

## 52.47

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VC83

## BUSHFIRE PROTECTION: PLANNING REQUIREMENTS

### Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To ensure that development is only permitted if the risk to life, property and community infrastructure can be reduced to an acceptable level.

To specify requirements for buildings, works and subdivision on land to which the Bushfire Management Overlay applies.

### Application

These provisions apply to an application to subdivide land, construct a building or construct or carry out works under the provisions of the Bushfire Management Overlay.

### Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development. A development proposal can be considered to reduce bushfire risk to an acceptable level where it demonstrates meeting these objectives.

- **Standards.** A standard contains the requirements to meet the objective.

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

- **Mandatory standards.** A mandatory standard must be met. An alternative design solution must not be considered by the responsible authority.

- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

### Requirements

A development:

- Must meet all of the objectives of this clause.
- Must meet all mandatory standards of this clause.
- Should meet all other standards of this clause.

If a schedule to the Bushfire Management Overlay specifies a requirement for a standard different from a requirement set out in this clause, the requirement in the schedule to the Bushfire Management Overlay applies.

## SUBDIVISION OBJECTIVES

### 52.47-1

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### General requirements for subdivision objectives

To ensure that subdivision of land that would result in an unacceptable risk to human life is not permitted.

To ensure that all lots created are capable of:

- Achieving an appropriate level of defensible space.
- Providing an adequate supply of water to facilitate fire fighting and property protection during and after the passage of a bushfire.
- Providing safe access to properties for emergency and other vehicles at all times.

### **Standard BF1**

All lots created should be capable of providing:

- Appropriate defensible space based on the zoning of the land and likely future uses.
- Static water supply and access to this water supply which meet the requirements of the relevant fire authority.
- Access and egress which meet the requirements of the relevant fire authority.

For subdivisions of ten lots or more, the need for a perimeter road to be provided adjoining the bushfire hazard for fire fighting purposes should be considered.

### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- Whether a proposed lot would be capable of achieving an appropriate level of defensible space.
- Whether the water supply and water access requirements of the standard and the relevant fire authority have been met.
- Whether the access and egress requirements of the standard and the relevant fire authority have been met.

## **52.47-2**

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### **Subdivision requirements for residential lots objective**

To ensure that any lot created on which a single dwelling may be developed is provided with essential bushfire protection measures at the subdivision stage.

This objective applies to subdivision which creates a lot for residential development in Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Low Density Residential Zone, Mixed Use Zone, Township Zone, Rural Living Zone, Green Wedge A Zone, Comprehensive Development Zone or Priority Development Zone.

### **Standard BF2**

Each lot must contain:

- A static water supply and access to this water supply which meet the requirements of the relevant fire authority.
- Access and egress arrangements which meet the requirements of the relevant fire authority.
- Defensible space for the construction of a single dwelling to a BAL of 19 or less with reference to Table 1 of Standard BF6.1 for a subdivision of 10 lots or more.
- Defensible space for the construction of a single dwelling to a BAL of 29 or less with reference to Table 1 of Standard BF6.1 for a subdivision of less than 10 lots.
- Building envelope and a defensible space envelope that give effect to the required defensible space and BAL.

### **Decision guidelines**

- Before deciding on an application the responsible authority must consider the need for any planning permit issued to contain requirements for defensible space, appropriate BAL, water supply requirements and access arrangements for each new residential lot created.

### **LOCATION, LAYOUT AND SITING OBJECTIVES**

#### **52.47-3**

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#### **Location objective**

To ensure that development is located and sited so that it does not increase the risk to life, property and community infrastructure from bushfire.

#### **Standard BF3**

Development should avoid locations where the risk to life, property and community infrastructure from bushfire cannot be reduced to an acceptable level through bushfire protection measures.

### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- The characteristics of the bushfire hazard including the type, area and location of vegetation.
- The topography of the land and its potential impact on the intensity and severity of bushfire.
- The likely bushfire behaviour at both the local and broader scale.
- Access and egress both to the site and within the site.
- The proximity of the site to established urban or township areas.
- The impact of bushfire protection objectives under the Bushfire Management Overlay and any schedule to the overlay on the level of risk.

#### **52.47-4**

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#### **Siting and layout objective**

To ensure that the siting and layout of development reduces the risk to life, property and community infrastructure from bushfire to an acceptable level and prioritises the protection of human life.

