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Web: www.murrindindi.vic.gov.au	a t	available for pub he purpose of e	lic v nab	ed with this application iewing, including elect ling consideration and t 1987. If you have any	ro re	nically, and copies review as part of a pla	may be m anning pr	nade for rocess u	interes	ted partie e <i>Plannir</i>	es for Ig
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Is this a VicSmart application?* Pre-application Meetir	VicS	s, please specify mart class or cla f the application t is a VicSmart a	asse fall:	s into one of the classe	es	listed under Clause	92 or the	e sched	ule to C	lause 94	,
Has there been a											
pre-application meeting with a Council planning	\bigcirc	No Yes If 'Yes', with whom?:						/ month / year			
officer?		Date: day ,			ay / month						
The Land 💶											
Address of the land. Complete the St	reet A	ddress and on	e of	the Formal Land De	es	criptions.					
Street Address *	Un	Unit No.: St. No.: St. Name:									
	Sul	burb/Locality:						Post	code:		
Formal Land Description * Complete either A or B.	A	Lot No.:		OLodged Plan		Title Plan OPlan	of Subdiv	/ision	No.:		
This information can be found on the certificate of title.	OR										
If this application relates to more than one address, attach a separate sheet setting out	в	Crown Allotme	nt N	0.:			Section	No.:			
any additional property details.		Parish/Township Name:									

The Proposal

A 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	
i	For what use, development or other matter do you require a permit? *	
		Provide additional information about 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.
i	Estimated cost of any development for which the permit is required *	Cost \$ You may be required to verify this estimate. Insert '0' if no development is proposed. If the application is for land within metropolitan Melbourne (as defined in section 3 of the <i>Planning and Environment Act 1987</i>) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.
	iating Conditions	
EX	isting Conditions 🔟	
USE For e dwel prac	cribe how the land is d and developed now * example, vacant, three llings, medical centre with two titioners, licensed restaurant 80 seats, grazing.	
		Provide a plan of the existing conditions. Photos are also helpful.
Tit	le Information 1	Does the proposal breach, in any way, an encumbrance on title such as a restrictrive covenant,
		section 173 agreement or other obligation such as an easement or building envelope?
Enc	umbrances on title *	 Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
		 No Not applicable (no such encumbrance applies).
		 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', for example, restrictive covenants.

Applicant and Owner Details 1

Provide details of the applicant and the owner of the land.

Applicant *							
	Name:	1 [
The person who wants the permit.	Title:	First Name:			urname:		
	Organisation (if applicable): Conlan Hamilton (Cro			Croydo	on) Pty Ltd C/	- Millar Merrigan	
	Postal Address:	,	lf it is a l	P.O. Box,). Box, enter the details here:		
	Unit No.:	St. No.:	St. Na	ame: PC) Box 247		
	Suburb/Locality	y: Croydon			State: VIC	Postcode: 3136	
Please provide at least one contact phone number *	Contact informa	tion for applicant OR conta	act perso	on below	1		
	Business phon	ne: 8720 9500		Emai			
	Mobile phone:			Fax:			
Where the preferred contact person for the application is different from	Contact person's Name:	s details*				Same as applicant	
the applicant, provide the details of that person.	Title:	First Name: Dennis		S	urname: Graf		
	Organisation (if	applicable): Millar Merriga	an				
	Postal Address:			P.O. Box,	enter the details he	pre:	
	Unit No.:	St. No.:	St. Na	ame: PC) Box 247		
	Suburb/Locality	y: Croydon			State: VIC	Postcode: 3136	
Owner *							
The person or organisation	Name:					Same as applicant	
who owns the land	Title:	First Name:		S	urname:		
Where the owner is different from the	Organisation						
applicant, provide the details of that	Postal Address:						
person or organisation.	Unit No.:						
	Suburb/Locali					=	
	Owner's Signa	iture (Optional):			Date:	day / month / year	
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	Contact Council's obtain a planning	planning department to dis permit checklist.	scuss th	e specif	ic requirements	for this application and	
Is the required information		-					
provided?	• Yes • No						
Declaration 🔳							
This form must be signed by the a	pplicant *						
Remember it is against the law to provide false or misleading information, which could result in a		m the applicant; and that a owner (if not myself) has b					
heavy fine and cancellation	Sig				Date: 27/	7/2021	
of the permit.	L ~	_ Millar Merriga	IN				

day / month / year

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 VOLUME 10374 FOLIO 157 Security no : 124089009033E Produced 31/03/2021 08:45 AM

LAND DESCRIPTION Lot 3 on Title Plan 010492G. PARENT TITLE Volume 08948 Folio 023 Created by instrument V237077U 03/02/1998

REGISTERED PROPRIETOR

Estate Fee Simple Sole Proprietor WORKFORCE CREATION PTY LTD of 1599 WHANREGARWEN ROAD MOLESWORTH VIC 3718 AN841389R 17/05/2017

ENCUMBRANCES, CAVEATS AND NOTICES

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 set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP010492G FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 1599 WHANREGARWEN ROAD MOLESWORTH VIC 3718

DOCUMENT END

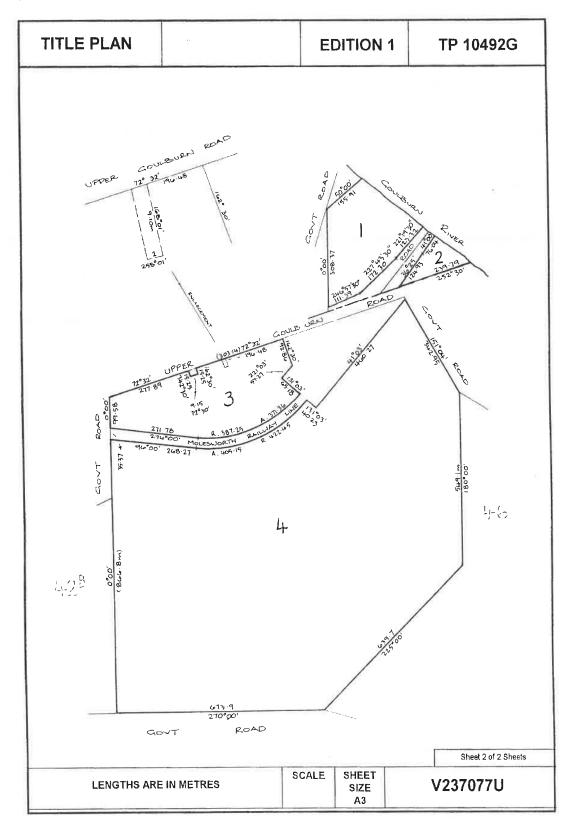
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SUBJECT TO APPROVAL

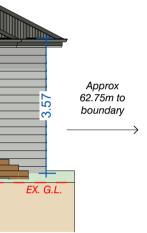
PROPOSED DEVELOPMENT



SUBJECT TO APPROVAL

MATERIALS, FINISHES & COLOURS:					
External Walls: External Render Post: Roofing: Gutters: Fascias: Window & Door Frames: Garage Door: Note: Colours may be similar	Weatherboard Rendered Bluescope Metal Metal Aluminium Panels to those listed abov	Colorbond Colorbond Colorbond Colorbond Colorbond Colorbond	'Shale Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey'		
Shale Grey		Woodland Grey			

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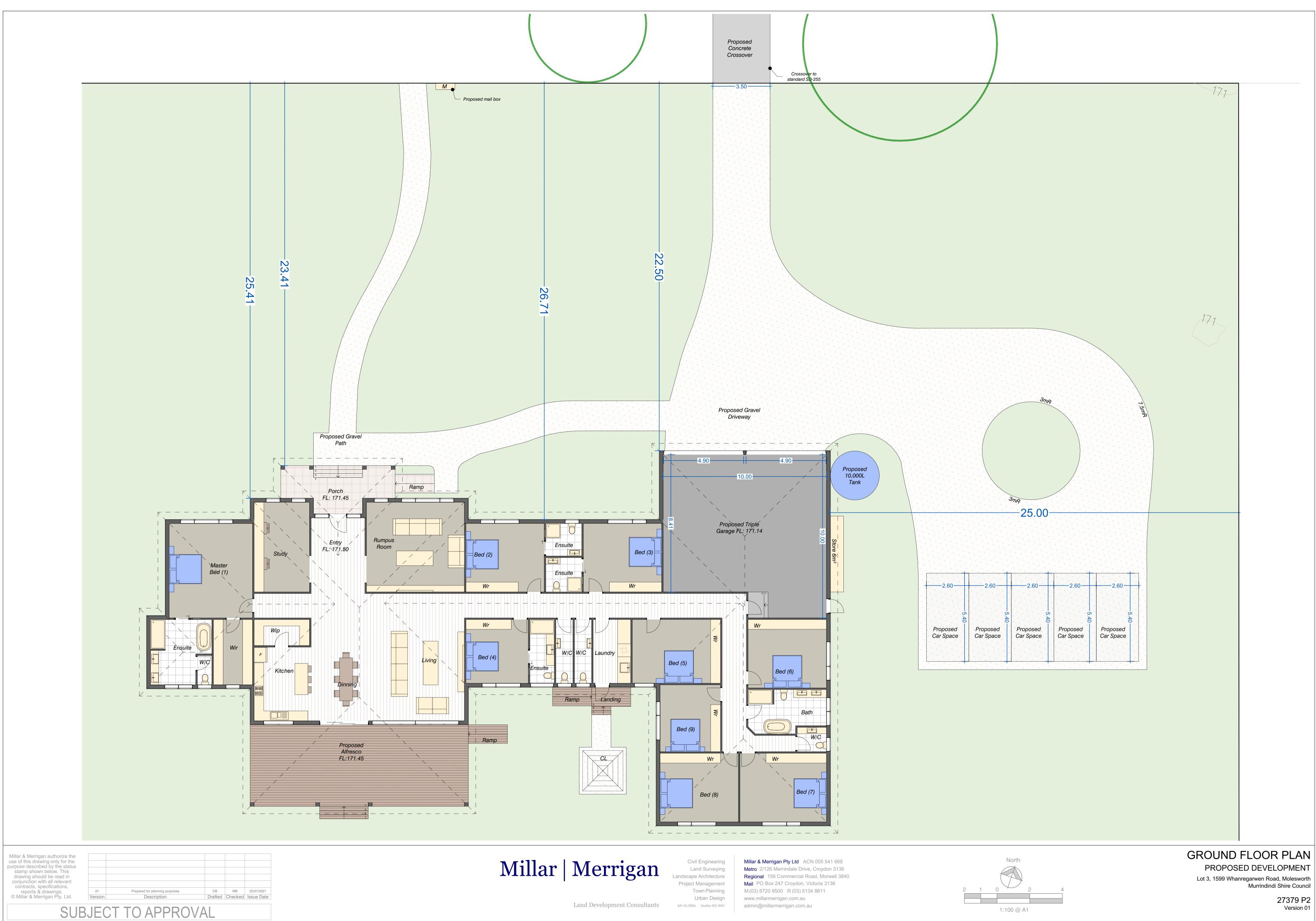


BUILDING ELEVATIONS PROPOSED DEVELOPMENT

Lot 3, 1599 Whanregarwen Road, Molesworth Murrindindi Shire Council

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Planning Report

LOT 3, 1599 WHANREGARWEN ROAD, MOLESWORTH



Use and Development of a Dwelling in FZ within 100m of a RDZ1 and a dwelling in different ownership, Building and Works in LSIO, ESO1, Development associated with Accommodation in a BMO, and Create Access to a RDZ1





M M

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Regional:

156 Commercial Road Morwell, 3840 email@millarmerrigan.com.au www.millarmerrigan.com.au

PREPARED BY MILLAR MERRIGAN ON BEHALF OF:

The Client

FORMAL LAND DESCRIPTION:

Lot 3 TP10492G

PROPOSAL:

Use and Development of a Dwelling in FZ within 100m of a RDZ1 and a dwelling in different ownership, Building and Works in LSIO, ESO1, Development associated with Accommodation in a BMO, and Create Access to a RDZ1

RESPONSIBLE AUTHORITY:

Murrindindi Shire Council

DOCUMENT STATUS:

Version: Date	Description	Prepared by	Checked by
No 1: July 2021	Planning Submission	D Gleeson	J Hermann

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EXECUTIVE SUMMARY

Millar Merrigan have been engaged to lodge this planning application for the Use and Development of a Dwelling in FZ within 100m of a RDZ1 and a dwelling in different ownership, Building and Works in LSIO, ESO1, Development associated with Accommodation in a BMO, and Create Access to a RDZ1 at Lot 3, 1599 Whanregarwen Road, Molesworth.

The proposal has been subject to a pre-application meeting between Dennis Graf from Millar Merrigan, Cameron and Clara from Council and the client on 12th May 2021. The outcome of this meeting indicated that, in essence, Council would support the application for a B&B, provided certain concerns regarding floor levels and bushfire risk are addressed.

The land is contained within the <u>Farming Zone</u> and substantially under the 40ha lot size whereby a dwelling is an 'as of right' use. A permit is therefore required, and this submission seeks to demonstrate how a residential activity in conjunction with a bed and breakfast (B&B) type accommodation in a farm-stay environment is an appropriate land use in this part of Victoria.

The site is subject to a few overlays. Primarily, the site is within a recognised floodplain of the Goulburn River. It is subject to the <u>Land Subject to Inundation (LSIO)</u> across the entire site and <u>Floodplain Overlay (FO)</u> along the designated waterway path in the southern third of the property. The location of the proposed dwelling / B&B is outside the FO and the floor levels have been designed in accordance with advice from the Goulburn Broken CMA and with reference to the contents of the Guidelines for Development in Flood Affected Areas.

