

**Bushfire Planning Advisory Committee
Draft Greater Bendigo Planning Scheme
Amendment C287gben**

Committee Report

Planning and Environment Act 1987

19 May 2026

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Woi Wurrung People as the traditional custodians of
the land on which our office is located. We pay our
respects to their Elders past and present.

Planning and Environment Act 1987

Bushfire Planning Advisory Committee report pursuant to section 25 of the PE Act
Draft Greater Bendigo Planning Scheme Amendment C287gben

19 May 2026



Con Tsotsoros, Chair



Gabby McMillan, Chair

Contents

	Page
1 Introduction	9
1.1 Draft Greater Bendigo Planning Scheme Amendment C287gben	9
1.2 Committee appointment and Terms of Reference	11
1.3 Background	12
1.4 Limitations	16
2 What is authorisation?.....	17
2.1 Background	17
2.2 Submissions.....	19
2.3 Discussion.....	20
2.4 Conclusions.....	21
3 Authorisation assessment	22
3.1 Introduction	22
3.2 Bushfire planning policy	22
3.3 CFA advice	31
3.4 Ministerial directions and planning practice notes.....	32
Appendix A Document list.....	35
Appendix B Terms of Reference.....	39

List of Tables

	Page
Table 1 Events chronology	12
Table 2 Planning context.....	18

List of Figures

	Page
Figure 1 Bushfire Management Overlay extent in Greater Bendigo	14
Figure 2 Bushfire prone area extent in Greater Bendigo.....	15

Glossary and abbreviations

Amendment	draft Greater Bendigo Planning Scheme Amendment C287gben
BPA	designated bushfire prone area
CFA	Country Fire Authority
Council	City of Greater Bendigo
Council Bushfire Assessment	City of Greater Bendigo Bushfire Assessment of Potential Growth Areas (Council, July 2024)
DELWP	Department of Environment, Land, Water and Planning (former)
DTP	Department of Transport and Planning
Guide to Victoria's Planning System	Using Victoria's Planning System (Department of Transport and Planning, November 2025)
MGS	Managed Growth Strategy
PE Act	<i>Planning and Environment Act 1987</i>
PE Regulations	<i>Planning and Environment Regulations 2015</i>
Planning Scheme	Greater Bendigo Planning Scheme
Preliminary Bushfire Assessment	Preliminary Ecological and Bushfire Risk Assessments (Practical Ecology, February 2022)
Terramatrix Bushfire Assessment	City of Greater Bendigo Potential Growth Areas Final Bushfire Assessment (Terramatrix, October 2023)

Overview

Referral summary

Referral date	22 December 2025
The Amendment	Draft Greater Bendigo Planning Scheme Amendment C287gben
Brief description	Implements the recommendations of the: - Managed Growth Strategy (City of Greater Bendigo, October 2024) - Housing and Neighbourhood Character Strategy (Plan2Place, August 2024) - Review of Neighbourhood Character and Significant Landscape Overlays (Plan2Place, August 2024).
Subject land	Land in the Greater Bendigo municipality, particularly residential land in urban Bendigo and the District Towns of Axedale and Heathcote
Planning Authority	Greater Bendigo City Council

Committee process

The Committee	Con Tsotsoros and Gabby McMillan (Chairs)
Supported by	Lauren Sharpe
Hearing	Planning Panels Victoria and by video, 23 March 2026
Site inspections	Not required
Parties to the Hearing	Greater Bendigo City Council represented by Briana Eastaugh of Maddocks who called bushfire planning expert evidence from: - Hamish Allan of Terramatrix Pty Ltd - Philip Walton of XWB Consulting (not at the Hearing) Country Fire Authority represented by Kevin Hazell of Kevin Hazell Bushfire Planning
Citation	Bushfire Planning (AC) [2026] PPV
Date of this report	19 May 2026

Executive summary

City of Greater Bendigo (Council) has comprehensively investigated, reviewed and finalised multiple bushfire assessments to inform its Managed Growth Strategy. This included consultation with the Country Fire Authority (CFA), assessments prepared by professionally qualified consultants and advice from Kevin Hazell. CFA's concern was the predominant reason for the comprehensive nature and scale of the bushfire assessments.

Draft Greater Bendigo Planning Scheme Amendment C287gben (the Amendment) seeks to implement the recommendations of the Managed Growth Strategy (City of Greater Bendigo, October 2024), the Housing and Neighbourhood Character Strategy (Plan2Place, August 2024) and the Review of Neighbourhood Character and Significant Landscape Overlays (Plan2Place, August 2024) into the Greater Bendigo Planning Scheme (Planning Scheme).

Council requested the Minister for Planning (the Minister) authorise it to prepare the Amendment. Department of Transport and Planning, under delegation from the Minister, advised Council that the request for authorisation required further review.

The Minister appointed the Bushfire Planning Advisory Committee pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the PE Act) on 22 December 2025 to provide independent advice about bushfire settlement planning and the request from Council to authorise the Amendment.

The Committee invited stakeholders identified in the Terms of Reference to participate in the Hearing that was held on 23 March 2026, attended by Council and CFA. Having reviewed referred documents and considered written submissions, evidence and submissions at the Hearing, the Committee has concluded that the Amendment can be authorised subject to conditions.

What is authorisation?

The PE Act does not explicitly state the purpose of authorisation. Relevant directions and guidance state the main purpose of authorisation is to identify whether the Amendment is generally consistent with State policy or interests, has strategic merit and appropriately uses the Victoria Planning Provisions. It is not the purpose of authorisation to comprehensively assess the merits of the Amendment, or the technical work that underpins the Amendment.

The views of CFA should be seriously considered, though its agreement is not needed for the Minister to authorise the Amendment. There will be an opportunity for CFA and any other parties to make submissions on the merits of the Amendment and/or the bushfire assessment methodology underpinning the Amendment later in the planning scheme amendment process.

Authorisation assessment

Bushfire planning policy

The Amendment is generally consistent with the State policy at Clause 13.02-1S (Bushfire planning). It appropriately responds to Clause 71.02-3 (Integrated decision making).

The Maiden Gully potential growth area is likely to be the highest risk location (of the four potential growth areas selected) and likely to be the most challenging in terms of creating a structure plan that can reconcile bushfire planning objectives. However, this is a merits-based issue that should be addressed if the Amendment is authorised.

The 'Ravenswood investigation area' should be:

- deleted from the Urban strategic framework plan at Clause 02.04 as a condition of authorisation, or
- supported by a further bushfire planning assessment to demonstrate that including this investigation area meets State policy at Clause 13.02-1S.

The policy changes proposed by Council should be incorporated into the Amendment as a condition of authorisation.

CFA advice

Council has taken a more than reasonable approach in seeking advice from CFA, including engaging independent consultants to advise on the bushfire assessment methodology and outcomes. Council has appropriately considered advice from CFA when preparing the Amendment.

Complete agreement from CFA on all aspects of the Amendment is not required before it is authorised, given that an authorisation assessment needs to consider a broader range of policy objectives.

The advice from CFA (received up to 2024) has been satisfactorily considered and responded to in the Amendment for the purpose of authorisation.

Ministerial directions and planning practice notes

The Amendment:

- meets the requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) with respect to bushfire risk
- has been prepared appropriately, having regard to Planning Practice Note 46 (Strategic assessment guidelines) and Planning Practice Note 64 (Local planning for bushfire protection).

Recommendations

For reasons set out in this Report, the Committee recommends that the Minister for Planning:

- 1. Authorise the City of Greater Bendigo to prepare Greater Bendigo Planning Scheme Amendment C287gben subject to the following conditions:**
 - a) The 'Ravenswood investigation area' should either be:**
 - **deleted from the Urban strategic framework plan at Clause 02.04**

- included as an investigation area after a further bushfire planning assessment has been completed and it has been determined that its inclusion is generally consistent with Greater Bendigo Planning Scheme Clause 13.02-1S.
- b) Revise the second paragraph of new content proposed for Clause 13.02-1L to:

Ensure that essential bushfire protection measures are accommodated in the structure planning phase of the Huntly, Maiden Gully and Strathfieldsaye 'Proposed Growth Areas (subject to further investigation)' identified in the Urban Strategic Framework Plan at clause 02.04.

Ensure that the development of the impact of essential bushfire protection measures on environmental values and the character of the area are considered during the structure planning phase of Maiden Gully 'Proposed Growth Area (subject to further investigation)' identified in the Urban Strategic Framework Plan at clause 02.04 only occurs where environmental values and the character of the area is not significantly affected by the implementation of bushfire protection measures.

1 Introduction

1.1 Draft Greater Bendigo Planning Scheme Amendment C287gben

(i) Amendment description

Draft Greater Bendigo Planning Scheme Amendment C287gben (the Amendment) seeks to implement into the Greater Bendigo Planning Scheme (Planning Scheme), which responds to the recommendations of the:

- Managed Growth Strategy
- Housing and Neighbourhood Character Strategy (Plan2Place, August 2024)
- Review of Neighbourhood Character and Significant Landscape Overlays (Plan2Place, August 2024).

The Amendment seeks to implement them by:

- revising strategic directions and strategic framework plans in the Municipal Planning Strategy
- revising local policy at Clauses 11 and 15 in the Planning Policy Framework
- revising residential zone provisions for existing residential land in established urban areas in Bendigo and the district towns of Axedale and Heathcote
- revising the content and application of the Neighbourhood Character and Significant Landscape Overlay Schedules
- making related changes to Operation Provisions.

