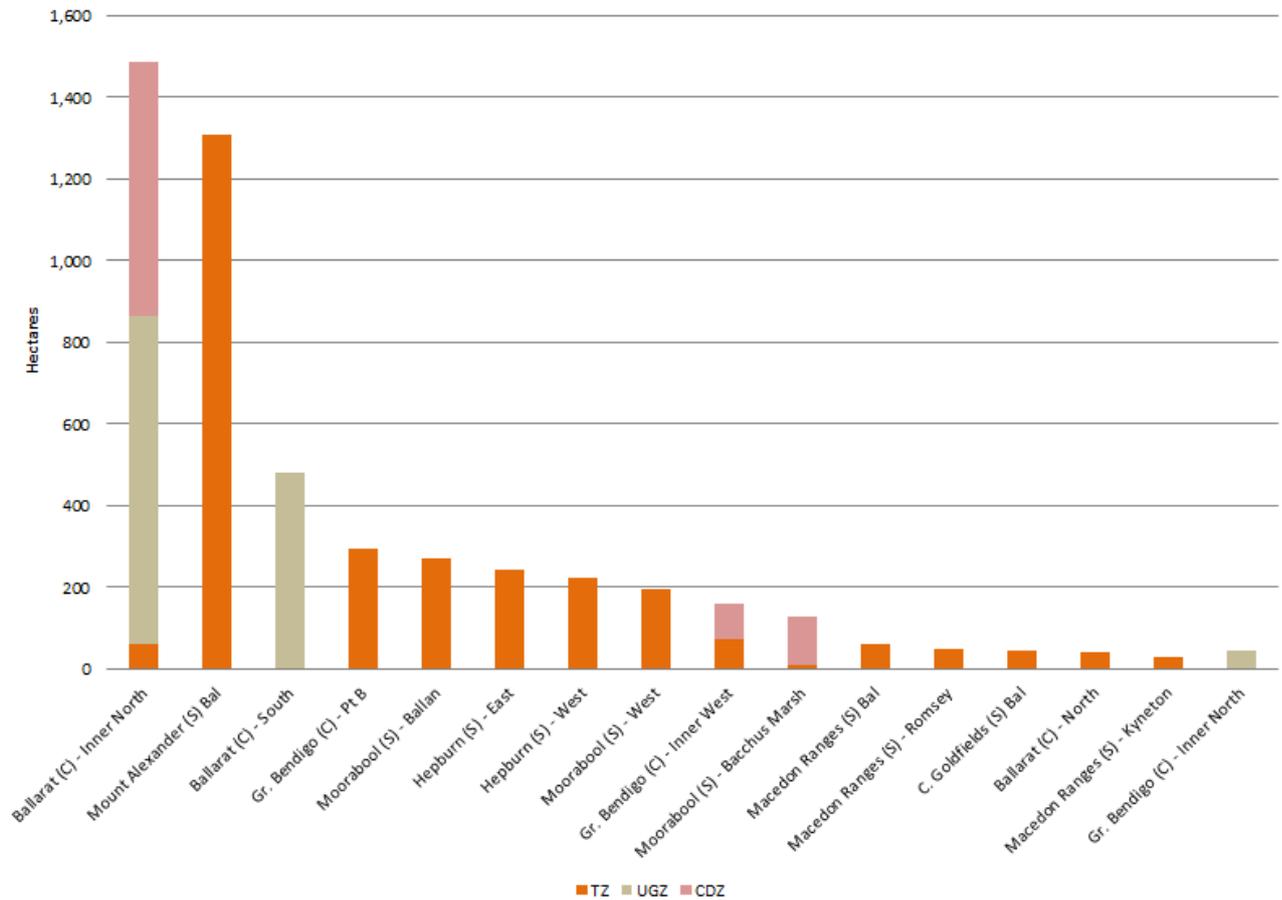
The rural areas include landscapes which are currently rural in character but are most likely to become urban in the future, and are zoned Township (lots larger than 500sqm), Urban Growth (lots larger than two hectares) and Comprehensive Development Zones (lots larger than two hectares). Township Zone is common as this is the zone used in smaller towns (rather than, for example, residential zones) and so has a smaller overall area.

Figure 3 Lots in future urban zones



Source: Victorian Government 2013

Figure 1 Area of lots in future urban zones



Source: Victorian Government 2013

In summary, the study region contains a large potential supply of developable rural land. The SLAs with the largest areas contain the largest supply of lots in rural zones but both Mt Alexander (S) Balance and Moorabool (S) – Ballan also contain larger numbers of lots in future urban zones.

