

## 6.2.8 Bushfire Neighbourhood Safer Places Endorsement

**Responsible GM:** Debbie Tyson  
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### Recommendation(s)

That Council endorse the relocation of the Neighbourhood Safer Place - Bushfire Place of Last Resort from Pepi's Land Emerald to Worrell Reserve (Oval and Car Park) Emerald and formally designate the site in accordance with Section 50K of the Country Fire Authority Act and amend the Municipal Neighbour Safer Places Plan accordingly.

### Attachments

1. Neighbourhood Safer Places Plan 2020 [6.2.8.1 - 13 pages]

### Executive Summary

A 'Neighbourhood Safer Place' also known as a 'Bushfire Place of Last Resort' (NSP-BPLR) is a place of last resort when all other bushfire plans have failed. NSP-BPLRs are designated by Council through the Municipal Fire Management Planning Committee and in conjunction with the steps outlined in the Municipal Neighbourhood Safer Places Plan. Council has three NSP-BPLRs - in Emerald, Cockatoo and Gembrook.

In 2018, the NSP-BPLR at Emerald was moved from the Worrell Reserve location to Pepi's Land, while redevelopment of Worrell Reserve for the Hills Hub and sporting pavilion took place.

Earlier this year, the local Country Fire Authority (CFA) brigade approached the Cardinia Municipal Fire Management Planning Committee (MFMP) raising a number of concerns in relation to the Pepi's Land site and suggested that the NSP-BPLR for Emerald would be better placed at Worrell Reserve, where it was previously established.

The MFMP, which has representatives from CFA, Department of Energy, Environment and Climate Action (DEECA), Local Fire Brigades, Melbourne Water and Victoria Police, considered the approach and endorsed the recommendation that the NSP-BPLR site be moved back to Worrell Reserve. The reserve asset management committee have approved the proposed move.

The relocation has been recommended as the existing site, whilst compliant, does not provide the best chance of safety for residents in the event of a bushfire and is located some way from the Emerald township. The new site provides greater reticulated water supply and more defensible space should a bushfire impact Emerald and is also a natural place of convergence for the community.

Council, on behalf of the MFMP, requested the CFA undertake an assessment of the Worrell Reserve site. CFA has advised that the site is compliant with CFA guidelines. The next step requires formal designation of the site as an NSP-BPLR which requires an endorsement from the Council.

### Background

Reducing the impact of bushfires is a shared responsibility between government, emergency service organisations and the community. It is also critical for those living in high bushfire risk

areas to have a backup plan should their primary plan fail or be unable to be implemented. A backup plan should identify shelter and last resort options available to them.

NSP-BPLRs were established following the Victorian Bushfire Royal Commission (VBRC) into the 2009 Black Saturday Fires as a last resort for those caught in the path of a bushfire where their earlier plans have failed.

In 2013/14 Council had several sites assessed in its highest risk areas to become an NSPBPLR and three were deemed suitable, Cockatoo, Emerald and Gembrook. In 2018, the Emerald NSP-BPLR was moved from Worrell Reserve to Pepi's Land and in 2020 the Cockatoo site was moved from Mountain Road to the Cockatoo Community Complex. Since their establishment, there is no confirmed evidence of actual use of the sites as places of last resort, but they remain a critical piece of Council's bushfire prevention infrastructure.

The Worrell Reserve site formed the Emerald NSP-BPLR site from 2014 until 2018, when the NSP-BPLR was moved due to construction works at the site. At this time, Pepi's Land was identified as a compliant alternative site, however there are a number of shortcomings with the site, irrespective of the technical compliance with radiant heat levels.

