

## Understanding rebuilding

Chair: Malcolm Hackett OAM



Panel members: John Ginivan

Rosa Zouzoulas & Renae Ahern, Nillumbik Shire Council

Julie Bowyer, Cardinia Shire Council

John Ginivan, Strategic Planner

Mark Holland, CFA

Kevin Hazell, Bushfire Planning

Peter Collina, Victorian Building Authority

### The Q&A Process

Members of the audience submit a question during the Q&A part of the webinar. A Moderator passes the question to the Chair who asks for a response from the panel

### Transcript of Q& A session

#### 1. Recovery Teams

**Would Nillumbik's post disaster response include a recovery team visiting affected communities in a case manager approach? And I guess your concierge notion fits closely with that?**

**Rosa Zouzoulas**

Yes definitely. We would like to think that we would be able to provide them, or the landowner, with all the information and start to break down that information into digestible components and allow the landowner to go away, think about those things, come back. So, they're always going to have that discussion with the same person or the same couple of people from council, and they're given a, I suppose, for want of a better word, a tailored approach to help them through the journey.

#### 2. Poor Consultant advice

**What is your advice and options for rebuild owners who are struggling and feeling they're being held up by poor consultant advice?**

**John Ginivan**

I guess it's always difficult, when you're engaging consultants, to know whether you're going to get a really good service or not. And certainly, that BRV document that I referred to, on the BRV website, has in there a list of all of the places that you would go to find the sorts of consultants that you'd be wanting to engage, and my advice would be always use someone who's reputable. If they're a registered member of the Fire Professionals Association or the Architects Institute or whatever it is, then that's a tick one. And then to the extent that you can, test what experience they've actually had. And so, even though you might get design experience, if you've engaged the building designer who has never actually worked in detail with the National Construction Code for

bushfire, then they're likely to take you down the path of an extravagant design solution that doesn't actually respond well to bushfire resilience.

So, talk to them in terms of what's their portfolio look like, what are their case examples, always ring up other consultants if you're unsure and the other solution is talk to local government. It's just discussing with the local government about whether what you've been told is sound.

### **3. Planning Process options**

**Would planning departments favour a build that opts for a smaller footprint and a higher energy rating than what previously existed? Could it help to quicken up the process?**

**Rosa Zouzoulas**

I don't know that it will quicken up the process, it really comes down to a large number of different factors. What are the consultants saying? What is the CFA saying? What are the other referral authorities, if there are any referral authorities, saying? What are your expert reports saying? And it's an outcome of balancing all of those different factors that will result in how fast the application moves through the process.

**Julie Bowyer**

I would not always be committed to rebuilding exactly what you had after a bushfire. And also, think about the needs of your family. What the needs are now and what the needs will be in the future. And also, consider getting advice from the council about what the consequences are of those concept plans that you make now. So, if you may if you would prefer a build that is a smaller footprint than what you've previously had, then there are a lot of benefits as a consequence of that. It's likely to be cheaper for you, it's likely to be cheaper to run for you, but as long as it meets the needs of your family and you're aware of the cost consequences, then I think that's a great option for you.

### **4. Costs**

**About how much does it all cost when we add in permit compliance, costs, access to water tanks, vegetation removal, defensible space, etc.**

**John Ginivan**

The answer to that question is: it's going to vary from site to site and, in some cases, your concept planning process will show you that Site A is going to cost you a hell of a lot more than Site B. So, if we take that back to the Roberts hypothetical example, on the diagrams it looked, based on the plot of where trees were, that there seemed to be about 50m of broadly cleared space around both house footprints. So, defensible space isn't a particular cost. Option B, they had a shorter access, so, it took about two-thirds of the road length out. So, if you're building a road, you've saved two-thirds of the cost of the road by doing that. Water tanks, the basic requirement probably would be for a 10,000litres water tank from the CFA. If you're factoring in sprinklers, then you probably need 20,000-30,000litres of water. So, again that's probably triple the cost of water tanks.

So, the question of how much does it cost depends on what bits you put in the recipe before you add it all up. And, that's why the siting of the structure has such a bearing on what the total cost is at the end of the day.

## **5. Property Access**

**If you don't meet the requirements for emergency vehicle access, what's that actually mean for a rebuild? Can it stop everything?**

**Mark Holland**

Well, I guess normally that comes back to some of that siting discussion that we started with. In most instances, we've found that people can comply and that they can kind of get across the line. So, it doesn't need to be a sealed road, for example. It's a 15 ton all-weather, so it can be a gravel road 3.5m wide. Some of the issues, or the issue, we probably run mostly into is some of the road grades. So, it's about trying to get a fire truck up to the house so that we can defend it. And sometimes, if the driveways get really steep, they can become a little problematic. But, most of the time, the access requirements can be achieved.