Demand for dwellings in rural areas

The western part of the Shire of Macedon Ranges is projected to experience the greatest increase in dwellings on existing rural lots to 2041, followed by the Shire of Mount Alexander (nearest Castlemaine). The projected growth in Mount Alexander continues the tree change, second home and housing affordability migration trends of the past ten years, particularly among 35 to 65 year olds. Bendigo and Ballarat are likely to experience their own localised peri-urban or further fringe growth in the SLAs beyond their established urban areas.

Table 4 shows the projected total demand for dwellings for the study region SLAs in ten year periods to 2041. The last column shows the net increase in dwellings required to 2041.

Table 4 Business-as-usual demand for dwellings in rural areas

SLA	2011	2021	2031	2041	Projected dwelling growth	net
Ballarat (C) - Inner North	1,365	1,731	2,102	2,514	1,149	
Ballarat (C) - North	317	350	399	450	133	
Ballarat (C) - South	708	915	1,110	1,327	619	
C. Goldfields (S) Balance	1,481	1,600	1,711	1,826	345	
Gr. Bendigo (C) - Inner East	102	111	119	128	26	
Gr. Bendigo (C) - Inner North	222	320	421	537	315	
Gr. Bendigo (C) - Inner West	864	1,130	1,403	1,709	845	
Gr. Bendigo (C) - Part B	3,366	3,804	4,236	4,695	1,329	
Gr. Bendigo (C) - Strathfieldsaye	621	855	1,106	1,394	773	
Hepburn (S) - East	1,492	1,751	2,003	2,275	783	
Hepburn (S) - West	1,121	1,276	1,428	1,590	469	
Macedon Ranges (S) - Kyneton	1,624	1,815	2,009	2,214	590	
Macedon Ranges (S) - Romsey	1,451	1,818	2,172	2,561	1,110	
Macedon Ranges (S) Balance	3,373	4,248	5,107	6,057	2,684	
Moorabool (S) - Bacchus Marsh	806	1,104	1,398	1,733	927	
Moorabool (S) - Ballan	1,606	1,928	2,244	2,588	982	
Moorabool (S) - West	1,375	1,496	1,607	1,722	347	
Mount Alexander (S) - Castlemaine	331	360	389	420	89	
Mount Alexander (S) Balance	3,515	4,002	4,491	5,010	1,495	
<i>Total</i>	<i>25,740</i>	<i>30,614</i>	<i>35,455</i>	<i>40,750</i>	<i>15,010</i>	

Source: DPCD 2012b

How rural land supply meets rural dwelling demand

Generally the study region has sufficient rural land development potential to meet projected demand for rural dwellings (see

Table 5).

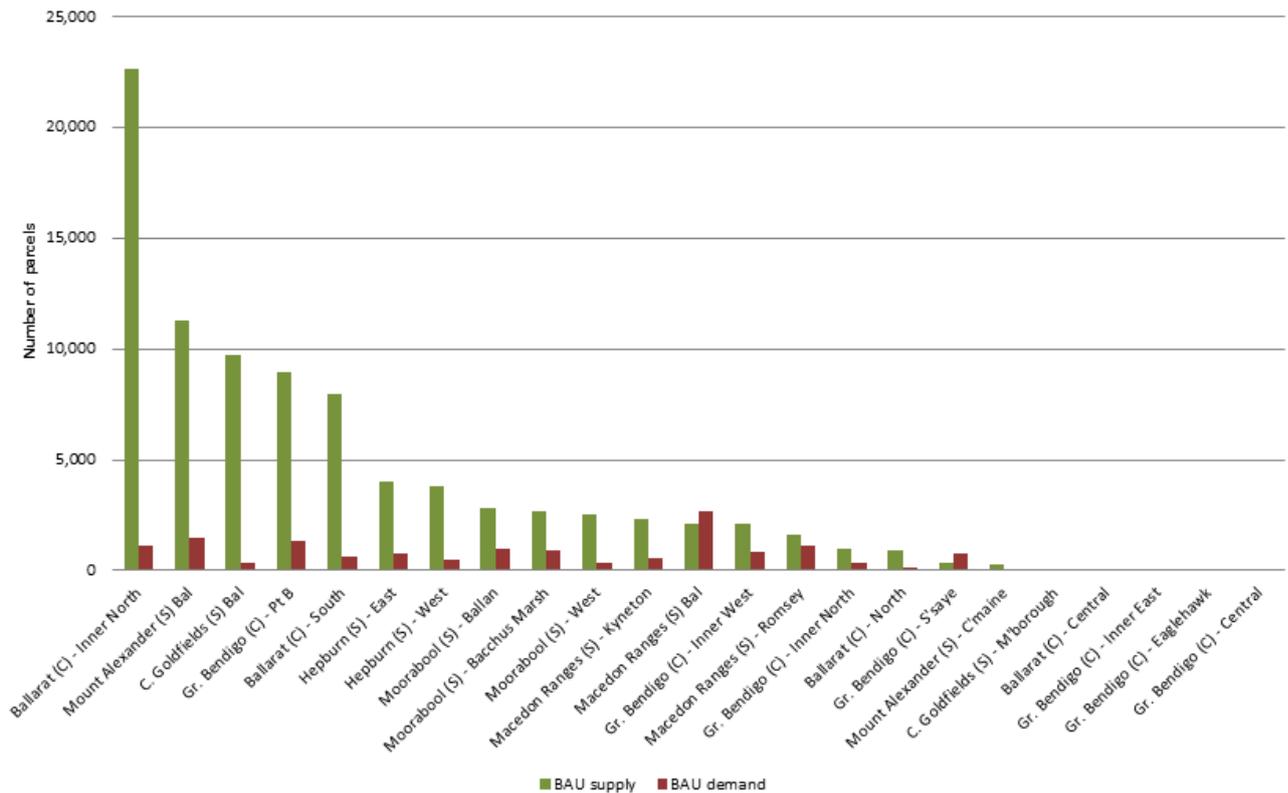
Table 5 Business-as-usual rural supply and demand to 2041