The site is covered by the <u>Environmental Significance Overlay, Schedule 1 (ESO1)</u>, but with no trees affected by the proposed dwelling location, there will be no negative impact as a result of this application. There is ample space on the subject site for gardens and landscaping and a landscape design may be submitted as a permit condition if so required.

The only other overlay applicable to part of the land is the <u>Bushfire Management Overlay</u> and the position of the dwelling is within this area. As such a Bushfire Management Statement has been prepared. The dwelling is sited and designed to meet all applicable requirements to ensure that risk to life is minimised.

A section of the land is within an area of *Aboriginal Cultural Heritage Sensitivity*, however the regulations stipulate that a Cultural Heritage Management Plan (CHMP) is not required for a single dwelling on a lot as this is not a high impact activity.

This report seeks to demonstrate how the proposed works meet relevant State and Local planning objectives and policies.

1 SITE DESCRIPTION

Size, Shape and Use

The subject site is a vacant irregularly shaped allotment, 11.4 hectares in size. Although the address is Whanregarwen Road, the site frontage is to the southern side of the Goulburn Valley Highway, Molesworth (see Figure 1 below). The site was created as part of a recent three lot subdivision (refer to the attached certificate of title). The allotment is currently vacant and has been used for grazing cattle in previous years before it was purchased by the applicant. It has since remained unused for any agricultural purpose. The parent allotment, TP10492G, created 4 lots in total in 1998. Lot 4 was then further subdivided into 3 additional lots in 2000, one of which is the subject site. It is understood that the intention of the client is to generate more tourism opportunities to Molesworth through the creation of farm-stay accommodation for up to 10 guests on the subject site, a small B&B on Lot 2 and a function centre with accommodation facing the river front on Lot 1. This application is concerned only with the farm-stay accommodation on Lot 3.

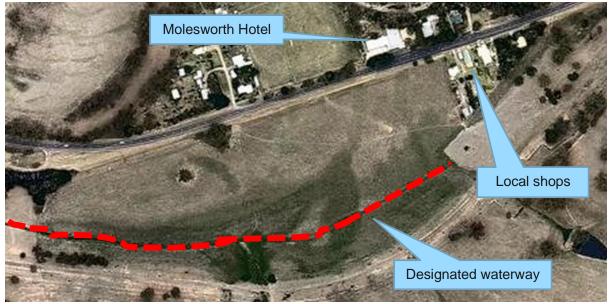


Figure 1: Aerial photograph of subject site.



Photograph 1: Looking south-east across the site from Goulburn Valley Highway.

Fencing and Site Access

The extremities of the property are fenced with post and wire, however, there is no internal fencing. No formal access is currently available off Goulburn Valley Highway.



Photograph 2: Views into the site from Goulburn Valley Highway (north-east corner of the site – looking southwest). Photos Source: Google Street Maps

<u>Vegetation</u>

The land comprises of pasture grass, with a few scattered mature native trees towards the western boundary and a small cluster along the northern boundary.



Photograph 3: Looking south-west at the small cluster of trees that are located along the northern boundary of the site.



Photograph 4: Trees located along the western boundary of the site as seen from the Goulburn Valley Highway.

Services, Easements & Restrictions

There is no sewer available to the subject site however there is access to electricity and water. The site is not burdened by any easements, however a designated waterway traverses the site in the southern third. There are no restrictions applicable.

<u>Topography</u>

The site is generally flat, with a gentle upwards slope towards the west. The wider landscape slopes upwards to the south of the site. The Goulburn River is located beyond the north side of Goulburn Valley Highway and land within 150m of the creek is identified as an area of Aboriginal Cultural Heritage Sensitivity. The construction of a single dwelling is not a high impact activity under the Cultural Heritage Regulations and as such no Cultural Heritage Management Plan is required to be prepared.

2 SURROUNDING AREA

The site is located within the township of Molesworth and some 16km west of Yea, in an area that is dominated by Farming Zone, see Figure 3 below. Land along Goulburn Valley Highway is generally cleared and used for commercial purposes in proximity to the subject site. The wider area is mainly used for cattle grazing. Lots in this area range in size significantly from as small as 186sqm (No. 4357) to 100 plus hectares.

To the east is number 4359, which offers a small residential site of approximately 1,500sqm. A dwelling is located within a few meters of the site boundary, and a number of sheds are located in the rear garden. Some trees are present on site along part of this interface.

Goulburn Valley Highway is adjacent to the northern boundary, whilst the Mansfield-Tallarook Trail abuts the southern boundary and creates sufficient separation from farming land further to the south.

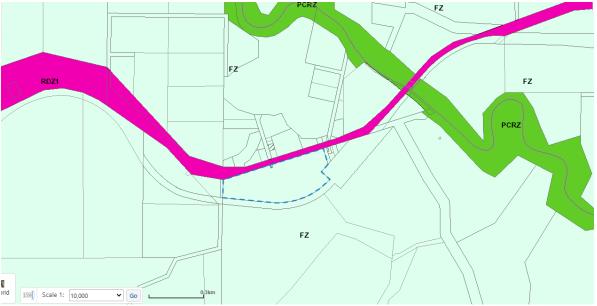


Figure 2: Surrounding Pattern of Land Use (source: VicPlan).

3 PROPOSAL

The applicant has recently purchased the land with the intention of providing bed and breakfast (B&B) accommodation for up to 10 guests, in a farm-stay type environment. The building will also provide a permanent residence for the clients.

The dwelling is located towards the north-east corner of the land to take advantage of ease of access to the town centre, with views across the surrounding landscape and avoid the land that is subject to flooding along the designated waterway to the south. It offers a minimum setback to the eastern boundary of 25m and 22.5m to the north boundary, site frontage to Goulburn Valley Highway.

The applicant grew up in the area and has been presented with the opportunities this site offers to give back to his hometown, through bringing tourism and improving trade for local businesses. It is considered essential for them to reside on the land to operate the B&B for the following reasons:

- The B&B offered provides guests with the opportunity to stay on a small farm holding, whereby guests share communal areas, such as the living and kitchen facilities, offering a family-feel stay experience.
- For guest welfare it is important to be present at all times, with late check-ins and early check-outs meaning the business may need to be open into the early morning.

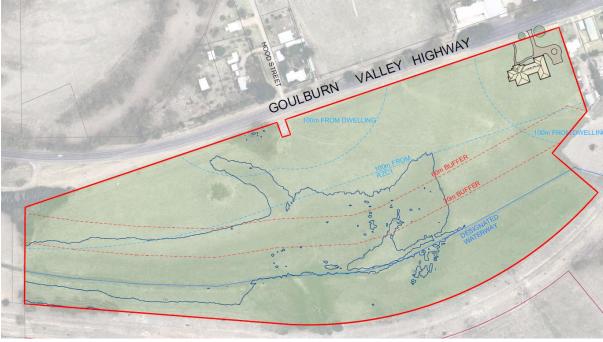


Figure 3: Overall Site Plan

The floor plan offers nine bedrooms, a maximum of eight of which are for guests, four have an ensuite bathroom, a further three toilets and main bathroom, an open plan kitchen/living/dining room, separate rumpus room and study, double garage and associated service rooms. A large alfresco area is available to the south off the living area, presenting an ideal space for guests to appreciate the views across the site whilst enjoying breakfast, see Figure 4 below.

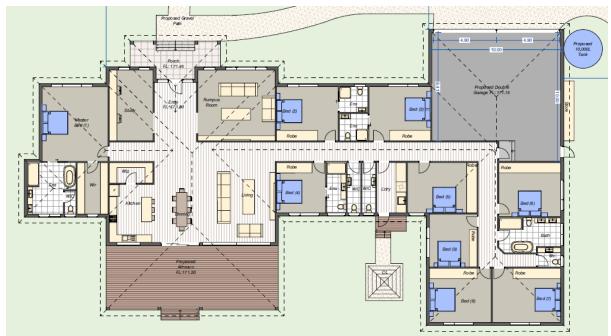


Figure 4: Floor Plan of proposed dwelling

The architectural style is traditional with weatherboard cladding, pitched Colorbond roof, large windows and eaves, see Figure 5 below.



Figure 5: Street Elevation

A new crossing off Goulburn Valley Highway will provide direct access to the dwelling and integrated double garage parking facilities via a circular driveway, with additional guest parking around the southern side. Parking for five cars is provided in accordance with maximum people allowed to stay away from their home of residence, under the Farm Zone B&B specifics.

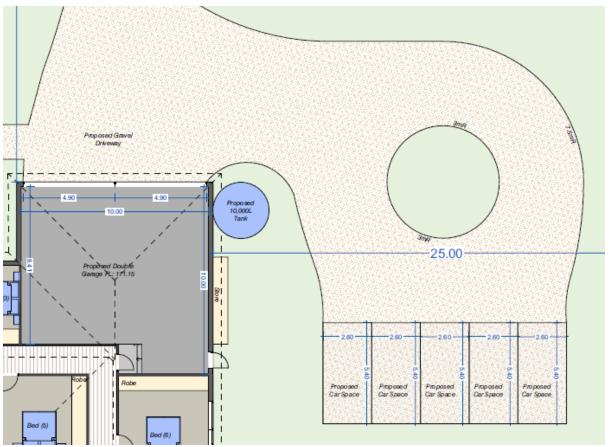


Figure 6: Parking location for guests off the circular driveway.

Electricity and reticulated water will be connected and 10,000L water tanks will be provided for firefighting purposes. The site is not connected to reticulated sewer and therefore sewerage is to be treated onside, with an effluent field indicated on the overall site layout. A Land Capability Assessment (LCA) will be provided post permit.

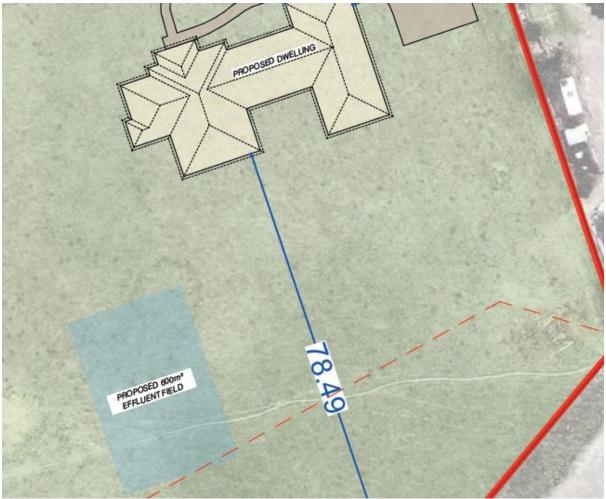


Figure 7: Site layout indicates location of effluent field.

There are no trees or native vegetation impacted by the proposed works.

The site is subject to an Inundation Overlay and consequently advice has been sought from GBCMA regarding flood levels. Advice received on the 5th May 2021 included the following assessment of the application:

Figure Two shows the best estimate 100-year ARI flood level and flood depths for the location described above. Based on available ground surface level information, at least half of each of the three lots is inundated to a depth in excess of 0.8 metres during a 100-year ARI (1% AEP) type flood event.

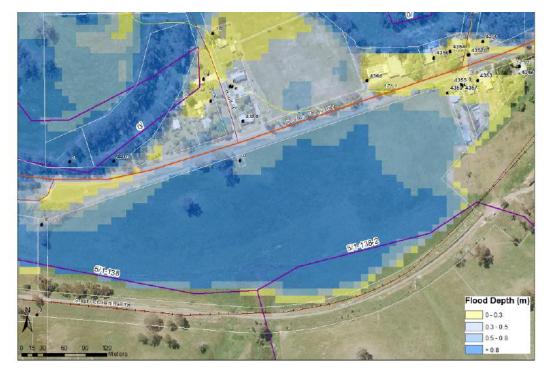


Figure 8: 100-year ARI flood level contour depths – Lot 3, TP10492 (Parish of Whanregarwen). Designated waterways shown in purple.

A number of designated waterways are also located in the vicinity of the site. These waterways (also shown in Figure 1). The Guidelines for the Protection of Water Quality (North East Planning Referrals Committee, May 2016) outlines the requirements for a range of development activities with an emphasis on water quality protection. These guidelines include the minimum setbacks from waterways for septic tanks, buildings and buffers along waterways. The table below is an excerpt from Table 12 of the Guidelines for the Protection of Water Quality and outlines the relevant minimum setbacks for the current proposal. Note, the Goulburn River (labelled as 5/1 in Figure One) is a Heritage River and subject to larger setbacks than the other waterways in the catchment.

Type of Waterway	Septic Tanks	Buildings	Buffers along Waterways
Any waterway outside a special catchment and not a heritage river	60 metres	30 metres	30 metres
Heritage River	100 metres	50 metres	30 metres

Any proposed development will need to comply with the requirements of the various documents and guidelines listed above.

Please refer to the attached advice from GBCMA for more details.

The guideline *Floodplain Management Principles and Best Practice Assessment for Land Use and Development* may also be referenced for further information.

