



# Application for Planning Permit

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department on 5624 2411.

The personal information requested on this form is being collected to enable council to consider the application. Council will use this information for this purpose or one directly related and may disclose this information as required by law in accordance with the *Privacy and Data Protection Act 2014*. The applicant may apply to council for access and/or amendment of the information by contacting council's freedom of information/privacy officer on 5624 2436

## Section 1: The Land

Unit Number  Street Number  Street Name   
Town  Postcode

### Formal Land Description

Complete either Section A or B

#### Section A

Lot Number  Type of Plan  Lodged plan  Title Plan  Plan of Subdivision  
Number

#### Section B

Crown Allotment Number  Section Number  Parish/Township Name

## Section 2: The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit?

SEE ATTACHED SHEET .

MEDICAL CENTRE .

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Estimated cost of development for which the permit is required

\$ 1,100,000.

### Section 3: Existing Conditions

Describe how the land is used and developed now

DISUSED GARDEN SUPPLIES CENTRE

Provide a plan of the existing conditions. Photos are also helpful.

### Section 4: Title Information

#### Encumbrances on title

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, Section 173 agreement or other obligation such as an easement or building envelope?

- Yes (if 'yes' contact Council for advice on how to proceed before continuing with this application).
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering register search statement, the title diagram and the associated title documents (known as instruments).

### Section 5: Applicant and Owner Details

#### Applicant

The person who wants the permit.

Title  First Name  Last Name

Organisation (if applicable)

Postal Address

Unit Number  Street or Post Box Number

Street Name  Town  Postcode

**Contact Person's Details**

Please provide details of the preferred contact person if this is different from the applicant.

Same as applicant

Title  First Name  Last Name

Organisation (if applicable)

**Postal Address**

Unit Number  Street or Post Box Number   
Street Name  Town  Postcode

**Contact Information**

Best Contact Phone Number  E-mail   
Fax Number

**Owner**

The person or organisation who owns the land.

Same as applicant

Title  First Name  Last Name

Organisation (if applicable)

**Postal Address**

Unit Number  Street or Post Box Number   
Street Name  Town  Postcode

I declare that I am the owner of the above stated property; and that the details above are true and correct.  
Signature: \_\_\_\_\_

**Section 6: Declaration**

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: 

## Section 7: Pre-Application Meeting

Has there been a pre-application meeting with a Council planning officer?

Yes

No

If 'Yes' with whom?

What date was the meeting held?

---

## Section 8: Checklist

Have you:

- Filled in the form completely
- Paid or included the application fee
- Provided a full, current copy of the title information for each individual parcel of land, forming the subject site
- Provided a plan of the existing conditions
- Provided plans showing the layout and details of the proposal
- Provided any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist
- Provided a description of the likely effect of the proposal (if required)
- Completed the relevant Council planning permit checklist
- Completed the declaration in Section 7
- Provided a contact phone number and e-mail address

---

## Section 9: Lodgement

Lodge the completed and signed form, the fee payment and all documents:

### By Post:

Planning Department  
Baw Baw Shire Council  
PO Box 304  
Warragul, VIC, 3820  
DX: 82014 Warragul

### In Person:

Customer Service Centre  
61 Smith Street, Warragul

### Contact information:

Telephone: 5624 2411  
Fax: 5622 2287



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**

Page 1 of 1

VOLUME 09765 FOLIO 224

Security no : 124059790952N  
Produced 06/04/2016 01:33 pm

**LAND DESCRIPTION**

Lot 3 on Plan of Subdivision 207479E.  
PARENT TITLE Volume 09027 Folio 262  
Created by instrument LP207479E 21/08/1987

**REGISTERED PROPRIETOR**

Estate Fee Simple  
TENANTS IN COMMON  
As to 2 of a total of 4 equal undivided shares  
Sole Proprietor  
CIVIC PARK INVESTMENTS PTY LTD of 2A COLLINS STREET BRIGHTON VIC 3186  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
FUTURE NEST PTY LTD of 7 CANADIAN BAY ROAD MOUNT ELIZA VIC 3930  
As to 1 of a total of 4 equal undivided shares  
Sole Proprietor  
ELEVATION CORPORATION PTY LTD of 294-334 IRONBARK ROAD YARRAMBAT VIC 3091  
AM558132T 12/02/2016

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AM558133R 12/02/2016  
NATIONAL AUSTRALIA BANK LTD  
  
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE LP207479E FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NUMBER		STATUS	DATE
AM558131V	DISCHARGE OF MORTGAGE	Registered	12/02/2016
AM558132T	TRANSFER	Registered	12/02/2016
AM558133R	MORTGAGE	Registered	12/02/2016

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 276-278 PRINCES WAY DROUIN VIC 3818

DOCUMENT END



# Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Land Victoria.

Document Type	<b>plan</b>
Document Identification	<b>LP207479E</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>06/04/2016 13:35</b>

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## **Powerhouse Projects.**

*“Kinnears Rope Factory” Building*

*Suite 18 – 138 Ballarat Rd*

*Footscray, Victoria. 3011.*

*Tel: 03 9024 5647*

*mob: 0408 530 430*

*email office@powerhouseprojects.com.au*

Application for Medical Centre: 276 – 278 Princes Way, Drouin.

Current Zoning – Industrial

The site has been used as a garden supplies centre for a number of years .

It has recently been purchased by our client for development as a Medical Centre. Our client has a number of medical centres in Victoria and is an experienced operator .

Permitted Use – Office with application for a permit

Proposed Use – Medical Centre - is a permitted use as defined under the Office category.

The building is oriented N-E / S-W axis to face the main road with a side driveway to allow two way access for carparking and access to the rear roadway – Robertsons Court- although this is shown on title as a separate title.

The building offers disabled access to all levels and plenty of natural light. The foyer features a double height entry space to provide visual connection to services on the first floor.

It is envisaged that the centre will provide a range of services for the town - Doctors, Dentists, Physiotherapists, Chiropractors and Phycologists.

Patrons are also provided with a generous child minding centre with external access from Princes way and the carpark area.

The car park also provides footpaths for circulation

The centre will also provide a dispensary on site for medical prescriptions and a café to service waiting patrons.

There are 18 practitioners and 1 pharmacist in the centre.

### Carparking

General ratio under the planning scheme - 5 car space for the first practitioner & 3 per practitioner thereafter.

The total cars provided on site is 60 including the loading bay and 2 disabled spaces.

No allocation for carparking is made for the café as it is an ancillary use to patrons.



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### Bicycle parking

Bicycle parking is provided at each entry –

Princes Way Entry - 4 spaces and Carpark Entry -2 spaces

### Landscaping

The carpark area includes planting areas for good sized trees and we request that the permit is issued with a condition such as – “ before the development commences a landscaping plan will be submitted for approval”.

### Documents provided

Plans of the development.

Copy of Title

Survey plan

Property report

Planning application form



10 April 2019  
EOT0012/19 and END0084/18  
12148

Powerhouse Projects  
27 Hughes Street  
YARRAVILLE VIC 3013

Dear Iain

**Permit:** PLA0143/16  
END0084/18  
EOT0012/19

**Proposal:** Extension Of Time and Endorsement of Plans

**Location:** V 9765 F 224 Lot 3 LP 207479E Drouin West Parish  
276-278 Princes Way DROUIN VIC 3818

I refer to your recent request for the endorsement of plans under Condition 1 (END0084/18) and an Extension of Time (EOT0012/19) to the above Planning Permit and advise that Council has refused the request.

Your request was assessed under Section 69 of the *Planning and Environment Act 1987*. Since the permit was issued, the introduction of the Bushfire Management Overlay (BMO) to the subject site has occurred. This is considered to be a material and significant change in planning policy. Therefore the application to extend the permit cannot be supported as the bushfire risk associated with the development has not been assessed under the BMO and relevant Planning Policy Framework.

As a result of the above, the plans submitted for endorsement under Condition 1 of the permit cannot be endorsed.

Should you have any further enquires regarding the above matter, please do not hesitate to contact me on 5624 2411 or [planning@bawbawshire.vic.gov.au](mailto:planning@bawbawshire.vic.gov.au).

Kind regards,

Keira Lee  
**Coordinator Statutory Planning**

-	-	-	-
<b>Baw Baw</b>	<b>T</b> +61 3 5624 2411	<b>E</b> <a href="mailto:bawbaw@bawbawshire.vic.gov.au">bawbaw@bawbawshire.vic.gov.au</a>	PO Box 304
<b>Shire Council</b>	<b>F</b> +61 3 5622 3654	<b>W</b> <a href="http://bawbawshire.vic.gov.au">bawbawshire.vic.gov.au</a>	Warragul Victoria
			3820

278 Princes Way Drouin A3



- Legend**
- WARRABOOL Major town
  - Minor town
  - Built up area
  - Road
  - Road name
  - Railway
  - Rail trail
  - Tramway
  - Property or parcel
  - Highlighted property
  - Address
  - Lot number
  - PS335972 Plan number
  - 1C Crown allotment number
  - River, stream, coastline
  - Water body
  - Locality
  - Locality name
  - Local Government Area
  - BRIMBANK LGA name
  - Local Gov Ward (2012)
  - Port Ward Ward name (2012)
  - Local Gov Ward (2008)
  - Port Ward Ward name (2008)
  - State Lower House (2014)
  - SUNNYONG Lower House Name (2014)
  - State Lower House (2001)
  - BENAMBRA Lower House Name (2001)
  - Bushfire prone area



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**NOTATIONS**

The information shown on this plan is for general design works only. Any critical dimensions should be requested independently to this plan. Webster Survey Group accepts no responsibility for any manipulation of the digital information provided in this plan by others. Whilst every effort has been made to locate all feature details within the surveyed area Webster Survey Group will not be held responsible for features hidden, obscured or under construction in the time of survey.

No underground features have been located unless specifically shown

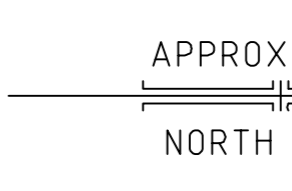
Levels shown on this plan are to Australian Height Datum vide Datum West FM 520 (G.L. 110.02m)