Municipal Planning Strategy

Regarding the Municipal Planning Strategy, the Amendment proposes to revise:

- Clause 02.03-1 (Settlement) to include a settlement hierarchy and reference the policy position within the Managed Growth Strategy 2024 for 70 per cent of urban development in established areas and strengthen policy support for the Urban Growth Boundary.
- Clause 02.03-3 (Environmental risks and amenity) to reference landscape bushfire risk.
- Clause 02.03-5 (Built environment and heritage) to identify the need to balance neighbourhood character values with facilitating housing diversity and density.
- Clause 02.03-6 (Housing) to include a hierarchy of change areas to ensure housing is directed to suitable areas.
- Clause 02.04 (Strategic framework plans) to update the existing urban and rural strategic framework plans and to insert new residential framework plans for the Regional City and District Towns.

Planning Policy Framework

Regarding the Planning Policy Framework, the Amendment proposes to:

- revise Clause 11.01-1L-01 to update the strategies to predominantly direct growth in accordance with the framework plans at Clause 02.04 and to introduce new policy documents

- revise Clause 11.03-1L to update the activity centre hierarchy to include District towns and Rural towns.
- delete Clauses 15.01-5L-01 to 15.01-5L-17 and update Clause 15.01-5L with a more general neighbourhood character policy.

(ii) Supporting reports

The Amendment is supported by the following reports:

- Greater Bendigo Bushfire Assessment of Potential Growth Areas (City of Greater Bendigo, July 2024) (Council Bushfire Assessment)
- Greater Bendigo Housing Capacity Analysis (Remplan, January 2025)
- Greater Bendigo Potential Growth Areas Final Bushfire Assessment incorporating two additional sites (Terramatrix, October 2023) (Terramatrix Bushfire Assessment)
- Greater Bendigo Preliminary and Ecological Bushfire Risk Assessment (Practical Ecology, February 2022) (Preliminary Bushfire Assessment).

(iii) Explanatory report response to bushfire risk

In asking 'Does the amendment address relevant bushfire risk?', the explanatory report states:

The amendment meets the objective and gives effect to the strategies of Clause 13.02-1S (Bushfire planning) as discussed below. The potential growth areas have been assessed for bushfire risk in the *City of Greater Bendigo Potential Growth Areas Final Bushfire Assessment* (Terramatrix, 2023) and in the *Bushfire Assessment of Potential Growth Areas* (City of Greater Bendigo, 2024). These assessments considered the varying levels of bushfire risk at a landscape and neighbourhood scale of 11 potential growth areas (PGAs) within or adjoining the Bendigo Urban Area, or townships proximate to Bendigo.

Of the 11 areas assessed both Marong and Huntly (north and east) were generally considered to be low risk. The landscape scale bushfire risks are able to be managed in a further two PGAs; parts of Strathfieldsaye (south and east) and parts of Maiden Gully Precinct Structure Plan. Development in each of the PGAs will require detailed planning and design. Specific requirements for the planning to address bushfire risk for each growth area are outlined in the Managed Growth Strategy 2024. Junortoun was also identified as having some growth potential, but its relatively small size, existing pattern of development and other constraints make it less viable as a location to direct significant growth. The remaining locations assessed were not considered further.

As well as the planning recommendations outlined in the Managed Growth Strategy 2024, a detailed bushfire risk assessment will be undertaken as part of the planning process for each of these areas.

For land already in a residential zone, the amendment seeks to apply the Neighbourhood Residential Zone to areas currently zoned General Residential Zone where the Bushfire Management Overlay is applied. This is to limit the amount of residential development in these areas.

During the process of preparing the MGS¹ and associated bushfire assessment documents, the CFA was extensively consulted and advice was incorporated into the final versions of the documents. **Contrary to the independent advice received during preparation of the bushfire assessment documents, the CFA was not supportive of the methodology used as the scope of the bushfire assessment was restricted to the pre-determined potential growth areas.²**

¹ Managed Growth Strategy

² Committee emphasis

1.2 Committee appointment and Terms of Reference

The Minister for Planning (the Minister) appointed the Bushfire Planning Advisory Committee (the Committee) pursuant to section 151 of the *Planning and Environment Act 1987* (the PE Act) on 22 December 2025 to provide independent advice about bushfire settlement planning and the request from the Greater Bendigo City Council (Council) to authorise the Amendment.

The appointment is supported by Terms of Reference which include the following purpose:

The purpose of the Committee is to provide timely advice to the Minister on bushfire settlement planning, and whether proposed Planning Scheme Amendment C287gben (the proposed amendment) can be considered for authorisation.

The Committee will provide advice on the effectiveness of current bushfire planning provisions and recommend improvements to strengthen land use planning outcomes in bushfire-prone areas.

The Committee will specifically consider whether Council's methodology and response to Clause 13.02 (Bushfire planning) used in the proposed amendment is adequate, supports and gives effect to the objective and strategies of this clause.

If the Committee considers that the proposed amendment has not given appropriate consideration to the objectives and strategies of Clause 13.02-1S (Bushfire planning), it will provide advice about further work that may be required to address this and progress the proposed amendment.

The Committee's advice will inform policy development to ensure Victoria's planning system appropriately supports community safety and bushfire preparedness.

Clause 25 enables the Committee to inform itself as it sees fit, but must consider all relevant matters including:

- a) the *Planning and Environment Act 1987* and any relevant Minister's Directions and departmental practice notes, advisory notes and guidelines
- b) the Greater Bendigo Planning Scheme
- c) the strategic justification for the proposed amendment
- d) the MGS
- e) the submissions and views of the Council and CFA
- f) the submissions and views of any relevant authority, responsible authority, government agency or registered Aboriginal party if sought
- g) all relevant material provided to the Committee
- h) any other material referred to it.

Clause 27 requires the Committee to prepare a written report for the Minister for Planning that provides the following:

- a) An assessment of whether the proposed amendment is appropriate in light of the provisions of the Act and the Greater Bendigo Planning Scheme, including Clause 13.02-1S of the State Planning Policy Framework, and can be considered for authorisation
- b) A summary and assessment of the issues raised in materials referred to the Committee
- c) Any other relevant matters raised during the Committee process
- d) Its findings and recommendations on all key issues
- e) A list of tabled documents
- f) A list of persons consulted or heard and who made submissions considered by the Committee.

1.3 Background

Council attached a chronology of events related to the Amendment in its submission, as summarised in Table 1.

(i) Events chronology

Table 1 Events chronology

Date	Details
Oct 2021	Council set up a Managed Growth Steering Committee to guide the preparation of the Managed Growth Strategy (MGS) and Amendment
9 Nov 2021	The (then) Department of Environment Land, Water and Planning (DELWP) provided comments on Council's project brief that was to be used to seek a municipal wide bushfire risk assessment
2022	
Feb	Practical Ecology Pty Ltd prepared the Preliminary Bushfire Assessment
17 May	CFA provided Council a letter on bushfire and settlement planning
27 Sep	Council's CEO wrote to CFA's CEO outlining the MGS and proposed municipal bushfire risk assessment and seeking CFA to peer review the methodology
Oct	Kevin Hazell provided Council with peer review advice regarding the proposal from Terramatrix for a municipal-wide bushfire risk assessment
Nov	Terramatrix revised the bushfire risk assessment proposal based on Mr Hazell's feedback – Council accepted the proposal and work commenced
2023	
June	Mr Hazell provided informal advice, including a potential structure on the draft Terramatrix Bushfire Assessment Terramatrix Bushfire Assessment (final version)
20 Jul	Council and CFA inspected each of the Potential Growth Areas considered in the Terramatrix Bushfire Assessment
Jul	Council started preparing the draft Council Bushfire Assessment to respond to feedback from Mr Hazell
Oct	Terramatrix completed the Terramatrix Bushfire Assessment
Nov	Council provided the Terramatrix Bushfire Assessment and the Council Bushfire Assessment to CFA for review and feedback
2024	
31 Jan	CFA responded to Terramatrix Bushfire Assessment and the Council Bushfire Assessment
19 Mar	Council provided a detailed response to CFA's issues
28 May to 12 Jul	Council exhibited and sought feedback on the draft MGS and HNCS, Preliminary Bushfire Assessment, Terramatrix Bushfire Assessment and the Council Bushfire Assessment

Date	Details
27 Jun	Mr Walton, XWB Consulting peer (engaged by Council) reviewed the bushfire assessments
Jul	Council finalised the Council Bushfire Assessment
15 Jul	CFA responded to the exhibition of the Draft MGS and HNCS and advised that it did not support the MGS in its current form
16 Sep	Council resolved to: - adopt the MGS - request authorisation from the Minister for Planning to prepare and exhibit the Amendment - subject to obtaining authorisation, exhibit the Amendment
2025	
1 Apr	Council submitted the Amendment to the Minister for Planning with a request to authorise Council to prepare and exhibit the amendment
14 Apr	Department of Transport and Planning, under delegation from the Minister, advised Council that the request for authorisation required further review
22 Dec	The Minister for Planning appointed the Committee to consider whether the amendment appropriately responds to bushfire planning and can be considered for authorisation in its current form

(ii) Bushfire provisions

Changes in response to the 2009 Victorian bushfires

The 2009 Victorian Bushfires Royal Commission made 67 recommendations for land:

- within the Bushfire Management Overlay to be managed by the planning process (Recommendations 37, 39, 40 and 52)
- in the designated bushfire prone area (BPA) to be managed by the building process (Recommendations 47, 48, 49 and 51).