4 PLANNING POLICY FRAMEWORK

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

Zoning

Clause 35.07 – Farming Zone

Overlays

Clause 42.01 – Environmental Significance Overlay (Schedule 1) Clause 44.03 – Floodway Overlay Clause 44.04 – Land Subject to Inundation Overlay Clause 44.06 – Bushfire Management Overlay

Planning Policy Framework (PPF)

PPF Various Clauses MSS/LPP Clause 13.02-1L – Bushfire Planning Clause 16.01-2L – Residential development in serviced and non-serviced towns

Particular Planning Provisions

Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent To A Road Zone, Category 1 Clause 53.02 – Bushfire Planning Clause 65 – Decision Guidelines

4.1 PERMIT TRIGGERS

The following table outlines the permit triggers that apply to the proposal:

Planning Control	Permit Trigger			
<u>Clause 35.07 - FZ</u>	 Use of land for a dwelling on a site less than 40ha Buildings and works associated with a Section 2 Use Construction of a dwelling within 100m of an RDZ1 and within 100m of another dwelling not in the same ownership 			
<u>Clause 42.01 – ESO1</u>	Construct a building or construct or carry out works			
<u>Clause 44.04 – LSIO</u>	Construct a building or to construct or carry out works			
<u>Clause 44.06 - BMO</u>	 Construction of a building associated with accommodation 			
<u>Clause 52.29 – Land</u> <u>adjacent to a RDZ1</u>	Create access to an RDZ1			

MIM

4.2 ZONING

Pursuant to the Murrindindi Planning Scheme, the property is contained within the <u>Farming Zone</u>, <u>(Clause 35.03)</u> which alongside implementing the Municipal Planning Strategy and Planning Policy Framework seeks:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Response: FZ rural living

The proposal accords with the objectives of the FZ as follows:

- The introduction of a dwelling to the land will offer a tourism aspect through the provision of farm-stay, B&B type accommodation;
- The site is not identified as a high-quality agricultural area (ESO) and nearby land uses support accommodation and residential activities. The proposal is consistent with the surrounding land uses, which offer hospitality options in the nearby hotel/motel and camping ground;
- The dwelling is sited with suitable setbacks to property boundaries to protect existing farming land and respects the privacy of the abutting residential property to the east, whilst still providing the housing in proximity to existing residential areas;
- The proposed accommodation will offer communal areas for guests, so it is essential that the client lives on site to offer hospitality to all guests during their stay.

Pursuant to <u>Clause 35.07-1</u>, use of land for a dwelling is 'as of right' where the land is at least 40ha. As this condition is not met, the use is therefore within section 2 and the requirements of <u>Clause 35.07-2</u> must be met.

Response: FZ Use of land for a dwelling	
Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	An all-weather driveway has been proposed to provide access to the dwelling and B&B. Although there are no requirements for service and emergency vehicle access given the length of the driveway, it has been designed to offer a suitably dimensioned turning area if needed. Refer to the Bushfire Management Statement for further details.
The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.	No reticulated sewerage is available and as such a septic system is to be installed to service the dwelling and B&B. An LCA will be prepared post permit before a septic tank permit is sought. The land is clearly of sufficient size to cater for waste treatment on site.

The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.	Reticulated water is available to the site and as such water tanks will be offered to provide a fire-fighting supply of a minimum of 10,000L.
The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.	Reticulated electricity is available and the proposed dwelling will be connected to this infrastructure.

Pursuant to <u>*Clause 35.07-4*</u> a permit is required for buildings and works associated with a Section 2 use (dwelling) and for buildings within the following setbacks:

- 100m from a RDZ1;
- 40m RDZ2;
- 20m from any other road;
- 5m from any boundary;
- 100m from a dwelling not in the same ownership;
- 100m from a waterway, wetlands or designated flood plain.

A permit is also required for earthworks which:

- Change the rate of flow or the discharge point of water across a property boundary.
- Increase the discharge of saline groundwater.

Response: FZ Buildings and Works

Given the size of the land, a permit is required for the use of a dwelling, and it is noted that the dwelling is located within 100m of the RDZ1, which triggers a permit for this setback. The use of the site for a B&B is a Section 1 use and will encourage increased tourism and trade to the town.

The location and floor levels of the building are responsive to the flood risks of the site, and it will be constructed to a BAL12.5 rating in accordance with the bushfire risks of the surrounding landscape.

The site is relatively flat, ensuring that excessive earthworks is not required, and as such, will not change the rate of flow or the discharge point of water across a property boundary nor increase the discharge of saline ground water and as such don't trigger a permit.

Pursuant to the <u>*FZ*</u>, before deciding on an application, in addition to <u>*Clause 65*</u>, the responsible authority must have considered a series of issues, as appropriate. Those of relevance to this application are discussed below:

<u>General issues:</u>

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

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Response: FZ – Decision Guidelines General Issues

Planning Policies are met as outlined in this report and the proposal is not contrary to any Regional Catchment Strategy. The site is of suitable size to accommodate on-site waste treatment and will not impact surrounding ground water sources.

It is considered that the land has the capability of providing accommodation uses, and the proposed land use is consistent with the surrounding land uses, being hospitality offered at the hotel/motel and nearby campground. The neighbouring site to the east is a small residential allotment and as such, will not cause a conflict of use either.

The building has been sited to provide ease of access to the township's infrastructure, facilities and services.

Dwelling Issues:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Response: FZ – Decision Guidelines Dwelling Issues

The land is in separate ownership to surrounding farming land and introduction of a dwelling will therefore not cause any fragmentation. As discussed above the dwelling / B&B is appropriately sited and separated from surrounding farmland to avoid adverse impacts to either activity. Introduction of a dwelling / B&B to this site is not considered to create a proliferation of residential activities in the area given the eclectic lot pattern and fact that most contain dwellings or small businesses. Good separation is maintained between dwellings and the proposal continues this pattern.

Environmental issues:

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Response: FZ – Decision Guidelines Environmental Issues

The proposed works will have no impact on native vegetation, given the site is predominantly laid to grass, and are not near any waterways to ensure that no detriment will be caused to water quality or ecosystems. Wastewater will be treated in accordance with EPA requirements.

Design and siting issues:

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Response FZ – Decision Guidelines Design and Siting Issues:

The dwelling has been sited in response to land conditions and is of a scale that will not cause detriment to the wider landscape. The design is of a low scale, with non-reflective materials that respond to the surrounding landscape qualities.

Infrastructure and on-site sewerage treatment will be provided on site and as such will not cause detriment to amenity.

Given the new access off an RDZ1, the application will be referred to Vicroads for comment, but at this stage it is assumed that the proposed access is safe and no traffic management measures are required.

4.3 OVERLAYS

The subject site is partially covered by the <u>Land Subject to Inundation Overlay (Clause 44.04)</u> which alongside implementing the Municipal Planning Strategy and Planning Policy Framework seeks:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Pursuant to <u>*Clause 44.04-2*</u>, a permit is required for buildings and works.

Response: LSIO

The dwelling has been sited to avoid the areas of the site that offer the highest flood risks, as advised by the Goulburn Broken Catchment Management Authority (GBCMA)

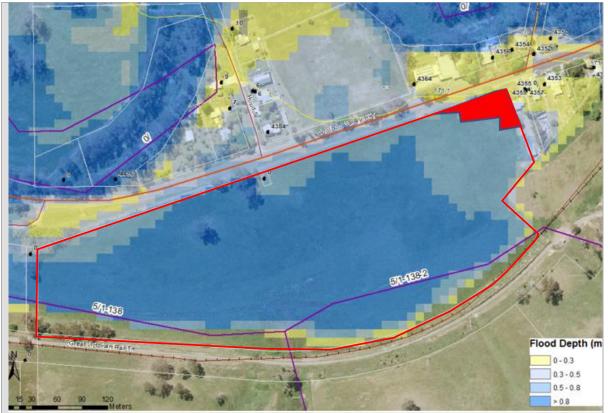


Figure 9: Flooding risk across the site, proposed dwelling location indicated in red

Appropriate advice from GBCMA advises that floor levels should accommodate a minimum of 171.0 metres AHD at the western extent of Lot 3. The proposed building has been designed and will be constructed with these measurements in mind to ensure flood risk is mitigated. Please refer to the full advice by GBCMA (attached) for more information. It is understood that additional referral to GBCMA may be a preferred approach by Council given the extent of the LSIO.

The entire land is covered by the <u>Environmental Significance Overlay – Schedule 1 (ESO1)</u>. The objectives to be achieved are to:

- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Schedule 1 identifies the site to be within High Quality Agricultural Land, which has the following objectives:

- Recognise the finite nature of high quality agricultural land
- Protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation
- Protect the potential production from high quality agricultural land
- Prevent the unsustainable development of high quality agricultural land that may result in the loss of the quantity or quality of the land and limit the full productive potential of the land
- Prevent the conversion of high quality agricultural land to non soil based development

A permit is required for buildings and works, with some exceptions for existing buildings.

Response: ESO1

No significant vegetation is impacted by the proposed works, given the site is mostly laid to grass. The subject site is not recognised to offer high-quality agricultural land and is only 11.4ha in size, and as such is not sizeable enough to warrant a productive agricultural use. However, it is perfectly located for holiday accommodation, given its proximity to the town centre, the local hotel and the additional holiday accommodation offered by the motel, and camping ground in the Recreation Reserve opposite the site. Molesworth is recognised for its access to the Goulburn River and the scenic walks and trails available in the area.

The placement of the building responds to the site constraints, namely the risk of flooding and bushfire and the proposed construction will consider these aspects in the design and materials used.

The southern section of the land is covered by the *Floodway Overlay*, which corresponds with the designated waterway that bisects the site. The purpose of this overlay, alongside implementing the Municipal Planning Strategy and Planning Policy Framework is:

- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Pursuant to Clause 44.03-1 Buildings and Works a permit is required to construct a building or carry out works (including a rainwater tank with a capacity of not more than 10,000L) however the Schedule to the FO provides some exemptions. None apply to this application, however the location of the dwelling is outside the extent of the FO.

In addition to the standard decision guidelines an application must consider the Murrindindi Local Floodplain Development Plan, Precinct of Goulburn River, May 2008 which is identified in Figure 6 below. The plan does not provide any guidance as to development controls within flood prone areas.

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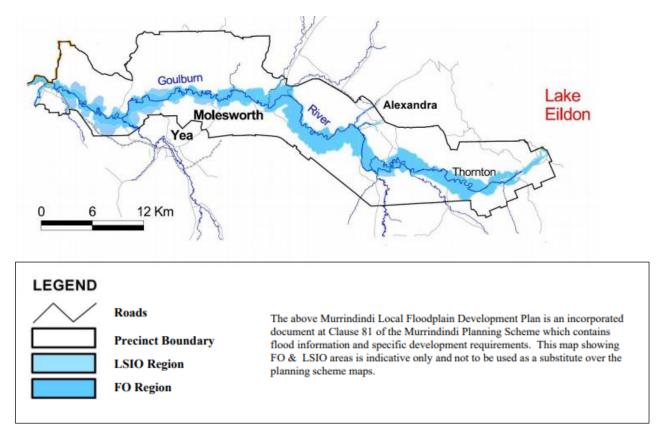


Figure 10: Murrindindi local floodplain development plan

It is noted that an application is not required to be referred to the floodplain management authority pursuant to Section 55 of the Planning and Environment Act 1987 if the application is in accordance with a local floodplain development plan that has been incorporated within Planning Scheme.

Response – Floodway Overlay:

Preliminary flood management advice has been sought from Goulburn Broken Catchment Management Authority (GBCMA) and their referral to guidelines in relation to developments in flood affected areas and/or within proximity to waterways has been valued and incorporated into the proposed design of the dwelling:

- Guidelines for Development in Flood Affected Areas (DELWP, 2019)
- <u>Guidelines for the Protection of Water Quality</u> (NEPRC, 2016)

However, given the site of the dwelling is outside the scope of the FO, it is assumed that the application will not require additional referral to the GBCMA on this aspect, but respect Council's advice on this matter.

The only other overlay that applies to part of the site is the <u>Bushfire Management Overlay (Clause</u> <u>44.06</u>) which alongside implementing the Municipal Planning Strategy and Planning Policy Framework seeks:

- 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.

Pursuant to <u>*Clause 44.06-2*</u>, a permit is required to construct a building or construct or carry out works associated with the use of accommodation.

Pursuant to <u>Clause 44.06-3</u>, an application must be accompanied by the following:

- A bushfire hazard site assessment;
- A bushfire hazard landscape assessment;
- A bushfire management statement.

Pursuant to <u>Clause 44.06-4</u>, an application must meet the requirements of <u>Clause 53.02</u>.

Response Bushfire Management Overlay:

The proposed dwelling triggers a permit under the BMO and as such a detailed Bushfire Management Statement has been prepared. It addresses all applicable requirements of the overlay and outlines measures to ensure that risk to life and property is mitigated to an acceptable level. Refer to the attached report for further details.

4.4 PLANNING POLICY FRAMEWORK

The PPF seeks to ensure that:

The objectives of Planning in Victoria are fostered through appropriate land use and development planning policies and practices which investigate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Integrated decision making in part states that:

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.

The Planning Policy Framework is structured around a series of themes and of particular relevance to this application is <u>Bushfire Planning (Clause 13.02-1L)</u> which applies the following policy guidelines:

- The condition, location and route of available vehicle access and its suitability for safe and efficient egress before and during a bushfire.
- Provision of adequate water storage for rural dwellings, as follows:
 - Being proximate to the dwelling requiring the water storage.
 - Having a minimum storage capacity of 55,000 litres of water of which a minimum reserve of 10,000 litres is to be held at all times for firefighting purposes.
 - Being fitted with a gate valve and a 64mm, 3 thread round male coupling to CFA specifications to enable quick connection and full utilisation of all water.
 - Being environmentally unobtrusive or screened.

<u>Strategic Directions (2.03)</u> for environmental risks and amenity also acknowledges the bushfire risk present in the municipality.

Response: Environmental Risks

As outlined above a Bushfire Management Statement has been prepared to address bushfire risk and ensure an appropriate design response.