Direction and location of photographs shown by ②

W denotes window

D denotes door

Contour interval 0.2 metres



**REVISIONS**

Version	Description	Date

**JOB TITLE**  
276-278 PRINCES WAY  
DRAWN 3818

**DRAWING NAME**  
FEATURE & LEVEL SURVEY

**DRAWING REFERENCE**  
VERSION 01

**LAND DESCRIPTION**  
FOL 9765 FOL 224  
LOT 3 ON LP 207479E

**DATE OF SURVEY**  
23/02/2016

**ORIGINAL SHEET SIZE**  
A1

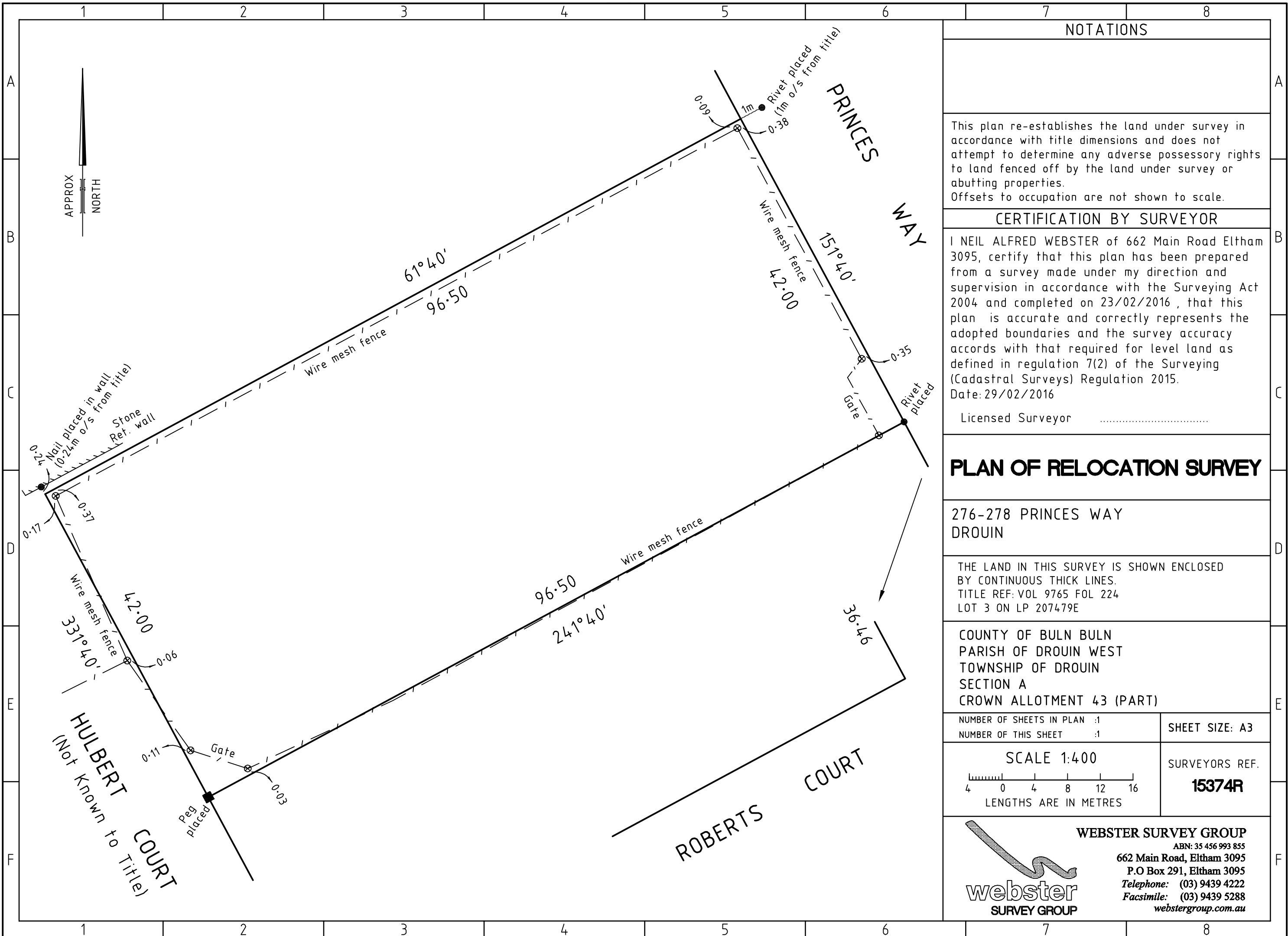
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1 of 1

**SCALE**  
1:250

**DRAWN BY**  
SC

**LENGTHS ARE IN METRES**  
Horizontal 0 25 5 7.5 10  
Vertical 0 25 5 7.5 10

**WEBSTER SURVEY GROUP**  
ABN: 35 486 993 855  
662 Main Road, Elliham 3095  
P.O. Box 291, Elliham 3095  
Telephone: (03) 9439 4222  
Facsimile: (03) 9439 5288  
webstergroup.com.au



# Drouin Medical Centre

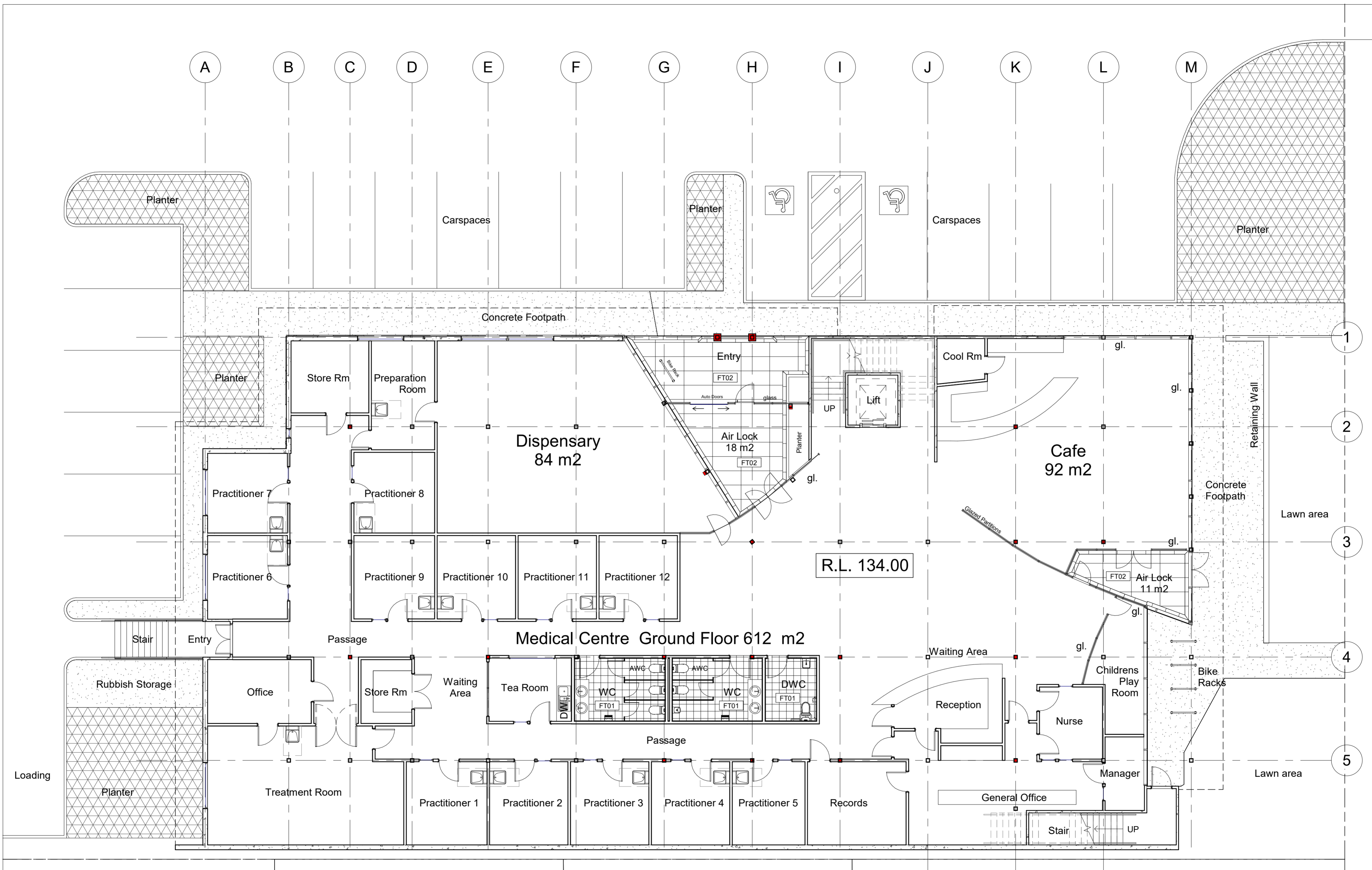
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276 - 278 Princes Way, Drouin

## TP Drawing List

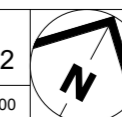
Site Plan	TP 101
Ground Floor - Stage 1	TP 102.1
First Floor - Stage 1	TP 103.1
Landscape	TP 104
Elevations	TP 201





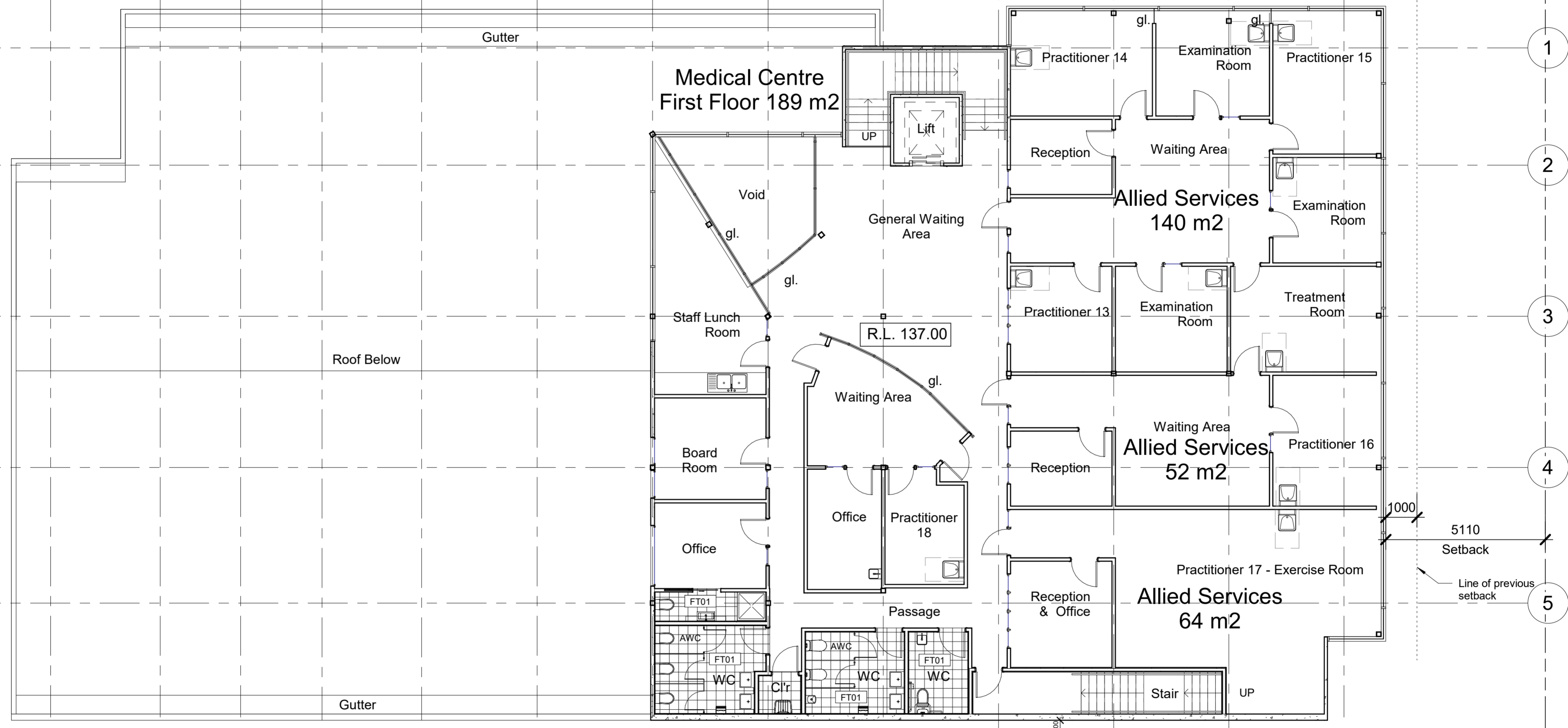
1 Proposed Ground Floor  
TP 102.1 1 : 100

No:	Date	Description





A B C D E F G H I J K L M



1 Proposed First Floor  
TP 103.1 1 : 100

No:	Date	Description



IRON BUILDING  
No: 280 -282  
HOME TIMBER & HARDWARE

VACANT LAND  
No: 5 HULBERT  
COURT

BATTER BACK AT 1.5 FALL

PROPOSED MEDICAL CENTRE

VACANT LAND  
No: 14 ROBERTS COURT

VACANT LAND  
No: 12 ROBERTS COURT

IRON & BRICK  
BUILDING  
No: 10 ROBERTS  
COURT

IRON & BRICK  
BUILDING  
No: 8 ROBERTS  
COURT

IRON & BRICK  
BUILDING  
No: 6 ROBERTS  
COURT

IRON & BRICK  
BUILDING  
No: 4 ROBERTS COURT

IRON & BRICK  
BUILDING  
No: 272 PRINCES WAY

SHED

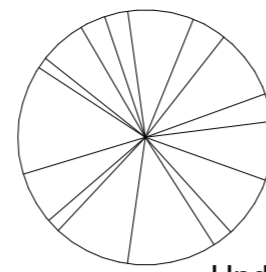
SHED

Star

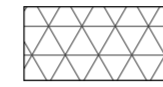
Retaining Wall

FOOTPATH

PRINCES WAY



Large tree species to be approved as per permit condition 6m high 3m canopy



Under canopy species to be approved as per permit condition and detailed on future landscape plan