The identified shortcomings with Pepi's Land are outlined below:

- One access/egress route
- No reticulated water
- Car park and netball courts are at top of steep hill, slope of 6 degrees, 50m of elevation.
- Although well maintained by council it presents a risk due to fire behaviour, especially from the south-west.
- History of fire ignitions to south of site in Cardinia Reservoir surrounds, which could impact on the NSP-BPLR.
- Limited number of residents close to site (8 streets vs 14 streets for Worrell),
- Compared with Pepi's Land, Worrell Reserve provides the following advantages:
- Habit and behaviours – Worrell Reserve is natural place of congregation in Emerald.
- Worrell Reserve is more central and less likely for fire to impact.
- Better facilities (although not required by NSP) – toilets etc.
- Better access, three access points to reserve. (Belgrave Gembrook Rd – at roundabout, Old Gembrook/Sherriff Rd and near netball courts on Emerald Lake Rd).

The Worrell Reserve site is a Crown Land parcel, managed by the Worrell Reserve Community Asset Committee. On 10 July 2023, the proposal to move the NSP-BPLR was presented to the committee at their ordinary meeting and the proposal was endorsed unanimously.

The Emergency Management Team will work with the Worrell Reserve Community Asset Committee to commence commissioning of the new site and decommissioning of the old site as set-out in the NSP-BPLR guidelines, including implementation of the communication plan which would be completed prior to the 23/24 Fire Danger Period.

If the relocation does not proceed, the existing NSP-BPLR at Pepi's Land will remain in place for the 23/24 Fire Danger Period.

## **Policy Implications**

Neighbourhood Safer Places align with the following Council policies and plans:

- Cardinia Municipal Emergency Management Plan 2023
- Cardinia Municipal Fire Management Plan 2022-25
- Cardinia Municipal Neighbourhood Safer Places Plan 2019

## **Relevance to Council Plan**

### **1.1 We empower our communities to be healthy, connected and resilient**

1.1.5 Work closely with the community to deliver programs that build community resilience, relating to a pandemic or other disasters.

### **2.1 We support the creation of liveable spaces and places**

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

## **Climate Emergency Consideration**

No specific issues, however it is widely accepted that climate change will result in a longer bushfire season, which may necessitate the activation of the NSP-BPLR.

## **Consultation/Communication**

Communications and consultation have been undertaken with the MFMPC in accordance with the Country Fire Authority Act 1958, which included representative from local CFA brigades. The MFMPC has formally endorsed the relocation at the May 2023 meeting. Klaus Brodeck, CFA Emerald Captain, initially raised the concern and the Emerald Fire Brigade together with District 13 CFA Headquarters support the relocation.

A communication plan is currently being developed and will be implemented once approval to proceed with the relocation. The communication methods are yet to be determined and may include SMS messaging, mailouts, signage, advertisements, Councillor Bulletin and video conferencing and engagement with all relevant stakeholders including community.

## **Financial and Resource Implications**

Costs associated with the relocation of the NSP-BPLR are estimated to be \$10,000, which will be sourced out of the existing Emergency Management and Fire Prevention budgets. The costs are primarily for new signage, community information collateral and advertising.

Relocation will result in minor cost savings (<\$5000 annually) for vegetation works as the Pepi's Land site required works each year to ensure ongoing compliance.

## **Conclusion**

The relocation of the NSP-BPLR in Emerald from Pepi's Land to Worrell Reserve will provide the community a more suitable site as a last resort in the event of a bushfire. The new site improves accessibility for residents due to its proximity to the town and offers a lower risk option due to its reticulated water and lower density of vegetation in the direct surrounds.

As well, the new site will require less maintenance on an ongoing basis in its capacity as the NSP-BPLR. It presents as an overall strong proposal, with its strong visibility and it considered potentially lifesaving in circumstances where residents' other bushfire safety plans have failed.



Cardinia Shire Council

# Neighbourhood Safer Places Plan

December 2020

Endorsed

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Cardinia Shire Council  
**Municipal Neighbourhood Safer Places Plan**

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## Introduction

The 2009 Victorian Bushfires Royal Commission made recommendations about Victoria's bushfire safety legislation.

Recommendation 1 recognised the need to 'strengthen the range of options available in the face of fire, including community refuges, bushfire shelters and evacuation (see [http://www.royalcommission.vic.gov.au/finaldocuments/summary/PF/VBRC\\_Summary\\_PF.pdf](http://www.royalcommission.vic.gov.au/finaldocuments/summary/PF/VBRC_Summary_PF.pdf))

The response was to identify 'neighbourhood safer places' in bushfire-affected areas as places of last resort during a bushfire. These are now known as "Neighbourhood Safer Place – Bushfire Place of Last Resort" (NSP).