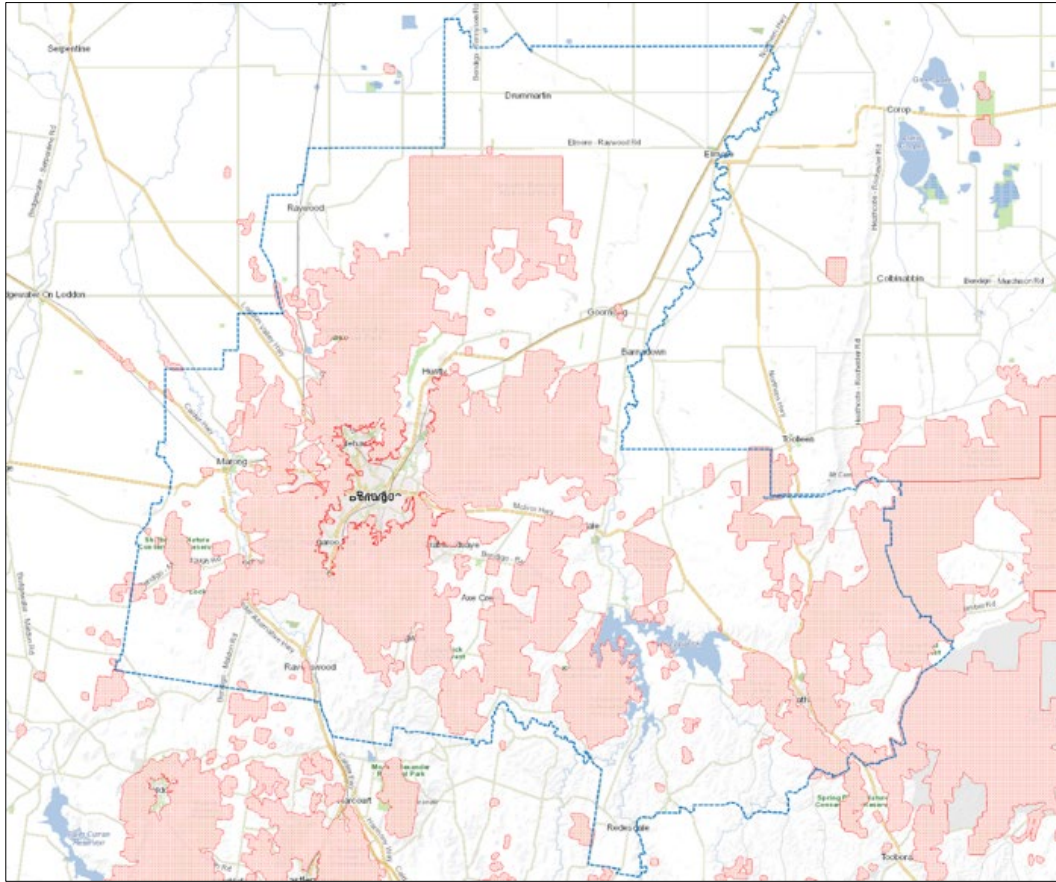
On 18 November 2011, Amendment VC83 introduced new policy and provisions to the Victoria Planning Provisions that implemented the 2009 Royal Commission's recommendations.

Figure 1 shows the extent of the Bushfire Management Overlay in Greater Bendigo (municipal boundary shown in blue outline).

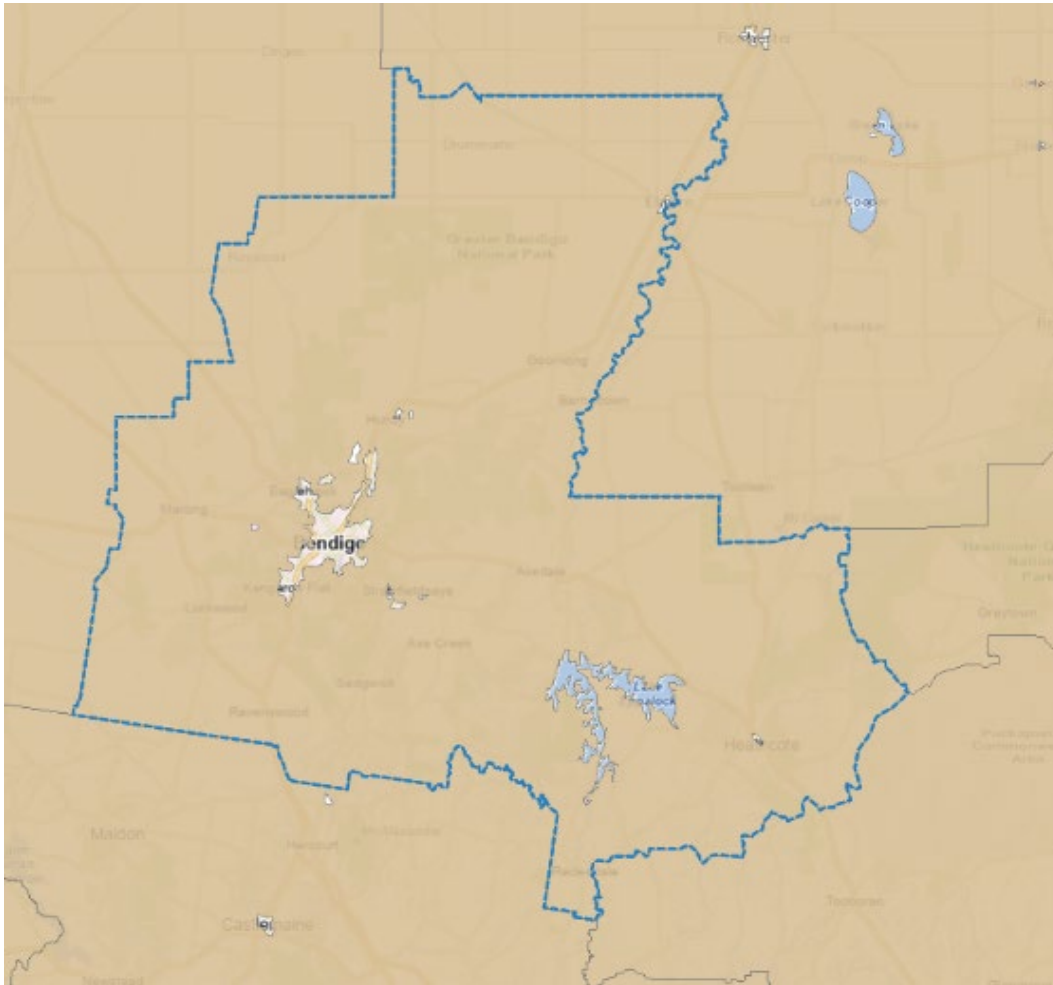
Changes since 2017

Bushfire planning policy in the Victoria Planning Provisions was amended on 12 December 2017, as explained in Planning Advisory Note 68 (March 2018). Clause 13.05 (now Clause 13.02) was revised to extend bushfire planning policy to apply all land in the BPA. The difference between land affected by the Bushfire Management Overlay and BPA in Greater Bendigo is shown in Figure 1 and 2 respectively.

Figure 1 Bushfire Management Overlay extent in Greater Bendigo



Bushfire Management Overlay area shown in red | Source: mapshare.vic.gov.au/vicplan/

Figure 2 Bushfire prone area extent in Greater Bendigo

Bushfire prone area shown in brown | Source: mapshare.vic.gov.au/vicplan/

(iii) Amendment VC248

Amendment VC248 was introduced into the Victoria Planning Provisions and all planning schemes while the Committee was writing its report. Among its changes to Clause 13.02-1S (Bushfire planning), Amendment VC248 revised:

- the terminology and removed sub-headings
- strategies to clarify the operation and intent of the policy
- the 'use and development control' to apply only to a use or development where people may congregate in large numbers.

Clause 13.02 continues to require all planning and decision making to meet its objective and strategies for land:

- in the Bushfire Management Overlay (see Figure 1 for Greater Bendigo)
- in the BPA which applies to most of Victoria (see Figure 2 for Greater Bendigo), or
- proposed to be used or developed in a way that may create a bushfire hazard.

Specific notable changes to the clause's strategies include:

- referring to reliable access rather than safe access
- assessing bushfire hazard based on:

- 'local and neighbourhood conditions' in an area of 5 kilometres from the site rather than the previous 1 kilometre
- the site and conditions within 150 metres (previously no specified distance)
- applying the 'use and development control in a Bushfire Prone Area' strategies only to where people congregate in large numbers
- replacing the relevant strategy with:

Not preparing, adopting or approving a plan that will result in the introduction or intensification of development in an area that has, or will have on completion, a radiant heat exposure of more than 12.5 kilowatts/square metre in the event of a bushfire. In this strategy, 'plan' means a strategic plan, policy statement, and amendment to a planning scheme, including an amendment to the Planning Policy Framework, or a plan approved under a provision of the planning scheme.

For reasons explained in this report, changes introduced by Amendment VC248 do not change the Committee's findings and recommendation regarding authorisation. The Committee has referenced the previous version of Clause 13.02-1S in its report, only because this reflects the submissions to this process.