I think we looked at our scenarios before and mentioned the bridge. One of the key things that perhaps wasn't mentioned in that setting was that often to bring a bridge up to a 15ton loading can be quite an expensive exercise as well. So, that's another plus with that re-siting scenario that we saw earlier.

## **6. Permit Fees in Nillumbik**

**Would Nillumbik consider adopting the Cardinia approach and not impose a fee for permits and not impose the vegetation offset payment?**

**Renaë Ahern**

It's something that I can't make a commitment to, but absolutely, I do know that council is a hundred percent supportive of residents. And I'm sure that something would likely be considered if in the event we ever find ourselves in that situation. I know that post the 2009 fires, council did waive the application fees for the planning, environmental health, and the building permits that did come through council. In terms of the native vegetation offsets, it's something I can't commit to. I would like to learn more from Julie though, perhaps offline, as to how they've been able to consider that, just in that the offsets are a State Government requirement and not a Council requirement.

## **7. Defendable Space and neighbours**

**How does defendable space work when the house is located close to a boundary, and the neighbour isn't keen to modify the existing bush?**

**Mark Holland**

I guess the first premise is about your defendable space, and your construction requirements are based on what you can achieve on your own land. So, your BAL is an outcome of the amount of defendable space you can achieve, so there's nothing in the system that requires a neighbour over the fence to manage their vegetation, or change their vegetation. And, as we just heard, that can indeed depend on the zoning, noting that not all zoning requires offsets. There's various exemptions around defendable space in some of the residential zones for clearing vegetation, but there's nothing in the planning scheme that really can force a neighbour to change what's happening over their side of the fence. So your BAL is driven really from what you can achieve on your site.

Having said that, it comes back to that siting. So, in the first instance, we work pretty hard to set buildings far enough off boundaries and that sort of thing, so that we can achieve a reasonable BAL and the landowner can manage their own risk in a reasonable way.

## **8. Council says you can't rebuild**

**What if a block does not allow for alternative siting, and the driveway is long and not suited to fire tankers. Are there instances post-catastrophe where council might simply say one cannot rebuild?**

**Julie Bowyer**

There are instances where rebuilds haven't been approved. And that's usually based on the inability for an application to indicate that they can mitigate the risk of bushfire. Certainly, the length of driveway, and whether you can get emergency service vehicles to the house in a fire event will be a major consideration, and that's probably something that Mark would be better equipped to answer. But, in terms of planning support for that kind of a proposal, at the end of the day we want to make resilient communities. And we want our communities that are in Bushfire Prone Areas and are subject to the Bushfire Management Overlay to be as safe as possible. So that, I suspect, will require some pretty hard decisions to be made in future. And a driveway means that a family can't get out in a bushfire area or an emergency services can't get to a dwelling is a major consideration that we would be thinking about.

**Rosa Zouzoulas**

From a Nillumbik perspective, I just wanted to say that we would work with the landowner as much as possible. And in my opening comments earlier on, I indicated that it's not an "Option A or Option B" scenario. In most instances, it very much is a hybrid scenario that eventuates. And that comes out from the various and numerous discussions. But Julie's right. The likes of Mark would have a significant impact in terms of determining the ability for some properties to be able to rebuild. I do know that Nillumbik, in its many strategies that it has adopted along the way, does seek to have an overarching objective to allow as many landowners to be able to rebuild after a fire. And that's certainly the objective that we aim to achieve when we're considering new proposals on sites that have been affected by bushfires.

## **9. Temporary Buildings**

**What's the different rules that apply for temporary buildings after a bushfire?**

**John Ginivan**

There are provisions for temporary buildings. And certainly in the government's response after the Gippsland fires, Bushfire Recovery Victoria has put in place a program of temporary dwelling structures that are available to people basically on a rental basis, and so they can be put on someone's site whilst they're sorting out their plans and getting on with their reconstruction. So, they're basically a BAL-29 designed modular unit that's delivered to site and away you go. So, historically, there's always been arrangements for temporary accommodation while people are sorting out what they need to do. The important thing is that the temporary accommodation doesn't become a permanent structure that's not designed for the conditions and becomes a risk down the track.

The other general thing, Malcolm, that's in play now is that the government did change the planning requirements around decision making with respect to permit. So, that's a post-fire discussion with the CEO of the council, and it turns off some of the notification requirements and so forth to take some of the churn out of the process. And it means that the council can actually decide permit applications without waiting for a full council cycle. So, you could literally have permits being approved every day of the week by the CEO, rather than needing to wait for a monthly, or whatever it is, council cycle for that decision-making to happen. So, that's taken some of the churn out of the system.