Landscaping legend

Washed Aggregate Concrete Paving

Concrete Footpath

Area to be cleaned and profiled for a seeded lawn for future development

CARPARK CALCULATIONS

CARPARK RATE - FOR 18 PRACTITIONERS

FOR FIRST PRACTITIONER, 5 CARPARKS	5 x 1 = 5
FOR EVERY PRACTITIONER THEREAFTER, 3 CARPARKS	3 x 17 = 51
PHARMACY	= 4
CAFE	= 3
LOADING SPACE	= 1
<b>TOTAL CARSPACES REQUIRED</b>	<b>63</b>

**TOTAL CARSPACES 63**

1 Site Plan  
TP 104 1 : 200

POWERHOUSE PROJECTS

THE FACTORY  
Suite 1  
27 Hughes St  
Yarraville VIC 3013  
Tel: (03) 9024 5647 Mob: 0408 530 430  
office@powerhouseprojects.com.au

No:	Date	Description

PROJECT  
Drouin Medical Centre  
276 - 278 PRINCES WAY, DROUIN 3818

PROJECT NUMBER:  
15-32  
SCALE @A2 As indicated

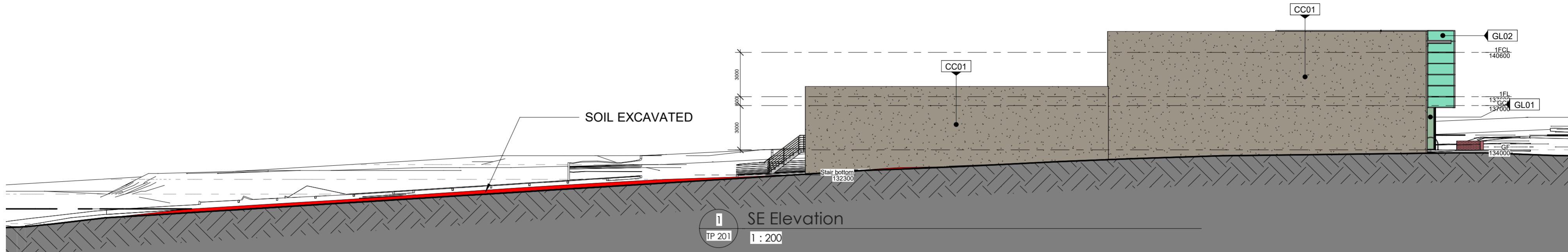


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Landscape

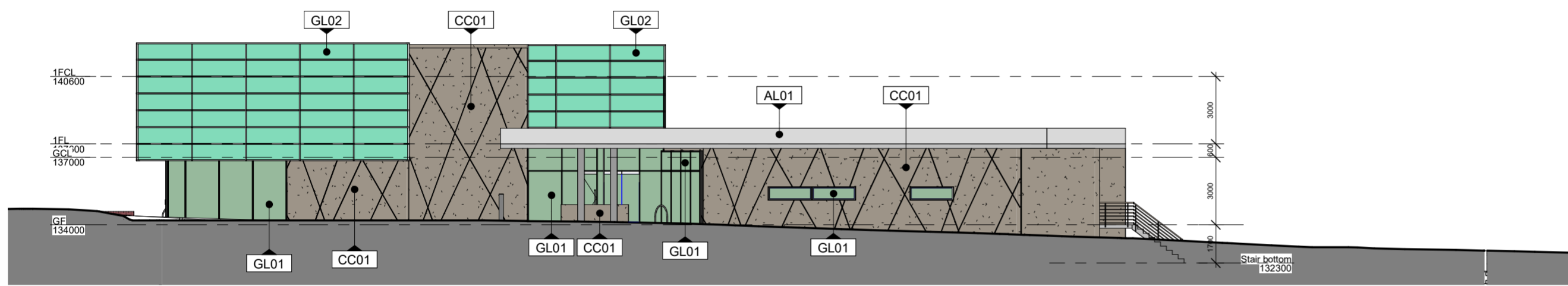
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REVISION

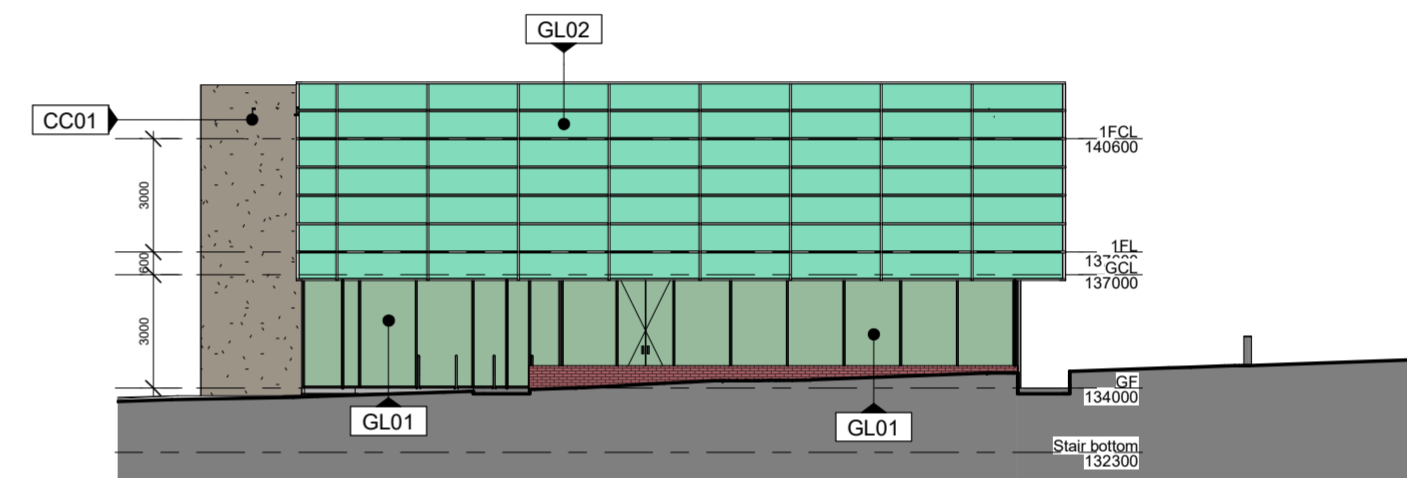
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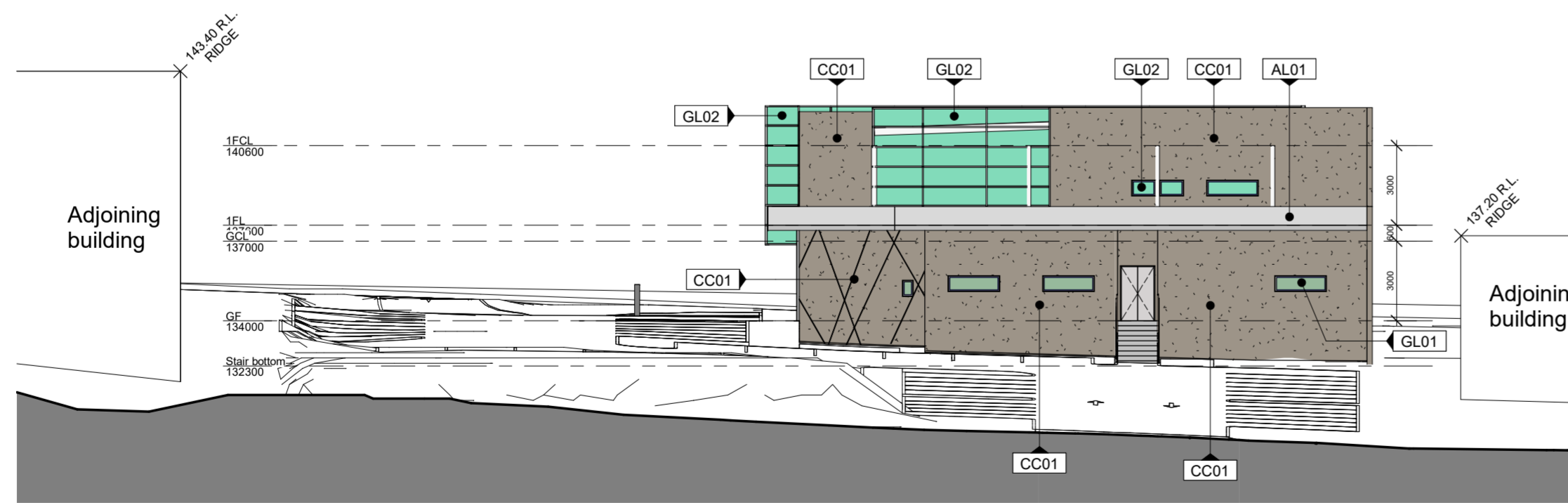
1 SE Elevation  
TP 201 1 : 200



3 North Elevation  
TP 201 1 : 200



2 NE Elevation  
TP 201 1 : 200



4 West Elevation  
TP 201 1 : 200

Materials and Finishes				
Colour	Tag	Description	Comments	Fire Indices
	AL01	Alucobond A2	Natural Anodised Frame	Group 1 Material
	CC01	160mm Precast Concrete	Paint Dulux Mud Pack P14B4	Deemed to comply
	CC02	120mm Precast Concrete	Paint Dulux Mud Pack P14B4	Deemed to comply
	CL01	600 x 1200 Suspended Ceiling Grid	Rondo, Duo Exposed Grid Ceiling System, 600mm x 1200mm Gyprock Supatone Ceiling Tiles	Group 1 Material
	FT01	Ceramic Floor Tile	300 x 300	Deemed to comply
	FT02	Ceramic Floor Tile	600 x 1200	Deemed to comply
	GL01	Capral 419 Flushline Single Glazed	Clear Glass, Aluminum Frame	
	GL02	Capral 625 Narrowline Double Glazed	Green Tint Natural Anodised Frame, Aluminum Frame	
	LM01	Laminate		
	PT01	Painted Surface	Paint Dulux Vivid White	
	WT01	Ceramic Wall Tile	300 x 300	Deemed to comply



## Bushfire Management Statement

Incorporating:

- a Bushfire Hazard Landscape Assessment
- a Bushfire Hazard Site Assessment
- a response to Clauses 44.06 and 53.02 of the Planning Scheme
- a Bushfire Management Plan

Proposed development of a medical centre, pharmacy and cafe at 276-278 Princes Way, Drouin VIC 3818

**Version 1, 16 September 2019**

**Foresite Planning & Bushfire Consultants**

Suite 1, 843 Point Nepean Road Rosebud VIC 3939 | P.O. Box 455 Rosebud VIC 3939

t 1300 301 088 w [www.foresite.net.au](http://www.foresite.net.au) e [info@foresite.net.au](mailto:info@foresite.net.au)

**Foresite Planning & Bushfire Consultants Pty Ltd**

ABN 78 601 140 336

P.O. Box 455 Rosebud Vic 3939

Suite 1, 843 Point Nepean Road Rosebud

<b>Document type</b>	Bushfire Management Statement – incorporating a Bushfire Hazard Landscape Assessment, Bushfire Hazard Site Assessment, a response to the requirements of Clauses 44.06 and 53.02 of the Planning Scheme and a Bushfire Management Plan (BMP)			
<b>Bushfire hazard map</b>	Designated Bushfire Prone Area	Yes	Bushfire Management Overlay	Yes
<b>Address</b>	276-278 Princes Way, Drouin VIC 3818 – Lot 3, LP.207479			
<b>Proposal</b>	Development of a medical centre, pharmacy and cafe			
<b>Building classification</b>	Class 5			
<b>Client</b>	Elevation Corporation and Others			
<b>Responsible authority</b>	Baw Baw Shire Council			
<b>Planning Scheme</b>	Baw Baw			
<b>Zoning &amp; Overlays</b>	Industrial 1 Zone, Bushfire Management Overlay (part), Development Contributions Overlay Schedule 1			
<b>Report author</b>	Anthony Matthews Director – Foresite Planning & Bushfire Consultants		0407 880 899 <a href="mailto:anthony@foresite.net.au">anthony@foresite.net.au</a> <a href="http://www.foresite.net.au">www.foresite.net.au</a>	
				

**Document control**

Version	Date	Comments	Approved by
1	16/9/2019	Original version	Anthony M

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Further limitations on the use of this report and other important information, advice and recommendations for the owner/occupier including their obligations under this report is set out in **Sections 9 & 10** of this report.