1.4 Limitations

The Terms of Reference seek advice from the Committee on bushfire settlement planning and the request from Council to authorise the Amendment. This report does not consider:

- whether the Amendment should be authorised based on non-bushfire matters
- the strategic planning merits of including specific land, which will be explored later in the planning scheme amendment process.

2 What is authorisation?

2.1 Background

The Committee has been asked to advise on whether the Amendment can be authorised. Therefore, it is first necessary to understand:

- the purpose of authorisation
- any tests for determining whether an Amendment should be authorised.

The Committee considers the following is relevant when answering those questions:

- PE Act provisions and relevant regulations
- Chapter 2 (Amendments) in *Using Victoria's Planning System* (Department of Transport and Planning, November 2025) (Guide to Victoria's Planning System)
- relevant Ministerial Directions or Planning Practice Notes.

(i) PE sections 16F and 16L

The PE Act does not:

- explicitly state the purpose of authorisation
- prescribe information required to be provided with an application to authorise a draft amendment
- specify relevant considerations for authorisation.

Section 16F of the PE Act requires a municipal council to obtain authorisation from the Minister for Planning before preparing an amendment:

- (1) A municipal council must not prepare an amendment to the State standard provisions or the local provisions of a planning scheme in force in its municipal district unless it has applied to the Minister under this section and the Minister has authorised it to do so.
- (2) An application under this section must be made in accordance with the regulations and contain the information required by the Minister.

Section 16G of the PE Act states that in response to an application for authorisation, the Minister for Planning can:

- authorise the amendment
- decide that the application requires further review
- refuse to authorise the amendment.

If the Minister for Planning decides to authorise an amendment, section 16L of the PE Act states the Minister may impose conditions, including conditions relating to the giving of notice of the amendment.

(ii) Regulations

The *Planning and Environment Regulations 2015* (PE Regulations) do not:

- prescribe information required to be provided with an application to authorise a draft amendment
- specify relevant considerations for authorisation.

(iii) Guide to Victoria's Planning System

The Guide to Victoria's Planning System advises:

the purpose of authorisation is to identify whether a proposed amendment is consistent with state policy or interests, has demonstrated strategic merit and to ensure it makes appropriate use of the VPP³.

The Guide to Victoria's Planning System adds that before applying for authorisation Councils should:

- seek early advice from the Environment Protection Authority
- conduct early engagement with relevant stakeholders including the Traditional Owners
- have regard to:
 - relevant Ministerial Directions, including Ministerial Direction 11 (Strategic Assessment of Amendments) and the Ministerial Direction – The Form and Content of Planning Schemes
 - whether the amendment uses the most appropriate Victoria Planning Provisions tools
- ensure the amendment does not change the planning scheme in a manner that conflicts with state and regional planning policies
- should not conflict with the Municipal Planning Statement or local planning policy
- use Planning Practice Note 46 (Strategic Assessment Guidelines) when evaluating the environmental, social and economic effects of the amendment
- consider advice from relevant referral authorities in preparing the amendment.

The Guide to Victoria's Planning System does not indicate that Council should obtain agreement from all relevant referral authorities at the authorisation stage.

(iv) Planning context

Table 2 identifies planning context relevant to the Amendment.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Planning Policy Framework	- Clauses 13.02-1S (Bushfire planning) and Clause 13.02-1L (Bushfire planning – Greater Geelong) - Clause 71.02-3 (Integrated decision making)
Other planning strategies and policies	- Plan for Victoria
Planning scheme provisions	- Clause 71.02-3 (Integrated Decision Making)

³ Victoria Planning Provisions

Ministerial directions	- Ministerial Direction 11 (Strategic assessment of amendments) which sets out the strategic matters that must be addressed in an explanatory report - Ministerial Direction 15 (The planning scheme amendment process) which sets out process timeframes
Planning practice and advisory notes and guidance	- Planning Practice Note 46 (Strategic Assessment Guidelines) - Planning Practice Note 64 (Local planning for bushfire protection) - Planning Advisory Note 68 (Bushfire State Planning Policy Amendment VC140) - Design Guidelines Settlement Planning at the Bushfire Interface (DELWP, 2020)
Other strategic documents	- Regional Bushfire Planning Framework – Loddon Mallee Region (2012) - Loddon Mallee Bushfire Management Strategy (2020) - Greater Bendigo Municipal Fire Management Plan (18 August 2023) - Planning Advisory Note: Bushfire State Planning Policy Amendment C140 (DELWP, 2018)

2.2 Submissions

Council submitted:

- the purpose of authorisation is to ensure the Amendment is consistent with State planning policy or interests
- it is not the purpose of authorisation to:
 - conduct a full merits review of the strategic underpinnings of the Amendment
 - decide on the specific appropriateness of the bushfire assessment underpinning the Amendment
- this is not the time to assess the specific details of the bushfire response
- detailed assessment will occur through the merits assessment of the Amendment after authorisation
- while the strategic work that underpins the Amendment is appropriate to support the approval of the Amendment in due course, this is not a relevant question at this stage
- CFA and any other party will have the opportunity to comment in more detail on the appropriateness of the bushfire response after authorisation and exhibition
- the question for now is *“whether the work undertaken at this point supports the Draft Amendment proceeding to be authorised under s 16E of the PE Act, having regard to bushfire risk”*.

Council considered the Committee:

- only needs to consider whether the Amendment adequately addresses bushfire risk for the purpose of authorisation
- needs to advise whether the Amendment can be authorised, having regard to the objectives and strategies of Clause 13.02 of the Planning Scheme.

Council referred to previous Panel reports and comments in the Victorian Planning Reports which considered the purpose of authorisation:

- Yarra Planning Scheme Amendment C84 Panel:

Authorisation is a problematic process in that it provides a State “sign-off” but is not an approval.

The Panel's view is that the Amendment should not [sic] been authorised because it was not consistent with State policy. However, one of the primary functions of a Panel process is, in light of submissions to an Amendment, to provide a detailed review of an Amendment.

- Victorian Planning Reports editorial comments:

Your editors believe that DELWP has over-stepped the mark in its consideration of authorisation of the amendment. While the main objective of authorisation is to ensure consistency with State policy or interests and ensure that it makes appropriate use of the VPPs [sic], it is not to review the merits of consultant reports that underpin an amendment. DELWP's meddling in the amendment has resulted in additional costs to Council; increased delay in the process (timing was critical given the sunset clause on the interim heritage controls); and added complexity of the process, which no doubt would have been perplexing to property owners, who were required to weight up differing consultants reports from Council as the planning authority.

CFA did not make specific submissions on the purpose of authorisation. At the Hearing, it submitted:

- it is not CFA's role to advise on authorisation
- ultimately it was a matter for the Planning Authority and the Minister for Planning to decide whether it would accept the level of risk proposed by the Amendment.

2.3 Discussion

General

The purpose of the Minister's authorisation is not explicitly defined in the PE Act or the PE Regulations, however there is sufficient guidance to conclude that the main purpose of authorisation is to ensure:

- general consistency with State policy or interests
- that it appropriately uses the Victoria Planning Provisions.

It is not the purpose of authorisation to comprehensively assess the merits of the Amendment, or its supporting technical work.

The Committee considers that Council generally needs to demonstrate that, when preparing the Amendment it has:

- sought early advice from the Environment Protection Authority
- conducted early engagement with relevant stakeholders including the Traditional Owners
- had regard to relevant Ministerial Directions, include Ministerial Direction 11 (Strategic Assessment of Amendments) and the Ministerial Direction – The Form and Content of Planning Schemes
- appropriately used the Victoria Planning Provisions
- ensured the Amendment does not:

- change the Planning Scheme in a manner that conflicts with state and regional planning policies
- conflict with the Municipal Planning Statement or local planning policy (unless it is updating local policy direction)
- considered Planning Practice Note 46 (Strategic Assessment Guidelines) when evaluating the environmental, social and economic effects of the Amendment
- considered advice from relevant referral authorities in preparing the Amendment.

The Amendment and bushfire risk

Given the Committee's Terms of Reference, the Committee has focussed on whether the Amendment:

- is generally consistent with State and regional bushfire policy, with a focus on Clause 13.02-1S (Bushfire) and Clause 71.0-3 (Integrated decision making)
- has considered advice from CFA, as the relevant referral authority for statutory decisions
- has had regard to Ministerial Direction 11 (Strategic Assessment of Amendments)
- has had regard to Planning Practice Note 46 (Strategic Assessment Guidelines) and Planning Practice Note 64 (Local planning for bushfire protection).
- appropriately uses the Victoria Planning Provisions, with a focus on the relationship between the Amendment and general consistency with State bushfire policy at Clause 13.02-1S (Bushfire).

A response to these questions is addressed in the following chapters. The Committee notes that through the process, Council provided a detailed submission on how the Amendment addressed these questions. Whereas CFA's submission focussed on methodological concerns with the bushfire risk assessment and whether the Amendment led to an acceptable level of bushfire risk (that is a greater focus on the merits of the Amendment from a bushfire planning perspective).

2.4 Conclusions

The Committee concludes:

- The main purpose of the Minister's authorisation is to ensure the Amendment is generally consistent with State policy or interests and that it appropriately uses the Victoria Planning Provisions.
- It is not the purpose of authorisation to comprehensively assess the merits of the Amendment, or the technical work that underpins the Amendment.
- The views of CFA should be seriously considered, although its agreement is not needed for the Minister to authorise the Amendment.
- There will be an opportunity for CFA and any other parties to make submissions on the merits of the Amendment or bushfire assessment methodology underpinning the Amendment later in the planning scheme amendment process.