SLA	Supply	Demand	Un/met rural dwelling demand
Ballarat (C) - Central	10	0	10
Ballarat (C) - Inner North	22,637	1,149	21,488
Ballarat (C) - North	934	133	801
Ballarat (C) - South	7,930	619	7,311
C. Goldfields (S) - Maryborough	43	0	43
C. Goldfields (S) Balance	9,726	345	9,381
Gr. Bendigo (C) - Central	0	0	0
Gr. Bendigo (C) - Eaglehawk	3	0	3
Gr. Bendigo (C) - Inner East	5	26	21
Gr. Bendigo (C) - Inner North	994	315	679
Gr. Bendigo (C) - Inner West	2,126	845	1,281
Gr. Bendigo (C) - Part B	8,945	1,329	7,616
Gr. Bendigo (C) - Strathfieldsaye	321	773	452
Hepburn (S) - East	3,994	783	3,211
Hepburn (S) - West	3,800	469	3,331
Macedon Ranges (S) - Kyneton	2,291	590	1,701
Macedon Ranges (S) - Romsey	1,619	1,110	509
Macedon Ranges (S) Balance	2,143	2,684	541
Moorabool (S) - Bacchus Marsh	2,687	927	1,760
Moorabool (S) - Ballan	2,838	982	1,856
Moorabool (S) - West	2,563	347	2,216
Mount Alexander (S) - Castlemaine	283	89	194

Mount Alexander (S) Balance	11,303	1,495	9,808
Total	87,195	15,010	72,185

Mount Alexander is an example of a municipality which has a large supply of rural lots but relatively little demand.

Figure 5 Business-as-usual lot supply and demand



These results show a general pattern of an excess of rural land supply (green) in comparison to demand for rural dwellings (red) even under Business-as-usual projections. Under existing planning controls, the rural landscape has the latent potential for extensive residential development. At this time, projections do not suggest demand is likely to exist to produce such a result. However if current trends dramatically change and planning controls remain the same, the rural landscape could be radically changed through new residential development that is legally permitted.

Where and when will rural development occur?

The model not only looks at whether development capacity is sufficient to meet projected demand but it also allows the demand to be distributed spatially across the study region given certain development pressure criteria. Criteria such as infrastructure, demographics, environment and settlement patterns influence when development will occur.

Under the Business-as-usual scenario, development pressure is greatest close to well-served settlements, Melbourne and existing transport infrastructure, and so this scenario continues the pattern of past urbanising trends.

Figure 6 reflects those pressure patterns with areas under greatest development pressure in red and with less pressure in blue.