## Executive summary

<b>Subject site / proposal</b>	
<b>Address</b>	276-278 Princes Way, Drouin VIC 3818 – Lot 3, LP.207479
<b>Lot size (approx.)</b>	4,053 square metres
<b>Proposal</b>	Development of a medical centre, pharmacy and cafe
<b>Planning regulations</b>	
<b>Zoning</b>	Industrial 1 Zone
<b>Bushfire provisions</b>	Clauses 44.06 and 53.02 – incorporating Amendment VC156 (11/04/2019)
<b>Application pathway</b>	Clause 53.02-4 – Pathway 2 (BMO Technical Guide)
<b>Alternative measures</b>	AltM 3.3 and an unspecified alternative measure for the provision of static water
<b>Bushfire hazard and water supplies</b>	
<b>Primary hazard</b>	Forest, downslope 0-5 degrees
<b>Water supplies</b>	Reticulated water is available in the area and one fire hydrant is located within 120 metres of the rear of the proposed building
<b>Bushfire protection measures (proposed)</b>	
<b>Siting &amp; defensible space envelope</b>	Achieves minimum separation and defensible space for BAL-12.5 in accordance with Table 2 to Clause 53.02-5
<b>Vegetation management</b>	In accordance with Table 6 to Clause 53.02-5 – except the requirement to provide a separation of 5 metres between the canopy of trees has been reduced to two metres
<b>Construction</b>	Construction of the building to comply with the requirements for BAL-12.5 in accordance with Table 2 to Clause 53.02-5 and Sections 3 and 5 of AS.3959-2018 – <i>Construction of buildings in bushfire-prone areas</i>
<b>Water supply</b>	5,000 litres of static water reserved for firefighting and property protection purposes for the use of the occupant of the building with no provision for fire authority fittings
<b>Access</b>	No provision – but the design of the car park and access lanes facilitates access by firefighting and other emergency service vehicles
<b>Conclusion</b>	
<ul style="list-style-type: none"> <li>• It has been demonstrated that the proposal complies with the Approved measures of Clause 53.02-4.1 (Landscape, siting and design objectives) and Clause 53.02-4.2 (Defendable space and construction objective) – in combination with Alternative measure AltM 3.3.</li> <li>• It has been demonstrated that the use of Alternative measure AltM 3.3 meets the objective of Clause 53.02-4.2 (Defendable space and construction).</li> <li>• It has been demonstrated that the use of an unspecified alternative measure for the provision of static water meets the objective of Clause 53.02-4.3 (Water supply and access objectives).</li> </ul>	

## Terminology

<b>AS.3959-2018/ AS.3959</b>	<i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas</i>
<b>BMO</b>	Bushfire Management Overlay – Clause 44.06 of the Planning Scheme
<b>BMO Technical Guide</b>	<i>Technical Guide Planning Permit Applications Bushfire Management Overlay, September 2017 (Department of Environment, Land, Water and Planning)</i>
<b>Bushfire</b>	An unplanned fire burning in vegetation; also referred to as wildfire. <sup>1</sup>
<b>Bushfire attack</b>	Attack by wind, burning embers, radiant heat or flame generated by a bushfire. <sup>2</sup>
<b>Bushfire-prone area (BPA)</b>	An area that is subject to, or likely to be subject to, bushfire attack <sup>3</sup> and as designated pursuant to Section 192A of the <i>Building Act 1993</i> .
<b>Bushfire Attack Level (BAL)</b>	A means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire. <sup>4</sup>
<b>CFA</b>	Country Fire Authority (Relevant Fire Authority)
<b>Classified vegetation</b>	Vegetation that has been classified in accordance with Clause 2.2.3 <sup>5</sup> [of AS.3959-2018] and Tables 1, 2 or 3 of Clause 53.02-5 of the Planning Scheme.
<b>Defendable space</b>	An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire. <sup>6</sup>
<b>Effective slope</b>	The slope under that classified vegetation which most influences the bushfire attack. <sup>7</sup>
<b>Ember attack</b>	Attack by smouldering or flaming windborne debris that is capable of entering or accumulating around a building, and that may ignite the building or other combustible materials and debris. <sup>8</sup>
<b>Low threat vegetation</b>	Vegetation that is excluded from the bushfire assessment in accordance with Clause 2.2.3.2 of AS.3959-2018
<b>Modified vegetation</b>	A vegetation type listed in Tables 1 and 2 to Clause 53.02-5 that is different from the other vegetation types in AS.3959-2018 and Tables 1 & 2 to Clause 53.02-5 because it has been altered from its natural state. <sup>9</sup>
<b>Site</b>	That part of the allotment of land on which a building stands or is to be erected. <sup>10</sup>

<sup>1</sup> Standards Australia, 14 November 2018 – Clause 1.5.1

<sup>2</sup> Standards Australia, 14 November 2018 – Clause 1.5.2

<sup>3</sup> Standards Australia, 14 November 2018 – Clause 1.5.3

<sup>4</sup> Standards Australia, 14 November 2018 – Clause 1.5.4

<sup>5</sup> Standards Australia, 14 November 2018 – Clause 1.5.7

<sup>6</sup> Clause 73.01 of the Planning Scheme

<sup>7</sup> Standards Australia, 14 November 2018 – Clause 1.5.11

<sup>8</sup> Standards Australia, 14 November 2018 – Clause 1.5.12

<sup>9</sup> Derived from DELWP, September 2017

<sup>10</sup> Standards Australia, 14 November 2018 – Clause 1.5.30



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## 1 Purpose and scope of this report

This report is a Bushfire Management Statement that has been prepared to concurrent applications to amend and extend the expiry date of a planning permit and endorse Condition 1 plans related to the use and development of a medical centre, pharmacy and cafe at 276-278 Princes Way, Drouin. The report incorporates four elements, with the first three prepared in response to the *Application requirements* of Clause 44.06-3:

- A **Bushfire Hazard Landscape Assessment** which describes the bushfire hazard more than 150 metres from the site (**Map 1**).
- A **Bushfire Hazard Site Assessment** which describes the bushfire hazard within 150 metres of the site (**Map 2**).
- A **Bushfire Management Statement** which describes how the proposed development responds to the requirements in Clause 44.06 and 53.02 of the Planning Scheme.
- A **Bushfire Management Plan (BMP)** which describes the bushfire protection measures that will be incorporated into the completed development and which the owner/occupier is obliged to maintain on a continuing basis (**Map 3**).

The report addresses the requirements of Clause 53.02-4 – *Bushfire protection objectives*.

## 2 Introduction

### 2.1 Bushfire hazard identification, National Construction Code and AS.3959-2018

As depicted in **Figure 1** below the Planning Scheme identifies that part of the subject land is mapped in the Bushfire Management Overlay (BMO)<sup>11</sup>. The BMO is a planning provision used to guide the development of land in areas of high bushfire hazard where there is the potential for extreme bushfire behaviour, such as crown fire and extreme ember attack and radiant heat<sup>12</sup>.

The subject land is also located in a designated Bushfire Prone Area (BPA)<sup>13</sup> pursuant to Section 192A of the *Building Act 1993* (Act). Pursuant to Regulation 156 of the *Building Regulations 2018* (Regulations) where a planning permit is issued and a site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the application for planning permit, the relevant building surveyor must accept the site assessment for the purpose of determining the BAL of the site and the construction requirements that are applicable to the building.

*Australian Standard AS 3959:2018 – Construction of buildings in bushfire-prone areas (AS.3959-2018)*<sup>14</sup> is used in both the planning system (through the BMO) and the building system (through the BPA and the National Construction Code<sup>15</sup>) to determine the level of bushfire attack on buildings in bushfire prone areas and to determine the appropriate construction response to mitigate these effects.

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<sup>11</sup> DELWP, 16 September 2019

<sup>12</sup> DELWP, September 2017

<sup>13</sup> DELWP, 16 September 2019

<sup>14</sup> Standards Australia, 14 November 2018

<sup>15</sup> ABCB, May 2019

**Figure 1: Extent of subject land mapped in the Bushfire Management Overlay**



Base map for above figure sourced from Vic Plan – <https://mapshare.vic.gov.au/vicplan/>

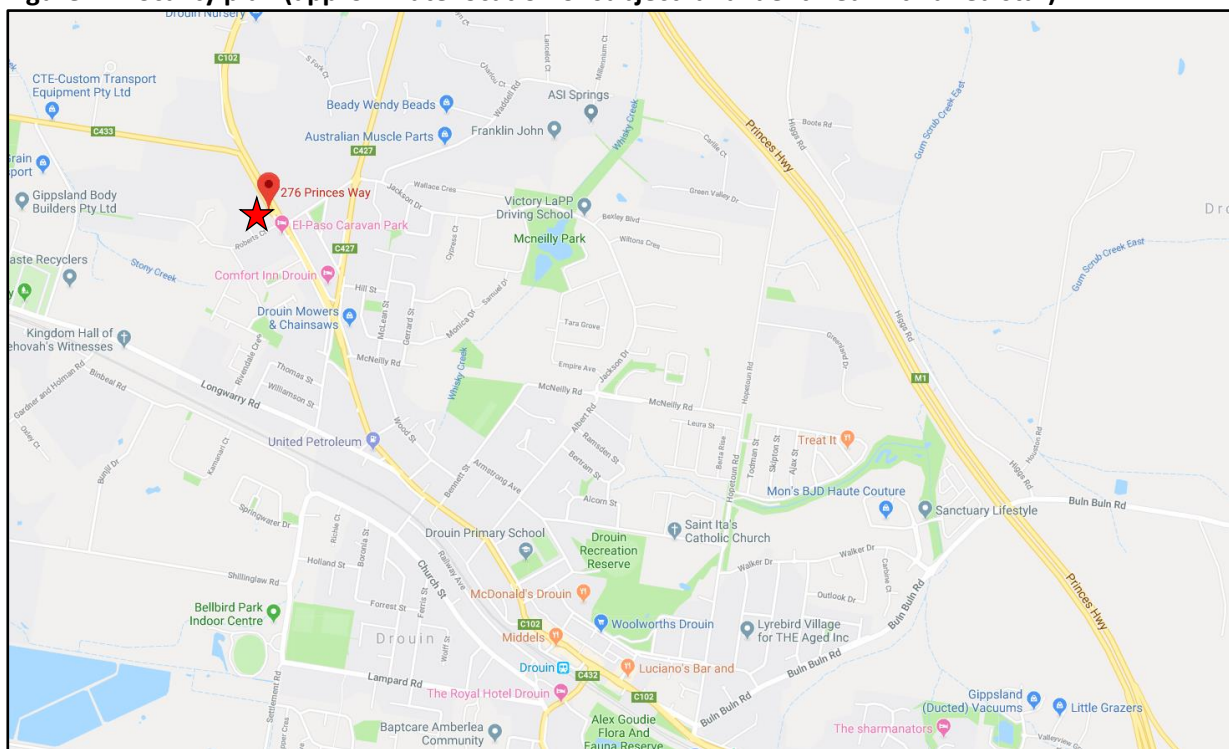
## 2.2 The subject land and planning permit history

<b>Address</b>	276-278 Princes Way, Drouin VIC 3818 – Lot 3, LP.207479
<b>Land use context</b>	The subject land is located in an established industrial area approximately 2 kilometres north-east of the town centre
<b>Lot size (approx.)</b>	4,053 square metres
<b>Existing conditions</b>	Large shed located in the eastern half of the land

Planning Permit No. PLA0143/16 was issued by the Baw Baw Shire Council On 23 February 2017 which authorised 'Use and Develop Land with Medical Centre, Pharmacy and Café'.