<u>Protection of Agricultural Land (Clause 14.01-1S)</u> seeks to protect the state's agricultural base by preserving productive farmland and limiting new housing development in rural areas. <u>Strategic</u> <u>Directions (2.03)</u> for natural resource management acknowledges the diverse agricultural sector in the municipality and seeks to protect viability of agricultural land as follows:

- Protecting high quality agricultural land for ongoing agricultural use.
- Protecting rural land for productive agricultural uses and compatible rural uses.
- Ensuring that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land and surrounding land.
- Supporting existing agricultural production activities, including beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, timber production and niche products.
- Supporting emerging agricultural industries that are compatible with existing agricultural practices, including horticulture, intensive animal production, agroforestry, farm gate agricultural sales, boutique, niche agriculture, agricultural processing, value adding industries and carbon farming.
- Supporting the evolution of agriculture in response to improved practices and climate change.
- Ensuring that agricultural land is not developed for primarily residential purposes.
- Discouraging the fragmentation of rural land into lots incapable of productive agricultural and rural use.
- Protecting water catchments from inappropriate use and development, particularly the Goulburn River valley and its tributaries.

Response: Protection of Agricultural Land

The land is not identified as an area of high quality agricultural land and the introduction of one dwelling, including a B&B, is considered to be 'limiting' new housing in accordance with overarching policies. The dwelling has been sited to avoid the designated waterway that traverses the site and will not cause loss of quality of ground water, through appropriate sewerage treatment on site.

Strategic Directions (2.03) for environmental and landscape values states in part:

Remaining native vegetation on private land is highly fragmented and usually occurs in small or narrow linear remnants, increasing the importance of roadside and riparian vegetation. Land clearing, invasion of weeds and loss of habitat are particular threats to this vegetation.

Response: Environmental and Landscape Values

As discussed above, the site contains no significant vegetation and the proposed design allows ample space for further landscaping to occur, that will see the introduction of more canopy trees, indigenous to the area. A landscape design may be submitted as a condition of permit if deemed necessary.

<u>Residential development in non-serviced towns (Clause 16.01-2L)</u> applies to 'other townships and settlements' as identified in Clause 2.03 inclusive of Molesworth. It seeks to manage the residential growth of smaller townships and settlements and applies the following strategies:

- Support new and expanded residential and rural living development in smaller townships and settlements.
- Encourage residential and rural living development that protects areas of environmental value and avoids areas of environmental hazard, particularly bushfire.
- Enforce clear settlement boundaries that take into consideration local character, bushfire risk, and the impacts on other land uses, particularly agriculture.

Response: Residential development in non-serviced towns

The proposal supports new and expanded residential and rural living development in smaller townships and settlements, thus the proposal of a dwelling with an associated B&B use is completely in accordance with this. The proposal is located a substantial distance from the Goulburn River and whilst it is located within a BMO a Bushfire Management Statement has been prepared ensuring the proposal is acceptable. As mentioned previously the dwelling is proposed on a portion of the site near the existing residential areas of Molesworth and the proposed B&B is located in proximity to other uses of a similar nature such as the motel and campground ensuring the local character and land use compatibility were taken into account.

4.5 PARTICULAR PROVISIONS

A number of particular provisions are applicable as detailed below:

CARPARKING (CLAUSE 52.06)

This Clause seeks:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and Planning Policy Framework;
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;
- To support sustainable transport alternatives to the motor car;
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities;
- To ensure that car parking does not adversely affect the amenity of the locality; and
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Pursuant to <u>52.06-5</u>, a dwelling with three or more bedrooms is to be provided with 2 car spaces, one of which is to be covered, whereas a dwelling with up to two bedrooms is to be provided with a single car space.

This clause also outlines design standards which cover accessways, car parking spaces, gradients, urban design, safety and landscaping.

Response: Carparking

A double garage is attached to the dwelling cater for parking requirements in accordance with a dwelling with 3 or more bedrooms.

Given that the building is also to be used for a B&B, and this is not a specified use under Clause 52.06-5, a further 5 spaces are provided in the driveway to cater for parking for an additional 10 people, in accordance with maximum persons away from their home requirements under the FZ

LAND ADJACENT TO A ROAD ZONE, CATEGORY 1(CLAUSE 52.29)

This Clause seeks:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

A permit is required to:

• Create or alter access to a road in a Road Zone, Category 1.

An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority for the land, must be referred to the Head, Transport for Victoria under section 55 of the Act.

Any other application must be referred to the owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1, or the Public Acquisition Overlay.

Response: Land Adjacent to an RDZ1

It is submitted that the proposed access point off Goulburn Valley Highway will not cause an undue loss of safety whilst travelling along this road. The access point is within the township that has a maximum speed limit of 80 km/h, but has a designated parking lane along both sides of the road and as such, access to the site will be safe and appropriate. It is understood that the application must first be referred to VICROADS for consideration.

BUSHFIRE PLANNING (CLAUSE 53.02)

This Clause seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

It sets out a series of application requirements.

Response: BMO

As discussed above, a Bushfire Management Statement and Bushfire Management Plan has been prepared to demonstrate how the proposal accords with the requirements of the <u>BMO</u> and <u>Clause 53.02 Bushfire Planning.</u>

5 CLAUSE 65 - DECISION GUIDELINES

Before deciding on an application or approval of a plan, the responsible authority must consider a series of matters and these seek to ensure good decision making. In addition to consideration of applicable policies and strategies as outlined in this report, the responsible authority must make a judgement on whether a proposal presents an appropriate outcome with respect to amenity, land use conflicts, environmental aspects and the orderly planning of the wider area.

It is submitted that this proposal responds to policy requirements and specific opportunities and constraints to offer an outcome that will make a positive contribution to the municipality. There are no fundamental shortfalls in the matters to be considered and as such we consider approval of this application to be an example of good decision making.

6 CONCLUSION

We submit that the proposed use and development is appropriate for the following reasons:

- The land is contained within the <u>Farming Zone</u>, and whilst the Bed and Breakfast aspect of the business is a Section 1 Use, the use of the building as a dwelling too triggers a planning permit, given the size of the land. The dwelling is located to avoid conflict with surrounding farming allotments and landscape screening is already establishing around the residential boundary to the east;
- The land will be used to provide rooms for Bed and Breakfast purposes, and residing on the land will allow for ease of management and ensure that guest welfare is prioritised;
- The land is not identified as a high quality agricultural area and the provision of a bed and breakfast will encourage economic growth for the township;
- The site is subject to a number of overlays, both the <u>Land Subject to Inundation Overlay</u> and the <u>Environmental Significance Overlay</u> triggers a permit for Building and Works. Minimum floor levels have been provided by GBCMA and their advice has been incorporated into the proposed design. The effluent treatment on site will not affect ground water quality entering the Goulburn River through appropriate location and size of the treatment plant;
- The land is of sufficient size to cater for treatment of wastewater on site, with the location of the effluent field shown on the plan and an LCA will be prepared post permit, as part of an application to the health department;
- There are no restrictions applicable and the dwelling is sited to avoid the *<u>Flooding Overlay</u>* to the south.
- A Bushfire Management Statement has been prepared as required by the <u>Bushfire</u> <u>Management Overlay</u> and the proposed dwelling is capable of meeting all applicable requirements, with construction to meet BAL12.5 requirements, to ensure that risk to life is minimised;
- The access from the RDZ1 is appropriate and safe. Subsequent referral to VICROADS does not anticipate any issues with the proposed access design;
- The proposal is consistent and complies with the decision guidelines stated within Clause 65.

Millar I Merrigan

Bushfire Management Statement

LOT 3, 1599 WHANREGARWEN ROAD, MOLESWORTH



Construction of a single dwelling with B&B Reference: 27319



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The Client

FORMAL LAND DESCRIPTION:

Lot 3 on Title Plan TP10492

PROPOSAL:

Construction of a single dwelling with B&B

AUTHORITY:

Murrindindi Shire Council

DOCUMENT STATUS:

Version: Date	Description	Prepared by	Revised by
No 1: July 2021	Prepared for Planning Application	D Gleeson	M Edwards

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APPENDIX 1: DEVELOPMENT PLANS

APPENDIX 2: PROPERTY REPORT

APPENDIX 3: CERTIFICATE OF TITLE

APPENDIX 4: BUSHFIRE MANAGEMENT PLAN

1 EXECUTIVE SUMMARY

This Bushfire Management Statement has been prepared to address the requirements of the <u>Bushfire Management Overlay (BMO) (Clause 44.06)</u> and provide the Responsible Authority, together with the applicant, advice and recommendations for bushfire protection, specifically in regards to development of a single dwelling with associated Bed and Breakfast (B&B) at Lot 3, 1599 Whanregarwen Road, Molesworth.

This Bushfire Management Statement identifies the existing conditions of the site and surrounds in accordance with the application requirements of <u>Bushfire Planning (Clause 53.02)</u> and offers a planning and design response, which shows how the development meets the relevant measures and decision guidelines.

The bushfire site assessment process is used to determine how far away from unmanaged vegetation a building would need to be to receive less than a certain level of radiant heat (e.g. a house constructed to a BAL-29 construction standard has been designed to withstand a radiant heat flux of 29 kW/m2). This assessment is then used to determine the most appropriate combination of vegetation management zone and BAL construction for future buildings.

The site assessment area comprises mostly of <u>Grassland</u>, however there is <u>Forest</u> vegetation under upslope conditions found in the northern extremity but this is greater than 100m from the site of the dwelling and as such can be excluded under Section 2.2.3.2(a) of AS3959. There are also <u>Low-threat</u> features including the Goulburn Valley Highway, and the well maintained residential and commercial properties within the town centre. The selected siting for the proposed dwelling is towards the north-east corner of the land where flooding issues are avoided and defendable space for BAL-12.5 can be achieved.

No trees are required to be removed to meet defendable space management requirements.

Access to the dwelling is less than 30m and as such no design and construction standards apply, however access to the water supply is required.

A 10,000L static water supply in accordance with applicable requirements is shown on the plans, adjacent to the driveway.

It is submitted that the proposed development meets relevant requirements of the <u>BMO</u> including Approved Measures and applicable Alternative Measures of <u>Clause 53.02</u>, thereby the proposal mitigates risk to life and property to an acceptable level.

2 IMPORTANT ASSUMPTIONS

It is important to acknowledge that the policies and land conditions described herein were correct at the time of publishing. If regulations change and/or site conditions vary it may be necessary to review the bushfire risk and subsequent protection measures.

The measures outlined in this Bushfire Management Statement cannot guarantee safety during an extreme fire event. Residents will need to develop a Personal Bushfire Plan to clearly understand and plan for how they are going to act in response to a fire event. It is recommended that they refer to CFA publications for assistance.

3

3 INTRODUCTION

Millar Merrigan have been engaged to prepare a Bushfire Management Statement to accompany a town planning submission for erection of a single dwelling on the subject land.

The <u>Bushfire Management Overlay (Clause 44.06) (BMO)</u> applies to part of the site and triggers a planning permit requirement for buildings or the carrying out of works associated with accommodation.

Aside from implementing State & Local Planning Policies the purpose of the <u>BMO</u> is:

- 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.

The <u>BMO</u> requires an application to meet the requirements of <u>Bushfire Planning (Clause 53.02)</u> and as the subject land is contained within a <u>Farming Zone</u>, a full response to <u>Clause 53.02-4</u> is required.

This report addresses the applicable requirements of the <u>Bushfire Management Overlay</u> and <u>Bushfire Planning</u>.

4 PROPOSAL

The applicant seeks approval to develop a large home that will be a joint use as a bed and breakfast on the site, with access via a new crossing off Goulburn Valley Highway, see Figure 1 and 2 below. The single storey building offers 9 bedrooms, various living spaces and service rooms. A double car garage is attached to the north side of the dwelling and car parking spaces for an additional 4 cars for guests are provided in the nearby driveway.

A copy of the development plans is attached at Appendix 1.

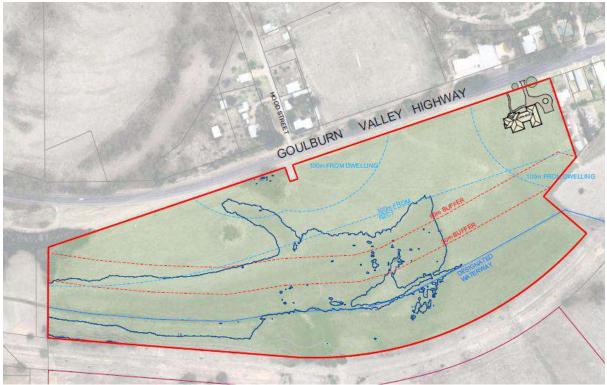


Figure 1: Proposed site layout plan



Figure 2: Proposed floor plan



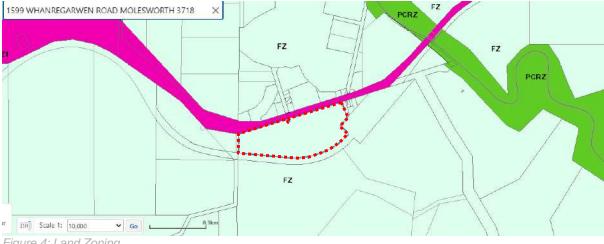
5 PLANNING PROVISIONS

The land is contained within the Farming Zone (35.03), which alongside implementing State and Local Planning Policies, seeks:

- To provide for the use of land for agriculture. •
- To encourage the retention of productive agricultural land. •
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use • of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land • management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a • schedule to this zone ...

A dwelling on a site less than 40 hectares is Section 2 Use, furthermore pursuant to Clause 35.07-2 a lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the • waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.



A B & B is an as of right use within a permitted dwelling.

Figure 4: Land Zoning

The Land Subject to Inundation Overly applies to the site and appropriate floor levels must be applied to minimise the risk of flooding.

A Floodway Overlay extends along the southern boundary and aligns with the designated waterway that traverses the site and the abuttal to the Mansfield Tallarook Rail Trail. No development is proposed in this area and as such, has little bearing on the application.