#### **Standard BF4**

The siting and layout of development should:

- Minimise the bushfire risk having regard to slope, access, aspect, orientation and vegetation.
- Avoid or minimise the removal of vegetation.
- Site new buildings as far from the bushfire hazard as practicable.
- Minimise the need for long access and egress routes through areas of bushfire hazard and locate habitable buildings as close as practicable to property entrances.
- Provide safe access and egress for emergency services.

### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- Reasonable siting options which may be available to achieve acceptable bushfire protection through the siting of development.
- Whether acceptable bushfire protection has been achieved through the siting and layout of the development.

### **BUSHFIRE PROTECTION MEASURES OBJECTIVE**

**52.47-5**

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#### **Bushfire protection measures objective**

To ensure that bushfire protection measures required by this clause are implemented and maintained in perpetuity.

#### **Mandatory Standard BF5**

Bushfire protection measures proposed by the applicant and required by this clause can be practically implemented and maintained in conjunction with the ongoing use of the land.

The location, type and layout of proposed landscaping, revegetation or any native vegetation off-set does not increase the bushfire risk to the proposed development or the adjacent area.

Bushfire protection measures required by the standards in this clause are implemented regardless of other bushfire protection measures which may be provided, including private bushfire shelters, community shelters and the presence of other places of last resort.

### **Decision guidelines**

Before deciding on an application the responsible authority must consider whether the objective of this clause is met.

### **BUILDINGS AND DEFENDABLE SPACE OBJECTIVES**

**52.47-6**

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#### **Defendable space for dwellings and dependent person's units objective**

To ensure that the construction of a dwelling or dependent person's unit has regard to the nature of the bushfire hazard of the site and surrounding area and that the necessary area of defendable space is provided.

This objective only applies to an application to construct or extend a dwelling or dependent person's unit.

#### **Mandatory Standard BF6.1**

Defendable space and construction requirements must be calculated:

- In accordance with the requirements of the Building Act 1993 but substituting Table 1 to this clause for Table 2.4.2 in AS3959 Construction of buildings in bushfire prone areas (Standards Australia), or
- Using an alternative method to the satisfaction of the relevant fire authority.

## **Standard BF6.2**

The dwelling or dependent person's unit should:

- Be provided with defendable space and construction requirements for a BAL-29 or less as specified in Table 1, or
- Be provided with defendable space and construction requirements for a BAL-40 as specified in Table 1 if it can be demonstrated that defendable space for a BAL-29 cannot be achieved due to significant siting constraints.

This does not apply where an alternative method in accordance with BF6.1 is used to calculate defendable space and construction requirements where the dwelling or dependent person's unit should:

- Be provided with construction requirements for a BAL-29 or less and appropriate defendable space.
- Be provided with construction requirements for a BAL-40 and appropriate defendable space if it can be demonstrated that defendable space for a BAL-29 cannot be achieved due to significant siting constraints.

## **Mandatory Standard BF6.3**

Where a dwelling or dependent person's unit cannot meet Standard BF6.2, an alternative solution may be considered where:

- The application is for building and works associated with a single dwelling or dependent person's unit on a lot:
  - That was created before 18 November 2011.
  - Located in an established urban area and is in the Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Mixed Use Zone or Township Zone.
- There are significant siting constraints and it is demonstrated that defendable space for a BAL-40 or less cannot be achieved, including having regard to Standard BF9.
- Additional bushfire protection measures are incorporated into the proposal, including in relation to access, water supply, landscaping and vegetation management, construction and emergency arrangements to the satisfaction of the relevant fire authority.
- It is demonstrated that Standard BF6.2 has been implemented to the fullest possible extent having regard to the site constraints and the nature of surrounding development.
- The dwelling or dependent person's unit is sited no closer to the bushfire hazard than the dwellings on neighbouring properties.
- The design and siting of the dwelling does not increase the risk from bushfire to other habitable structures on the site or in the surrounding area.
- For an extension to an existing dwelling, the dwelling is sited no closer to the bushfire hazard than the existing building footprint.

## **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- The objective of this clause.
- The bushfire site assessment prepared in accordance with Standard BF6.1.
- Whether the defendable space for a BAL-29 or less can be achieved.

- The significance of any siting constraint and whether it has been demonstrated that defensible space for a BAL-40 or more is justified.
- Where Standard BF6.2 cannot be met, whether all relevant criteria in Standard BF6.3 have been met and whether the landscape beyond the site presents a bushfire risk which would warrant development not proceeding.