We are aware that the permit holder has made concurrent applications to have plans endorsed under Condition 1 of the Permit and to extend the expiry date of the planning permit and that the Responsible Authority has advised that these applications cannot be supported due to the land now being subject to the provisions of the Bushfire Management Overlay (BMO). It is further understood that the permit holder now intends to make a concurrent application to amend the planning permit so that the planning permit incorporates the requirements of the BMO.

**Figure 1: Locality plan (approximate location of subject land identified with a red star)**



Base map for above figure sourced from Google Maps, <https://www.google.com/maps>

## 2.3 The proposal

The following summary of the proposal is to be read in conjunction with the plans referenced below and the Bushfire Management Plan (BMP) presented as **Map 3** at the end of **Section 6**) which was prepared by the author of this report.

<b>Buildings/works</b>	Use and development of a medical centre, pharmacy and cafe
<b>Plans supplied for assessment</b>	Powerhouse Projects, Project No. 15-32, Sheet Number TP101, TP102.1, TP103.1, TP104 & TP201, Revision 1 – 28/11/2017
<b>Siting &amp; defensible space envelope</b>	Achieves minimum separation and defensible space for BAL-12.5 in accordance with Table 2 to Clause 53.02-5
<b>Vegetation management</b>	In accordance with Table 6 to Clause 53.02-5 – except the requirement to provide a separation of 5 metres between the canopy of trees has been reduced to two metres
<b>Construction</b>	Construction of the building to comply with the requirements for BAL-12.5 in accordance with Table 2 to Clause 53.02-5 and Sections 3 and 5 of AS.3959-2018 – <i>Construction of buildings in bushfire-prone areas</i>
<b>Water supply</b>	5,000 litres of static water reserved for firefighting and property protection purposes for the use of the occupant of the building with no provision for fire authority fittings in accordance with the requirements of Table 4 to Clause 53.02-5

**Access**

No provision – but the design of the car park and access lanes facilitates access by firefighting and other emergency service vehicles

### **3 Bushfire planning policy and provisions**

This section of the report provides an overview of the nature and operation of the key bushfire planning policies and provisions of the Planning Scheme and starts with an identification of the relevant permit triggers and exemptions under the BMO provisions.

#### **3.1 BMO permit triggers/exemptions**

The planning permit triggers and exemptions for the BMO are set out in Clause 44.06-2 of the Planning Scheme. Under this provision a planning permit is triggered to construct a building or to construct or carry out works associated with specified land uses. The proposed medical centre falls within the use group of 'Office' and the proposed pharmacy and café falls within the use group of 'Retail premises – with each of these uses listed in Clause 44.06-2.

In this case the proposed building is actually located outside the part of the subject land that is mapped in the BMO but it is understood that Council have determined that a planning permit is triggered due to the associated car parking works being located in the BMO.

#### **3.2 Planning Policy Framework**

##### **3.2.1 Clause 71.02-3 – Integrated decision making**

Clause 71.02-3 includes the following statement:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations.

##### **3.2.2 Clause 13.02-1S – Bushfire planning**

Clause 13.02-1S of the Planning Policy Framework applies to all planning and decision making relating to land which is within a designated bushfire prone area, subject to a BMO or that is proposed to be used or developed in a way that may create a bushfire hazard. The objective of this policy is:

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The strategies of this policy that are particularly relevant to an application of this type and scale include:

### **Protection of human life**

Give priority to the protection of human life by (inter alia):

- Prioritising the protection of human life over all other policy considerations.

### **Bushfire hazard identification and assessment**

Identify bushfire hazard and undertake appropriate risk assessment by (inter alia):

- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

### **Settlement planning**

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by (inter alia):

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

### 3.3 Clause 44.06 – Bushfire Management Overlay (BMO)

#### 3.3.1 Purpose of the BMO

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 the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

#### 3.3.2 Relationship of the BMO and Clause 53.02 to the State Planning Policy Framework

The BMO is intended to give effect to State Planning Policy Clause 13.02-1S – *Bushfire planning*. The purpose of the BMO is achieved through demonstrating compliance with Clause 53.02 – *Bushfire planning* (Clause 53.02).

#### 3.3.3 Application requirements

Clause 44.06-3 specifies that unless a schedule to the overlay specifies different requirements, an application must be accompanied by:

- A **Bushfire Hazard Site Assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Section 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of 2.2.23.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A **Bushfire Hazard Landscape Assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photography or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- A **Bushfire Management Statement** describing how the proposed development responds to the requirements of in this clause and Clause 53.02. If the application proposed an alternative measure, the Bushfire Management Statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

This report addresses the above requirements.

## 3.4 Clause 53.02 – Bushfire Planning

### 3.4.1 Purpose of Clause 53.02

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 the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.

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

To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level

### 3.4.2 Application of Clause 53.02

In accordance with the *Application* of Clause 53.02 the requirements of Clause 53.02-3 apply to this proposal.

### 3.4.3 Operation of Clause 53.02

In accordance with the *Operation* of Clause 53.02 the provisions contain:

- **Objectives.** An objective describes the outcome that must be achieved in a completed development.
- **Approved measures (AM).** An approved measure meets the objective.
- **Alternative measures (AltM).** An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The Responsible Authority may consider other unspecified alternative measures.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measure is appropriate.

A schedule to Clause 44.06 may specify a different approved measure, additional alternative measure or additional decision guidelines.

If a schedule to Clause 44.06 specifies an approved measure different from an approved measure set out in this clause, the requirement in the schedule applies.



## 4 Bushfire Hazard Landscape Assessment

This section is to be read in conjunction with **Map 1** which is provided at the end of this section.

An assessment of the landscape bushfire hazard is a critical step in assessing whether the bushfire risk can be reduced to an acceptable level and in demonstrating compliance with the objectives of Clause 53.02. It also informs decisions about the nature and adequacy of the bushfire protection measures for a given development.

Fire intensity varies significantly depending on a range of factors including the characteristics of the wider landscape. Critical factors affecting fire intensity include:

- Weather conditions – particularly wind speed, temperature, relative humidity and atmospheric stability<sup>16</sup>.
- The extent, type, arrangement and continuity of vegetation.
- The length of time a fire has to grow and develop.
- Topographical features.

The influence of the landscape features on the bushfire risk at a specific site can also vary considerably and depends on a range of factors including:

- The proximity and relationship of the site to areas which may be capable of extreme fire behaviour.
- Changes in vegetation and slope characteristics within 150 metres of the site which may mitigate the bushfire intensity at the site level.
- The proximity of the site to urban areas or other areas where land is managed in a minimal fuel condition which may mitigate the bushfire intensity at the site level and potentially provide shelter from the effects of bushfire.

**Table A** below, in conjunction with **Map 1** and **Map 2**, describes the features of the landscape bushfire hazard that are relevant to the subject land:

- Location and land use patterns
- Proximity to urban or township area
- Significant landscape features, vegetation and topography
- Recent bushfire and planned burn history
- Availability of infrastructure to support a response to a bushfire event

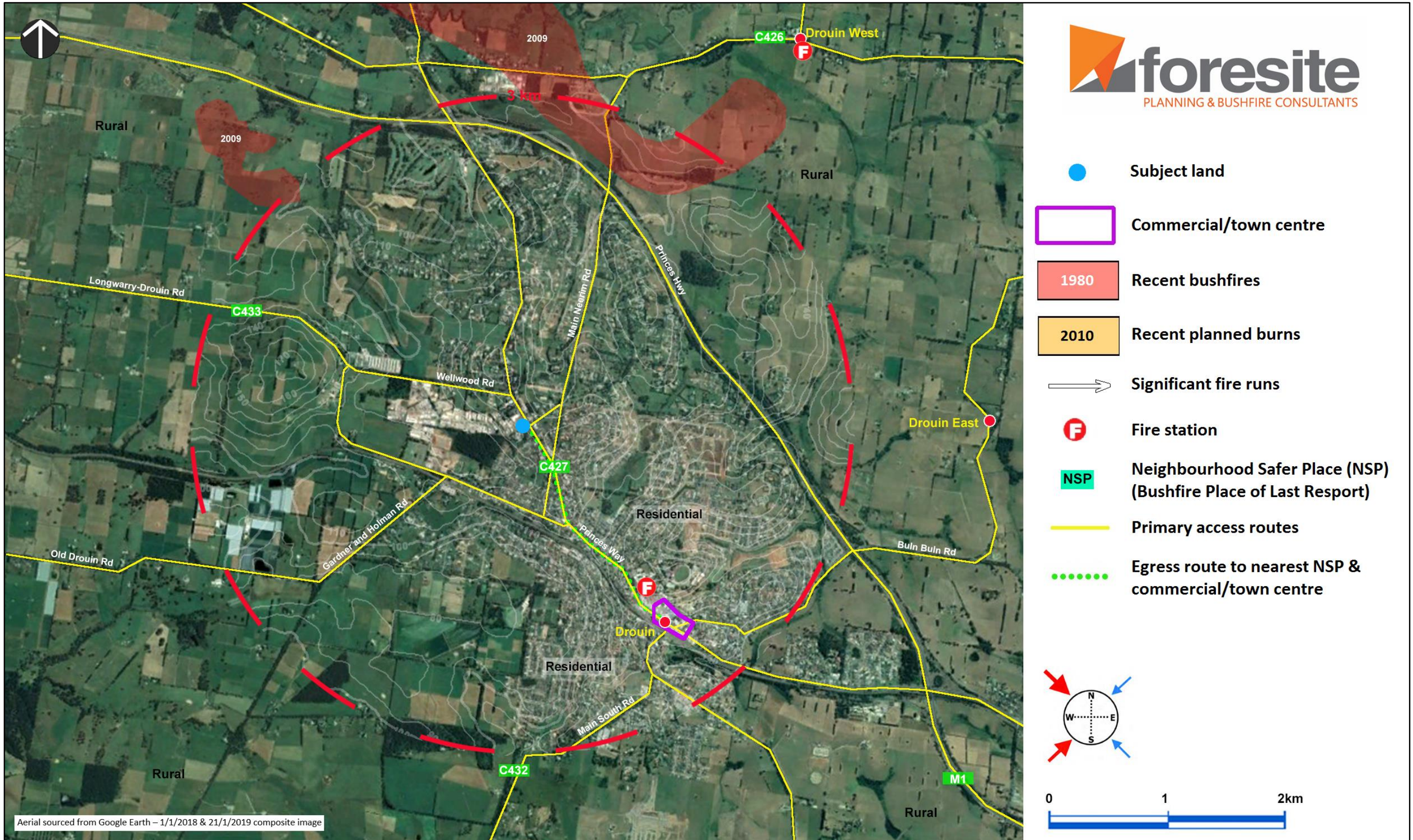
With reference to the BMO technical guide<sup>17</sup> it is submitted that this site is not located in a complex location that requires a response to the ‘further information for more complex locations’.

**Section 6.2** of the report draws conclusions from the bushfire hazard landscape assessment and describes whether the risk associated with this hazard can be reduced to an acceptable level.

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<sup>16</sup> These conditions are already taken into account in the AS.3959-2018 bushfire models that have been used to develop the defendable space and construction tables of Clause 53.02-5 and are usually taken as a given except in extreme bushfire hazard landscapes.

<sup>17</sup> p.11 & p.12



## 5 Bushfire Hazard Site Assessment

### 5.1 Introduction

This part of the report is to be read in conjunction with **Map 2** which is provided at the end of this section. This assessment is based on a desktop assessment that has utilised the following tools and methods:

- Review of the Bushfire Management Overlay and Bushfire Prone Area mapping.
- Analysis of Near Map aerial photography with an image date of 23 December 2018.
- Analysis of Google Earth Pro aerial photography (of varying dates) and using the street view function.
- Topographical analysis using Vic Plan<sup>18</sup> and Google Earth Pro.