Figure 6 Development pressure (Business-as-usual)

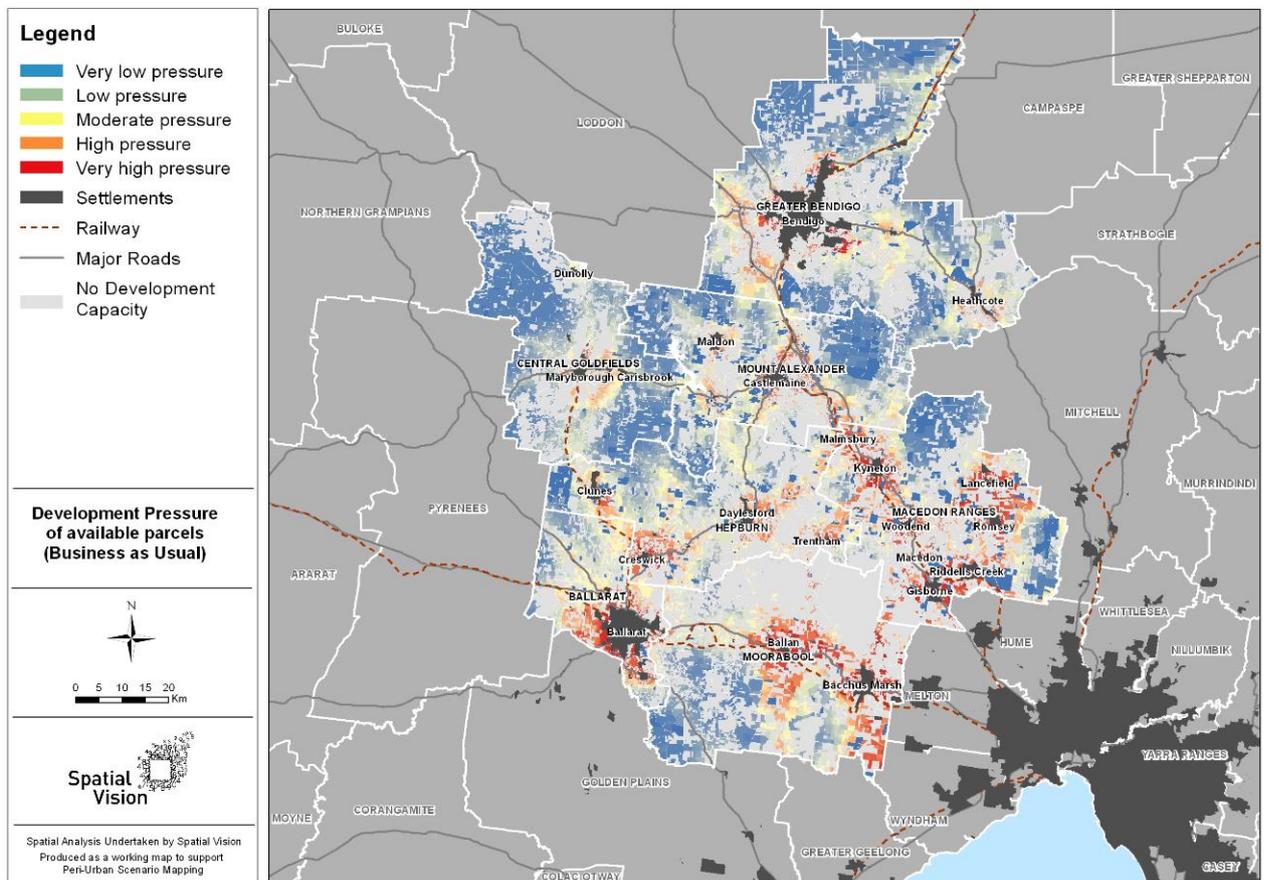
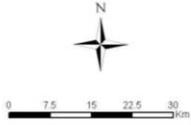


Figure 7 indicates the time periods during which the lots under most pressure are likely to be developed. Take up occurs closest to existing urban settlements and infrastructure. Macedon Ranges Shire is subject to extensive pressure and early take-up due to the shortage of rural land to meet projected demand in its western area. By contrast, Central Goldfields Shire, Mount Alexander Shire and the most rural parts of the City of Greater Bendigo to the north all contain extensive areas with undeveloped capacity. This again indicates the large available supply of land in the rural landscape.

