

# Bushfire Management Statement

18 PRATTS ROAD, KINGKAKE WEST



Two (2) Lot Subdivision in a BMO

Reference: 29923

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The Client

**FORMAL LAND DESCRIPTION:**

Crown Allotment 25 Section B Township of Pheasant Creek Parish of Kinglake

**PROPOSAL:**

Two (2) Lot Subdivision in a BMO

**AUTHORITY:**

Murrindindi Shire Council

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## 1 EXECUTIVE SUMMARY

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This Bushfire Management Statement has been prepared to address the requirements of the Bushfire Management Overlay (BMO) (Clause 44.06) and provide the Responsible Authority and applicant with advice and recommendations for bushfire protection, specifically with regards to a two (2) lot subdivision at the subject land.

This report identifies the existing conditions of the site and surrounds in accordance with the applicable requirements of Bushfire Planning (Clause 53.02) and offers a planning and design response, which shows how the proposal 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/m<sup>2</sup>). This assessment is then used to determine the most appropriate combination of vegetation management zone and Bushfire Attack Level for future buildings.

Based on a site assessment, there are three types of vegetation to be considered: Low-threat, Modified and Forest. The immediate surrounding sites are dominated by standard residential developments which are classified as Low Threat or Modified Vegetation areas. The assessment area extends into a lineal reserve of forest vegetation to the northwest, under downslope 0-5 degrees from the site, and to the extension of Pratts Road to the north which is also considered forest vegetation. This vegetation is setback 50m from the edge of the proposed building envelope and consequently, a BAL-29 construction is considered appropriate for Lot 2 (vacant lot), which also considers the higher risk landscape in the wider area.

Access and water supply requirements in accordance with Table 4 and 5 can easily be met for the new lot. Vegetation management requirements of Table 6 are met for Lot 2, with the exception of three trees that are sought to be retained.

As lot 1 contains an existing dwelling, no bushfire protection measures are applied to this lot.

It is submitted that the proposed subdivision meets the intent of the BMO and Clause 53.02, thereby risk to life and property is reduced to an acceptable level.

In accordance with the mandatory requirements of Clause 44.06-3 a 173 Agreement will be applied to the proposed vacant lot to exempt a future dwelling from a permit trigger under the BMO.

## 2 IMPORTANT ASSUMPTIONS

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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 INTRODUCTION

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Millar Merrigan have been engaged to prepare a Bushfire Management Statement for a two-lot subdivision at 18 Pratts Road, Kinglake West. The land is entirely covered by the Bushfire Management Overlay (Clause 44.06) (BMO) which triggers a permit for subdivision and a full assessment against Clause 53.02-4 is required.

In addition to implementing Municipal Planning Strategy and Planning Policy Framework the purpose of the BMO 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.*

This report addresses the applicable requirements of the BMO (44.06) and Bushfire Planning (53.02).

## 4 PROPOSAL

The subdivision creates two (2) residential lots with Lot 1 retaining the existing dwelling and outbuildings. Lot 2 is vacant and located towards the north of the site. The existing crossing and access will continue to provide access to the existing dwelling, whilst a new crossing is proposed off Marks Road to provide access to Lot 2 in the location of an existing gate and culvert. The proposed lots are 2048sqm and 2007sqm, see Figure 1 below.

No trees are required to be removed to facilitate the subdivision or effluent fields.

A copy of the subdivision plan is attached at Appendix 1.

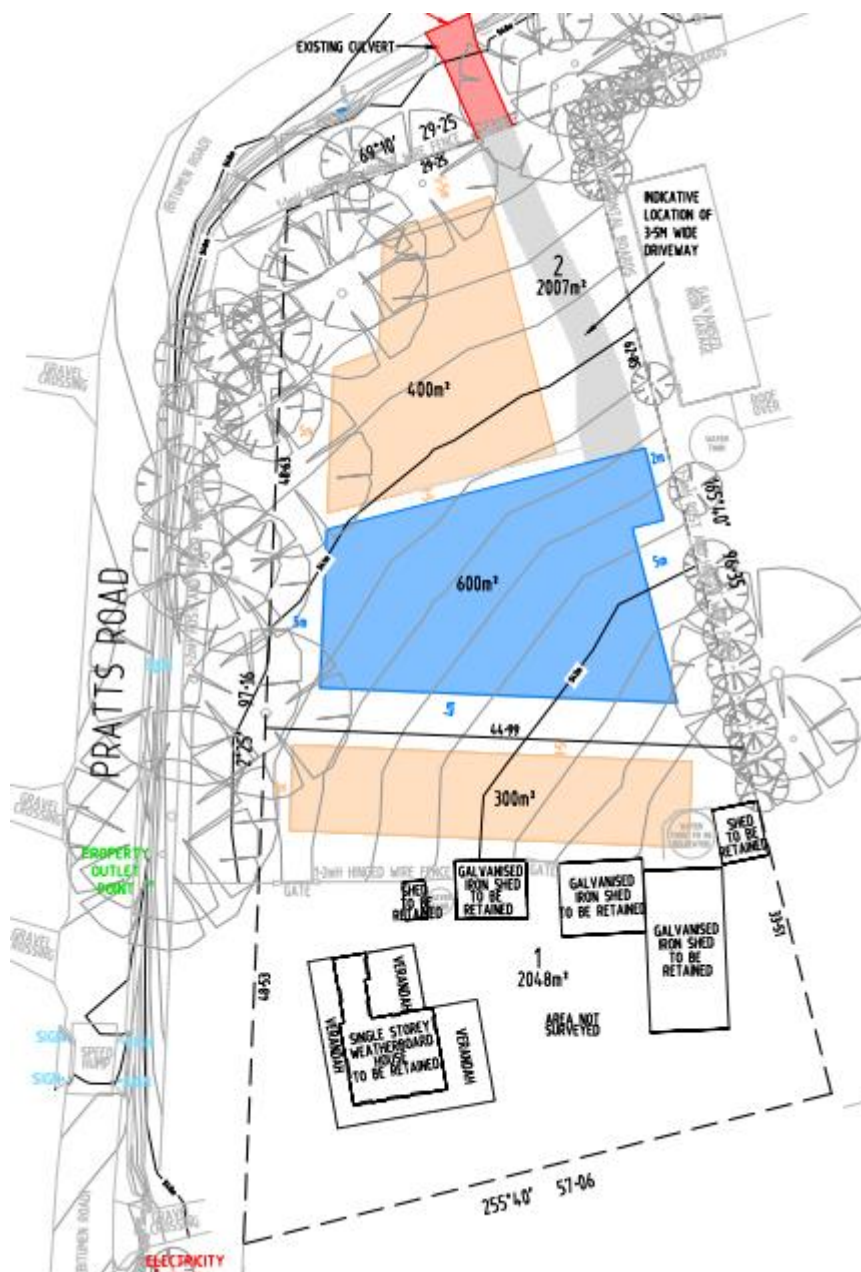


Figure 1: Proposed subdivision layout

## 5 PLANNING PROVISIONS

The land is contained within the Township Zone (32.05), which alongside implementing the Municipal Planning Strategy and the Planning Policy Framework, seeks:

- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The only overlay applicable is the Bushfire Management Overlay,(44.06) (BMO) and it applies to the entire site and extends for several kilometres in all directions. This overlay 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 BMO 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 and extreme ember attack and radiant heat. It takes into account vegetation, weather characteristics and slope. In the context of the wider area the BMO mapping is extensive which demonstrates the high landscape risk, see Figure 2 below.