In accordance with section 50F of the *Country Fire Authority Act 1958* (CFA Act), Cardinia Shire Council (Council) is required to prepare a municipal NSP plan (Plan) in relation to:

- the identification, suitability and designation of places as NSPs; and
- the inspection, maintenance and decommissioning of NSPs.

This plan is also a sub-plan of the Municipal Emergency Management Plan (MEMP).

Council will make copies of this Plan available during office hours at the Cardinia Shire Civic Centre as per section 50F of the CFA Act and on its website <http://cardinia.vic.gov.au/>

## A last resort

An NSP is only an absolute last resort, and should not be considered by residents of the municipality as a primary option in any bushfire survival plan.

There are no guarantees given to the survival of those who assemble at an NSP, and those who gather at an NSP must remain vigilant and monitor bushfire activity. Active defence against the effects of bushfire (heat, embers and smoke) and possible spot fires may be necessary.

An NSP should also not be confused with community fire refuges, emergency relief centres, recovery centres, assembly areas, or informal places of shelter, each of which have a different and specific purpose.

## Amendments

Amendment	Date	By whom
Document developed	15 December 2009	Paul Dickson (EMC)
Document endorsement	23 December 2009	CEO on behalf of Council
Insert paragraph 1.4	23 June 2010	Paul Dickson (EMC)
Complete rewrite following changes in legislation	4 July 2016	Andrew Ganey (EMO)
Annual update	25 October 2017	Kevin Carlisle-Stapleton (EMO)
Amended flowchart of designation process	30 January 2018	Stewart Matulis (EMO)
Update NSP Listing for 2018/19	10 November 2018	Kevin Carlisle-Stapleton (EMC)
Update NSP Listing for 2020/21	11 December 2020	Kevin Carlisle-Stapleton (EMO)



## **Designation Process**

### **Step 1 – Identification**

Council has a responsibility to identify locations for potential NSPs within the Shire in accordance with section 50G of the CFA Act.

At either the end of April or at the end of the declared Fire Danger Period (whichever is first), Council will request feedback on the existing designated NSPs within the Shire and call for advice on the location of potential NSPs.

All feedback will be collated and discussed at the Municipal Fire Management Planning Committee (MFMP) (a sub-committee of the Municipal Emergency Management Planning Committee).

However, Council will only consider locations of potential NSPs when it has been recommended by the MFMP as a potential treatment to a 'human settlement' asset (or assets) in the Victorian Fire Risk Register.

### **Step 2 – CFA certification**

Once the location of a potential NSP has been identified, Council's Municipal Fire Prevention Officer (MFPO) will request the CFA to assess the potential NSP in accordance with section 50G(4) of the CFA Act. The CFA will assess the potential NSP against its guidelines, including observing surrounding vegetation and potential impact of fire on the NSP.

Following its assessment, the CFA will advise Council in writing of the outcome of its assessment, and whether the potential NSP meets its guidelines.

For more information on the CFA's NSP assessment guidelines please visit its website ([www.cfa.vic.gov.au/plan-prepare/neighbourhood-safer-places](http://www.cfa.vic.gov.au/plan-prepare/neighbourhood-safer-places)).

### ***No certification***

Where the CFA identifies that an NSP does not meet its guidelines, Council will consider the report prepared by the CFA and explore whether the issues identified can be reasonably resolved. If so, and following rectification of those issues, Council's MFPO will make a re-assessment request to the CFA.

If the issues cannot be resolved then Council's MFPO will report on and seek the advice of the MFMP. Alternative potential locations for the suggested NSP may be identified.

### ***Certification***

Where it is certified in writing that a potential NSP meets the CFA assessment guidelines, Council will update the NSP plan.

### **Step 3 – Assessment of suitability**

Where the CFA has certified in writing that a potential NSP meets its assessment guidelines, Council's MFPO will prepare a report on the suitability of the potential NSP against the following criteria.