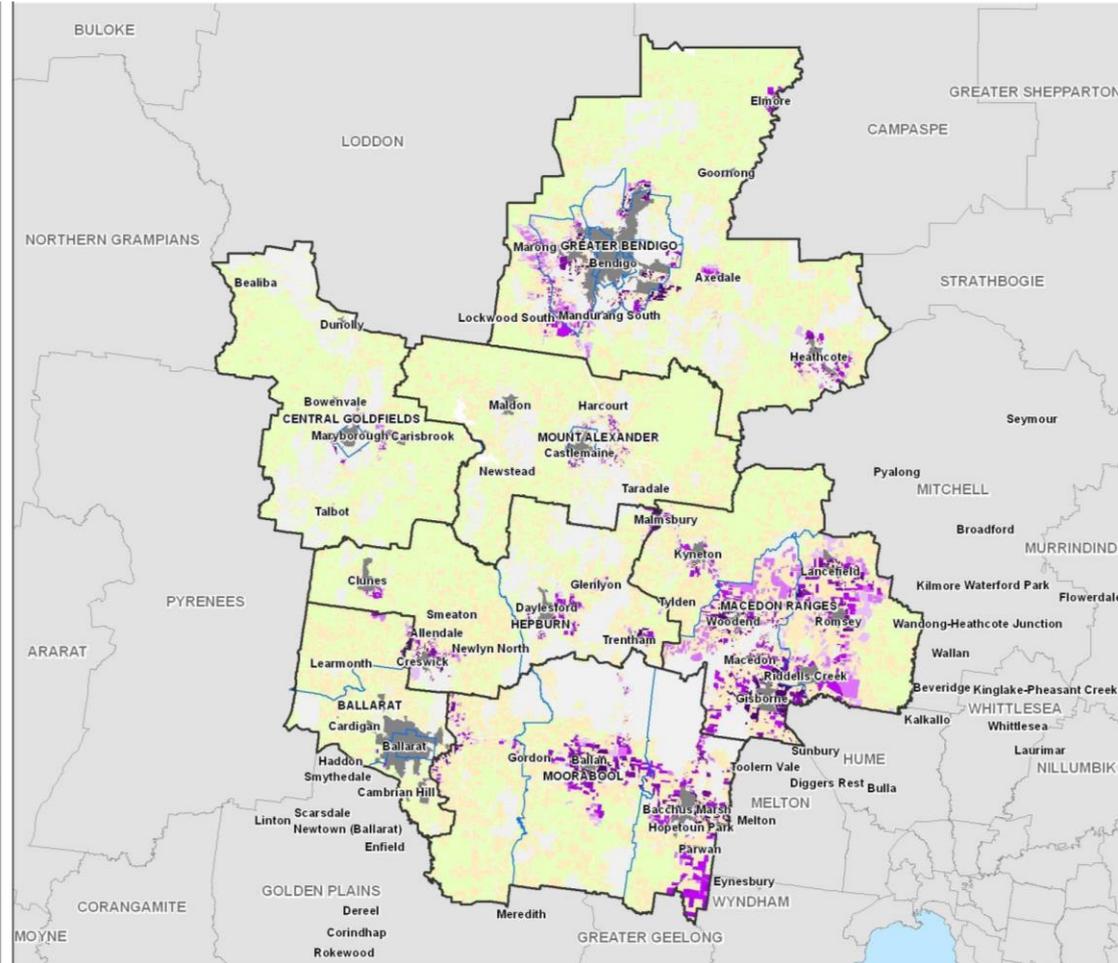
Figure 7 Lot take-up, Business-as-usual

-  Study Area
-  SLA
-  Parcel Take-up (2037-2041)
-  Parcel Take-up (2032-2036)
-  Parcel Take-up (2027-2031)
-  Parcel Take-up (2022-2026)
-  Parcel Take-up (2017-2021)
-  Parcel Take-up (2011-2016)
-  No Development Capacity
-  Undeveloped Capacity
-  Crown Land & Non Rural Residential Landscape
-  Settlements

**Business As Usual Scenario (VIF)
Parcel Take-Up:
Occupied Private Dwellings**



Spatial Analysis Undertaken by Spatial Vision
Produced as a working map to support
Peri-Urban Scenario Mapping



Section 6 of the Royal Commission's report provides a compendium of evidence, analysis and principles which can help improve anticipatory planning for bushfires in Victoria. This was the first time a royal commission of this type had addressed land use measures.

The *Blueprint for Regional and Rural Victoria* was released at almost the same time as the publication of the royal commission report. Yet the *Blueprint* does not adequately anticipate the implications of bushfire risk for regional settlement policy. The royal commission did not argue against regional growth. However, it considered at some length the possible impacts of future fires on increased regional and rural populations. The commission's basic position on this was that "it is vital that [regional planning] deals with bushfire risk management – in particular, in the context of small undeveloped rural lots and the urban growth of Victoria's regional cities." Development of many rural lots, the commission argued, "scattered across the landscape has the potential to greatly increase bushfire risk, especially if the blocks are too small to create defensible space around dwellings. Grouping development in areas that can be adequately protected is preferable." Its view was that bushfire risk is best managed by "concentrating urban and semi-rural settlements in defined areas with adequate buffers, good road access, emergency services and fire refuges...dealt with in a regional settlement policy."