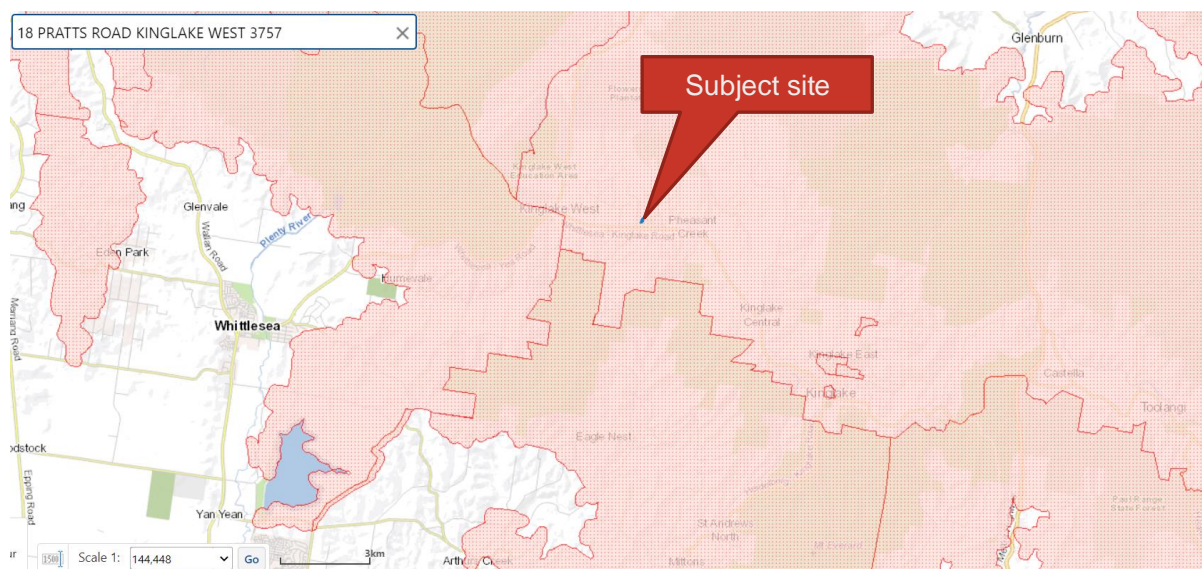


Figure 2: Extent of BMO

Pursuant to the BMO, a permit is required for subdivision and a full assessment against Clause 53.02-4 is required.

In accordance with Clause 44.06-5 bushfire protection measures for subdivision are to be enforced by application of the following permit condition:

*Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:*

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Murrindindi Shire Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement



*must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

*The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.*

This does not apply:

- *If a schedule to this overlay specifies that a Section 173 Agreement is not required.*
- *Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.*
- *For the subdivision of the land into lots each containing an existing dwelling or car parking space.*

The Planning Policy Framework is based on a series of themes and includes Clause 13.02 – Bushfire Planning, which seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This clause aims to give priority to the protection of human life by:

- *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 Shire Planning Scheme has a local planning policy specifically relating to bushfire protection, Clause 13.01-1L, Bushfire Planning which seeks to implement the following strategies:

- *Support:*
  - *the rebuilding of communities, destroyed homes and damaged infrastructure affected by the 2009 bushfires*
  - *the re-establishment of commercial centres affected by the 2009 bushfires in a way that mitigates bushfire risk.*
- *Locate, design and manage use and development to reduce the risk to human life, property and community infrastructure from bushfire to an acceptable level.*
- *Provide necessary bushfire protection measures, including through the design and construction of buildings, the creation of defensible space, the provision of a dedicated fire-fighting water supply and the need for fire authority access to and on the land.*
- *Implement and maintain necessary bushfire protection measures in conjunction with the ongoing use of the land.*
- *Facilitate the expansion of existing settlements, new subdivisions and uses that cater for vulnerable people only when:*
- *The risk to life, property and community infrastructure from bushfire is reduced to an acceptable level.*
- *The need for future occupants to implement and maintain bushfire protection measures is minimised through the careful location, siting and design of new development.*
- *Emergency management arrangements, considered in consultation with the relevant authorities, can be practically established and implemented, including through the actions of the emergency services, operators and future landowners.*
- *The ability for people to access safer locations and locations of last resort has been established.*

Bushfire is also mentioned in various clauses throughout the planning scheme.

Clause 65 – Decision Guidelines requires the responsible authority to consider, among other things, 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 presented by the site and its surrounds.

The proposed subdivision at the subject site is permitted under the relevant zone and overlay and the layout complies with all measurable aspects of relevant planning policy. It is submitted that the proposed subdivision has appropriate regard to the overarching policy objectives of the Murrindindi Shire planning scheme.

A copy of the Planning Property Report is attached at Appendix 2.