As noted in the *Technical Guide Planning Permit Applications Bushfire Management Overlay* (BMO Technical Guide)<sup>19</sup> the Bushfire Hazard Site Assessment provides factual information about the bushfire hazard, it informs the defendable space and construction requirements and is informed by the methodology contained in *Australian Standard AS 3959:2018 – Construction of buildings in bushfire-prone areas* (AS.3959-2018).

In accordance with the *Application requirements* of Clause 44.06-3 and the provisions of Clause 53.02:

- The bushfire hazard has been assessed for a distance of 150 metres from the site.
- The description of the hazard has been prepared in accordance with Sections 2.2.3 to 2.2.5 of AS.3959-2009<sup>20</sup>, excluding paragraph (a) of Section 2.2.3.2.
- The vegetation classification, defendable space and construction have been determined with reference to Table 2 to Clause 53.02-5 (Table 2).

### 5.2 Vegetation classification (Clause 2.2.3 of AS.3959-2018)

In accordance with Section 2.2.3.1 of AS.3959-2018, the vegetation has been classified in accordance with Table 2.3 and Figures 2.3 and 2.4(A) to 2.4(G) of AS.3959-2018. Where there is more than one vegetation type, each type has been classified separately with the worst-case scenario applied – which is not necessarily the predominant vegetation. CFA's publication *Vegetation Classes – Victorian Bushfire Management Overlay*<sup>21</sup> and the BMO Technical Guide have also been used to inform the classification of the vegetation surrounding the site.

#### 5.2.1 Forest (Group A)

Vegetation located to the north-east of the site has been conservatively classified in Group A – Forest and is most closely aligned to the description for Open Forest 03 which has the following characteristics:

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<sup>18</sup> <https://mapshare.maps.vic.gov.au/vicplan/>

<sup>19</sup> DELWP, September 2017, p.20

<sup>20</sup> The provision hasn't yet been updated to reference the 2018 version of the standard

<sup>21</sup> CFA, February 2014

*Trees 30 m high; 30–70% foliage cover (may include understorey of sclerophyllous low trees or shrubs). Typically dominated by eucalypts, melaleuca or callistemon (may include riverine and wetland environments) and callitris. Includes eucalypt plantations.*<sup>22</sup>

### 5.2.2 Low threat vegetation

It has been assessed that all unshaded areas within the 150 metre assessment area on **Map 1** are excludable as low threat vegetation that satisfies one or more of the following exclusions under Clause 2.2.3.2 of AS.3959-2018<sup>23</sup>:

- (b) *Single areas of vegetation less than 1 ha in area and not within 100 m<sup>24</sup> of other areas of vegetation being classified vegetation.*
- (c) *Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other or of other areas of vegetation being classified.*
- (d) *Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified vegetation.*
- (e) *Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.*
- (f) *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks.*

**NOTES:**

- 1 *Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognizable as short-cropped grass for example, to a nominal height of 100 mm).*
- 2 *A windbreak is considered a single row of trees used as a screen or to reduce the effect of wind on the leeward side of the trees.*<sup>25</sup>

This assessment takes the following factors into account:

- The zoning and existing use and development of surrounding land provides reasonable assurance that this land will continue to be maintained in a low bushfire threat condition that satisfies the above criteria (as applicable) and which is consistent with the purpose of providing defensible space for the proposed building.
- Compliance with the requirements of the Bushfire Management Plan (BMP) will result in vegetation located in the proposed defensible space envelope meeting the criteria for exclusion in accordance with Clause 2.2.3.2(f) of AS.3959-2018.

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<sup>22</sup> Standards Australia, 14 November 2018

<sup>23</sup> Clause 53.02 excludes the operation of paragraph (a)

<sup>24</sup> For the purposes of the BMO this distance is taken to be 150 metres.

<sup>25</sup> Clause 44.06-3 excludes the operation of paragraph (a)

### 5.3 Distance of the site from classified vegetation (Clause 2.2.4 of AS.3959-2018)

The distance of the site from areas of classifiable vegetation has been determined in accordance with Section 2.2.4 of AS.3959-2018 and the outcome of this assessment is recorded in **Table B** below.

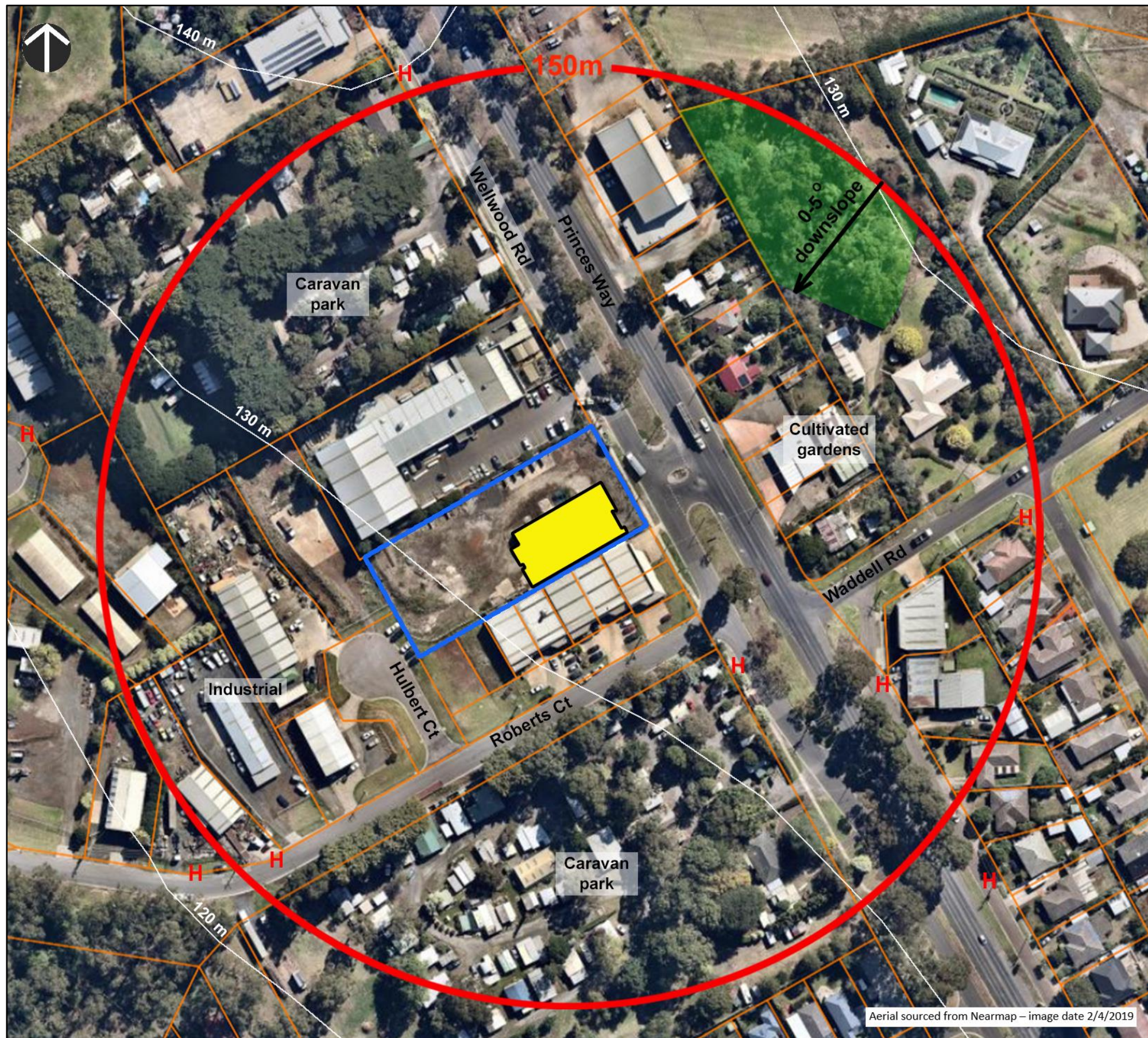
In accordance with Note 1 to Figure 2.1 of AS.3959-2018 the distance is taken from the nearest part of an external wall of the building or for parts of the building that do not have external walls it is taken from the supporting posts or columns.

### 5.4 Effective slope of land under the classified vegetation (Clause 2.2.5 of AS.3959-2018)

The effective slope of areas of classifiable vegetation have been determined in accordance with Section 2.2.5 of AS.3959-2018 and the outcome of this assessment is recorded in **Table B** below.






**Table B: Recording the outcome of the Bushfire Hazard Site Assessment**

Aspect	Vegetation classification (Clause 2.2.3)	Distance from vegetation (Clause 2.2.4)	Effective slope (degrees) (Clause 2.2.5)
North-east	Forest	≥ 90 m	Downslope 0-5
South-east	Low threat	N/A	N/A
South-west	Low threat	N/A	N/A
North-west	Low threat	N/A	N/A
1. Distance to vegetation includes vegetation located in the defensible space and other areas of low threat vegetation. 2. Low threat vegetation means vegetation that satisfies one or more of the exclusions in Clause 2.2.3.2 of AS.3959-2018 – excluding paragraph a).			



Aspect	Vegetation classification (Clause 2.2.3)	Distance from vegetation (Clause 2.2.4)	Effective slope (degrees) (Clause 2.2.5)
North-east	Forest	≥ 90 m	Downslope 0-5
South-east	Low threat	N/A	N/A
South-west	Low threat	N/A	N/A
North-west	Low threat	N/A	N/A

- Distance to vegetation includes vegetation located in the defensible space and other areas of low threat vegetation – being all unshaded areas within 150 m of the site.
- Low threat vegetation means vegetation that satisfies one or more of the exclusions in Clause 2.2.3.2 of AS.3959-2018 – excluding paragraph a).

-  Subject land
-  Forest
-  10 10 m contours
-  Approx. location of fire hydrants
-  Approx. siting/footprint of proposed medical centre



## 6 Assessment of bushfire planning provisions

### 6.1 Introduction

This section of the report is also to be read in conjunction with the Bushfire Management Plan (BMP) provided in **Map 3** at the end of this section.

**Table C** below outlines the Objectives, Approved measures and Alternative measures which are relevant to this application and which are addressed in this section of the report. In accordance with the *Operation* to Clause 53.02 compliance with the Approved measures is deemed to meet the objective. Where an Approved measure can't be met an Alternative measure – including other unspecified alternative measures – may be considered where the responsible authority is satisfied that the objective can be met.

**Table C: Clause 53.02 – Relevant objectives, approved measures and alternative measures**

Pathway / Clause / Objective / measures		Applies?	Rationale / Approved Measure met or Alternative Measure proposed?
<b>53.02-4.1</b>	<b>Landscape, siting and design objectives</b>		
AM 2.1	Landscape bushfire hazard	<b>Yes</b>	Complies
AM 2.2	Siting	<b>Yes</b>	Complies
AM 2.3	Building design	<b>Yes</b>	Complies
<b>53.02-4.2</b>	<b>Defendable space and construction objective</b>		
AM 3.1	For dwellings, dependant person's units, industry, office and retail	<b>Yes</b>	Complies – in conjunction with AltM 3.3
AM 3.2	For all other development	No	AM 3.1 applies
AltM 3.3	Use of adjoining land for defendable space	<b>Yes</b>	Complies
AltM 3.4	Use of Method 2 (AS.3959-2009)	No	AM 3.1 applies
AltM 3.5	Criteria for flame zone	No	AM 3.1 applies
AltM 3.6	Integrated risk management	No	AM 3.1 applies
<b>53.02-4.3</b>	<b>Water supply and access objective</b>		
AM 4.1	For dwellings, dependant person's units, industry, office and retail	<b>Yes</b>	Unspecified alternative measure proposed
AM 4.2	For all other development	No	AM 4.1 applies

## 6.2 Clause 53.02-4.1 – Landscape, siting and design objectives

The objectives of Clause 53.02-4.1 – *Landscape, siting and design objectives* are:

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.
- Development is sited to minimise the risk from bushfire.
- Development is sited to provide safe access for vehicles, including emergency vehicles.
- Building design minimises vulnerability to bushfire attack.