**Consent**

There must be appropriate land access and tenure arrangements so that Council has the right to:

- use the identified location as an NSP;
- access the site and surrounding areas for maintenance; and
- erect appropriate signage at the NSP.

If the potential NSP is on council-owned or controlled land it is possible to put in place arrangements with the tenant or licensee to permit Council to identify, use and suitably maintain the land as an NSP. Council should consider what alternative uses (whether temporary or semi-permanent) may be made of land under Council control or management. Such alternative uses may include, for example, farmers markets, fetes and community festivals.

If the potential NSP is on Crown land not owned or controlled by Council, then the consent of the Crown land manager is likely to be required. If the land has been leased or licensed to a third party, such as a caravan park operator, then the consent of the tenant or licensee to use the place as a NSP will also be required.

If the potential NSP is on privately owned land then the consent of the relevant landowner and, where applicable, occupier is required. If the landowner (and/or occupier) does not consent to the location being designated and used as an NSP on terms that are reasonably satisfactory and acceptable to the Council, it must not be designated as an NSP.

Where a potential NSP is located on non-Council land, with the result that consent and rights of access need to be negotiated with the owner and (where necessary) occupier, Council officers responsible for negotiating such consent and rights of access should provide a form of consent to the owner/occupier for their consideration. The form of consent will be required to be approved either by Council (through a formal resolution), or by the CEO acting under delegation.

Amends requested may be assessed by Council. Where Council does not agree to these amendments and/or appropriate arrangements for land access and tenure cannot be achieved, that potential NSP will not be designated by Council.

**Community access and egress**

Council must assess whether there is sufficient access to the potential NSP, which will allow for:

- the anticipated numbers of people to move to and from the potential NSP
- the CFA and other emergency services to attend the potential NSP for asset and personnel protection operations.

Council must assess potential access and egress routes, bearing in mind that NSPs are places of last resort. As people may be seeking access to an NSP in a rushed or panicked state, several people could be seeking access in a relatively short period of time and visibility could be affected by smoke. Easily navigable routes to and from an NSP are crucial.

In considering whether access and egress routes to the nominated NSP are adequate, consider:

- the condition of the road surface;
- the proximity of the NSP to major roadways and population centres;
- the type and amount of vegetation along any access routes and whether that vegetation could be affected by fire and therefore pose a risk of harm to those seeking access to the NSP or otherwise block access to the NSP;
- the capacity of access routes to accommodate the anticipated number of vehicles, and to accommodate potential vehicle breakdowns;
- parking options at the nominated NSP, taking into account that it may not be appropriate for cars to be parked within an open-space NSP, or within the buffer zone adjoining the NSP, and accessibility specifically in regard to persons with a mobility impairment or other disability;
- any hazards that may exist for persons accessing the place by foot, including in the buffer zone; and
- any relevant matter contained in Council's Road Management Plan prepared pursuant to the *Road Management Act 2004* (Victoria).

If appropriate access and egress routes are not available then the potential NSP will not be designated by Council.

**Maintenance and suitability**

Council must ensure that the potential NSP can be maintained in accordance with the criteria of the CFA assessment guidelines and this Plan.

Council may seek additional information from the CFA to understand its assessment criteria and how it has been applied against a potential NSP.

The CFA may be required to undertake a further assessment to provide Council with additional information.

### **Opening**

Council must consider:

- whether it will be possible or practicable to open the potential NSP or otherwise make it available for use on a 24-hour basis during the declared Fire Danger Period;
- the potential for damage to the place during times that it is open and available for use not as an NSP; and
- the possibility that a potential NSP could be used for an alternative purpose such as an emergency relief centre.

Potential costs to Council associated with each of these items must also be considered.

### **Defendability**

If the potential NSP is a building, Council must consider whether or not it is likely to be subject to risk from ember attack. Council may need to seek expert advice from the Municipal Building Surveyor (or delegate) when considering risks of ember attack.