## 6 BUSHFIRE HAZARD SITE ASSESSMENT

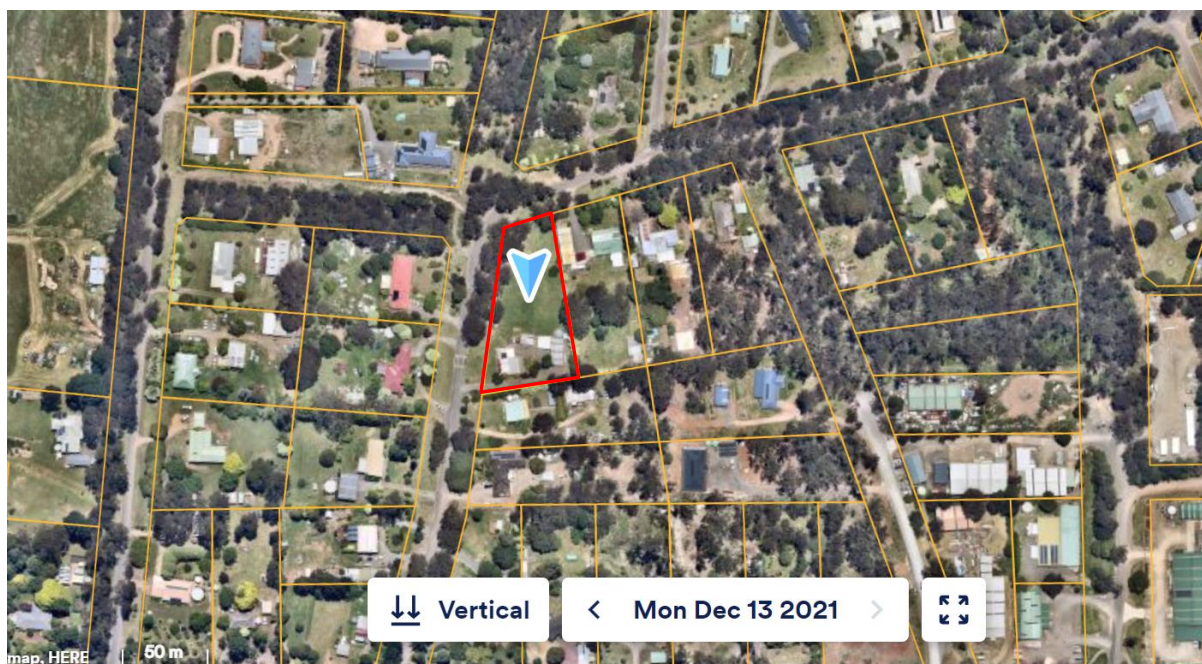
### 6.1 THE SITE

The subject site is currently developed with a dwelling and various outbuilding. It is wedge shaped, comprising of 4055sqm. Pratts Road abuts the western boundary and Marks Road abuts the northern boundary. Residential properties abut the eastern and southern boundaries. The wider area is also developed as a residential area.

The site is predominantly grassed, with trees and shrubs scattered mostly around the boundaries and within the street reserves.

Access to the dwelling is via a crossing off Pratts Road with a gravel driveway extending into the site from the south-western corner. A culvert and gateway are present off Marks Road at the north-east corner of the site. There are no restrictions applicable, and a copy of title is attached at Appendix 3.

The topography of the land generally rises from the street front to the rear boundary, see aerial and site photographs below.



Photograph 1: Aerial image of the site and the surrounding properties





*Photograph 2: Looking towards the site from the end of the driveway off Pratts Road.*



*Photograph 3: Panoramic view of the rear garden, looking north.*



*Photograph 4: Panoramic view of the rear garden looking south.*



*Photograph 5: Looking south across the site from Marks Road*

The BMO site assessment criteria requires an area of 150m around land to be considered and the Site Plan at Figure 4 below shows this area, noting that only Lot 2 has been assessed given that Lot 1 contains a dwelling. The below plan identifies vegetation types and slope.