The site is also covered by an Environmental Significance Overlay, Schedule 1 (ESO1) which seeks to o ensure that development is compatible with identified environmental values.

The only other overlay applicable to part of the site is the Bushfire Management Overlay (44.06) (BMO) and this is used to guide the development of land in areas of high bushfire hazard. It

requires consideration of the location, design and construction of development and the implementation of bushfire protection measures. The <u>BMO</u> mapping is based on the bushfire hazard and applied to areas of extreme fuel loads where there is a potential for extreme bushfire behaviour such as a crown fire, extreme ember attack and radiant heat. It takes into account vegetation, weather characteristics and slope.

The overlay only applies to the section of the site where the proposed dwelling is to be constructed, see Figure 5 below. This shows that the wider landscape is considered to have a higher bushfire risk to the north of the subject site. Given the flooding constraints, it is not possible to locate the dwelling outside of the extent of the overlay.



Refer to the property report at Appendix 2 for confirmation of the zone and overlays.

Figure 5: Extent of BMO (source: Vicplan)

In accordance with <u>*Clause 44.06-3*</u> bushfire protection measures for single dwellings are enforced by application of the following permit condition:

The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

The Planning Policy Framework (PPF) provides the broad framework for bushfire protection policy and provisions in the planning scheme. This includes <u>Clause 13.02</u> - <u>Bushfire</u>, which aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The overarching strategies are to:

- Give priority to the protection of human life by:
- o Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.

• Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

The Murrindindi Planning Scheme incorporates <u>Clause 13.02-L Bushfire Planning</u> into the Planning Scheme, which includes strategies focused on rebuilding the community after the 2009 bushfires. Policy guidelines suggest the following should be considered when dealing with new applications:

- The condition, location and route of available vehicle access and its suitability for safe and efficient egress before and during a bushfire.
- Provision of adequate water storage for rural dwellings, as follows:
 - Being proximate to the dwelling requiring the water storage
 - Having a minimum storage capacity of 55,000 litres of water of which a minimum reserve of 10,000 litres is to be held at all times for firefighting purposes.
 - Being fitted with a gate valve and a 64mm, 3 thread round male coupling to CFA specifications to enable quick connection and full utilisation of all water.
- Being environmentally unobtrusive or screened.

Strategies relating to bushfire planning and mitigating risks are incorporated into many policies throughout the entire planning scheme.

The decision guidelines include the following relevant matters:

- The siting and design of buildings so as to reduce fire risk and damage, including appropriate building materials, static water supply, the location of storage areas for flammable materials, the nature and location of landscaping, windbreaks and road access
- The need to balance the protection of natural environmental values with fire protection objectives, including when deciding on vegetation management approaches or fuel reduction measures.

<u>Clause 65 – Decision Guidelines</u> requires that before deciding on an application or approval of a plan, the responsible authority must consider, among other things, whether the proposal will *'produce acceptable outcomes'* in relation to the degree of fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

This Bushfire Management Statement has made an assessment of fire hazard, resulting in a design which is responsive to the opportunities and constraints. Given the flood risk, the dwelling siting is limited and the proposed location can meet all bushfire protection requirements, therefore the risk to life and property from bushfire can be reduced to an acceptable level.

6 BUSHFIRE HAZARD SITE ASSESSMENT

6.1 THE SITE

Whilst the address is Whanregarwen Road, the only road abuttal is to the north and this is Goulburn Valley Highway. The land is vacant with no formal access and is irregular in shape offering 11.4 hectares. Molesworth is a small rural township and the nearest major town centre is Yea, which is located some 16km to the west of the site.

The topography is generally flat and rises to a small plateau towards the west of the site. The site is unburdened by easements but has a designated waterway traversing the southern third. The wider area offers a gentle rise to peaks in the south and relatively flat to the north. There are views for many kilometers to the surrounding terrain from the subject site.

The land comprises predominantly of pasture grass, with a small scattering of trees located along the centre of the northern boundary and another small cluster towards the western boundary, both of which are greater than 100m from the proposed dwelling site. The site abuts the Mansfield Tallarook Rail Trail to the south and a residential property to the east. The local shop and Molesworth town hall are adjacent to this residential property, along Goulburn Valley Highway. The former Molesworth Hotel is directly across the road from the subject site.

See the below photographs and Site Assessment Plan for a visual representation of conditions.



Figure 6: Aerial Image of site



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Figure 7: Site assessment (150m radius)



Photograph 1: Looking east across the site from the Goulburn Valley Highway towards the approximate location of the proposed dwelling (photos source: Google Maps)



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Photograph 2: Looking south across the site from in front of the former Molesworth Hotel



Photograph 3: Looking at the neighbouring properties to the east of the site.



Photograph 4: Looking across the road from the site at the former Molesworth Hotel

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Photograph 5: Small scattering of trees along the northern boundary of the site as it abuts the Goulburn Valley Highway



Photograph 6: Small cluster of shrubs along the western extremity of the subject site, here seen from Goulburn Valley Highway

6.2 BUSHFIRE BEHAVIOUR

To effectively implement bushfire protection measures it is important to understand bushfire behaviour and how buildings are destroyed. There are three major factors that influence bushfire behaviour; being topography, weather conditions (such as temperature and wind) and vegetation.

The ways in which a building is destroyed by bushfire can be through ember attack, radiant heat, localised flame contact, flame contact from fire front or extreme fire front, see Figure 8 below.

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EMBER ATTACK	RADIANT HEAT	LOCALISED FLAME CONTACT	FLAME CONTACT FROM FIRE FRONT	EXTREME FIRE BEHAVIOUR
 May occur from the hazard in very close proximity to a building (nearby trees, neighbouring houses). May occur from fire behaviour in the surrounding landscape. Most common way houses catch fire during a bushfire. Occurs when small burning twigs, leaves and bark are carried by wind, landing in and around a building. Can happen before, during and after a bushfire. 	 Occurs from the hazard in close proximity to a building (up to 150 metres). The heat you can feel from a fire. Can ignite surfaces without flame contact or ember attack. Dries out vegetation ahead of a bushfire so that it burns more readily. 	 Occurs from the hazard in close proximity to a building (up to 50 metres). Direct flame contact from individual elements, such as vegetation, fences or structures. Burning elements may arrive from neighbouring land. Can occur in areas where the vegetation is modified or is managed as a garden. Not direct flame contact from a moving fire front. 	 Occurs from the hazard in close proximity to a building (150 metres). Direct flame contact from a fire front where vegetation is in a mostly natural state (such as in national parks). Occurs when a building is in close proximity to the vegetation. May arise in lower risk areas (such as from a local park) or in higher risk areas (larger vegetated areas such as forests and coastal reserves). 	 Occurs from fire behaviour in the surrounding landscape, including where it interacts with the hazard in close proximity to a building. Arises in high risk landscapes, with long fire runs, steep topography and vegetation in a mostly natural state. Influenced by fuel loads and drought conditions. Associated with high temperatures, wind, cyclonic winds, lightning. Extreme ember attack will occur. Associated with weather as seen on Black Saturday. Any fire that starts and takes hold will be so intense that life safety may be seriously compromised.

Figure 8: Forms of Bushfire Attack (source: DELWP, Planning Permit Applications Bushfire Management Overlay, Technical Guide)

The shape of the land has a strong effect on bushfire. A fire will burn faster and more intensely uphill because the flames can reach more unburnt fuel in front of the fire. The heat radiating from the fire pre-heats fuel on the slope ahead of the fire, making the fuel even more flammable. For every 10° slope, the fire will double its speed.

By increasing in speed, the fire also increases in intensity, becoming even hotter. The opposite applies to a fire travelling downhill. The flames reach less fuel, and less radiant heat pre-heats the fuel in front of the fire. For every 10° of downhill slope, the fire will halve its speed.

Fires tend to move more slowly as the slope decreases. (Source: DELWP, Planning Permit Applications Bushfire Management Overlay, Technical Guide)

<u>5 km/h</u> 10 km/h 10 km/h

Figure 9: How fire speed increase uphill (source: DELWP, Planning Permit Applications Bushfire Management Overlay, Technical Guide)

The weather plays an important factor in bushfire occurrence with temperature, wind, humidity and atmospheric condition all being contributing factors. Bushfires often start on hot, dry, windy days.

Wind influences the speed at which fire spreads, the direction in which a fire travels, the size of the fire front, the intensity of the fire and the likelihood of embers and spot fires.

Vegetation is however the primary source of fuel for a bushfire and the amount of fuel present, together with the location of buildings can directly affect their survival. The only factor people have

any control over is fuel; therefore, by reducing fuel load and creating defendable space around a building, the bushfire risk can be reduced.

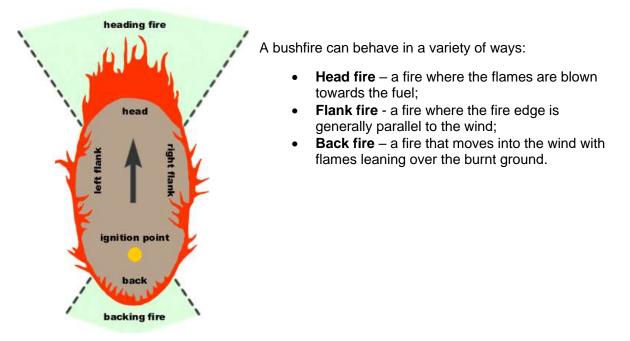


Figure 10: Bushfire Behaviour

6.3 VEGETATION

The vegetation management requirements together with the building construction requirements of the <u>Bushfire Management Overlay (BMO)</u> and AS3959 aim to ensure that risk to life and property from bushfire can be reduced to an acceptable level.

The vegetation classification, together with effective slope is utilised for the purposes of determining defendable space and construction requirements. The classification system of *AS3959* uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas: No. 7 - Native Vegetation) classification system.

Vegetation on and within 150m of the subject land is indicated on the Site Assessment Plan at Figure 7 above.

Goulburn Valley Highway road reserve, along with the residential and commercial properties abutting the site to the east and opposite are set amongst managed gardens, and these comprise of Low-threat conditions in accordance with *Section 2.2.3.2* of *AS3959* which lists the following exclusions:

- *a)* Vegetation of any type that is more than 100 m from the site.
- b) Single areas of vegetation less than 1 ha in area and not within 100 m of other areas of vegetation being classified.
- 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.
- 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.



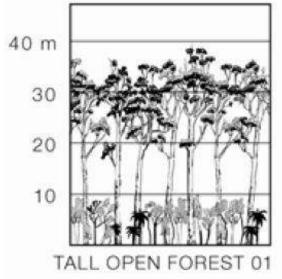
Photograph 7: Manicured gardens of residential property abutting the Molesworth Hotel



Photograph 8: Residential site abutting the subject site has managed gardens that present as low threat conditions.

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In comparison, the northern extremity of the assessment area is the Molesworth Recreation Reserve and camping ground, which is well managed and maintained, but has a higher density of canopy trees around the perimeter. It is deemed that the foliage cover is similar to the classification of Tall Open Forest, which is described by *AS3959* as follows:



Tall Open Forest:

- Trees 10–30 metres high;
- 30–70% foliage cover; (may include understorey of sclerophyllous low trees and tall scrubs or grass).

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• Typically dominated by eucalypts.

Figure 11: Tall Open Forest (Sourced from AS3959)

The vegetation comprises of a Eucalypt overstorey with some areas of low managed understorey. However, the *Forest* vegetation is greater than 100m from the site of the dwelling and as such can be excluded under *Section 2.2.3.2*(a) of *AS3959*.



Photograph 9: Forest canopy trees around the perimeter of the camping ground and recreation reserve at the northern extremity of the assessment area

The remainder of the assessment area comprises of *Grassland*, given there is a less than 10% canopy cover from the scattered trees, which *AS3959* describes as follows:

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	Low open shrubland	19	All forms, including situations with shrubs and trees, if the
G Closed Grassland (unmanaged) (Appears in Table 2.4.4 Dem FDI 50 only S (see Note 1) O	Hummock grassland	20	overstorey foliage cover is less than 10%.
	Closed tussock grassland	21	
	Tussock grassland	22	
	Open tussock	23	
	Sparse open tussock	24	
	Dense sown pasture	25	
	Sown pasture	26	
	Open herbfield	27	
	Sparse open herbfield	28	

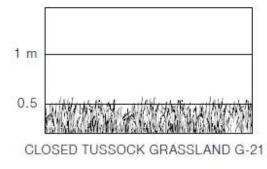


Figure 12: Extract from AS3959 - Grassland



TUSSOCK GRASSLAND G-22



Photograph 10: Scattered trees on the site and behind the abutting residential properties to the east account for less than 10% canopy cover and as such is deemed as grassland.



Photograph 11: Looking south-east across grassland on site and surrounding areas

6.4 SLOPE

The slope of land under vegetation influences likely fire behaviour and as the slope increases so does the rate of spread of a fire and its intensity. The slope within 150m of the subject site has been assessed and indicated on the Site Assessment Plan at Figure 7. It offers a relatively flat terrain, with a gentle rising slope towards the south and north of the assessment area.

Molesworth sits in the valley of the Goulburn River and as such is located on a relatively flat area. The surrounding area to the south of the site and north of the river gradually gets steeper, with a series of peaks and valleys, see Figure 13 below.