3 Authorisation assessment

3.1 Introduction

To determine whether the Amendment can be authorised, the Committee has assessed whether the Amendment:

- is generally consistent with State and regional bushfire policy, with a focus on Clause 13.02-1S (Bushfire) and Clause 71.02-3 (Integrated decision making)
- has considered advice from CFA, as the relevant referral authority for statutory decisions
- has had appropriate regard to Ministerial Direction 11 (Strategic Assessment of Amendments)
- has had appropriate regard to Planning Practice Note 46 (Strategic Assessment Guidelines) and Planning Practice Note 64 – Local planning for bushfire protection.

3.2 Bushfire planning policy

(i) The issues

The issues are whether the Amendment:

- is generally consistent with Clause 13.02-1S (Bushfire planning)
- appropriately responds to Clause 71.02-3 (Integrated decision making).

(ii) Background

Clause 13.02-1S (Bushfire planning)

Clause 13.02-1S (Bushfire planning)⁴ of the Planning Scheme states:

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that 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.

Objective

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

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.

⁴ As drafted at the time submissions and evidence were prepared and during Hearing

- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

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 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 conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
 - Local conditions - meaning conditions in the area within approximately 1 kilometre of 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.
- 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.

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 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) 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.
- 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 reducing bushfire risk overall.
- 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.
- 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 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).

(iii) **Clause 71.02-3 (Integrated decision making)**

Clause 71.02-3 (Integrated decision making) of the Planning Scheme states:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. **However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.**

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

(Committee emphasis added)

(iv) **Evidence and submissions**

Council submitted:

- bushfire risk is a key consideration in settlement planning in Greater Bendigo
- Planning Scheme Clause 13.02-1S (Bushfire) and Clause 71.02-3 (Integrated Decision Making) are key state planning policies that apply to bushfire planning
- the Managed Growth Strategy (MGS) and the Amendment are underpinned by three bushfire assessments:
 - Preliminary Bushfire Assessment
 - Terramatrix Bushfire Assessment
 - Council Bushfire Assessment.
- the three assessments were sound and provide sufficient strategic justification for the Amendment with respect to bushfire risk
- the assessments support the identification of Marong, Maiden Gully, Huntly and Strathfieldsaye as growth areas, subject to further investigation
- the bushfire assessments methodology was informed by CFA advice, and independent advice from Mr Hazell⁵ in relation to the methodology for the Terramatrix Bushfire Assessment.
- it has conducted a significant amount of background work to ensure the Amendment will prioritise the protection of human life, in accordance with Clause 13.02-1S.

Responding to CFA's concerns about the Amendment (including the bushfire assessment methodology used), the Council stated:

Noting the CFA's limited opposition to the identification of the growth areas themselves, the CFA's key issue appears to be the use of Potential Growth Areas identified by Council as the starting point for the bushfire assessments.

This objection is unjustified. Firstly, there is nowhere in the Scheme or any practice note that requires an assessment to be municipal wide such that it addresses all locations within a

⁵ Mr Hazell appeared at the Hearing in a different capacity, representing CFA

municipality, such as areas where it is clear that, for other reasons, growth would not be suitable. Mr Hazel confirmed as much in his peer review for Council in October 2022.

In planning for future growth and development, clause 13.02 directs that planning give priority to the protection of human life by prioritising it over all other policy considerations. This does not, however, mean that bushfire planning is the only driver for settlement planning. While an area might be low risk from a bushfire perspective, if it cannot be serviced by infrastructure (particularly infrastructure that protects health, such as sewerage) or is significantly constrained by non-bushfire issues (such as buffers from uses such as broiler farms – a condition impacting both Marong and Huntly, flood risk or contamination) then it would not be a suitable location for population growth and development.

There have been no examples of a municipal wide bushfire assessment being supported by a Panel or underpinning an Amendment. Latrobe City Council prepared the *Latrobe City Municipal Bushfire Risk Assessment 2020* as part of Amendment C127latr. It was proposed to be introduced into the Scheme through a Landscape Bushfire Risk Map in the MPS, and would support various rezonings in line with the Rural Living Strategy. Both the CFA and the Panel did not support the assessment, raising issues with the methodology and recommending further work before the amendment could be progressed.

Further, it should be noted that Council did initially seek to engage Terramatrix to undertake a municipal wide bushfire risk assessment. However, as detailed in the background section of these submissions, Council sought advice from Mr Hazel, and he confirmed that a municipal wide bushfire risk assessment was unnecessary. He noted the lack of utility in looking at areas to establish whether they could be a low bushfire risk location, although it was already known they were not appropriate in a planning sense:

This can be done without considering all places in a municipality within a single study. We think it most unlikely that the strategic growth of Bendigo (city) could be achieved by directing development to, for example, Elmore or Heathcote. They are simply not credible alternatives to Bendigo (city). So why assess them all at the same time and add complexity to the project and stakeholder engagement.

It is curious that the CFA takes issue with the use of the Potential Growth Areas as the starting point for bushfire assessments when it does not appear to object to the outcome of the assessments in directly growth to the four areas themselves, but rather the further detail that is required in relation to the growth areas, which the CFA considers should be done as part of this process. The CFA's objection appears to be a matter of principle. However, the principle is not based in requirements found in the Scheme, including the state policy at clause 13.02-1S.

Accordingly, the methodology for using Potential Growth Areas as the starting point for the bushfire assessments is sound. There is no reason to refuse to authorise the Draft Amendment on this basis.

Mr Allan, who led the Terramatrix Bushfire Assessment in 2023 gave evidence for Council. He stated the methodology used in the assessment was sound and evolved as follows:

- In response to the request for tender, initially Terramatrix prepared a methodology for a municipal wide bushfire assessment.
- Council engaged Mr Hazell to conduct a peer review of the methodology, and at the time Mr Hazell advised that a municipal wide assessment was not warranted and that locations for growth should be based on '*purposeful spatial areas*' focussed on '*Bendigo (city) and the alternative locations within this housing market*'
- The methodology for the bushfire assessment was scaled back to focus on 10 potential growth areas.
- Two additional growth areas were considered in the final 2023 version of the assessment.

Mr Allan found the Amendment to be an appropriate response to the objective and applicable strategies of Clause 13.02-1S. He considered the Managed Growth Strategy:

- aims to achieve a greater proportion of housing in established areas (outside the Marong, Maiden Gully, Huntly and Strathfieldsaye growth areas), with a long-term policy for percent of urban development to occur as 'infill' within established areas, an increase from the current 5 percent figure
- strongly aligns with the State planning policy for bushfire 'Protection of human life' strategy for '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'.

Mr Allan recommended the Amendment's drafting be improved by increasing and strengthening the bushfire content in local policy.

Council accepted Mr Allan's recommended changes and proposed further changes to the Amendment (which it said could be addressed as a condition of authorisation):

- update the local bushfire policy at clause 13.02-1L to apply to Maiden Gully, Huntly and Strathfieldsaye (in addition to Marong) through the Amendment.
- update the local policy content for Maiden Gully, Huntly and Strathfieldsaye Clause 11.03 to include bushfire content as part of the future structure planning or framework planning process in relation to these areas.

Mr Walton, who peer reviewed the Council bushfire assessment (and the Terramatrix Assessment and CFA advice) gave evidence for Council. He stated:

- Council's approach to addressing bushfire risk in relation to the Managed Growth Strategy is fundamentally sound
- potential growth areas have been assessed
- four preferred growth areas were assessed as being of a lower bushfire risk consistent with State policy
- CFA supported this outcome in its letter of advice in January 2024, while raising other issues.
- the Terramatrix Assessment provides a detailed and comprehensive assessment associated with the potential growth areas which Council should be able to rely on
- Council needed to prepare its own bushfire assessment due to the circumstances it experienced
- the preferred growth areas of Marong, Huntly and Strathfieldsaye contain large areas of low bushfire risk suitable for future development subject to a structure plan or similar framework plan
- a structure plan or similar framework plan should address bushfire risk including bushfire mitigation measures particularly at the interface with higher risk areas
- it may be appropriate to refine the preferred growth areas to accord with the areas where a BAL12.5 bushfire rating can be achieved.

Regarding Maiden Gully, Mr Walton stated:

- the Maiden Gully preferred growth area is more complex due to the existing pattern of vegetation
- a structure plan has been adopted for Maiden Gully, however the MGS recommends it be reviewed to lessen the impacts associated with native vegetation

- the MGS needs to provide a clearer direction in relation to the extent of the preferred growth area which needs to be supported by a strategic approach to native vegetation removal through a Native Vegetation Precinct Plan
- the current version of the MGS recognises this by stating:

A reduced growth area will enable a reduction of the bushfire risk to existing and future residents. Certain areas will see vegetation removed or offset where appropriate and buffers introduced, while other areas will be more suitable for lower density residential development than originally intended. The next step to progress Maiden Gully is the preparation of a framework plan which directs growth to more accessible areas and where less vegetation is required to be removed.