## 52.47-7

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### **Defendable space for industry, office and retail premises objective**

To ensure that the construction of a building has regard to the nature of the bushfire hazard of the site and the necessary area of defensible space is provided.

This objective only applies to an application to construct or extend a building in association with the following uses:

- Industry
- Office
- Retail premises

### **Mandatory Standard BF7.1**

Defendable space and construction requirements must be calculated:

- In accordance with the requirements of the Building Act 1993 but substituting Table 1 to this clause for Table 2.4.2 in AS3959 Construction of buildings in bushfire prone areas (Standards Australia), or
- Using an alternative method to the satisfaction of the relevant fire authority.

### **Standard BF7.2**

Buildings should:

- Be provided with defensible space and construction for a BAL-29 or less as specified in Table 1, or
- Be provided with defensible space and construction for a BAL-40 as specified in Table 1 if it can be demonstrated that defensible space for a BAL-29 cannot be achieved due to significant siting constraints.

This does not apply where an alternative method in accordance with BF7.1 is used to calculate defensible space and construction requirements where the buildings should:

- Be provided with construction requirements for a BAL-29 or less and appropriate defensible space.
- Be provided with construction requirements for a BAL-40 and appropriate defensible space if it can be demonstrated that defensible space for a BAL-29 cannot be achieved due to significant siting constraints.

### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- The objective of this clause.
- The bushfire site assessment prepared in accordance with Standard BF7.1.
- Whether the defensible space for a BAL-29 or less can be achieved.

- The significance of any siting constraint and whether it has been demonstrated that defensible space for a BAL-40 or more is justified.

## **52.47-8**

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### **Defendable space and construction for other occupied buildings objective**

To ensure that the defensible space to be provided and the construction of buildings are appropriate to the number, age and mobility of anticipated occupants.

This objective only applies to an application to construct or extend a building in association with the following uses:

- Accommodation (other than a dwelling or a dependent person's unit)
- Child care centre
- Education centre
- Hospital
- Leisure and recreation
- Place of assembly

### **Mandatory Standard BF8.1**

Defendable space and construction requirements must be calculated:

- In accordance with the requirements of the Building Act 1993 but substituting Table 2 to this clause for Table 2.4.2 in AS3959 Construction of buildings in bushfire prone areas (Standards Australia), or
- Using an alternative method to the satisfaction of the relevant fire authority.

### **Standard BF8.2**

Buildings should be provided with the defensible space specified in Table 2. This does not apply where an alternative method in accordance with Standard BF8.1 is used to calculate defensible space and construction requirements where defensible space must be provided to the satisfaction of the relevant fire authority.

Buildings should be sited, designed and constructed having regard to the likely future occupants.

### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- The bushfire site assessment prepared in accordance with Standard BF8.1.
- Whether an appropriate level of defensible space has been provided.
- The characteristics of any likely future occupants including their expected age, mobility and capacity to evacuate during a bushfire emergency.
- The intended frequency and nature of occupation.
- The need for a bushfire emergency plan to be prepared to the satisfaction of the relevant fire authority.
- Any relevant guidance published by the relevant fire authority.
- The likelihood of fire service or other emergency service attendance in the event of a bushfire.

- The need for bushfire emergency and evacuation procedures.

#### **52.47-9 Defendable space location objective**

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To ensure defendable space is contained on the land to which the planning permit will apply.

#### **Mandatory Standard BF9**

The defendable space required by Mandatory Standards BF6.1, BF7.1 and BF8.1 is located wholly within the title boundaries of the land to which the permit will apply. This standard does not apply where:

- The defendable space incorporates land:
  - that does not require management to minimise the spread and intensity of bushfire, or
  - that will be managed to minimise the spread and intensity of bushfire consistent with the purpose of providing defendable space.
- There is reasonable assurance that the adjoining land will remain or continue to be managed in the same condition.

#### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- Whether defendable space has been provided on the lot subject to the application.
- Whether defendable space to be provided on adjoining land meets the criteria set out in this standard.

#### **52.47-10 Water supply and access objectives**

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To ensure the provision and adequate supply of water to facilitate fire fighting and property protection during and after the passage of a bushfire.

To ensure that safe access is provided for emergency and other vehicles at all times.