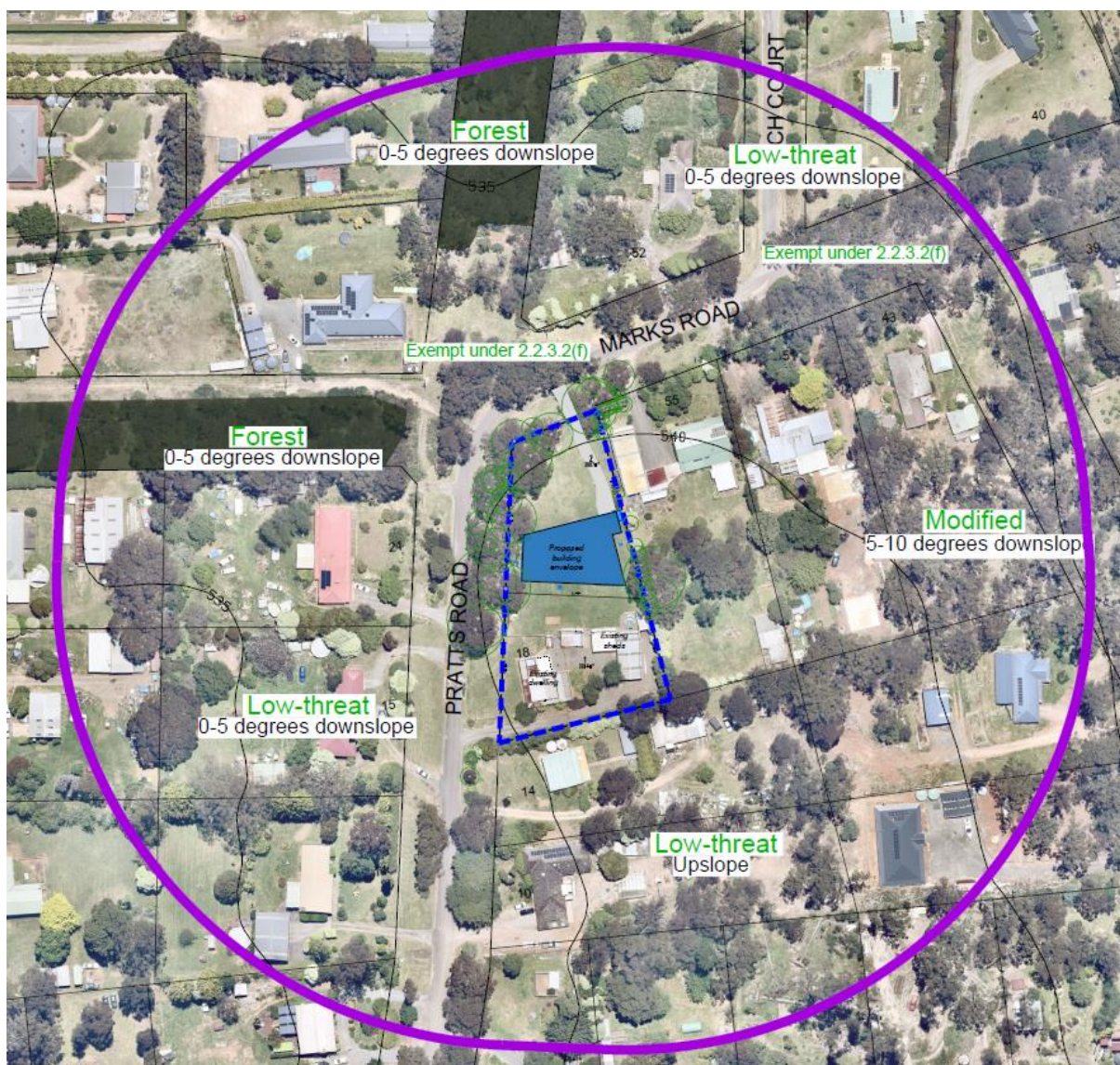


Figure 3: Site Assessment Plan



## 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 4 below.






EMBER ATTACK	RADIANT HEAT	LOCALISED FLAME CONTACT	FLAME CONTACT FROM FIRE FRONT	EXTREME FIRE BEHAVIOUR
 <ul style="list-style-type: none"> <li>• May occur from the hazard in very close proximity to a building (nearby trees, neighbouring houses).</li> <li>• May occur from fire behaviour in the surrounding landscape.</li> <li>• Most common way houses catch fire during a bushfire.</li> <li>• Occurs when small burning twigs, leaves and bark are carried by wind, landing in and around a building.</li> <li>• Can happen before, during and after a bushfire.</li> </ul>	 <ul style="list-style-type: none"> <li>• Occurs from the hazard in close proximity to a building (up to 150 metres).</li> <li>• The heat you can feel from a fire.</li> <li>• Can ignite surfaces without flame contact or ember attack.</li> <li>• Dries out vegetation ahead of a bushfire so that it burns more readily.</li> </ul>	 <ul style="list-style-type: none"> <li>• Occurs from the hazard in close proximity to a building (up to 50 metres).</li> <li>• Direct flame contact from individual elements, such as vegetation, fences or structures.</li> <li>• Burning elements may arrive from neighbouring land.</li> <li>• Can occur in areas where the vegetation is modified or is managed as a garden.</li> <li>• Not direct flame contact from a moving fire front.</li> </ul>	 <ul style="list-style-type: none"> <li>• Occurs from the hazard in close proximity to a building (150 metres).</li> <li>• Direct flame contact from a fire front where vegetation is in a mostly natural state (such as in national parks).</li> <li>• Occurs when a building is in close proximity to the vegetation.</li> <li>• 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).</li> </ul>	 <ul style="list-style-type: none"> <li>• Occurs from fire behaviour in the surrounding landscape, including where it interacts with the hazard in close proximity to a building.</li> <li>• Arises in high risk landscapes, with long fire runs, steep topography and vegetation in a mostly natural state.</li> <li>• Influenced by fuel loads and drought conditions.</li> <li>• Associated with high temperatures, wind, cyclonic winds, lightning.</li> <li>• Extreme ember attack will occur.</li> <li>• Associated with weather as seen on Black Saturday.</li> <li>• Any fire that starts and takes hold will be so intense that life safety may be seriously compromised.</li> </ul>

Figure 4: 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)

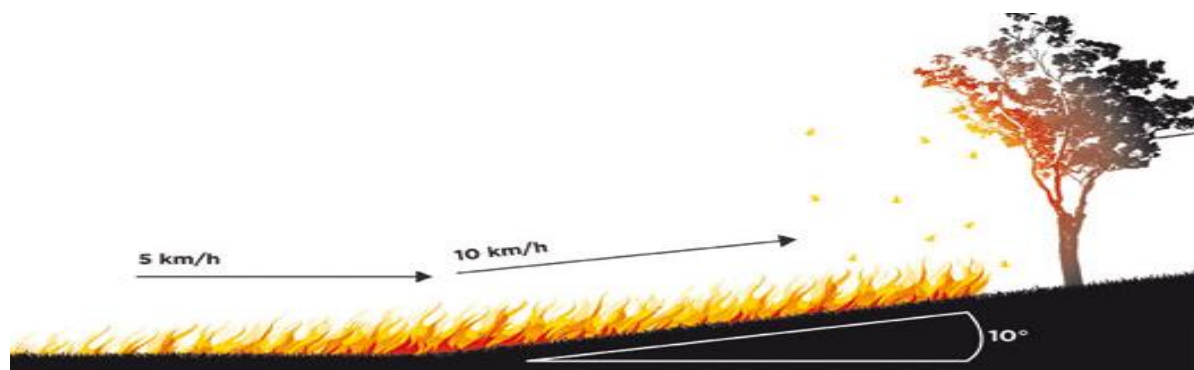


Figure 5: How fire speed increase uphill (source: DELWP, Planning Permit Applications Bushfire Management Overlay, Technical Guide)

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 defensible space around a building, the bushfire risk can be reduced.

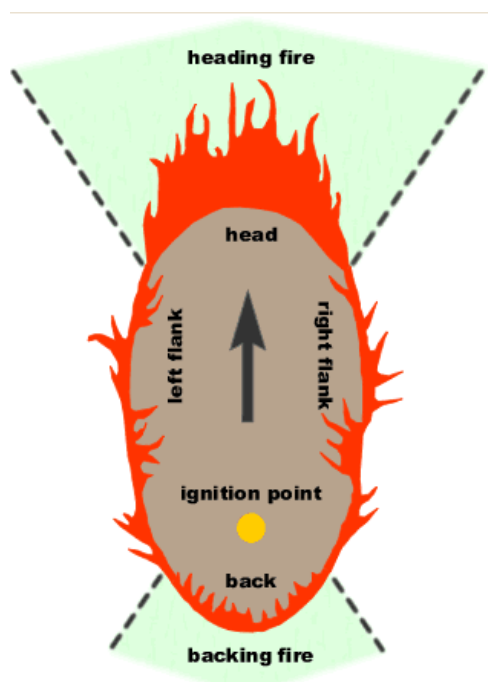


Figure 6: Bushfire Behaviour

A bushfire can behave in a variety of ways:

- Head fire – a fire where the flames are blown towards the fuel;
- Flank fire - a fire where the fire edge is generally parallel to the wind;
- Back fire – a fire that moves into the wind with flames leaning over the burnt ground.

### 6.3 VEGETATION

The vegetation management requirements together with the building construction requirements of the *Bushfire Management Overlay (BMO)* 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 defensible 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.

The vegetation classification, together with effective slope is utilised for the purposes of determining the defensible space and construction requirements under the *Bushfire Management Overlay (BMO)*. 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.

#### Low Threat Vegetation

Vegetation on and within 150m of the subject site is indicated on the Site Plan at Figure 4, and comprises of three main categories: **Low Threat**, **Modified** and **Forest**.

A high percentage of the assessment area comprises of non-combustible features including roads, buildings and cultivated gardens, which do not cause a bushfire threat. These can be excluded from consideration pursuant to *Section 2.2.3.2* of AS3959 which outlines the following scenarios as **low threat**:

- 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.*
- 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, including waterways, roads, footpaths, buildings and rocky outcrops.*
- f) *Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks.*

**NOTE:**

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.*

The below photographs provide a visual representation of the low threat areas.