Mr Walton questioned whether applying the Bushfire Management Overlay, Design and Development Overlay and Development Plan Overlay created too many layers of control for bushfire risk. He was mindful that there will also be layers of policy including state policy, local policy and precinct specific structure plans. He added:

- local policy should use a more holistic approach with a structure plan or similar framework plan providing precinct specific strategies
- the Development Plan Overlay should be applied to new growth areas to give effect to a structure plan or similar framework plan if required
- it is questionable whether the Design and Development Overlay is needed, particularly where it duplicates provisions in the Bushfire Management Overlay.

CFA submitted:

- the bushfire evidence supporting the Amendment is unnecessarily complex and has not enabled CFA to properly consider Clause 13.02-1S
- the Amendment has not considered a broad range of alternative low risk locations when determining preferred locations for settlement growth, and directs growth to some areas of greater risk
- areas of greater risk:
 - rely on bushfire mitigation being deployed in subsequent planning processes to attempt to secure acceptable outcomes
 - there may be planning challenges in achieving these outcomes, including how bushfire hazards are to be mitigated
- this should be resolved in the Amendment rather than be deferred to a subsequent planning process because it is particularly problematic in the context of:
 - existing Planning Scheme policy directions
 - new policy proposed by the Amendment
- the Amendment has not resolved how the proposed strategic planning framework will enable the orderly delivery of housing and other urban development in a bushfire responsive manner
- the Amendment may establish planning policy settings which invite the balancing of bushfire with other planning matters, contrary to Clause 71.02-3.

Regarding the technical assessments completed, CFA submitted:

The Terramatrix Bushfire Assessment is in part a well-considered analysis of bushfire hazards. With its reliance on modelled and quantitative outputs, a certain appreciation of bushfire risk arises. However, where modelled outputs form the basis of the assessment, a clear line of sight between the analysis and Clause 13.02-1S Bushfire Planning can be difficult to detect.

CFA does not consider that scores or metrics in bushfire assessments are capable of meaningfully informing Clause 13.02-1S Bushfire Planning. The suggestion embedded in the Terramatrix Bushfire Assessment is that bushfire policy is a tick-a-box exercise where criteria, some relevant and some irrelevant to Clause 13.02-1S Bushfire Planning, come together to give an 'answer'. CFA cannot support the Planning Authority in confirming acceptable outcomes based on the Terramatrix Bushfire Assessment, in terms of both its reliance on metric based information and its confined assessment areas.

The Council Bushfire Assessment appears to more demonstrably consider Clause 13.02-1S Bushfire Planning. CFA welcomes the preparation of this document and appreciates the efforts the Council has made in seeking to be responsive to CFA concerns.

Regarding other matters, CFA submitted it had concerns with:

- including Ravenswood as a future investigation area without any specific bushfire assessment
- other changes which would affect bushfire risk, including changes to overlay and zone schedules and other planning provisions that it was not aware of and had not been contemplated in the Terramatrix Bushfire Assessment or the Council Bushfire Assessment.

(v) Discussion

Council has completed a significant amount of work to justify the Amendment from a bushfire planning policy perspective. It has sought independent technical advice and input from CFA since 2021 to ensure that bushfire risk and the policy at Clause 13.02-1S have been addressed.

The Committee considers whether the Amendment is generally consistent with Clause 13.02-1S and appropriately responds to Clause 71.02-3 in further detail below.

Clause 13.02-1S (Bushfire planning)

Council's submission and the evidence of Mr Allan and Mr Walton comprehensively demonstrate that for the purposes of authorisation, the Amendment is generally consistent with Clause 13.02-1S.

Concerns raised by CFA:

- do not appear to be consistent with earlier advice
- go beyond the level of detail required to consider whether the Amendment should be authorised
- seek a level of resolution that is unreasonable for this type of amendment.

The Amendment simply refines the existing growth strategy and importantly from a bushfire risk perspective, the Amendment:

- directs 70 percent of new growth to infill areas, rather than the current direction for 50 percent of new growths
- directs that 30 percent of new growth will occur in green field areas
- deemphasises the 'development ready status' of growth areas in Urban strategic framework plan at Clause 02.04 of the Planning Scheme:
 - the framework plan currently identifies 'Residential Growth Area' and includes arrows indicating 'Future urban investigation areas' beyond the Urban Growth Boundary

- the proposed framework plan describes these areas as 'Potential future development locations' and includes a disclaimer that growth is 'subject to further investigation'
- includes relatively lower bushfire risk locations (experiencing a mainly a grassfire hazard type) in the proposed Urban Growth Boundary extensions (to the south-east of Huntly and Strathfieldsaye).

The Committee considers a municipal-wide bushfire assessment of all possible growth options does not need to be conducted. This is not an appropriate starting point for an assessment. It would not be appropriate for Council to select future growth areas solely based on the area being relatively low bushfire risk. The growth areas need to have a reasonable prospect of meeting other policy objectives and servicing requirements. For example, the proposed Urban Growth Boundary extension at Huntly is close to a station and maintains the buffer to the existing poultry farm (including the biosecurity requirements).

The Committee is satisfied the Amendment is directing growth to the lower bushfire risk locations. The nature of the Amendment demonstrates the complexity and shortfalls of Clause 13.02-1S, even in its form after Amendment VC248. Greater Bendigo Amendment C287gben revises strategic directions for future growth areas without proposing to rezone that land.

Since 2017, planning policy has required considering whether land in the bushfire prone area (most of Victoria) can achieve *"a radiant heat exposure of more than 12.5 kilowatts/square metre in the event of a bushfire"*. This relies on a lot of assumptions regarding the final development design when assessing this expectation so early in the strategic planning process. This consideration may be more accurate if the Amendment was proposing to rezone specific land.

As indicated earlier, the Amendment identifies larger areas to be further investigated before any rezoning will be considered. The broad nature of the Amendment makes any assessment regarding its alignment with Clause 13.02-1S more challenging.

While the Committee is generally satisfied the Amendment is generally directing growth to the lower bushfire risk locations, it has some comments regarding land identified in Maiden Gully, Ravenswood and the local policy provisions.

Maiden Gully

This is the highest bushfire risk location (of the four potential growth areas selected) and likely to be the most challenging in terms of creating a structure plan that can reconcile bushfire planning objectives, native vegetation objectives and delivery of developable land for housing. However, this is a merit-based detail that should be considered if the Amendment is authorised.

Ravenswood

The Committee agrees with CFA, that there is insufficient bushfire assessment to justify the identification of the 'Ravenswood investigation area' on the Urban strategic framework plan at Clause 02.04.

Local policy

The Committee suggests the following drafting improvements:

- Clause 11.01-1L-01 (Settlement Greater Bendigo) – revise the following strategy:

Avoid rezoning land for residential use outside the Bendigo Urban Growth Boundary unless it abuts the urban growth boundary and all of the following can be met:

- The location is shown to be a low risk location where good access and egress to places of relative safety from bushfire is available.
- Clause 13.02-1L (Bushfire planning – Greater Bendigo) – add the following additional strategies:

Ensure that essential bushfire protection measures are accommodated in the structure planning phase of the Huntly, Maiden Gully and Strathfieldsaye 'Proposed Growth Areas (subject to further investigation)' identified in the Urban Strategic Framework Plan at clause 02.04.

Ensure that the development of the Maiden Gully 'Proposed Growth Area (subject to further investigation)' identified in the Urban Strategic Framework Plan at clause 02.04 only occurs where environmental values and the character of the area is not significantly affected by the implementation of bushfire protection measures.

Clause 71.02-3 (Integrated decision making)

Council has adopted a reasonable response to Clause 71.02-3 (Integrated decision making). That clause requires a decision maker to prioritise bushfire risk over other policy considerations (such as housing supply, vegetation protection or environmental health), but this does not mean that all other policy objectives should be completely disregarded.

CFA seemed to suggest that growth should be directed to the 'lowest risk' locations with limited regard to other constraints or policy direction. For example, CFA suggested that the growth around Huntly could be directed to the north – but this would directly conflict with the Specialised Breeders Australia facility (a poultry breeder and supplier with specific biosecurity requirements). The Committee does not believe that Clause 71.02-3 should be read to mean that the specific needs of industry should be disregarded due to bushfire considerations, particularly at this higher-level strategic planning stage.

The Committee expects that some refinement of the identified potential growth areas will need to occur as part of a future planning scheme amendment process.

(vi) Conclusions

The Committee concludes:

- The Amendment is generally consistent with the State policy at Clause 13.02-1S (Bushfire planning).
- The Amendment appropriately responds to Clause 71.02-3 (Integrated decision making).
- The Maiden Gully potential growth area is likely to be the highest risk location (of the four potential growth areas selected) and likely to be the most challenging in terms of creating a structure plan that can reconcile bushfire planning objectives, however, this is a merits-based issue that should be addressed if the Amendment is authorised.
- The 'Ravenswood investigation area' should be:

- deleted from the Urban strategic framework plan at Clause 02.04 as a condition of authorisation, or
- supported by a further bushfire planning assessment to demonstrate that including this investigation area meets State policy at Clause 13.02-1S.
- The policy changes proposed by City of Greater Bendigo should be incorporated into the Amendment as a condition of authorisation.

3.3 CFA advice

(i) The issues

The issue is whether Council has appropriately considered CFA advice when preparing the Amendment.

(ii) Evidence and submissions

Council submitted that it:

- attempted to engage with CFA over many years when preparing the Amendment
- sought independent advice from bushfire consultants when it was unable to obtain CFA advice
- would have appreciated more direct recommendations from CFA about what steps need to be undertaken.