There are three approved measures (AM 2.1, AM 2.2 and AM 2.3) which apply to this objective and are relevant to both of the proposed buildings. An assessment of the proposal against the requirements of each approved measure is outlined below.

### Approved measure 2.1 (Landscape bushfire risk)

#### AM 2.1 Requirement

The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

#### Response to AM 2.1

With reference to the Bushfire Hazard Landscape Assessment and the Bushfire Hazard Site Assessment the following conclusions can be drawn about the influence of the landscape bushfire hazard on the bushfire risk to the proposed development:

- Areas of bushfire hazard located within at least 3 kilometres of the site are confined to grasslands, pasture, small pockets of bushland (generally less than 1 hectare) and substantial areas of low threat vegetation.
- The type and extent of vegetation within at least 3 kilometres of the site is unlikely to result in neighbourhood-scale destruction of property and extreme fire behaviour is not possible.
- The land is located in an established industrial area adjacent to an established residential area and the urban form of development in the area provides immediate access to a place that provides shelter from bushfire.
- The site is located in an area that has a good road network that can support bushfire response and recovery.
- The subject land is located in an area that is consistent with 'Broader Landscape Type One' in the BMO Technical Guide and where the credible bushfire scenarios for the site will be well within the parameters of the BMO/AS.3959-2018 design fire.



In deciding whether the requirement of AM 2.1 is met it is also relevant and necessary to consider the key elements of the assessment methodology and the proposed bushfire protection measures – which in this case includes the following<sup>26</sup>:

- Table 2 to Clause 53.02 (which is derived from the simplified method – Method 1 of AS.3959-2018) has been used to determine the defendable space and construction for the building.
- The siting of the building and the proposed defendable space envelope achieves defendable space for BAL-12.5 limits the mechanisms of bushfire attack to low levels of radiant heat (<12.5 kW/m<sup>2</sup>), embers and burning debris<sup>27</sup>.

Having regard to the above it is concluded that the bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level as required by AM 2.1.

### Approved measure 2.2 (Siting)

#### AM 2.2 Requirement

A building is sited to ensure the site best achieves the following:

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

#### Response to AM 2.2

The siting of the proposed building is acceptable and meet the requirements of AM 2.2 having regard to the following:

- The nature of the bushfire hazard as documented in the Bushfire Hazard Landscape Assessment and the Bushfire Hazard Site Assessment.
- The siting of the building and the proposed defendable space envelope achieves defendable space for BAL-12.5 limits the mechanisms of bushfire attack to low levels of radiant heat (<12.5 kW/m<sup>2</sup>), embers and burning debris<sup>28</sup>.
- The building has a front setback of less than 7 metres and the design of the access arrangements facilitates access for emergency service vehicles and complies with the requirements of Table 5 to Clause 53.02-5.

<sup>26</sup> With reference to the CFA guideline 'Applying the Bushfire Hazard Landscape Assessment in a Bushfire Management Overlay'<sup>26</sup> (CFA, Dec 2015)

<sup>27</sup> Based on the AS.3959-2018/BMO design fire

<sup>28</sup> Based on the AS.3959-2018/BMO design fire

### Approved measure 2.3 (Building design)

#### AM 2.3 Requirement

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

#### Response to AM 2.3

The design of the proposed buildings provides an acceptable response to the requirement of AM 2.3 having regard to the following:

- The nature of the bushfire hazard as documented in the Bushfire Hazard Landscape Assessment and the Bushfire Hazard Site Assessment.
- The building is substantially constructed of precast concrete (160 mm and 120 mm).
- There are no exposed sub-floor spaces.
- The siting of the building and the proposed defendable space envelope achieves defendable space for BAL-12.5 which limits the mechanisms of bushfire attack to low levels of radiant heat (<12.5 kW/m<sup>2</sup>), embers and burning debris<sup>29</sup>.
- The BMP prescribes that the construction of the building must comply with the requirements for BAL-12.5 in accordance with Sections 3 and 5 of AS.3959-2018 which ensures that the development is constructed to a standard that is commensurate to the assessed level of bushfire attack.

### 6.3 Clause 53.02-4.2 – Defendable space and construction objective

The objective of Clause 53.02-4.2 – *Defendable space and construction objective* is:

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

There is one Approved measure (AM 3.1) that applies to this objective and that is relevant to this proposal and the proposal also relies on Alternative measure AltM 3.3. An assessment of the proposal against the requirements of these measures is outlined below.

#### Approved measure 3.1 (Defendable space and construction)

#### AM 3.1 Requirement

A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:

- Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or

<sup>29</sup> Based on the AS.3959-2018/BMO design fire

- If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.

The building is constructed to the bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-5.

### **Alternative measure 3.3 (Use of adjoining land for defensible space)**

#### **AltM 3.3 Requirement**

Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.

#### **Response to AM 3.1 and AltM 3.3**

As documented in the Bushfire Hazard Site Assessment, Table 2 to Clause 53.02-5 (Table 2) has been used to determine the defensible space and construction for the proposed building and in response to this the BMP (**Map 3**) prescribes that:

- Defensible space applies to all of the subject land.
- Vegetation in the defensible space envelope will be managed in accordance with the requirements of Table 6 to Clause 53.02-5 – except the requirement to provide a separation of 5 metres between the canopy of trees has been reduced to 2 metres.
- The building must be constructed to comply with a Bushfire Attack Level (BAL) of BAL-12.5 in accordance with Sections 3 and 5 of AS.3959-2018.

**Table D** below demonstrates how the above response complies with the requirements of AM 3.1 and AltM 3.3 – in conjunction with the further rationale/justification provided below the table.

**Table D: Defendable space required to achieve BAL-12.5 construction**

Aspect	Vegetation classification	Distance from vegetation	Effective slope (degrees)	Required defendable space	Defendable space (on-site)	Total defendable space
NE	Forest	≥ 90 m	DS 0-5	57 m	≥ 6 m (PB)	≥ 90 m
SE	Low threat	N/A	N/A	50 m or PB	PB	> 150 m
SW	Low threat	N/A	N/A	50 m or PB	PB	> 150 m
NW	Low threat	N/A	N/A	50 m or PB	PB	> 150 m
1. Distance to vegetation excludes vegetation located in the defendable space and other areas of low threat vegetation. 2. Low threat vegetation means vegetation that satisfies one or more of the exclusions in Clause 2.2.3.2 of AS.3959-2018 – excluding paragraph a). 3. DS = downslope, PB = Property boundary						

#### Justification for reliance on off-site defendable space

The proposal relies on the provision of defendable space on adjoining land to the north-east of the site. It is assessed that the reliance on this off-site defendable space is acceptable and meets the requirement of AltM 3.3 and the objective of Clause 53.02-4.2 having regard to the following:

- The nature of the bushfire hazard as documented in the Bushfire Hazard Landscape Assessment and the Bushfire Hazard Site Assessment.
- The size of the land makes it impractical to provide the required defendable space within the boundaries of the land.
- The area of defendable space provided on adjoining land is significantly greater than what is required to comply with the requirements of Table 2 – with most of the required defendable space comprising a maintained dual highway.
- The existing use, development and maintenance of the land provides reasonable assurance that this land will continue to be maintained in a low bushfire threat condition that is consistent with the purpose of providing defendable space for the proposed development.

#### Justification to vary the vegetation management requirements of Table 6 to Clause 53.02-5

The BMP prescribes that the land in the defendable space envelope must be managed in accordance with the requirements of Table 6 to Clause 53.02-5 – except the requirement to provide a separation of 5 metres between the canopy of trees has been reduced to 2 metres.

It has been assessed that this approach is an acceptable response for the site and is consistent with the purpose of providing defensible space for the proposed building having regard to the following:

- The nature of the bushfire hazard as documented in the Bushfire Hazard Landscape Assessment and the Bushfire Hazard Site Assessment.
- Table 6 to Clause 53.02-5 provides that the requirements of the table can be modified where it is agreed in writing to the satisfaction of the relevant fire authority.
- The significant separation of the site from the nearest area of classified vegetation ( $\geq 90$  metres).
- The substantial area of car parking and access lanes surrounding the building will effectively achieve the outcome of complying with the requirements of Table 6 irrespective of the arrangement of vegetation on the land.
- The 2018 edition of AS.3959 now clarifies that when assessing vegetation classes for forests, woodlands and rainforest that the classified vegetation is determined by the unmanaged understorey rather than either the canopy (drip line) or the trunk of any trees<sup>30</sup>. This approach effectively treats scattered trees with no understorey fuels and maintained grass (as required by the BMP) as being low threat vegetation.
- The proposed building is located outside the BMO.

### 6.3 Clause 53.02-4.3 – Water supply and access objectives

The objectives of Clause 53.02-4.3 – *Water supply and access objectives* are:

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

The following provides a response to the one approved measure (AM 4.1) that is relevant to this proposal.

#### Approved measure 4.1 (Water supply and access)

##### AM 4.1 Requirement

A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with:

- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

<sup>30</sup> Refer to Figure 2.2 of Clause 2.2.5 of AS.3959-2018

## Response to AM 4.1

### Static Water Supply

The area of the subject land exceeds 1,000 square metres and on this basis it is a requirement of Table 4 to Clause 53.02-5 (Table 4) to provide 10,000 litres of static water supply reserved for fire-fighting and property protection purposes that complies with the following Fire Authority requirements:

*Unless with otherwise agreed in writing by the relevant fire authority, the water supply must:*

- *Be stored in an above ground water tank constructed of concrete or metal.*
- *Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.*
- *Include a separate outlet for occupant use.*

*Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:*

- *Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.*
- *Be located within 60 metres of the outer edge of the approved building.*
- *The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.*
- *Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).*
- *Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).*

The static water supply requirements prescribed in the BMP do not comply with this requirement with a 5,000 litre static water supply proposed with no provision made for fire authority access or fittings.

Clause 53.02-4.3 does not include an alternative measure for meeting the objective. Accordingly, the proposed static water supply as detailed in the BMP is proposed as an unspecified alternative measure. It is submitted that is an acceptable response and achieves satisfactory compliance with the objective of Clause 53.02-4.3 having regard to the following:

- The nature of the bushfire hazard as documented in the Bushfire Hazard Landscape Assessment and the Bushfire Hazard Site Assessment.
- As documented in the Bushfire Hazard Site Assessment a fire hydrant is located within 120 metres of the rear of the proposed building.
- The significant separation of the site from the nearest area of classified vegetation ( $\geq 90$  metres) and the extent of low threat vegetation surrounding the site.
- The proposed provision of 5,000 litres of static water in an above ground metal water tank will ensure that the occupants of the building has a supply of static water to support the suppression of embers and burning debris in the event of a bushfire impacting the area<sup>31</sup>.

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<sup>31</sup> Based on the assumption that the use of the water supply will not be supported with the provision of a fire-fighting pumps and hoses or a bushfire sprinkler system.

- The proposed building is not located in the BMO with the associated car park being the only reason why Council has determined that a planning permit is required under the BMO provisions.

#### Access

In the event that the unspecified alternative measure for the static water supply is accepted by the CFA it follows that there are no access requirements for the following reasons:

- The Alternative measure does not include provision for fire authority fittings or fire authority access to the static water supply.
- The length of the access to the building is less than 30 metres from the road carriageway.

Notwithstanding the above the design of the access to the site complies with the requirements of Table 5 to Clause 53.02-5.

# Map 3: Bushfire Management Plan

## Bushfire protection measures

All bushfire protection measures shown on this plan must be implemented before the building is occupied and must then be maintained on a continuing basis to the satisfaction of the Responsible Authority.

### Construction – Bushfire Attack Level (BAL)

The construction of the building must comply with the requirements for a Bushfire Attack Level (BAL) of **BAL-12.5** in accordance with Sections 3 and 5 of AS.3959-2018 – *Construction of buildings in bushfire-prone areas*.

## Static water supply

A static water supply must be provided that complies with the following requirements:

1. A minimum of 5,000 litres of water must be reserved for firefighting and property protection purposes in an above-ground metal or concrete water tank.
2. An outlet that suits the needs of the occupants of the dwelling must be fitted to the wall of the tank.
3. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.