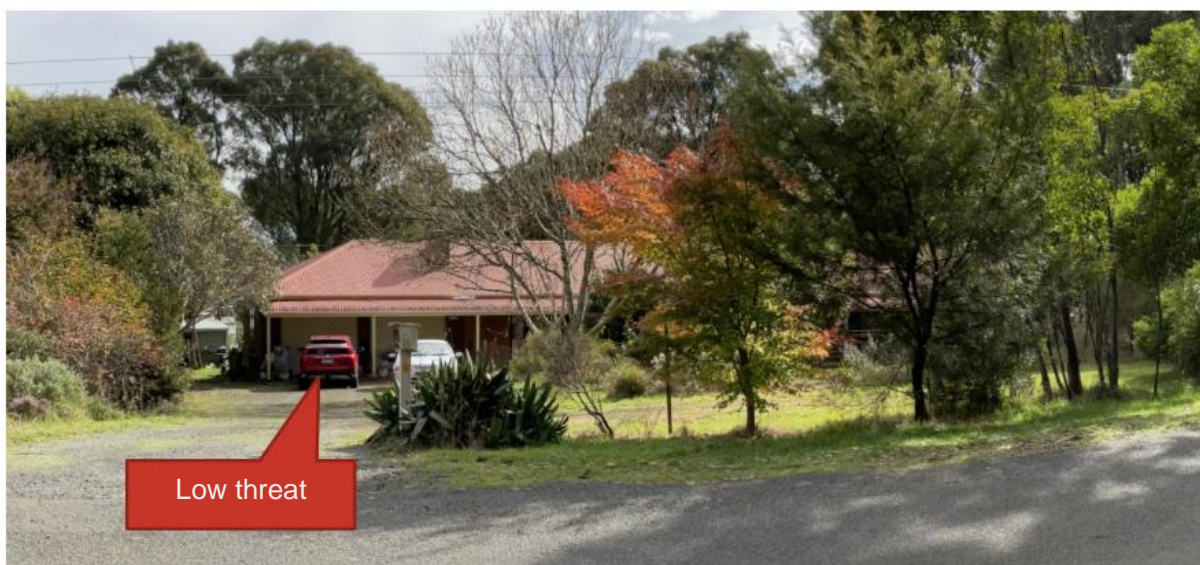


Photograph 6: Surrounding sites are developed with single dwellings and managed gardens, which present as low threat in terms of bushfire risk. Here is an example of dwellings in the area, Number 55 Marks Road.





Photograph 7. Marks Road offers roadside trees but the understorey is managed and the conditions are considered Low Threat. Further east along Marks Road the vegetation is slightly more dense, but is excluded under 2.2.3.2 (f), as it is less than 20m in width and more than 20m from the site.

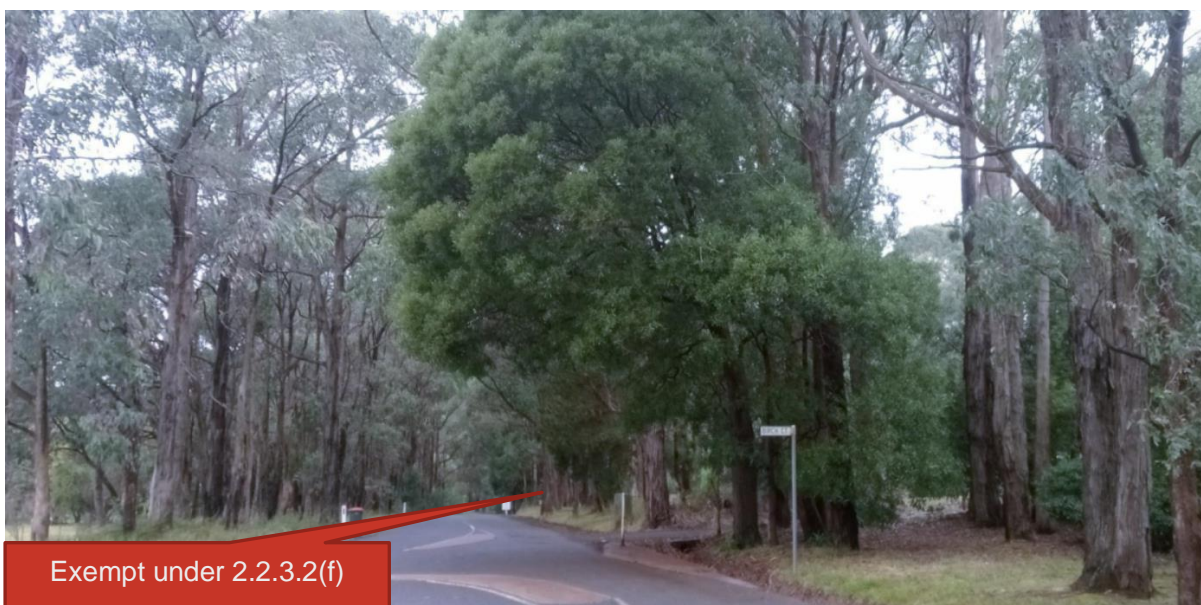


Photograph 8: Dwelling directly opposite the subject site on Pratts Road offers well managed gardens





Photograph 9: The road reserve of Pratts Road is well managed and presents as Low Threat conditions



Photograph 10: The road reserve vegetation is denser further east along Marks Road, but this is exempt as it is less than 20m in width and greater than 20m from the subject site

## **Modified Vegetation**

Clause 53.02 describes this as follows:

*Modified vegetation is vegetation that doesn't fit into the vegetation classifications in AS3959:2009 Construction of buildings in bushfire prone areas (the standard) because it:*

- *has been modified, altered or is managed due to urban development, or gardening,*
- *has different fuel loads from those assumed in the standard,*
- *has limited or no understorey vegetation, or - is not low-threat or low-risk vegetation as defined in the standard*

The surrounding area is characterised by single dwellings, some of which are set within a moderate cover of vegetation. Due to its residential use the vegetation on properties abutting the subject site is partially managed, therefore has been classified as 'Modified' vegetation.



Photograph 11: The dwelling at 51 Marks Road is surrounded by heavier tree vegetation but offers a managed understorey, in keeping with the definition of Modified Vegetation.

## **Forest Vegetation**

In comparison to the Low Threat and Modified vegetation, are the patches of upslope forest vegetation to the north-east and north of the assessment area.

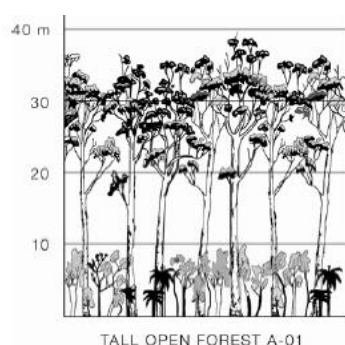


Figure 7: Forest (sourced from AS3959)

AS3959 describes Forest as follows:

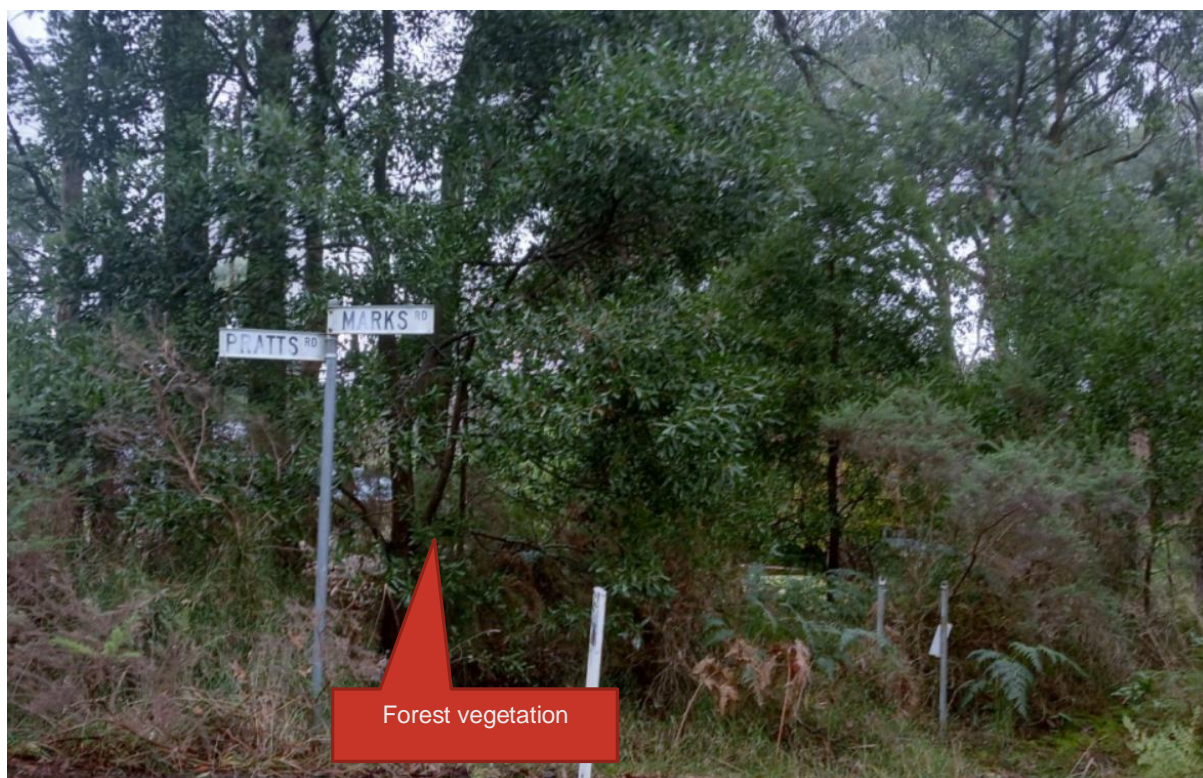
*Trees 10–30 m high; 30–70% foliage cover (may include understorey of sclerophyllous low trees and tall scrubs or grass).*

*Typically dominated by eucalypts.*





Photograph 12: Looking towards the forest vegetation in the linear reserve opposite the site to the west.



Photograph 13: Looking into the forested area to the north of the corner of Marks and Pratts Roads.



## 6.4 SLOPE

The slope within 150m of the subject site has been assessed and indicated on the Site Plan at Figure 4. The site is generally upslope conditions from west to east. The wider area is undulating and, in some areas, moderately steep, see figure 8 below.

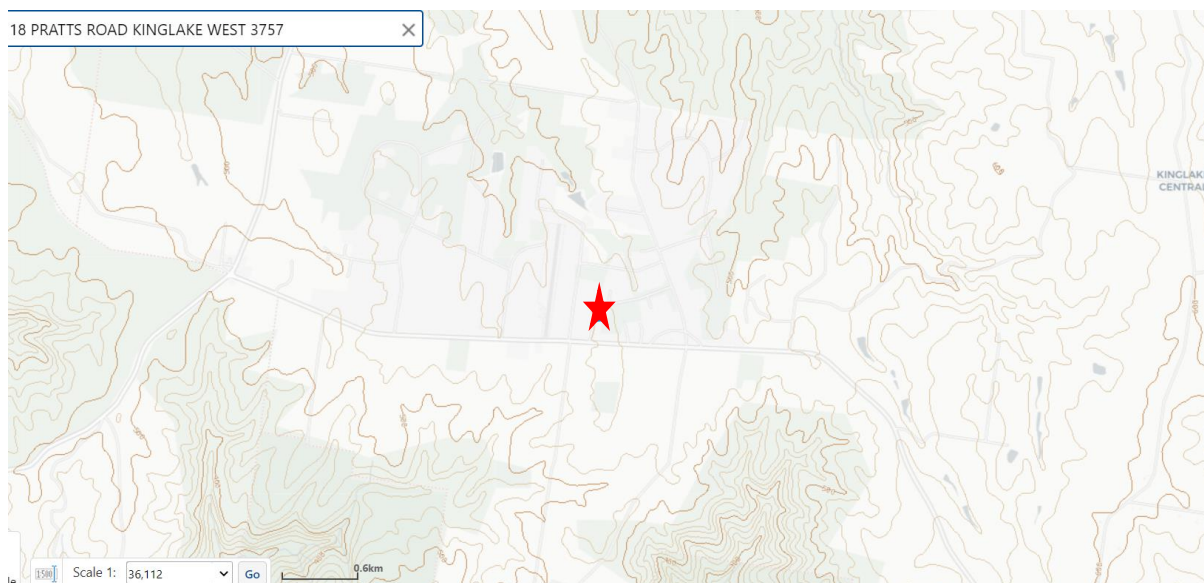


Figure 8: Topography of the surrounding area

## 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

*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.*

*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.<sup>1</sup>

The subject land abuts Pratts Road to the west, Marks Road to the north and is set amongst established residential properties, with the main hub of Kinglake West only 600m to the south-east. The Township Zone abuts Low Density Residential Living to the north and Rural Living to the east. A small pocket of Industrial zoning surrounds the town centre, with the wider area dominated by Farming Zone. See Figure 9 below.

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<sup>1</sup> Source: Planning Permit Applications Bushfire Management Overlay, Technical Guide, DELWP (2017)