Council considered the issues raised by CFA:

- are matters that can be properly considered by a Panel or Committee considering the Amendment
- should not further delay the Amendment's authorisation because they are not relevant to the authorisation process.

Council added that it:

- sought to take on board and respond to CFA's feedback when preparing the Amendment
- appreciated the critical role that CFA plays in strategic planning and that CFA's ability to consult with Council and provide advice is constrained by its limited resources
- remained committed to working with CFA to progress the Amendment.

CFA submitted:

- it did not have a view on whether the Amendment should be authorised
- Council had sought to engage with it during the process, in line with the Ministerial Directions requirements
- it had previously provided comments to Council regarding the MGS in January and July 2024
- whether the level of risk was acceptable at the authorisation stage is a matter for Council and the Minister for Planning.

(iii) Discussion

The purpose of the Committee is to consider whether the Amendment can be authorised. CFA's submission:

- raised methodological issues (late in the engagement process)
- focussed on who should be making the decision about 'what is acceptable risk'.

CFA's input is important at the early stage of the strategic planning process because it provides critical advice to Council and the Minister about bushfire risk. Accordingly, CFA's advice should not form the basis for deciding whether the Amendment should be authorised. CFA itself acknowledged it is not its role to advise whether the Amendment should be authorised.

The Committee considers CFA's advice goes beyond the purpose of authorisation which is predominantly to ensure the Amendment is generally consistent with state policy and interests. Its advice may be more appropriate later in the Amendment process.

For the purposes of authorisation, Council has:

- met its obligation by seeking and considering CFA's advice
- comprehensively documented the level of consultation with CFA since 2021
- taken all reasonable steps (and gone beyond) to consider and address the views of CFA when preparing the Amendment.

For example, where it was unable to receive a response from CFA, it engaged suitably qualified consultants to provide advice on methodology and the outcomes of the bushfire planning assessment.

It would have been helpful if CFA provided clearer advice focussed on this stage of the planning process to inform the Minister (or delegate) whether the Amendment should be authorised. However, as discussed earlier in this report, CFA's advice, even if not favourable, does not restrict the Minister's ability to authorise the Amendment.

(iv) Conclusions

The Committee concludes:

- Council has appropriately considered advice from CFA when preparing the Amendment.
- Complete agreement from CFA on all aspects of the Amendment is not required before it is authorised, given that authorisation needs to consider a broader range of policy objectives.
- Council has taken a more than reasonable approach in seeking advice from CFA including engaging independent consultants to advise on the bushfire assessment methodology and outcomes.
- The advice from CFA (received up to 2024) has been satisfactorily considered and responded to in the Amendment, for the purpose of authorisation.

3.4 Ministerial directions and planning practice notes

(i) The issues

The issues are whether the Amendment:

- meets the requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) with respect to bushfire risk
- has been prepared appropriately, having regard to Planning Practice Note 46 (Strategic assessment guidelines) and Planning Practice Note 64 (Local planning for bushfire protection).

(ii) Background

Regarding bushfire, Ministerial Direction 11 states that in preparing a planning scheme amendment a planning authority must:

Evaluate and include in the explanatory report an explanation of how the amendment addresses the following strategic considerations:

- How does the amendment address any relevant bushfire risk?
- How does the amendment address the views of any relevant agency?

Planning Practice note 46 states:

An amendment must be assessed to determine whether the changes proposed will result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

- Does the amendment meet the objectives and give effect to the strategies to address bushfire risk in the Planning Policy Framework (clause 13.02 of the planning scheme)?
- Has the view of the relevant fire authority been sought in formulating the amendment? If the relevant fire authority has provided advice this should be summarised in the explanatory report.
- If the planning scheme includes a Local Planning Policy Framework at clause 20, is the amendment consistent with the objectives and strategies that apply to bushfire risk?
- Is local policy for bushfire risk management required to support the amendment?

Planning Practice Note 64 (Local planning for bushfire protection) outlines a four-step approach to considering bushfire in planning decisions:

- *Establish the context*
Drawing on factual information, including location, planning controls, fire history, prevention plans and risk registers
- *Identify the risks from bushfire*
Considering bushfire behaviour, features that could affect the risk and the risk arising from the proposal itself (in this case the nature of the change to the planning scheme proposed by the Amendment)
- *Analyse and evaluate the risks*
Key input into decision making on whether the risk has been reduced to an acceptable level, particularly where choices must be made and different risk mitigation options are available.
- *Translate risk mitigation into the planning scheme controls*
Consider how the necessary risk mitigation is accommodated in proposed planning scheme provisions.

(iii) Evidence and submissions

Council submitted the Amendment has been prepared in accordance with:

- Design Guidelines Settlement Planning at the Bushfire Interface (DELWP, 2020)

- Planning Advisory Note 68: Bushfire State Planning Policy Amendment VC140 (DELWP, 2018)
- Planning Practice Note 64: Local planning for bushfire protection (DELWP, September 2015).

Mr Allan stated the bushfire assessment identified the potential hazards in accordance with commonly accepted methodologies in Practice Notes 64 and 68 as well as:

- BMO/AS 3959-2018
- Planning Permit Applications – Bushfire Management Overlay, Technical Guide (DELWP, 2017)⁶.

Council considered the Bushfire Assessment comprehensively addressed how the practice notes align with the framework for bushfire planning and how the Amendment addresses this.

(iv) Discussion

The Committee is satisfied the Amendment meets the requirements of Ministerial Direction 11 regarding bushfire by explaining how it addresses:

- relevant bushfire risk
- the views of the relevant agency – CFA.

The explanatory report includes a comprehensive bushfire risk assessment based on three bushfire assessments.

Council has had regard to the views of CFA when preparing the Amendment. This level of engagement is suitable for the purpose of authorisation.

The Amendment addresses the relevant sections of Planning Practice Notes 64 and 68. Mr Allan's evidence persuaded the Committee that the four-step process in Planning Practice Note 64 has been followed. His methodology was informed by technical advice, and the work was peer reviewed.

The Committee is satisfied that for the purpose of authorisation, the implications of these planning provisions has been appropriately considered. The proposed policy changes provide stronger policy support for infill development and clarify that further work is required before the 'potential growth areas' can be developed. On balance, this approach is generally consistent with Clause 13.02-1S.

(v) Conclusions

The Committee concludes the Amendment:

- meets the requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) with respect to bushfire risk
- has been prepared appropriately, having regard to Planning Practice Note 46 (Strategic assessment guidelines) and Planning Practice Note 64 (Local planning for bushfire protection).

⁶ The Committee notes this guidance was amended when Amendment VC248 came into effect.

Appendix A Document list

No.	Date	Description	Provided by
2026 Referred documents			
1	29 Jan	Amendment documents: a) Instruction Sheet b) Explanatory Report	Department of Transport and Planning (DTP)
2	29 Jan	Draft planning scheme maps: a) Draft Planning Scheme maps b) Draft Planning Scheme maps proposed to be deleted	DTP
3	29 Jan	Draft ordinance: a) Clause 02 Municipal Planning Strategy (clean and tracked versions) b) Clause 02.03 Strategic Directions (clean and tracked versions) c) Clause 02.04 Strategic Framework Plans (clean and tracked versions) d) Clause 11.01 Victoria (clean and tracked versions) e) Clause 11.03 Planning for Places (clean and tracked versions) f) Clause 15.01 Built Environment (clean and tracked versions) g) Residential Growth Zone Schedule 1 (clean and tracked versions) h) General Residential Zone Schedule 1 i) General Residential Zone Schedule 2 j) General Residential Zone Schedule 3 k) General Residential Zone Schedule 4 l) General Residential Zone Schedule 5 m) General Residential Zone Schedule 6 n) General Residential Zone Schedule 7 o) General Residential Zone Schedule (tracked deleted version) p) Neighbourhood Residential Zone Schedule 1 (clean and tracked versions) q) Neighbourhood Residential Zone Schedule 2 (clean and tracked versions) r) Neighbourhood Residential Zone Schedule 3 s) Neighbourhood Residential Zone Schedule 4 (clean and tracked versions) t) Neighbourhood Residential Zone Schedule 5 u) Neighbourhood Residential Zone Schedule 6	DTP

No.	Date	Description	Provided by
		v) Neighbourhood Residential Zone Schedule 7 w) Neighbourhood Residential Zone Schedule 8 x) Neighbourhood Residential Zone Schedule 9 y) Neighbourhood Residential Zone Schedule 10 z) Significant Landscape Overlay Schedule 1 (clean and tracked versions) - aa) Neighbourhood Character Overlay Schedule 1 (clean and tracked versions) - bb) Neighbourhood Character Overlay Schedule 2 (clean and tracked versions) - cc) Clause 72.04 Schedule Incorporated Documents (clean and tracked versions)	
4	29 Jan	Background reports: a) Bushfire Assessment of Potential Growth Areas (City of Greater Bendigo, July 2024) b) Draft Neighbourhood Character Design Guidelines (City of Greater Bendigo, 2024) c) Greater Bendigo Housing and Neighbourhood Character Strategy (Plan2Place, Aug 2024) d) Greater Bendigo Housing Capacity Analysis (Sept 2024) e) Greater Bendigo Housing Capacity Analysis (REMPLAN, Jan 2025) f) Managed Growth Strategy (City of Greater Bendigo, Oct 2024) g) Potential Growth Areas Final Bushfire Assessment h) Preliminary and Ecological Bushfire Risk Assessments i) Preliminary and Ecological Bushfire Risk Assessments Part A j) Preliminary Ecological and Bushfire Risk Assessments, Part A (Practical Ecology, Feb 2022) k) Preliminary Ecological and Bushfire Risk Assessments, Part B (Practical Ecology, Feb 2022) l) Preliminary Ecological and Bushfire Risk Assessments, Part B - Maps (Practical Ecology, Feb 2022) m) Review of Neighbourhood Character and Significant Landscape Overlays (Plan2Place, Aug 2024) n) Review of Neighbourhood Character and SLO's	DTP