The commission specifically identified small towns and scattered rural development on small rural lots as major potential future risks. It states clearly: "It should be recognised that some places are too dangerous for people to live there." It concluded that physical factors such as topography and climate change, and social factors such as access and demographic characteristics, created "particular difficulties in areas of extremely high risk where people have already established homes. Even a combination of protective measures might not be enough to reduce the risk to an acceptable level."

The early government commitment to rebuild also removed the opportunity to purchase the most unsafe blocks cost effectively at only the land price, and to rethink affected existing settlements. In the commission's words:

"Planning's limited capacity to treat existing risk highlights the need for a rethinking and redesign of settlements and towns that were destroyed by fire on 7 February 2009 but the opportunity was lost with the early commitment to rebuilding these communities 'brick by brick'. The Commission understands the imperative to rebuild, but to rebuild without any real thought being given to the future management of bushfire risk is to fail to learn from experience". The commission considered "that this [commitment] has put short-term welfare considerations above the longer term safety of the community."

The commission, in effect, called on the government and communities to rethink the type and location of growth, to move beyond incremental development and reactive policy. "The vast majority of settled land has already been deemed suitable for development", it observed, "but much of this occurred before the possible impacts of climate change were known and before the devastating impact of deadly fires on particular localities on days such as Black Saturday were investigated."

Land use planning and fire prevention

The royal commission's recommendations link prevention of harm with fire protection, connecting both the need to avoid poor land use decisions with protecting people in defensible settlements. Regional settlement policy should be integrated with effective regional defence against fire. But if summer conditions worsen, any amount of resources and training might not protect small settlements and dispersed houses on fragmented rural lots from catastrophic bushfire.

The planning system is a major anticipatory tool capable of preventing or limiting harm but the planning system failed in its anticipatory role before the 2009 fires. Royal commissions, inquiries and other such investigations have rarely focused on the potential for planning to prevent or reduce risk. The 2004 National Inquiry on Bushfire Mitigation and Management did, referring to land use planning as "the single most important mitigation measure in preventing future disaster losses in areas of new development." The 2009 Victorian Royal Commission similarly referred to the potential for planning for settlement, land use and development to "reduce bushfire risk by, among other things, restricting development in the areas of highest risk, where people's lives may be gravely endangered in the event of extreme bushfire."

The commission's linking of land use planning and building standards to human safety makes its report so important. Governments, it argues, can help protect human life by using the planning system "to substantially restrict development in areas thought to pose an unacceptably high bushfire risk"; and by regulating safer construction standards where development is approved.

The commission proposed a "retreat and resettlement policy" stating that "it might be necessary to help people move out of areas where the bushfire risk is greatest." Its proposal was for a targeted, voluntary purchase program for dwellings and land in limited locations. It provided six criteria for helping select such land.

Planning measures

The commission established principles and policy directions. It listed some techniques: land swaps, minimum lot sizes for dwellings, restructured lots, tenement controls and transfer or purchase of development rights. It recommended against the use of a "bushfire-prone zone" which would prohibit dwellings and other development in areas of high bushfire risk but did favour strengthening of existing zones and planning controls. It recommended the use of minimum lot sizes for dwellings in rural areas, not just for subdivision. It also made its view clear that land purchase and transfer of development rights were not warranted on a broad scale basis for rural lots, but would be suitable for existing developments in areas where bushfire risk is unacceptably high.

The commission did not intend that its recommendations on improved hazard mapping, building construction materials and techniques, and risk assessment tools and ameliorative measures should be regarded as substitutes to effective land use planning but as supplements. Proper planning should always be regarded as constituting the first line of defence against bushfire.

Appendix 1: State Planning Policy Framework (SPPF)

11.05 Regional development

11.05-1 Regional settlement networks

Objective

To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Regional Victoria Settlement Framework

Strategies

Direct urban growth into the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Hamilton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.

Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Promote transport and communications and economic linkages between the various settlements through the identification of servicing priorities in regional land use plans.

Provide for growth in population and development of facilities and services across a region or sub-region network.