## **Peter Collina**

If I could just add to what John's just said. So, the temporary housing under the planning scheme, they're referred to as short term modular housing. And in the building regulations, they're referred to as emergency housing. But they're effectively the same thing. And so, amendments were made in September to the building regulations to provide for these emergency accommodation units.

And there are certain parameters of criteria to meet, including they've got to be a temporary replacement for a principal place of residence. And they can only be used for a maximum period of three years. And they don't need to comply with all the building code National Construction Code requirements only some performance measures. And a building permit's not required to be obtained as well. So, it's just a notification process to council. Council can inspect if they wish. Municipal building surveyor may inspect. So, it was a way of providing temporary housing for people in the process of rebuilding their own home.

## **10. Recovery post-Bunyip fires**

**Could you briefly summarize the experience of owners recovering from the Bunyip cluster of fires? in terms of their rebuilding in particular, but any other observations you've got.**

## **Julie Bowyer**

Certainly. I was appointed the Bushfire Recovery Officer to help the community that were fire affected by the Bunyip Complex Fires from March 2019. One of the main observations that we made was the length of time that it took for people to be able to think clearly and plan long term after a very traumatic experience of losing their homes and everything. And I think that that was underestimated by the community, and certainly by people working with the community. It's really important to consider that we, as human beings, react to trauma in a certain way, and we need to take that into account during the recovery process. The planning process can be long and complex and difficult to navigate. There are lots and lots of support organizations and certainly the council out there to support you through that process. But, it's always good to be cognizant of being able to navigate that process when you're also dealing with trauma. And, I think that became particularly frustrating for a lot of our recovering community residents in Bunyip.

Another thing that came, probably as a particular surprise to a lot of residents, is that since they first built their premises, maybe 10, 20, 30 years had gone by, and in that time the planning scheme had changed and evolved and been amended. And, during that time the State Government had introduced mechanisms to try to minimize the loss of biodiversity in the state. And, one of those mechanisms was a Vegetation Biodiversity Offset. That means that when you're looking to rebuild in a green wedge or rural conservation area that is also subject to Bushfire Management Overlays, you will tend to have to create defendable space in most cases, and defendable space means that you have to remove native vegetation in many cases. And, to remove vegetation, you're removing biodiversity. So, to do that, it has to be offset. And that's a financial contribution that is made to the State Government and they use that contribution to buy up land to secure that biodiversity in a different spot. In some cases, this can be a very heavy financial burden for people who are recovering from a very traumatic event. And it's often not something that people factor into their insurance, and it's often not something that people consider when they're rebuilding. So, it comes back to considering that siting, where an Option 1 that sees your rebuild close to a vegetation could have significant financial burdens for offsetting that vegetation to the State Government; another option that sees a rebuilt dwelling sited away from vegetation might reduce that offset payment, or it might remove it all together from consideration.

So, again, if you're building in an area that is subject to those zones or Bushfire Management Overlay considerations, then consider that you will have to create defendable space that may require the removal of native vegetation, and that may, as a consequence, that may require offsetting which is considerable in most cases. So, for council in supporting the community in recovery, we advocated to the State Government with regard to the financial burden that offsetting

places on recovering communities. That's an ongoing negotiation, but it's certainly something that people that are living in these types of communities need to be aware of.

**Questions asked during webinar that remained answered due to lack of time. Responses by Nillumbik**

**11. How does planning to build post bushfire differ to building after a fire caused by negligence? Are the guidelines different?**

The two processes are very similar and a planning permit will still be required under the relevant parts of the Planning Scheme, regardless of whether a house has been lost through bushfire or a house fire. Houses lost through bushfire benefit from Clause 52.10, meaning they are exempt from public notice and third party appeals. The planning for both processes is very similar though, with the assessment needing to be completed against the relevant land zoning, any overlay controls, other parts of the Planning Scheme and site conditions.

**12. Have panel members encountered cases where they are prepared to accept the greater risk and cost to rebuild on their original site (say Option 1)?**

The answer relies upon a site by site assessment. In coming to a decision on any application Council and all relevant authorities must assess the site conditions and determine if the objectives of the zone and all other planning scheme provisions have been appropriately met.

**13. Are there recent examples of house designs that can be built in heavily treed areas, e.g. in an Environmental Living Zone (Bend of Islands) without resorting to extreme fire bunkers, e.g. corrugated steel clad with fire shutters on windows?**

This depends on the site conditions and design, there is no universal design that can be applied the same to any site. The Bushfire Attack Level (BAL) guides the material selection and construction methods.