*The risk of ember attack does not fall within the assessment guidelines or assessment process of the CFA.*

A building will not be designated as an NSP by Council if it is at high risk of an ember attack and/or cannot be satisfactorily defended.

### **Signage**

Under section 50H of the CFA Act, Council is required to ensure that appropriate signs are provided at each designated NSP, having regard for signage guidelines published from time to time by Emergency Management Victoria (EMV). See: <http://www.emv.vic.gov.au/our-work/bushfire-shelter-options/bushfire-place-of-last-resort>.

The consent of the landowner will be required where signage must be placed on private land.

### **Disabled access**

Council must consider whether or not there are clear means of access to the potential NSP for disabled and mobility-impaired persons.

### **Alternative uses**

Council must consider current activities and site uses of potential NSPs.

If the potential NSP is used for other means that could compromise its capacity to be used as an NSP, it will not be designated by Council.

### **Insurance**

Council should consider any additional risk factors that are relevant to Council's maintenance of insurance coverage for legal claims relating to:

- the identification, designation, establishment, maintenance and decommissioning of a potential NSP;
- travel to a potential NSP; and any statutory defences to claims.

**Step 4 – Council designation**

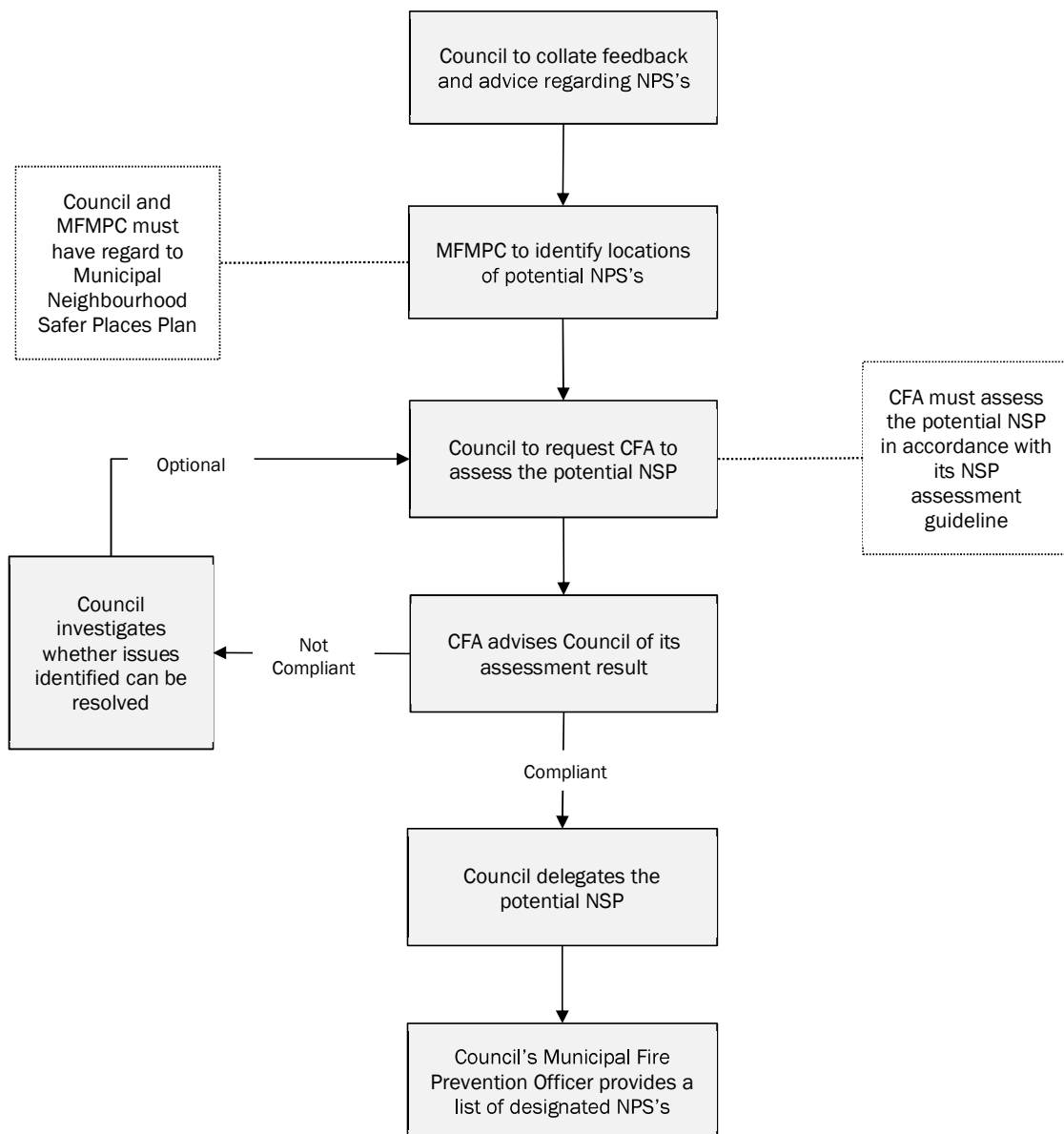
Where a potential NSP has been certified by CFA as meeting its assessment guidelines and Council's MFPO recommends designation based on the suitability criteria outlined in this Plan, Council will formally designate the potential NSP.