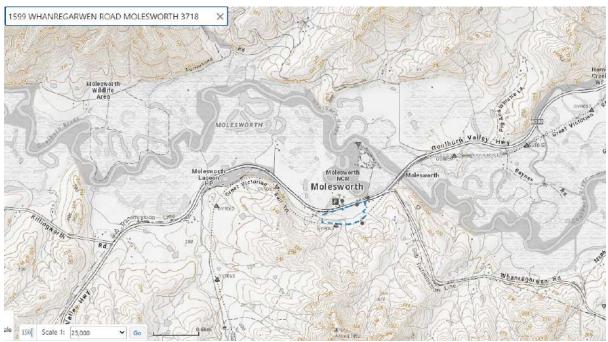


Figure 13: Topography in Surrounding Area (source: Vicplan, 10m contours indicated)

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7 BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

7.1 LANDSCAPE ASSESSMENT

The bushfire hazard landscape assessment provides information on the bushfire hazard for 20km (or greater) around a development site. Considering bushfire from this broader landscape perspective is important as it affects the level of bushfire risk a development and its future occupants may be exposed to. The landscape assessment seeks to:

- Provide factual information on the bushfire hazard (vegetation extent and slope)
- Provide information on key features of the general locality that are relevant to better understanding the protection provided by the location
- Provide contextual information on a site

(Source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

Bushfire is a dynamic hazard and can be highly unpredictable. Because of this, the factors that contribute to the bushfire risk are diverse. The purpose of the landscape assessment is not to predict the outcome of a bushfire event but to provide information that builds a better understanding of the bushfire risk in a location and to help make informed decisions.

(Source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

The likelihood of a bushfire, its severity and intensity, and the potential impact on life and property varies depending on where a site is located in the surrounding landscape. There are a number of factors that influence the potential bushfire behaviour at a landscape scale, including:

- Topography;
- Extent and continuity of vegetation;
- The location and exposure of the urban area, township, isolated rural area to bushfire;
- The potential fire run and area that is likely to be impacted by the fire, for example a fire in a grassland may only impact one or two streets into a residential area, however a large bushfire may impact many km in front of the main fire;
- The extent of neighbourhood-scale damage the bushfire may produce.

(Source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

The land is located within a rural area approximately 16km east of the Yea Township. The vast majority of the area is contained within *Farm Zone*, with *Parks and Recreation Zoning* along the Goulburn River. The township of Molesworth is small and entirely contained within the Farming Zone, see Figure 14 below.

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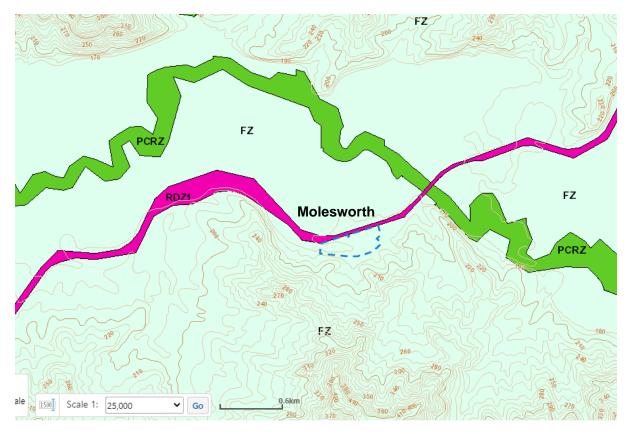


Figure 14: Surrounding Zoning (source: Vicplan)

In addition to site and adjacent based risk, the broader landscape risk must be considered to determine the bushfire risk. As demonstrated in Figure 15, below, the site sits adjacent to the valley of the Goulburn River, with cleared farming land for many kilometres. The terrain is steep to the south and offers fragmented vegetation that connects Molesworth to the Yarra Ranges National Park.



Figure 15: Landscape Assessment (potential fire runs indicated with red arrows, flank fire indicated by red dotted line).

There are no Neighbourhood Safer Places in Molesworth, the nearest of which is in Yarck, some 9.5km away. However, given that the location of the site is within the township of Molesworth and a bushfire could only really approach from one direction, it is summarised that the landscape around the site is comparable to Broader Landscape Type 2 (Technical Guide, September 2017) which is described as follows:

- The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site;
- Bushfire can only approach from one aspect and the site is located in a suburban, township or urban area managed in a minimum fuel condition;
- Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.

(source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP, 2017).

The Murrindindi Shire area is recognised as having one of the highest fire risk environments in the world due to its mountainous topography, highly flammable native vegetation and climatic patterns that combine to create severe fire hazard conditions almost every year. Other factors that make this area particularly hazardous is the combination of forest/urban environments, the number of residents and tourists and limited access and egress routes.

The Murrindindi Municipal Fire Management Plan (MFMP) (2020 - 2023) states the following with regards to the fire risk in and around Glenburn:

Fire Risk in Murrindindi Shire:

The vegetation and topography of the municipality create a number of challenges for fire management. The shire is heavily treed with 48% tree cover predominantly in the mountainous sections spread throughout of the shire including the sub alpine and alpine areas around Lake Mountain Alpine Resort. These areas have a number of steep escarpments and highly varying topography, are heavily vegetated, have limited access or egress and have a number of water courses flowing through them. Murrindindi Shire also has a number of neighbouring municipalities with a large percentage of tree cover and fires can spread from these municipalities into Murrindindi Shire or from Murrindindi Shire into these municipalities (e.g. Yarra Ranges). All of these factors combine to make fire control and response difficult in Murrindindi Shire.

The municipality of Murrindindi has experienced a number of fires over the years and was particularly impacted by the 2009 'Black Saturday' Fires. The combination of topography, climate, vegetation, coupled with the increasing number of people living in and visiting high fire risk localities during the fire danger period poses a significant issue for the municipality.

There have been several significant fires that have occurred in the municipality since the turn of the century. The most recent of which include the Ash Wednesday and Black Friday bushfires, as well as the Black Saturday bushfires of 2009, the closest of which was approximately 4.5km to the south of Molesworth and the site, see Figure 16 below.

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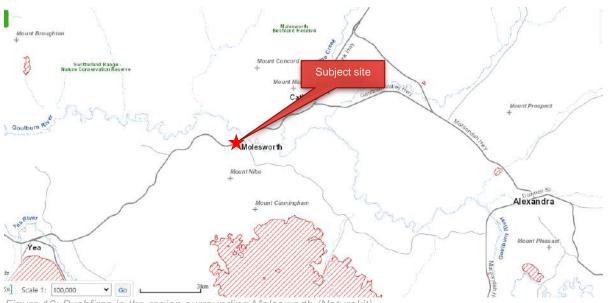


Figure 16: Bushfires in the region surrounding Molesworth (Naturekit)

7.2 BUSHFIRE SCENARIOS

Bushfire is a dynamic hazard and is highly unpredictable, and as such it is not possible to ascertain the exact location and source of a bushfire outbreak. It is however possible to consider likely spread and direction of fire, based on accepted understanding of bushfire behaviour.

A change in wind direction is one of the most dangerous influences on fire behaviour and many people who die in bushfires get caught during or after a wind change.

In Victoria, hot, dry winds typically come from the north and northwest and are often followed by a southwest wind change. In this situation the side of the fire can quickly become a much larger fire front.

In the context of the subject site, a landscape scale fire could approach from the south, but the cleared farmland and downwards slope of the terrain towards the site would lessen the intensity of a fire from this direction. A flank fire may approach from the east in the vegetated slopes of the Yarra Ranges National Park, but predominant wind direction and again cleared farmland would lessen any risk to the subject site.

Leaving early is obviously the safest option, however a well-maintained building designed and constructed to the requirements of *AS3959* with associated defendable space, will withstand more than brief exposure.

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8 DEFENDABLE SPACE & CONSTRUCTION STANDARDS

8.1 DEFENDABLE SPACE

Defendable space is identified as one of the most important aspects of preparing a property for bushfire, as it provides separation between the building and the hazardous vegetation. It is an area of land around a building where vegetation is modified and managed to reduce the effects of flame contact, radiant heat and embers associated with bushfire. The term 'defendable space' is defined by the planning scheme as:

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.

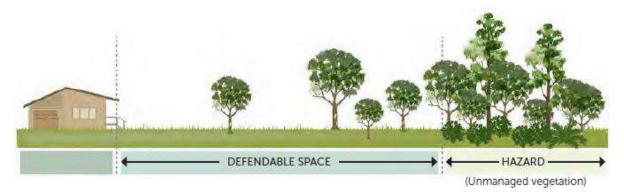


Figure 17: Defendable Space

8.2 CONSTRUCTION STANDARDS

AS 3959-2009 provides a series of construction standards relating to the level of ember attack and/or radiant heat and/or flame contact that may be expected to impact upon buildings. These range from BAL-LOW (where there is insufficient risk to warrant enhanced construction) to BAL-FZ (over 40 kW/m2 and possibly flame contact). The envisaged impacts for each defendable space and construction requirement is illustrated in Figure 18 below.



Figure 18: Defendable Space & Construction Requirements (source: DELWP)

The Bushfire Attack Level (BAL) and defendable space is determined in accordance with Table 2 at <u>*Clause 53.02-5*</u>. It is informed by the vegetation and slope classifications within 150m of the proposed development site. Where the BAL and defendable space for different vegetation and slope classifications present, the highest BAL and associated defendable space is generally recorded however in some scenarios it may be appropriate for the defendable space to be responsive to the hazards in individual directions.

In the case of the subject site, the *Forest* vegetation encroaches into the northern extremity however is greater than 100m from the site of the dwelling and as such can be excluded under *Section 2.2.3.2*(a) of *AS3959*. The remainder of the assessment area is dominated by *Grassland* and some areas of *Low-threat* conditions, including dwellings, the road reserve and the commercial properties in the area. The applicable requirements of *Clause 53.02* for each of the conditions in are as follows:

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	Grassland (Upslope or flat)	Low Threat
BAL	19m	Defendable space is to be provided for a distance of 50 metres, or
12.5		the property boundary whichever is the lesser, for buildings
BAL	13m	constructed to all bushfire attack levels. The minimum construction
19		standard is BAL 12.5.
BAL	9m	
29		
BAL	6m	
40		

Table 1: BAL & defendable space

Based on the above slope and vegetation classifications, the proposed building is capable of achieving BAL-12.5, with the defendable space wholly contained within the site boundaries, see Figure 19 below.

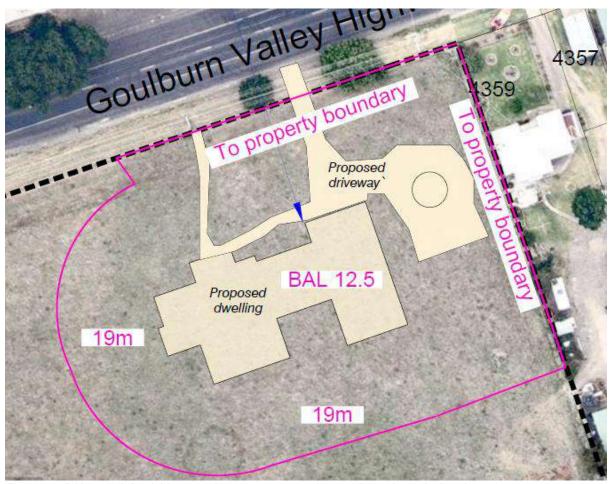


Figure 19: BAL 12.5 defendable space in response to varying conditions in each direction

8.3 VEGETATION MANAGEMENT

The impact of a bushfire can be reduced where vegetation has been modified and other fuel sources removed from around the building as this reduces the amount of fuel available to burn.

Vegetation management does not however require the removal of all fuels as plants and trees can provide protection from strong winds, intense heat and embers.

Table 6 of <u>*Clause 53.02*</u> outlines the following requirements for vegetation management in defendable space areas:

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

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

The defendable space area comprises wholly of pasture grass and these requirements can easily be met. Any future landscaping would need to consider these requirements and the guidelines offered by the CFA's *Landscaping for Bushfire* publication.

9 BUSHFIRE MANAGEMENT STATEMENT

The following section assesses the proposed dwelling against the requirements of Bushfire Planning (Clause 53.02) as required by the BMO. The provisions of <u>Clause 53.02</u> 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.

<u>Clause 53.02-3</u> applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential • Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot. •
- The application meets all of the approved measures contained in Clause 53.02-3. •

Clause 53.02-4 applies to all other applications. As the site is contained within the Farming Zone, Clause 53.02-4 applies and the tables at Section 9.1 below provide an assessment against each applicable element.

9.1 BUSHFIRE PROTECTION OBJECTIVES

REQUIREMENT

53.02-4.1 Landscape, siting and design objectives

- 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.

Approved Measures

AM 2.1

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

AM 2.2

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.

AM2.3

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

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ASSESSMENT

<u>AM2.1</u>

As outlined in Section 7, the bushfire hazard landscape assessment defines the subject location as landscape type 2, which offers automatic compliance with this measure. The landscape risk is mitigated to an acceptable level through the composition of the surrounding landscape and flat topography, plus the site's proximity to the township, the low threat areas of which could offer shelter in the event of a grassfire.

In assessing bushfire threat to the proposed dwelling, it is important to consider the time taken for a fire front to pass. A fire only lasts as long as the fuel available to burn and ignitability of the fuel is of significance. Fine fuels close to the ground generally contribute to the passage of a fire front whereas heavier fuels may be ignited by the front but don't actually contribute to it. Implementation of vegetation management regimes within the defendable space area will aid in reducing the landscape risk. The site is located within a farming area and most lots contain a dwelling and/or commercial buildings.

It is submitted that the landscape risk is mitigated to an acceptable level through the siting and construction standard.

<u>AM2.2</u>

Bushfire protection can be enhanced by considering the separation of a dwelling from the bushfire hazard, proximity to public roads and emergency service vehicle access on a site. The siting of the dwelling has been determined by the proximity to the road and the local services in the township. It also allows for the defendable space to be wholly contained within the site.