#### **Mandatory Standard BF10**

All buildings and works must provide a static water supply and access to this water supply which meets the requirements of the relevant fire authority.

All buildings and works must provide access and egress arrangements which meet the requirements of the relevant fire authority.

#### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- Whether the water supply and access requirements of the relevant fire authority have been met.



**Table 1 Defendable space for Standards BF6.1, BF6.2, BF7.1 & BF7.2**

Vegetation class		Categories of Bushfire Attack							
		BAL 40		BAL 29		BAL 19		BAL 12.5	
		Defendable space inner and outer zones (metres)							
All upslopes and flat land (0 degrees)	Forest	19	12	25	15	35	18	48	21
	Woodland	12	8	16	11	24	13	33	17
	Shrubland	7	3	9	4	13	6	19	9
	Scrub	10	4	13	6	19	8	27	11
	Mallee/Mulga	6	3	8	4	12	5	17	8
	Rainforest	8	6	11	7	16	10	23	13
	Grassland	6	0	9	0	13	0	19	0
Downslope >0 to 5 degrees	Forest	24	15	32	16	43	20	57	24
	Woodland	15	11	21	12	29	16	41	19
	Shrubland	7	4	10	5	15	7	22	9
	Scrub	11	5	15	7	22	9	31	11
	Mallee/Mulga	7	3	9	5	13	7	20	8
	Rainforest	10	7	14	9	20	12	29	15
	Grassland	7	0	10	0	15	0	22	0
Downslope >5 to 10 degrees	Forest	31	17	39	20	53	23	69	27
	Woodland	20	12	26	15	37	18	50	22
	Shrubland	8	5	11	6	17	8	25	10
	Scrub	12	6	17	7	24	10	35	12
	Mallee/Mulga	7	4	10	5	15	8	23	9
	Rainforest	13	9	18	11	26	15	36	19
	Grassland	8	0	11	0	17	0	25	0
Downslope >10 to 15 degrees	Forest	39	20	49	23	64	26	82	31
	Woodland	25	15	33	18	45	22	60	25
	Shrubland	9	5	13	6	19	9	28	11
	Scrub	14	6	19	8	28	10	39	13
	Mallee/Mulga	8	5	11	7	18	8	26	10
	Rainforest	17	12	23	14	33	18	45	21
	Grassland	9	0	13	0	20	0	28	0
<input type="checkbox"/> Defendable space inner zone distance from building facade (metres) <input type="checkbox"/> Defendable space outer zone distance from inner zone (metres)									

*Note: Table 1 continues over the page.*

**Table 1 Defendable space for Standards BF6.1, BF6.2, BF7.1 & BF7.2 (Cont.)**

Vegetation class		Categories of Bushfire Attack							
		BAL 40		BAL 29		BAL 19		BAL 12.5	
		Defendable space inner and outer zones (metres)							
Downslope >15 to 20 degrees	Forest	50	23	61	26	78	30	98	36
	Woodland	32	18	41	21	56	24	73	28
	Shrubland	10	6	15	7	22	9	31	11
	Scrub	15	8	21	10	31	12	43	13
	Mallee/Mulga	9	6	13	7	20	9	29	10
	Rainforest	22	15	29	18	42	20	56	23
	Grassland	11	0	15	0	23	0	32	0
Downslope >20 degrees	All Vegetation	Alternate Solutions							
<p>[ ] Defendable space inner zone distance from building facade (metres)</p> <p>[■] Defendable space outer zone distance from inner zone (metres)</p>									

**Table 2 Defendable space for Standards BF8.1 & BF8.2**

Vegetation class	Upslope and flat land (0 degrees)		Downslope (degrees)							
			>0-5		>5-10		>10-15		>15-20	
	Defendable space inner and outer zones (metres)									
Forest	60	20	70	25	85	30	105	35	125	40
Woodland	40	20	50	25	62	23	75	30	95	30
Shrubland	25	10	28	12	32	13	36	14	41	14
Scrub	35	15	40	15	45	15	50	15	55	15
Mallee/Mulga	23	7	26	9	30	10	35	10	40	10
Rainforest	30	15	36	19	46	19	60	20	70	30
Grassland	0	35	0	40	0	45	0	50	0	55
<p>[ ] Defendable space inner zone distance from building facade (metres)</p> <p>[■] Defendable space outer zone distance from inner zone (metres)</p>										