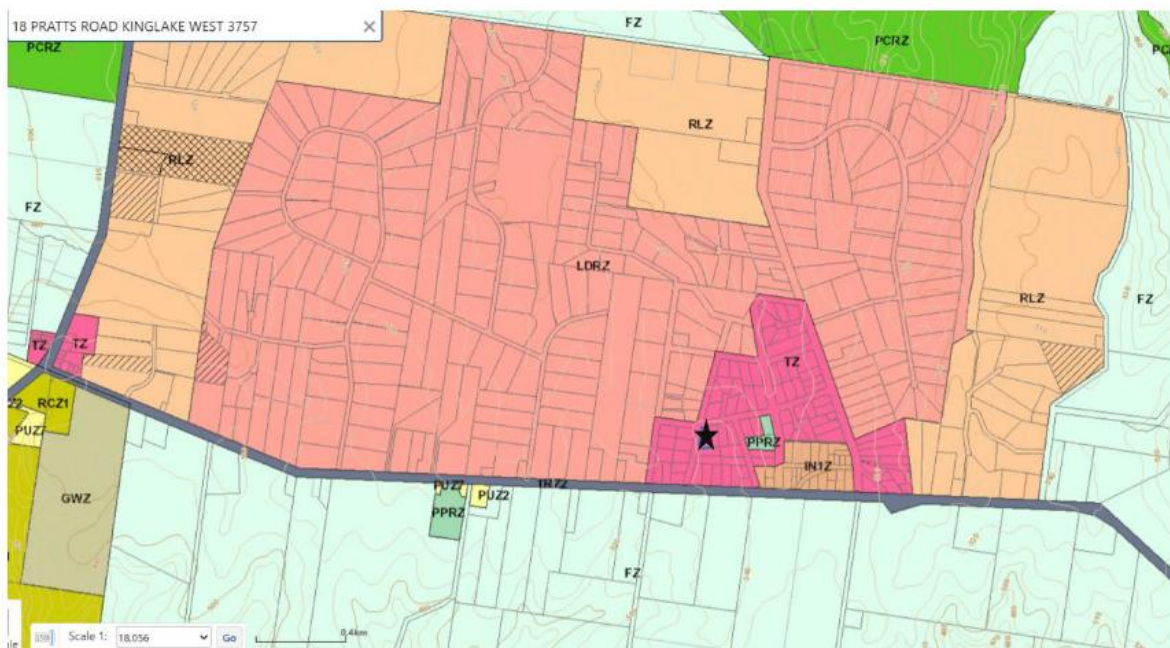


Figure 9: Surrounding Zoning (source: Vicplan)

The site itself is surrounded by residential lots in all directions, with Pratts Road directly to the west and Marks Road to the north.

In addition to site and adjacent based risk, the broader landscape risk must be considered to determine the bushfire risk. As demonstrated in Figure 10 below, the wider landscape presents expansive vegetated mountain ranges.

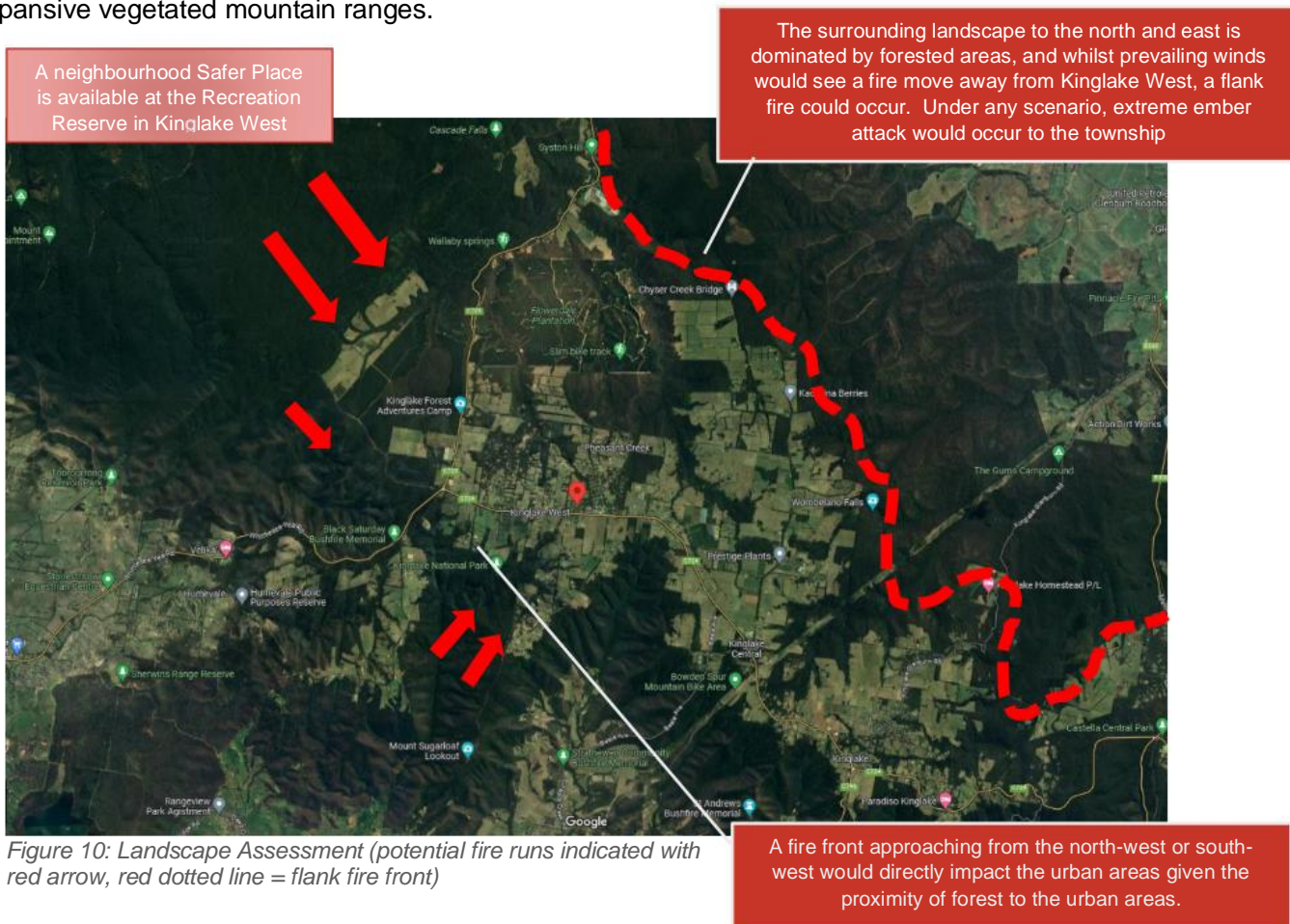


Figure 10: Landscape Assessment (potential fire runs indicated with red arrow, red dotted line = flank fire front)

The area is considered to be comparative to Broader Landscape Type Three as outlined in the *Technical Guide: Planning Permit Applications in the Bushfire Management Overlay (Sept 2017)*, which describes the landscape 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 approach from more than one aspect;*
- *The site is located in an area that is not managed in a minimum fuel condition;*
- *Access to an appropriate place that provides shelter from bushfire is not certain.*

The vegetation beyond the assessment area may result in neighborhood scale destruction and bushfire can approach from more than one direction. The site is however located within an established urban area that is dominated by low-threat features. There is also access to a place that provides shelter from bushfire, being the Neighbourhood Safer Place located at the Recreation Reserve in Kinglake West, approximately 800m from the site.