<u>AM 2.3</u>

Most structures damaged or destroyed by bushfire occur through ember attack. The peak temperature at and immediately behind a fire front will be short lived. A well-maintained building designed and constructed to the requirements of **BAL-12.5**, with the defendable space specified herein, will withstand more than brief exposure. The most severe threat to the proposed dwellings will be ember attack and resistance to this is an integral part of the construction requirements in all bushfire prone areas.

The design of buildings can prevent the accumulation of debris (such as leaves) and minimise entry points for embers. Note the following design features of the proposed building:

- The plans indicate that the sub floor space is concealed to ensure that embers cannot become trapped;
- There are no gaps between building materials present on the plans.
- The roof design offers a 22° pitched design, with no re-entrant corners.

REQUIREMENT

53.02-4.2 Defendable Space and Construction

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

Approved Measures

AM 3.1

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 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
- 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 defendable space provided in accordance with Table 2 to Clause 53.02-5.

ASSESSMENT

AM 3.1

Defendable space and construction standards in accordance with Column A has been applied to the proposed building given the low threat conditions around the subject site. The defendable space is wholly contained within the confines of the site and the management requirements of Table 6 are easily met, as detailed in section 8.3 above, with a 19m setback to the grassland to the west and south and the 50m low-threat setback to the north and east pulled back to the property boundary. The detailed dwelling plans will need to be developed to **BAL-12.5** construction standards and this will achieve an acceptable level of bushfire protection, thereby enabling the building to function as an effective bushfire shelter for the short period of time it would be required to perform that function.

REQUIREMENT

52.47-2.3 Water Supply and Access

- 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.

Approved Measures

AM 4.1

- A building used for a dwelling is provided with:
 - A static water supply for firefighting 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.

ASSESSMENT

Water:

Given the site exceeds 1,001sqm, a 10,000L water tank with fire authority fittings and access is required. The Bushfire Management Plan shows a water tank adjacent to the garage for firefighting and lists the following requirements:

- 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 seperate outlet for occupant use.
- 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 Local Policy guidelines of *Clause 13.02L Bushifire Planning* also suggest having a minimum storage capacity of 55,000 litres of water of which a minimum reserve of 10,000 litres is to be held at all times for firefighting purposes. Given the proximity of the dwelling to the road and township of Molesworth, it is noted that there is an underground fire hydrant at the end of Recreation Reserve Road, and as such the 10,000L capacity water storage is deemed adequate.

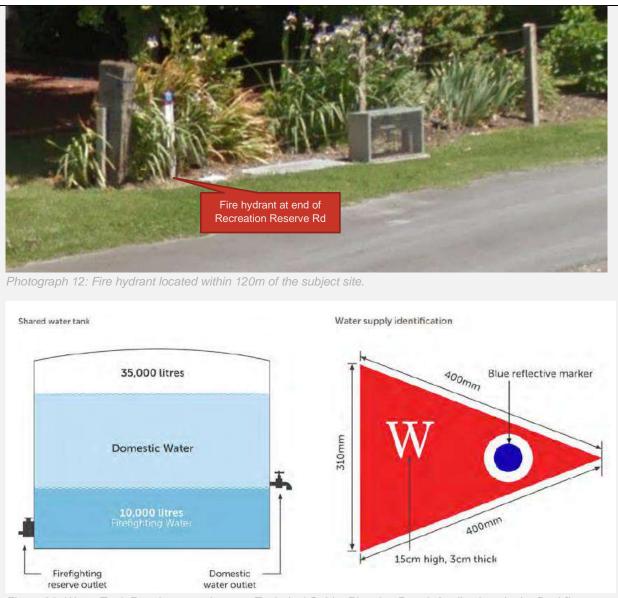


Figure 20: Water Tank Requirements (source: Technical Guide: Planning Permit Applications in the Bushfire Management Overlay – Sept 2017)

Access:

Goulburn Valley Highway is an all-weather road and suitable for CFA access. The driveway to the building is less than 30m in length and as such, no construction standards apply. This said, the water supply is required to have emergency access and as such access requirements are listed on the Bushfire Management Plan.

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10 BUILDING REQUIREMENTS

As outlined above, a **BAL-12.5** has been applied to the proposed building and this enables appropriate defendable space and protection from bushfire to be achieved.

Building construction requirements are outlined in AS3959 and include requirements for the following aspects:

- General;
- Subfloor supports;
- Floors;
- External walls;
- External glazed elements and assemblies and external doors;
- Roofs;
- Verandas, decks, steps, ramps and landings;
- Water and gas supply pipes.

The materials and design of a building can be used to prevent the accumulation of debris and entry of embers. To reduce the vulnerability to ember attack the building design should minimise the use of re-entrant corners, complex roof lines, gaps between walls and roofs and unenclosed underfloor space. The proposed design includes a simple Colorbond roof, with a 22° pitch and no re-entrant corners. The weatherboard cladding will be capable of achieving a BAL12.5 rating through appropriate wood choices.

The detailed design of the new dwelling must accord with the requirements for **BAL-12.5**.

11 LANDSCAPING

Any landscape design for the site must pay particular attention to the vegetation management requirements of the defendable space (see Section 6.3), to ensure that new landscaping does not conflict with the management requirements.

Landscape features should be utilised to aid in fire prevention (ie. use of brick/stone walls) and whilst there are no 'fireproof' plants some species are more suited to certain locations around the home. The residents should refer to CFA's *Landscaping for Bushfire* publication for a detailed guide to appropriate landscaping.

12 CONCLUSION & RECOMMENDATIONS

The property is in a region of moderate bushfire risk given the surrounding landscape, however the land is located within the Molesworth town centre, in an area that has expanses of cleared farming land on the periphery. The landscape risk is considered low, and through the application of a BAL12.5 construction standard and compliance with water supply, vegetation management and access requirements, any risk to life or property is reduced further.

A construction standard of **BAL-12.5** has been applied with appropriate defendable space and this enables the Approved Measures of <u>Planning for Bushfire (Clause 53.02)</u> to be met. The defendable space is identified on the Bushfire Management Plan (Appendix 4), together with applicable water supply, access and vegetation management requirements. In accordance with <u>Clause 44.06-5</u> of the <u>Bushfire Management Overlay</u>, these requirements will be enforced by the following condition which is to be applied to the planning permit:

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

In addition to siting, simple design features can reduce the risk of ignition from ember attack. The <u>BMO</u> and AS3959 do not consider the design of buildings, landscaping requirements, the maintenance of properties, fire fighting for property protection, the need to consider any neighbouring buildings or wind. Design features to reduce ignition are not mandatory however the applicant may wish to consider these. Aside from design features, additional items can also be added to the building and site to reduce the risk of ignition during a fire event, including:

- Use of steel, concrete or alternative fire rated products in favour of timber, for any exposed elements of the building
- Installation of gutter and valley guards;
- Installation of appropriate landscaping and landscape features (including noncombustible mulch – such as stone or slate);

It is submitted that the development offers an acceptable risk to life and property to meet the requirements of the <u>Bushfire Management Overlay</u> and <u>Clause 53.02 – Bushfire Planning</u>. There are no outstanding bushfire related issues and it is recommended that support be forthcoming from CFA and Murrindindi Shire Council in respect to this aspect of the application.

The details and responses in this Bushfire Management Statement are based on site and surrounding conditions at the time of inspection together with information supplied by the applicant regarding the proposal. Should there be design alterations or variations in site conditions that may affect the bushfire risk this statement should be reviewed accordingly.

It should be borne in mind that application of an appropriate BAL and defendable space cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the degree of vegetation management, the unpredictable nature and behaviour of fire, and extreme weather conditions. Future lot owners are encouraged to develop their own personal bushfire risk management plan that deals with all aspects of bushfire mitigation and personal survival.

31

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13 REFERENCES

State Government, Victoria Regional Bushfire Planning Assessment

DELWP

- Planning Permit Applications: Bushfire Management Overlay, Technical Guide (September 2017)
- MapShare
- VicPlan
- Naturekit

CFA, Burwood East, Victoria FSG LUP 0002 Requirements for Water Supply & Access in the Bushfire Management Overlay

CFA, Burwood East, Victoria FSG LUP 0003 Assessing Vegetation in a Bushfire management Overlay

CFA (November 2012), Burwood East, Victoria Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements

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Standards Australia (2018) Standards Australia, North Sydney, New South Wales AS3959 – Construction of Buildings in a Bushfire Prone Areas

CFS (Oct 2010), Government of South Australia, Adelaide *Fact Sheet No. 06*

AUSLIG (1990) Atlas of Australian Resources: Vegetation

Murrindindi Shire:

- Planning Scheme
- Website
- Municipal Fire Management Plan (2020-2023)

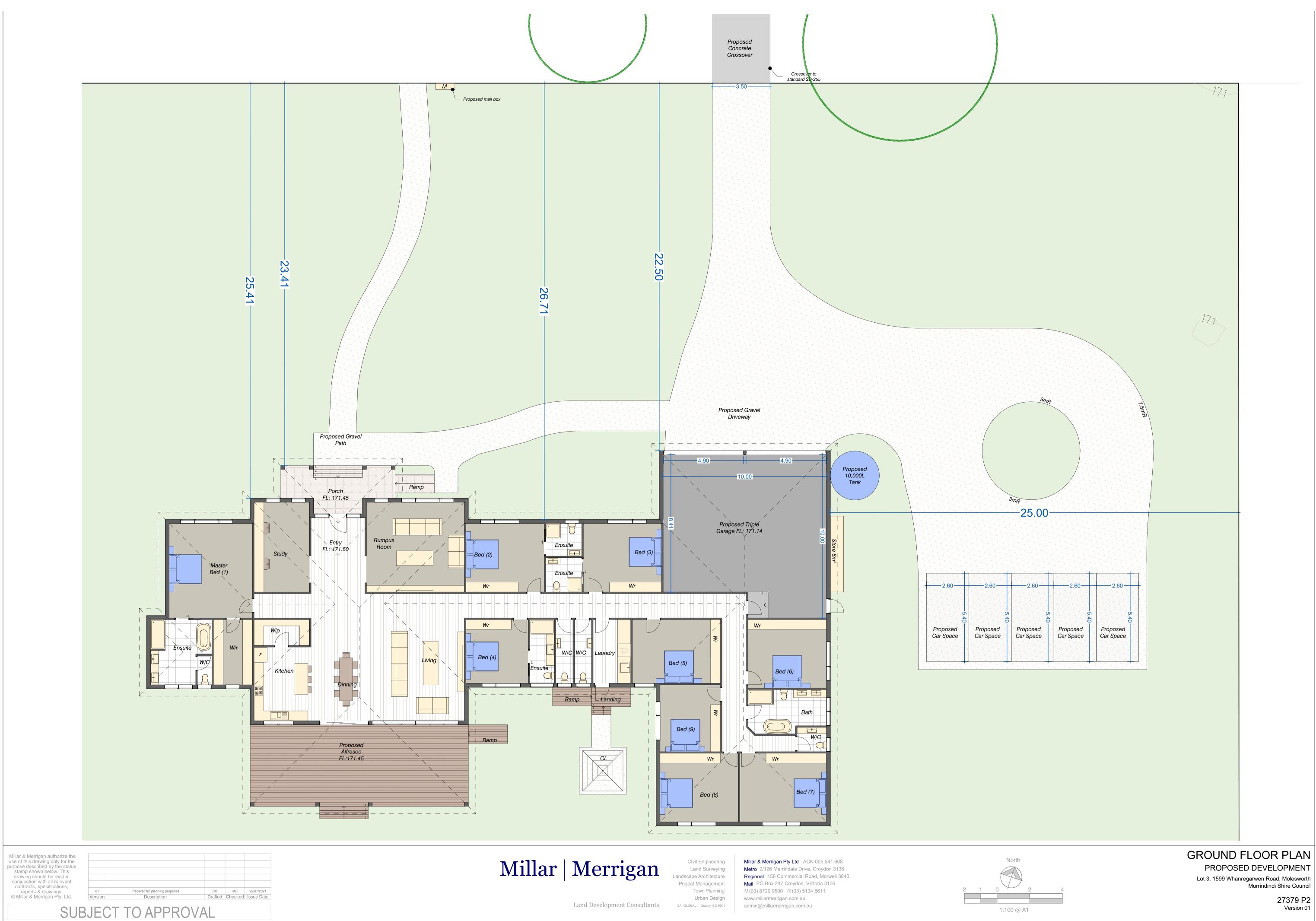
APPENDIX 1: DEVELOPMENT PLANS

M|M



SUBJECT TO APPROVAL

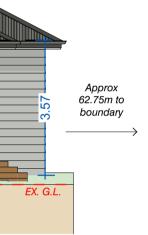
PROPOSED DEVELOPMENT





MATERIALS, FINISHES	& COLOURS:		
External Walls: External Render Post: Roofing: Gutters: Fascias: Window & Door Frames: Garage Door: Note: Colours may be similar	Weatherboard Rendered Bluescope Metal Metal Aluminium Panels to those listed abov	James Hardie Colorbond Colorbond Colorbond Colorbond Colorbond Colorbond	'Shale Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey' 'Woodland Grey'
Shale Grey		Woodland Grey	

Woodland Grey



BUILDING ELEVATIONS PROPOSED DEVELOPMENT

Lot 3, 1599 Whanregarwen Road, Molesworth Murrindindi Shire Council

27379 P3 Version 01

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APPENDIX 3: PROPERTY REPORT

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From www.planning.vic.gov.au at 05 July 2021 04:18 PM

PRO	PFP.	τν η	FT.	AILS

Lot and Plan Number:	Lot 3 TP10492	
Address:	1599 WHANREGARWEN ROAD MOLESWORTH 3718	
Standard Parcel Identifier (SPI):	3\TP10492	
Local Government Area (Council):	MURRINDINDI	www.murrindindi.vic.gov.au
Council Property Number:	5404 (Part)	
Planning Scheme:	Murrindindi	<u> Planning Scheme - Murrindindi</u>
Directory Reference:	Vicroads 62 A4	

