

Cardinia Shire Council

Neighbourhood Safer Places Plan

October 2018

Endorsed

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*(ABN: 32 210 906 807)*

20 Siding Ave. Officer

PO Box 7, Pakenham Vic 3810

Phone: 1300 787 624  
Fax: (03) 5941 3784  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

Web: [www.cardinia.vic.gov.au](http://www.cardinia.vic.gov.au)

# Table of contents

Table of contents 3

Introduction 4

A last resort 4

Amendments 5

Designation Process 6

Step 1 – Identification 6

Step 2 – CFA certification 6

Step 3 – Assessment of suitability 6

Step 4 – Council designation 10

Step 5 – Notification and publication 10

Flow chart of the designation process 11

Current Neighbourhood Safer Places – Bushfire Places of Last Resort 12

Maintenance 12

Annual review 12

Monitoring 12

Decommissioning 12

# 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>

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 andspecific 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 (MFMPC) (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 MFMPC 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 MFMPC. 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 and 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

Council to collate feedback and advice regarding NPS’s

MFMPC to identify locations of potential NPS’s

Council to request CFA to assess the potential NSP

CFA advises Council of its assessment result

Council delegates the potential NSP

Council’s Municipal Fire Prevention Officer provides a list of designated NPS’s

Council investigates whether issues identified can be resolved

Council and MFMPC must have regard to Municipal Neighbourhood Safer Places Plan

CFA must assess the potential NSP in accordance with its NSP assessment guideline

Compliant

Not Compliant

Optional

# 

# 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.
* 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 MFMPC 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.