**Step 5 – Notification and publication**

In accordance with section 50K of the CFA Act, MFPO will inform the CFA that an NSP has been designated prior to 30 September each year. This is done through CFA's online NSP management system.

The Cardinia Municipal Fire Management Plan and Council's website will be updated by Council's MFPO to reference the newly designated NSP.

**Flow chart of the designation process**



## **Current Neighbourhood Safer Places – Bushfire Places of Last Resort**

In Cardinia Shire the following locations have been certified by CFA and designated as Neighbourhood Safer Place's – Bushfire Places of Last Resort:

- Gembrook Community Centre carpark (not buildings), corner of Gembrook and Beenak East roads, Gembrook (Melways ref: 299 A10)
- Cockatoo Community Complex, Alma Treloar Reserve, Healesville-Koo Wee Rup Road, (also known as Pakenham Rd), Cockatoo (Melways ref: 311 F6)
- Pepi's Land (Carpark and Sports Courts) 16-20 Beaconsfield-Emerald Road, Emerald (Melways ref: 127 G5)

## **Maintenance**

### **Annual review**

Council is required to conduct a review of each designated NSP annually, in accordance with section 50J (1) of the CFA Act. This review must be completed by 31 August each year.

As part of this review, Council is required to ask the CFA to re-certify each NSP against its assessment guidelines.

Council's MFPO will request the CFA to re-certify each designated NSP in July each year through the CFA's online NSP system.

A full assessment of the NSP against the suitability criteria in this Plan is not required for any previously designated NSP as this was part of the original designation.

However, where Council is not the manager of the land and where Council's intention is to re-designate an NSP, Council's MFPO will seek the advice of the relevant land manager.

Any changes to an existing NSP or designation of a new NSP will be communicated by Cardinia Shire Council with the support of the Municipal Fire Management Planning Committee to the community.

### **Monitoring**

Council is responsible for maintaining each designated NSP in accordance with section 50I of the CFA Act.

To ensure that the NSP meets the requirements in this Plan, Council's MFPO will inspect each designated NSP at least twice during the declared Fire Danger Period.

Where an issue is identified and where this issue cannot be resolved, Council's MFPO will decommission the NSP.

### **Decommissioning**

An NSP will be decommissioned when any of the following occur.

- The CFA is unable to certify the NSP as part of the annual review process.
- An issue is identified during monitoring of the NSP by Council's MFPO.
- Consent to re-designation is not provided by the relevant land manager as part of the annual review process.

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- Council forms the view that the NSP does not meet the suitability criteria in this Plan (where these criteria is updated).

Where an NSP is decommissioned, Council's website will be updated and relevant signage will be removed or (temporarily or permanently) concealed.

Council's MFMP will be notified of the decommissioning and the Municipal Fire Management Plan will be updated to show the current designated NSPs.

Council will notify the CFA of a decommissioned NSP through the CFA's online NSP management system.