This parcel is one of 12 parcels comprising the property. For full parcel details get the free Property report at Property Reports

UTILITIES

Rural Water Corporation: Urban Water Corporation: Goulburn Valley Water Melbourne Water: Power Distributor:

Goulburn-Murray Water Outside drainage boundary AUSNET

STATE ELECTORATES Legislative Council:

Legislative Assembly:

NORTHERN VICTORIA EILDON

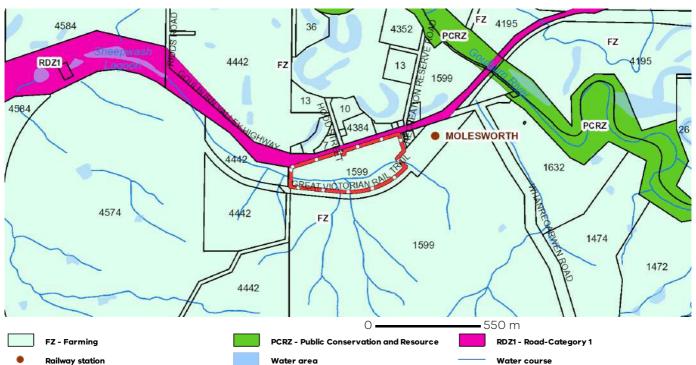
OTHER

Registered Aboriginal Party: Taungurung Land and Waters **Council Aboriginal Corporation**

View location in VicPlan

Planning Zones

FARMING ZONE (FZ) SCHEDULE TO THE FARMING ZONE (FZ)



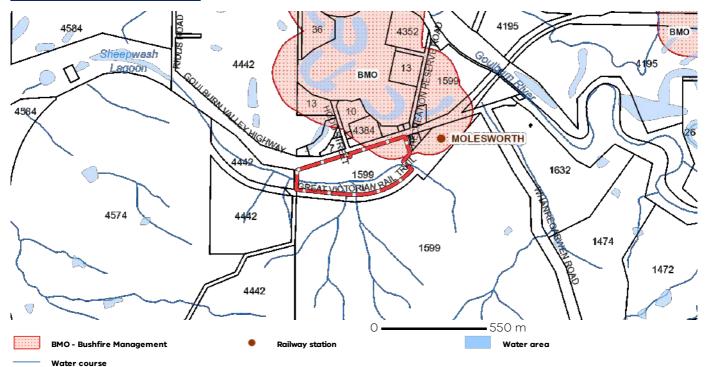
Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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Planning Overlays

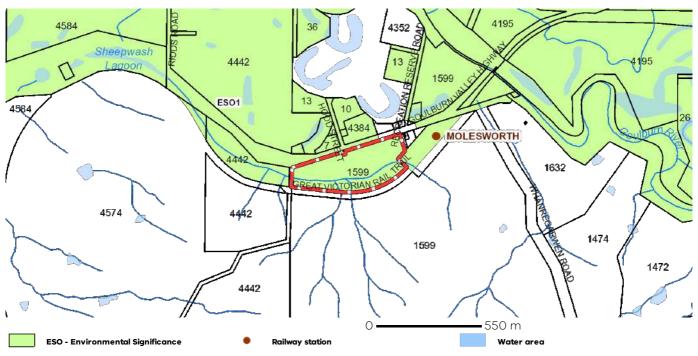
BUSHFIRE MANAGEMENT OVERLAY (BMO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)



Water course

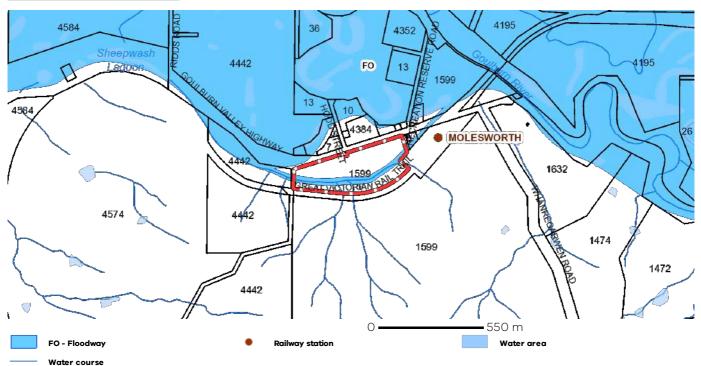
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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Planning Overlays

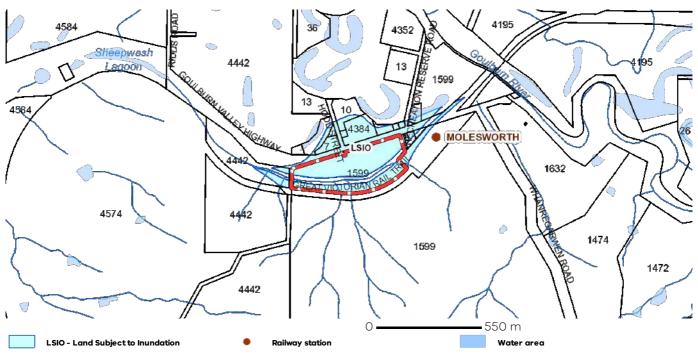
FLOODWAY OVERLAY (FO) FLOODWAY OVERLAY SCHEDULE (FO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

LAND SUBJECT TO INUNDATION OVERLAY SCHEDULE (LSIO)



Water course

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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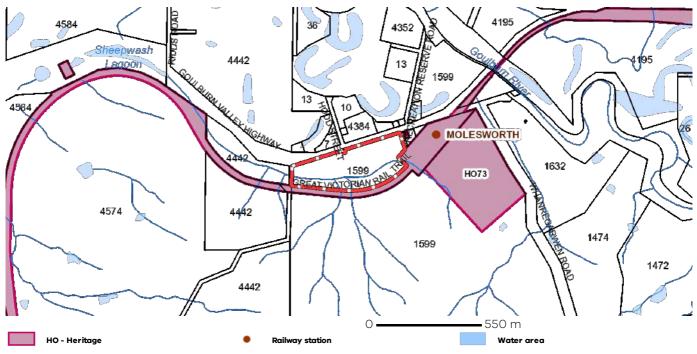


Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land





Water course

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this parcel is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

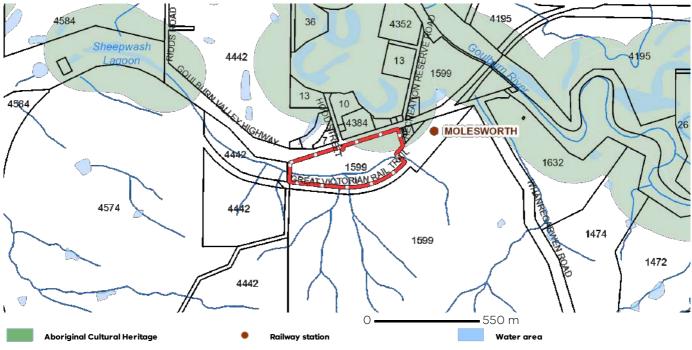
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to http://www.aav.nrms.net.au/aavQuestion1.aspx

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation



Water course

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Environment, Land, Water and Planning

Further Planning Information

Planning scheme data last updated on 30 June 2021.

A planning scheme sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting https://www.planning.vic.gov.au

This report is NOT a Planning Certificate issued pursuant to Section 199 of the Planning and Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may abut the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - https://www.landata.vic.gov.au

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit https://mapshare.maps.vic.gov.au/vicplan

For other information about planning in Victoria visit https://www.planning.vic.gov.au

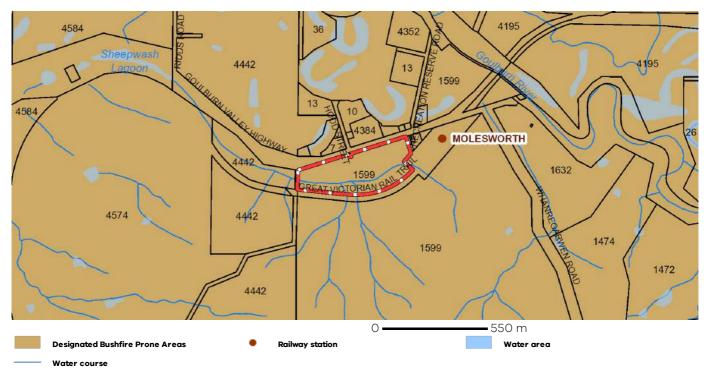
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Designated Bushfire Prone Areas

This parcel is in a designated bushfire prone area.

Special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas

Designated bushfire prone areas maps can be viewed on VicPlan at <u>https://mapshare.maps.vic.gov.au/vicplan</u> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <u>https://www.vba.vic.gov.au</u>

Copies of the Building Act and Building Regulations are available from http://www.legislation.vic.gov.au

For Planning Scheme Provisions in bushfire areas visit <u>https://www.planning.vic.gov.au</u>

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see Native Vegetation (Clause 52.17) with local variations in Native Vegetation (Clause 52.17) Schedule

To help identify native vegetation on his property and the application of Clause 52.17 please visit the Native Vegetation Information Management system https://nvim.delwp.vic.gov.au/and Native vegetation (environment.vic.gov.au) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit NatureKit (environment.vic.gov.au)

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APPENDIX 4: BUSHFIRE MANAGEMENT PLAN

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Construction Standard:

The dwelling is to be designed and constructed to a minimum construction standard of BAL-12.5

Access:

Access for fire fighting vehicles must meet the following requirements:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a trafficable width of 3.5m.
- Be clear of encroachments for at least 0.5m on each side and 4m vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 percent)(8.1 degrees) with a maximum of no more that 1 in 5 (20 percent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 percent) (7.1 degrees) entry and exit angle.

Defendable Space:

•

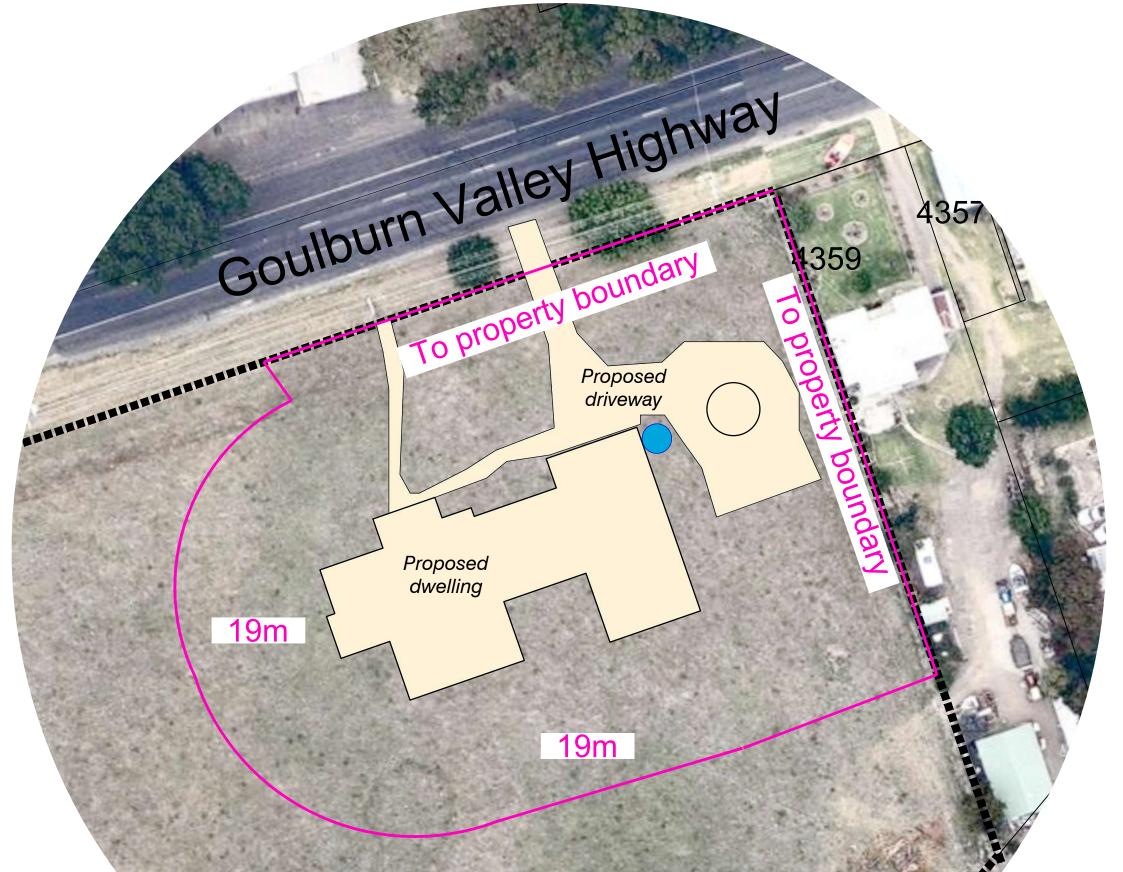
Defendable space will be modified and managed in accordance with the following requirements:

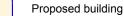
- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of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

Water Supply:

A minimum 10,000L effective water supply for fire fighting purposes is to be installed. Water supply must meet the following requirements:

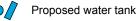
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable fro the building or appropriate identification signage to the satisfaction of the responsible authority.
- Be located within 60m of the outer edge of he 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).







Defendable space



Access

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North

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BUSHFIRE MANAGEMENT PLAN

Lot 3, 1599 Whanregarwen Road, Molesworth 27379 BMP1 (July 2021)