Deliver networks of high-quality settlements by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing networks of settlements that will support resilient communities and the ability to adapt and change.
- Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements within regions and in adjoining regions and states in accordance with the relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Improving connections to regional and metropolitan transport services and urban connectivity.

Policy guidelines

Planning must consider as relevant:

- Central Highlands Regional Growth Plan* (Victorian Government, 2014).
- G21 Regional Growth Plan* (Geelong Region Alliance, 2013).
- Gippsland Regional Growth Plan* (Victorian Government, 2014).
- Great South Coast Regional Growth Plan* (Victorian Government, 2014).
- Hume Regional Growth Plan* (Victorian Government, 2014).
- Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014).
- Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).
- Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014).

11.05-2 Melbourne's hinterland areas

Objective

To manage growth in Melbourne's hinterland, the area immediately beyond Metropolitan Melbourne and within 100 kilometres of the Melbourne's Central City.

Strategies

Provide for development in selected discrete settlements within the hinterland of Metropolitan Melbourne having regard to complex ecosystems, landscapes, agricultural and recreational activities in the area.

Maintain the attractiveness and amenity of hinterland towns.

Prevent dispersed settlement.

Site and design new development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards such as bushfire and flooding.

Manage the growth of settlements to ensure development is linked to the timely and viable provision of physical and social infrastructure and employment.

Strengthen and enhance the character and identities of towns.

Improve connections to regional and metropolitan transport services.

Policy guidelines

Planning must consider as relevant:

- Central Highlands Regional Growth Plan* (Victorian Government, 2014).
- G21 Regional Growth Plan* (Geelong Region Alliance, 2013).
- Gippsland Regional Growth Plan* (Victorian Government, 2014).
- Great South Coast Regional Growth Plan* (Victorian Government, 2014).
- Hume Regional Growth Plan* (Victorian Government, 2014).
- Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014).
- Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).
- Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014).
- Plan Melbourne: Metropolitan Planning Strategy* (Department of Transport, Planning and Local Infrastructure, 2014).

11.05-3 Rural productivity

Objective

To manage land use change and development in rural areas to promote agriculture and rural production.

Strategies

Prevent inappropriately dispersed urban activities in rural areas.

Limit new housing development in rural areas, including:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Restructure old and inappropriate subdivisions.

Policy guidelines

Planning must consider as relevant:

- Central Highlands Regional Growth Plan* (Victorian Government, 2014).

- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013).
- *Gippsland Regional Growth Plan* (Victorian Government, 2014).
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014).
- *Hume Regional Growth Plan* (Victorian Government, 2014).
- *Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014).
- *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).
- *Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014).

11.05-4 Regional planning strategies and principles

Objective

To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Strategies

Identify and assess the spatial and land use planning implications of a region's strategic directions in Regional Strategic Plans.

Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.

Apply the following principles to settlement planning in Victoria's regions, including the hinterland areas:

A network of integrated and prosperous regional settlements

Support a network of integrated and prosperous regional settlements by:

- Strengthening networks of settlements by maintaining and improving transport links, spatial patterns of service delivery, and promoting commercial relationships and community activities.
- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
- Ensuring there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.

Environmental health and productivity

Maintain and provide for the enhancement of environmental health and productivity of rural and hinterland landscapes by:

- Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.
- Avoiding development impacts on land that contains high biodiversity values, landscape amenity, water conservation values, food production and energy production capacity, extractable resources and minerals, cultural heritage and recreation values, assets and recognised uses.

Regional Victoria's competitive advantages

Maintain and enhance regional Victoria's competitive advantages by:

- Ensuring that the capacity of major infrastructure (including highways, railways, airports, ports, communications networks and energy generation and distribution systems) is not affected adversely by urban development in adjacent areas.
- Focusing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the

access and mobility of communities.

- Providing adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, to meet future housing and urban needs and to ensure effective utilisation of land.
- Strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.

Climate change, natural hazards and community safety

Respond to the impacts of climate change and natural hazards and promote community safety by:

- Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flood.
- Developing adaptation response strategies for existing settlements in hazardous and high risk areas to accommodate change over time.
- Encouraging reduced energy and water consumption through environmentally sustainable subdivision and building design.
- Encouraging a form and density of settlements that support sustainable transport to reduce greenhouse gas emissions.

Distinct and diverse regional settlements

Support the growth and development of distinctive and diverse regional settlements by:

- Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.
- Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.
- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.
- Ensuring that the potential of land that may be required for future urban expansion is not compromised.
- Creating opportunities to enhance open space networks within and between settlements.