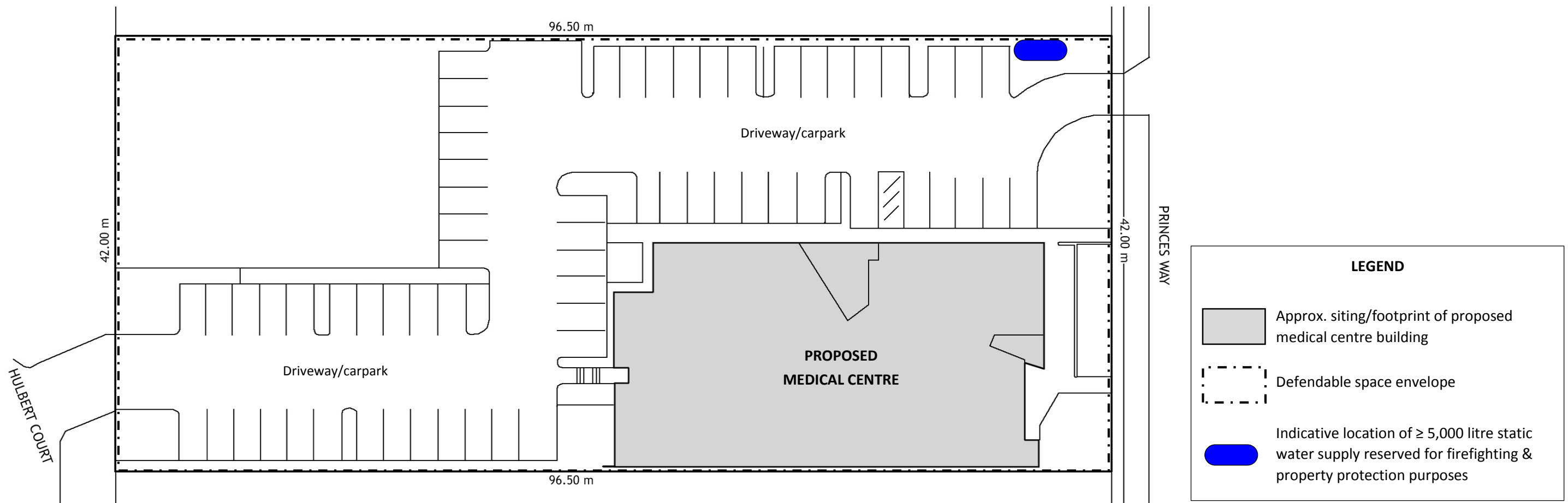
### Notes:

- *The static water supply is intended to support the suppression of embers and burning debris by the occupants of the dwelling. It does not require CFA fittings and is not required to be accessed by firefighting vehicles.*
- *This plan does not impose vehicle access requirements as the length of the driveway is less than 30 metres from the road and there is no provision for fire authority access to the static water supply.*

## Vegetation management in the defensible space envelope

Vegetation located within the defensible space envelope (including vegetation that is landscaped or naturally regenerated) must be managed to comply with the following requirements:

1. Grass must be short cropped and maintained during the declared fire danger period.
2. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
3. Within 10 metres of the buildings, flammable objects must not be located close to the vulnerable parts of the building.
4. Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
5. Shrubs must not be located under the canopy of trees.
6. Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 2 metres.
7. Trees must not overhang or touch any elements of the building.
8. The canopy of trees must be separated by at least 2 metres.
9. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.



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## Bushfire Management Plan for a medical centre, pharmacy & cafe 276-278 Princes Way, Drouin VIC 3918

Response to the requirements of the Bushfire Management Overlay of the Baw Baw Planning Scheme



## 7 Conclusion

The proposal provides an acceptable outcome in terms of addressing the objectives and requirements of Clause 44.06 and 53.02, including the decision guidelines of Clause 53.02-4.5 having regard to the following:

- The nature of the bushfire hazard as documented in the Bushfire Hazard Landscape Assessment and the Bushfire Hazard Site Assessment.
- The nature of the bushfire protection measures that will be provided for the proposed development which includes:
  - Siting and a defensible space envelope that achieves defensible space for BAL-12.5 in accordance with Table 2 of Clause 53.02-5.
  - Vegetation management in the defensible space that complies with the requirements of Table 6 to Clause 53.02-5 – except the requirement to provide a separation of 5 metres between the canopy of trees has been reduced to 2 metres.
  - Construction of the building to comply with the requirements for BAL-12.5 in accordance with Table 2 to Clause 53.02-5 and Sections 3 and 5 of AS.3959-2018.
  - 5,000 litres of static water reserved for firefighting and property protection purposes for the use of the occupants of the building.
- It has been demonstrated that the proposal complies with the Approved measures of Clause 53.02-4.1 (Landscape, siting and design objectives) and Clause 53.02-4-2 (Defensible space and construction objective) – in combination with Alternative measure AltM 3.3.
- It has been demonstrated that the use of Alternative measure AltM 3.3 meets the objective of Clause 53.02-4.2 (Defensible space and construction).
- It has been demonstrated that the use of an unspecified alternative measure for the provision of static water meets the objective of Clause 53.02-4.3 (Water supply and access objectives).
- The bushfire protection measures prescribed in the Bushfire Management Plan (BMP) are capable of being practically implemented and maintained.

## 8 Recommended planning permit conditions

In addition to the Mandatory condition for buildings and works at Clause 44.06-5 of the Planning Scheme it is recommended that the following condition is included on any amended planning permit that is issued:

The Bushfire Management Plan prepared by Foresite Planning & Bushfire Consultants, Version 1, Sheet 1 of 1, dated 16 September 2019 must be endorsed to form part of the planning permit.

## 9 Obligations for the owner/occupier

1. The owner/occupier of the land is obligated to ensure that all of the bushfire protection measures specified in the Bushfire Management Plan (BMP) incorporated in this report (the BMP) are implemented within the timeframe/s specified in the BMP and to ensure that those measures are maintained on a continuing basis.
2. The client is obligated to provide a copy of the BMP to the owner of the land, if they are not the owner. The owner of the land is obligated to provide a copy of the BMP to the occupier of the land (if they are not the occupier) and to any future purchaser of the land so they are aware of their obligations specified in the BMP.

## 10 Report limitations and important advice and recommendations

1. This report has been specifically prepared to respond to the requirements of Clauses 44.06 and 53.02 of the Planning Scheme.
2. Compliance with the BAL construction requirements of *Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas* (AS.3959-2018) and the other bushfire protection measures prescribed in the BMP does not guarantee the survival of buildings or their occupants. This is “... *substantially due to the degree of vegetation management, the unpredictable nature and behaviour of fire, and extreme weather conditions.*”<sup>32</sup>
3. The BAL construction requirements of AS.3959-2018 are **minimum** standards and are “*primarily concerned with improving the ability of buildings in designated bushfire-prone areas to better withstand attack from bushfire thus giving a measure of protection to the building occupants (until the fire front passes) as well as to the building itself.*”<sup>33</sup>
4. The bushfire risk associated with a Bushfire Attack Level of BAL-12.5 is considered to be LOW with a risk of ember attack and the construction elements of the building are expected to be exposed to a heat flux of not greater than 12.5 kW/m<sup>2</sup>.<sup>34</sup>
5. No assessment has been made of the extent to which the plans of the proposed development demonstrate compliance (or not) with the relevant construction requirements of AS.3959-2018 – with such work being outside the scope of this report. It is the responsibility of the Relevant Building Surveyor to ensure that the final construction plans for the proposed development demonstrate compliance with those requirements.
6. It is recommended that gutter and valley leaf guards are installed and if installed they must be constructed of non-combustible materials to comply with Clause 7.6.7 of AS.3959-2018.
7. The requirements for the management and maintenance of vegetation specified in the BMP apply equally to existing vegetation (if applicable), future landscaping and naturally occurring regrowth on the land.

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<sup>32</sup> Taken from the Foreword to AS.3959-2018 (Standards Australia, 14 November 2018)

<sup>33</sup> Taken from the Foreword to AS.3959-2018 (Standards Australia, 14 November 2018)

<sup>34</sup> Taken from Appendix G to AS.3959-2018 (Standards Australia, 14 November 2018)

8. In addition to complying with the requirements of the BMP it is recommended that the selection and placement of landscaping and the maintenance of vegetation within the defendable space envelope is carried out in a manner that is consistent with CFA's publication '*Landscaping for bushfire – garden design and plant selection*' (CFA, 2011). If there are any inconsistencies between this publication and the BMP, the requirements of the BMP prevail.
9. The static water supply requirements prescribed in the BMP are only intended to provide limited support for the occupier to suppress embers and burning debris in the event of a failure of the reticulated water system – i.e. delivery of the water via buckets without the assistance of a pump and firefighting hose/s. This is not in any way intended as an indication that active defence of the property in a bushfire event is an appropriate action for this site or a viable option for the current or future owner/occupier of the land.
10. It is recommended that a Bushfire Emergency Management Plan is developed for the site and that the Country Fire Authority (CFA) are consulted during the preparation of this plan.

## 11 References

Author	Date	Publication / document	Source / viewed at
ABCB	May 2019	<i>National Construction Code Volume One – Building Code of Australia 2019</i>	<a href="https://ncc.abcb.gov.au/ncc-online/NCC">https://ncc.abcb.gov.au/ncc-online/NCC</a>
CFA	Dec 2015	<i>Guideline – Applying the Bushfire Hazard Landscape Assessment in a Bushfire Management Overlay (Version 2)</i>	<a href="https://www.cfa.vic.gov.au/documents/20143/69511/guidence-applying-the-landscape-assessment_V2.pdf/27fc4afb-2dee-32ff-67db-e584efade2c0">https://www.cfa.vic.gov.au/documents/20143/69511/guidence-applying-the-landscape-assessment_V2.pdf/27fc4afb-2dee-32ff-67db-e584efade2c0</a>
CFA	Feb 2014	<i>Vegetation Classes – Victorian Bushfire Management Overlay</i>	<a href="http://www.cfa.vic.gov.au/fm_files/Vegetation_Classes_Victorian_Bushfire_Management_Overlay_v0_3.pdf">www.cfa.vic.gov.au/fm_files/Vegetation_Classes_Victorian_Bushfire_Management_Overlay_v0_3.pdf</a>
CFA	2011	<i>Landscaping for Bushfire – Garden design and plant selection</i>	<a href="https://www.cfa.vic.gov.au/documents/20143/72271/landscaping_for_bushfire.pdf">https://www.cfa.vic.gov.au/documents/20143/72271/landscaping_for_bushfire.pdf</a>
DELWP	16 Sep 2019	<i>Planning Property Report – 276-278 Princes Way Drouin 3818</i>	<a href="http://mapshare.maps.vic.gov.au/vicplan/">http://mapshare.maps.vic.gov.au/vicplan/</a>
DELWP	11 April 2019 (VC156)	<i>Clause 44.06 – Bushfire Management Overlay</i>	<a href="http://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf">http://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf</a>
DELWP	31 July 2018 (VC148)	<i>Clause 53.02 – Bushfire planning</i>	<a href="http://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_02.pdf">http://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_02.pdf</a>
DELWP	Sep 2017	<i>Technical Guide Planning Permit Applications Bushfire Management Overlay</i>	<a href="https://www.planning.vic.gov.au/_data/assets/pdf_file/0015/80016/Technical-Guide_Planning-Permit-Applications-Bushfire-Management-Overlay_Sept-2017.pdf">https://www.planning.vic.gov.au/_data/assets/pdf_file/0015/80016/Technical-Guide_Planning-Permit-Applications-Bushfire-Management-Overlay_Sept-2017.pdf</a>
Standards Australia	14 Nov 2018	<i>Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas (AS.3959-2018)</i>	<a href="http://www.saiglobal.com">www.saiglobal.com</a>
ABCB – Australian Building Codes Board CFA – Country Fire Authority DELWP – Department of Environment, Land, Water and Planning			