FRIENDS OF THE BOX-IRONBARK FORESTS (Mount Alexander Region) Inc

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**BUSHFIRE MANAGEMENT OVERLAY ADVISORY COMMITTEE**

**SUBMISSION – PLANNING SCHEME AMENDMENT C36**

As a response to the Committee’s advice of 25 March 2014 we are making the following comments on the Ecological Assessment dated March 2014. We will also make some more general comments on how we see bushfire protection measures affecting the vegetation and biodiversity values of the forests on site and surrounding the site.

Ecological Assessment, March 2014

An error has occurred in assessing the conservation significance of the 11.5 ha patch of Valley Grassy Forest (VGF), site 10. The table Determining Conservation Significance, as used in this assessment, gives the overall conservation significance of the vulnerable VGF with a habitat score of 64, as “very high”. The Report has listed the overall conservation significance of this patch as only “high”. This is a significant error as the extent of the VGF is large (11.5 ha).

We find it illogical that the threatened species rating of site 6 is “high”, due to the evidence of the threatened Brush-tailed Phascogale found on site, but none of the surrounding forest is classified as “high”. The Action Statement for the Phascogale notes that they need a home range greater than 100 ha. The Statement also says they need leaf litter, logs and rough barked trees for foraging. The forest EVCs around site 6 have all these attributes and hence must be part of the remaining 50% of habitat, just as site 6 is.

A typographical error has been made in Table 2 (p11 of the assessment) with site 6 – the area of this patch is vastly more than the 0.23 ha shown.

New Bushfire Protection Planning Provisions

Although the public raised the issue of the bushfire threat to residential development at Tarran Valley, the original Panel did not list bushfire safety as an issue.

Following the horror of the Black Saturday bushfires there have been major changes in the State Planning Policy Framework (SPPF). A new Clause 13.05-1 on bushfire safety follows the recommendations of the Royal Commission and now gives priority in planning to protecting human life over other policy considerations and to applying the precautionary principle to planning in areas at risk from bushfire.

There are many assumptions and simplifications involved in the modeling that has lead to the BMO conditions (Clause 52.47) which have been detailed in the fire expert submissions to the Committee. In our view a more precautionary approach than that offered by Clause 52.47 is needed. Some of the reasons for this are:

* Flame temperature can be well over the assumed value of 1090K (or 1200K) (Sullivan et al 2003#).

* Fire behavior in extreme weather can be unpredictable with the creation of convection columns and fire storms which make the BMO models invalid.

* The assumption that Tarran Valley is Woodland, which cannot support a running crown fire, would break down with extreme fire weather as the forests there have a highly connected canopy.

* In extreme fire weather, the FFDI can be above the assumed FFDI of 100 (or 120).

* The CSIRO / Bureau of Meteorology have reported on bushfire weather and climate change (Lucas et al 2007\*). Climate predictions indicate Very Extreme and Catastrophic fire danger days may become much more common. Very Extreme Fire Weather is where the Forest Fire Danger Index (FFDI) is greater than 75. Bendigo currently experiences Very Extreme Fire Weather days around once every 11 years but with a High Level of global warming (1deg C rise by 2020) these days may occur every 6-7 years by 2020. By 2050 these days may be occurring every 2-3 years with a High Level of global warming. An updated report is due in 2014.

We believe orderly planning requires the application of the precautionary principle at the rezoning (i.e. strategic) planning level. The BMO specifications are more to do with planning permits at the statutory planning level. Applying the precautionary principle to a residential rezoning at Tarran Valley would find this area unsuitable for residential development at the density proposed.

We note a similarity between how the precautionary principle should be implemented for bushfire safety and how planning tribunals are implementing a precautionary principle to residential development in open potable water catchments. Here, tribunals are demanding that domestic waste water management plans have evidence that planning permit conditions on waste water treatment are not only implemented, but also monitored and enforced by councils. There has been no evidence put to this Committee that there is any implementation, monitoring and enforcement of permit conditions for bushfire safety – a precautionary approach to planning decision making would need such evidence.

*# A Review of Radiant Heat Flux Models used in Bushfire Applications;* AL Sullivan, PF Ellis & IK Knight; International Journal of Wildland Fire, 2003, **12**, 101-110.

*\* Bushfire Weather in Southeast Australia: Trends and Projected Climate Change Impacts;* Lucas, Hennessy, Mills, Bathols, 2007,([www.climateinstitute.org](http://www.climateinstitute.org/))

and in the surrounding forest are foraging habitat for the threatened Brush-tailed

Effect on Biodiversity of Bushfire Protection Provisions

There would be no dispute that the idea of vegetation management for bushfire protection is to keep leaf litter, woody debris and under storey to a low level. However , this form of management inevitably removes key habitat for invertebrates and small mammals and reptiles. In Tarran Valley this would have serious consequences. The forests on the subject land and surrounding land are foraging habitat for the threatened Brush-tailed Phascogale. The bushfire protection measures required if this development went ahead as planned would have a major impact on the Phascogale.

In the development proposal put to the original Planning Panel a key basis for the development was a 65ha area of protected habitat (refer p11 of 2008 Flora & Fauna Statement of Evidence). Now with the new bushfire protection measures and a precautionary approach, vegetation management over the entire site is being requested. In addition the public land manager is saying they will be under public pressure to apply an increased Asset Protection vegetation management over about 270 ha of forest in the adjoining Maldon Historic Reserve. If there was any possible environmental net gain with this proposal (as was originally claimed but also disputed) then it has been long lost with the changes in bushfire protection now required.

The original impetus for this proposed development came from the 2006 Mount Alexander Shire Rural Living Strategy where a key principle was that any proposal had to demonstrate a “net environment gain”. This principle has been retained in the 2014 Rural Land Study and added to with bushfire safety and water quality concerns. Now in 2014 we find that any area of protected habitat is going to be lost because of the bushfire protection measures required to make the development safe. The proposed development does not now satisfy the “net environment gain” threshold.

We note there are large tracts of private forested land adjoining the subject site to the south and the east. We don’t believe there is any mechanism for planning controls on the subject site to cause bushfire protection measures on adjoining private forest ( and adjoining public land) necessary to make the proposed development safe.

Conclusion

Planning decisions are made using the policies and regulations in force at the time of making the decision. In this case the catastrophic events of Black Saturday have resulted in major strengthening of bushfire protection measures since the first round of decisions were made on Tarran Valley. Now, to make such a development safe for residents, there would have to be such a severe vegetation management regime instituted and policed that the biodiversity costs of this would be unacceptable. This is especially the case as the forests on the subject site and the surrounding forests are the foraging home range for the threatened Phascogale.

We believe the intensity of this residential development is too high and would suggest a low level of development in the cleared areas of the northern part of the site. By having the housing removed from near the forest, not only are the residents safer but the biodiversity of the forests can be protected.

Frank Panter for FOBIF

30 April 2014