Liveable settlements and healthy communities

Promote liveable regional settlements and healthy communities by:

- Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.
- Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Improving the availability of a diverse range of affordable accommodation, including social housing, in locations with good access to transport, commercial facilities and community services.
- Supporting innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.

Policy guidelines

Planning must consider as relevant:

- Central Highlands Regional Growth Plan* (Victorian Government, 2014).
- G21 Regional Growth Plan* (Geelong Region Alliance, 2013).
- Gippsland Regional Growth Plan* (Victorian Government, 2014).
- Great South Coast Regional Growth Plan* (Victorian Government, 2014).
- Hume Regional Growth Plan* (Victorian Government, 2014).

- Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014).
- Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).
- Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014).

11.12 Loddon Mallee South regional growth

11.12-1 Planning for growth

Objective

To manage population growth and settlements.

Strategies

Support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.

Manage and support growth in Castlemaine, Gisborne, Kyneton and Maryborough as employment and service hubs that reinforce the network of communities within the region.

Support sustainable growth and expansion in Inglewood, Bridgewater, Marong and Harcourt to capitalise on their proximity to Bendigo.

Facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.

Policy guidelines

Planning must consider as relevant:

- Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).

11.12-2 Strengthened communities

Objective

To strengthen communities especially in small towns.

Strategies

Support the ongoing role and contribution of the region's small towns, settlements and non-urban areas through investment and diversification of their economies.

Plan for facilities and infrastructure needed to deliver education and training that supports growth.

Policy guidelines

Planning must consider as relevant:

- Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).

11.12-3 A diversified economy

Objective

To strengthen and diversify the economy.

Support expansion of the region's diverse economy to enable residents to work and participate in the region.

Facilitate greater employment and investment outcomes from growth sectors such as health, education and professional services.

Support and develop emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries.

Facilitate new manufacturing and food processing industries that build on supply chains and take advantage of well located and affordable land.

Maintain and develop buffers around mining and quarrying activities.
Facilitate access to natural resources where appropriate, including sand and stone, minerals, timber and renewable energy potential.
Support the development and expansion of tourism infrastructure in Bendigo.

Policy guidelines

Planning must consider as relevant:

- *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).

11.12-4 Infrastructure

Objective

To improve infrastructure.

Strategies

Provide adequate waste and resource recovery infrastructure and services to support new development and population growth.

Minimise the impact of urban development on the current and future operation of major infrastructure of national, state and regional significance, including highways, railways, airports, communication networks and energy generation and distribution systems.

Support upgrades at Bendigo Airport that improve access and infrastructure to support emergency services.

Maintain and strengthen passenger and freight transport networks and explore opportunities to develop freight-related activities in Marong and Maryborough.

Policy guidelines

Planning must consider as relevant:

- *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).

11.12-5 Natural and built environment

Objective

To protect and enhance the natural and built environment.

Strategies

Protect and improve the condition of the region's important environmental assets such as forests, wetlands and rivers.

Maintain non-urban breaks between settlements.

Support the designation of Castlemaine Diggings National Heritage Park as a World Heritage place to underpin tourism.

Facilitate tourism opportunities in appropriate locations near heritage places and natural environments.

Policy guidelines

Planning must consider as relevant:

- *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).

11.12-6 Agricultural productivity

Objective

To ensure food, water and energy security.

Strategies

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate new opportunities in agriculture that respond to the potential impacts of climate change.

Support and facilitate development in renewable energy, waste to energy, carbon sequestration and other new energy opportunities.

Support ongoing investment in water infrastructure and management of water resources to enhance security and efficiency of water supply to irrigators, farms and urban areas.

Policy guidelines

Planning must consider as relevant:

Map 8 – Loddon Mallee South Regional Growth Plan

13.05 Bushfire

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3.05-1 Bushfire planning strategies and principles

Objective

To assist to strengthen community resilience to bushfire.

Strategies

Overarching strategies

Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

Bushfire hazard identification and risk assessment strategies

Apply the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.

Assess the risk to life, property and community infrastructure from bushfire at a regional, municipal and local scale.

Identify in planning schemes areas where the bushfire hazard requires that:

- Consideration needs to be given to the location, design and construction of new development and the implementation of bushfire protection measures.
- Development should not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.

Strategic and settlement planning strategies

Ensure that strategic and settlement planning assists with strengthening community resilience to bushfire.

Consult with the relevant fire authority early in the strategic and settlement plan making process and implement appropriate bushfire protection measures.

Ensure that planning to create or expand a settlement in an area at risk from bushfire:

- Addresses the risk at both the local and broader context.