No.	Date	Description	Provided by
5	29 Jan	Agency referral responses: a) Country Fire Authority b) Coliban Water c) Dja Dja Wurrung Clans Aboriginal Corporation d) DTP (Transport) e) Environment Protection Authority f) Heritage Victoria	DTP
6	29 Jan	Extract from Greater Bendigo City Council Meeting Minutes (16 Sept 2024) – Council Resolution on the Managed Growth Strategy	DTP
7	29 Jan	Letter from DTP to Council advising further review of Amendment required	DTP
2026 Tabled documents			
8	4 Mar	Committee Directions and Hearing Timetable (version 1)	Planning Panels Victoria (PPV)
9	5 Mar	Committee Directions and Hearing Timetable (version 2)	PPV
10	16 Mar	Letter to Committee responding to invitation to appear at the Hearing	DTP
11	16 Mar	Expert evidence of Philip Walton (bushfire) a) Evidence Statement b) Attachment 1 – XWB Peer Review of Bushfire Assessment (27 Jun 2024) c) Attachment 2 – XWB Peer Review of Bushfire Assessment (12 Jul 2024) d) Attachment 3 – XWB Peer Review of Bushfire Assessment (24 Jul 2024)	Greater Bendigo City Council (Council)
12	16 Mar	Expert evidence of Hamish Allan (bushfire)	Council
13	17 Mar	Main submissions a) Main submission b) Attachment A – Chronology c) Attachment B – Additional documents referred to in Chronology d) Attachment C – Summary of proposed Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone schedules	Council
14	17 Mar	Hearing submission	Country Fire Authority (CFA)
15	23 Mar	Response to CFA submission	Council
16	24 Mar	Letter to Council with questions for Philip Walton	PPV

No.	Date	Description	Provided by
17	26 Mar	Marked up ordinances	Council
18	7 Apr	Philip Walton's response to Committee's questions	Council
19	7 Apr	Final response submission	Council

Appendix B Terms of Reference

Advisory Committee appointed pursuant to Part 7, section 151 of the Planning and Environment Act 1987 (the Act) to provide independent advice to the Minister for Planning (the Minister) about bushfire settlement planning and the request from the Greater Bendigo City Council (the Council) to be authorised to prepare proposed Greater Bendigo Planning Scheme Amendment C287gben (the proposed amendment).

Name and membership

1. The Advisory Committee is to be known as the 'Bushfire Planning Advisory Committee - Proposed Greater Bendigo Planning Scheme Amendment C287gben' (the Committee).
2. The Committee is to have members with the following skills:
 - a) Strategic and statutory planning
 - b) Bushfire planning.
3. The Committee will include a Chair and Member.
4. The Committee may engage specialist advice as required.

Purpose

5. The purpose of the Committee is to provide timely advice to the Minister on bushfire settlement planning, and whether proposed Planning Scheme Amendment C287gben (the proposed amendment) can be considered for authorisation.
6. The Committee will provide advice on the effectiveness of current bushfire planning provisions and recommend improvements to strengthen land use planning outcomes in bushfire-prone areas.
7. The Committee will specifically consider whether Council's methodology and response to Clause 13.02 (Bushfire planning) used in the proposed amendment is adequate, supports and gives effect to the objective and strategies of this clause.
8. If the Committee considers that the proposed amendment has not given appropriate consideration to the objectives and strategies of Clause 13.02-1S (Bushfire planning), it will provide advice about further work that may be required to address this and progress the proposed amendment.
9. The Committee's advice will inform policy development to ensure Victoria's planning system appropriately supports community safety and bushfire preparedness.

Background

10. Bushfire settlement planning in Victoria is guided by the principle that the protection of human life must be the highest priority in all planning decisions. It must ensure that settlement patterns and new land use and development appropriately respond to bushfire risk. Key strategies include directing population growth and development to low risk locations; assessing alternative low risk locations; ensuring new development is setback from the bushfire hazard; providing reliable access to areas

where human life can be better protected from the effects of bushfire; and where development does occur, appropriate bushfire protection measures are applied. It also plays a critical role in reducing the long-term cost and impact of bushfire events.

11. On 16 September 2024 Council adopted the Greater Bendigo Managed Growth Strategy August 2024 (MGS), which establishes a long-term residential framework plan to accommodate the expected 87,000 more residents and 38,000 more dwellings needed in Greater Bendigo to 2056. The MGS identifies potential growth areas including Maiden Gully, Jackass Flat, Huntly and Strathfieldsaye as well as the satellite township in Marong.
12. Housing Targets set by the Victorian Government nominate a figure of 37,000 new dwellings (26,000 non-greenfield, 11,000 greenfield) that need to be delivered in Greater Bendigo to meet projected population growth and housing demand to 2051.
13. The MGS is intended to be used as a strategic document to direct residential development to locations that are considered well serviced and able to better support population and economic growth. To deliver the MGS, new policy is required to direct growth to established urban areas. Minimal, incremental and substantial change areas have been identified to support different types and densities of development to provide diversity of housing types.
14. The MGS was informed by the City of Greater Bendigo Potential Growth Areas Final Bushfire Assessment (October 2023) prepared by Terramatrix (Terramatrix Bushfire Assessment) and the City of Greater Bendigo Bushfire Assessment of Potential Growth Areas (July 2024) prepared by the City of Greater Bendigo (Council Bushfire Assessment).
15. In a submission to the MGS, the Country Fire Authority (CFA) advised that it did not support the strategy and the identified growth areas and emphasised the plan for locations based on a strategic bushfire risk and current bushfire planning policy and strategy.
16. On 1 April 2025, Council submitted the proposed amendment to the Minister with a request for authorisation to prepare the amendment under section 8A of the Act. On 14 April 2025, the Department of Transport and Planning, under delegation from the Minister, advised that the request for authorisation requires further review.
17. The Minister determined to establish the Committee to consider whether the proposed amendment appropriately responds to bushfire planning and can be considered for authorisation, in its current form.

Method

18. The Committee may meet, and depending on the issues raised, undertake consultation that is fit for purpose. This may be on the papers, through round table discussions or forums, or a hearing.
19. The Committee will provide a targeted and timely process to consider whether the proposed amendment appropriately responds to Clause 13.02-1S (Bushfire planning) and can be considered for authorisation.
20. The Committee may apply these Terms of Reference in any way it sees fit.

21. The Committee may limit the time of parties appearing before it and may regulate or prohibit cross examination (if required).
22. The Committee must not provide, or require Council to provide, any public notification or referral of the proposed amendment or matters referred.
23. The Committee must seek the views of Council and the CFA and may seek the views of any relevant referral authority, responsible authority, government agency or registered Aboriginal party on the matters referred to it and may invite these groups to participate in any process as required.

Submissions are public documents

24. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.

Committee Assessment

25. The Committee may inform itself in any way it sees fit, but must consider all relevant matters, including, but not limited to:
 - a) the Planning and Environment Act 1987 and any relevant Minister's Directions and departmental practice notes, advisory notes and guidelines
 - b) the Greater Bendigo Planning Scheme
 - c) the strategic justification for the proposed amendment
 - d) the MGS
 - e) the submissions and views of the Council and CFA
 - f) the submissions and views of any relevant authority, responsible authority, government agency or registered Aboriginal party if sought
 - g) all relevant material provided to the Committee
 - h) any other material referred to it.
26. The Committee may request the Council and relevant parties to provide additional information on specified matters.

Outcomes

27. The Committee must produce a written report for the Minister, providing the following:
 - a) An assessment of whether the proposed amendment is appropriate in light of the provisions of the Act and the Greater Bendigo Planning Scheme, including Clause 13.02-1S of the State Planning Policy Framework, and can be considered for authorisation
 - b) A summary and assessment of the issues raised in materials referred to the Committee
 - c) Any other relevant matters raised during the Committee process
 - d) Its findings and recommendations on all key issues

- e) A list of tabled documents
 - f) A list of persons consulted or heard and who made submissions considered by the Committee.
28. If the Committee finds that further work or guidance is required to enable the Minister to consider the request for authorisation, the Committee is required to provide its recommendations about this work.

Timing

29. The Committee will provide its report to the Minister as soon as practicable but no later than 40 business days from the last day of proceedings.
30. The release of the Committee report is at the discretion of the Minister.

Fee

31. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
32. The costs of the Committee will be met by the Council.
33. Planning Panels Victoria is to provide any necessary administrative support to the Committee. In addition, the Council is to provide any necessary administrative or technical support to the Committee in relation to the conduct of the hearing (if required).

HON SONYA KILKENNY MP
Minister for Planning
Date: 22/12/2025