The Hume Regional Strategic Fire Management Plan (HRSFMP) recognises the high fire risk posed by the Murrindindi area, due to the topography and the vegetation throughout:

*The vegetation in the Hume Region is principally divided along the Hume Freeway. Most of the land east of the Freeway is part of the Great Dividing Range. These mountains and foothills are covered with dry and wet sclerophyll (hard leaves) forests. Most of the land west of the Hume Highway is dominated by grasslands and cropping, with pockets of trees and forest, and tree lined roadsides.*

*While the wet sclerophyll forests are usually less flammable than the dry forests, during drought conditions the wet forests can sustain large uncontrollable fires that have high flame heights, high radiant heat levels and a significant threat from embers starting spot fires well ahead of the main fire front.*

The HRSFMP has this to say about Murrindindi and the fires of 2009:

*The Mt Gordon fire tower observer gave the following account of the Murrindindi fire burning in forest near Marysville to the 2009 Victorian Bushfires Royal Commission. "It is beyond description. This thing was huge, absolutely huge. I can't explain it. And it was alive. This thing was just full of ember, ash, burning materials. This thing was absolutely alive."*

The Municipal Fire Management Plan, 2020-2023, states the following (in part) within the Municipal Overview for Murrindindi Shire:

*46% of the total land area of the Municipality is forested public land (1,788 square kilometres) consisting of State Forest, Parks and Reserves and other public land. A large proportion of this land is mountainous and heavily forested.*

*Murrindindi has a long history of bushfire. There have been 4 major bushfires in the municipality since 2000 which include the Castella (Toolangi State Forest) fires of February 2004, Mount Torbreck (State Forest) fires of April 2004, Kanumbra ("Brilliant" fire) New Year's Eve 2005, Kinglake/Glenburn-Yea/Highlands fires of late January/February 2006 and the 7 February 2009 catastrophic fires across the State.*

*The bushfires of February 2009 had a profound effect on the Murrindindi Shire. There were 95 people killed and 1539 square kilometres, or 40% of the Shire, were burnt. The bushfire*



had a catastrophic impact on the communities of Murrindindi and its businesses, tourism and natural environment were severely impacted as a result. 1397 houses were destroyed as well as 3533 kilometres of fencing. Flora and fauna were also severely impacted.

Naturekit lists significant fires that have occurred in the municipality since the turn of the century. These include the Ash Wednesday and Black Friday bushfires, as well as the Black Saturday Bushfires of 2009. Figure 11 shows that extensive fire impact has occurred in the wider landscape which confirms that the landscape risk is extreme.

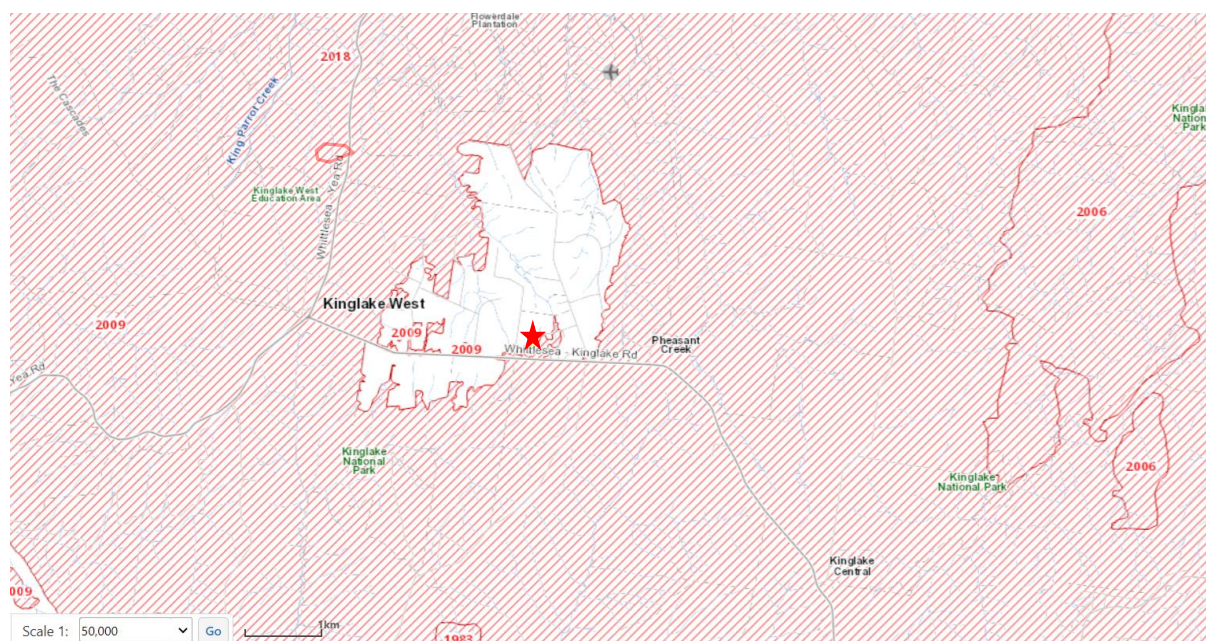


Figure 11: Bushfire History (source: Naturekit)

## 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.

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. 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 the context of the subject site, a landscape scale fire could approach from any direction and would be unpredictable, spread rapidly and be difficult to control due to the terrain.

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

## 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.*

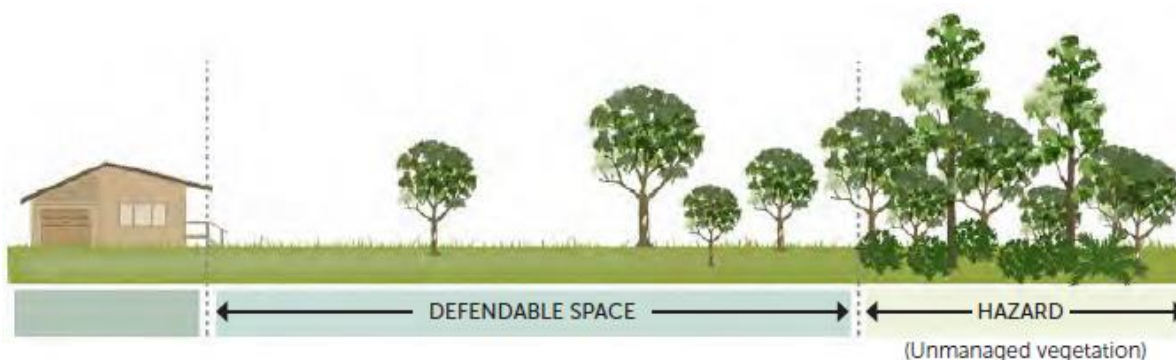


Figure 12: Defendable Space

### 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/m<sup>2</sup> and possibly flame contact). The envisaged impacts for each defendable space and construction requirement are illustrated in Figure 13 below.



Figure 13: Defendable Space & Construction Requirements (source: DELWP)

The Bushfire Attack Level (BAL) and defendable space is determined in accordance with Table 2 at *Clause 53.02-5*. 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. Alternatively, the defendable space can be responsive to the hazards in individual directions.



In the case of the subject site, there are three types of vegetation within the assessment area. The table below provides a summary of relevant conditions and is derived from *Clause 53.02-5*:

Table 1: Defendable space requirements

BAL	Forest Downslope 0-5 degrees	Modified Vegetation	Low threat vegetation – All slopes
12.5	57m	Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is <b>BAL 29</b>	Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is <b>BAL 12.5</b> .
19	43m		
29	32m		
40	24m		

The proposed vacant allotment has a building envelope and this is setback is 50m from the nearest forested area. Given the landscape risk and presence of Modified vegetation a BAL-29 is however applied and defendable space will apply to the property boundary.

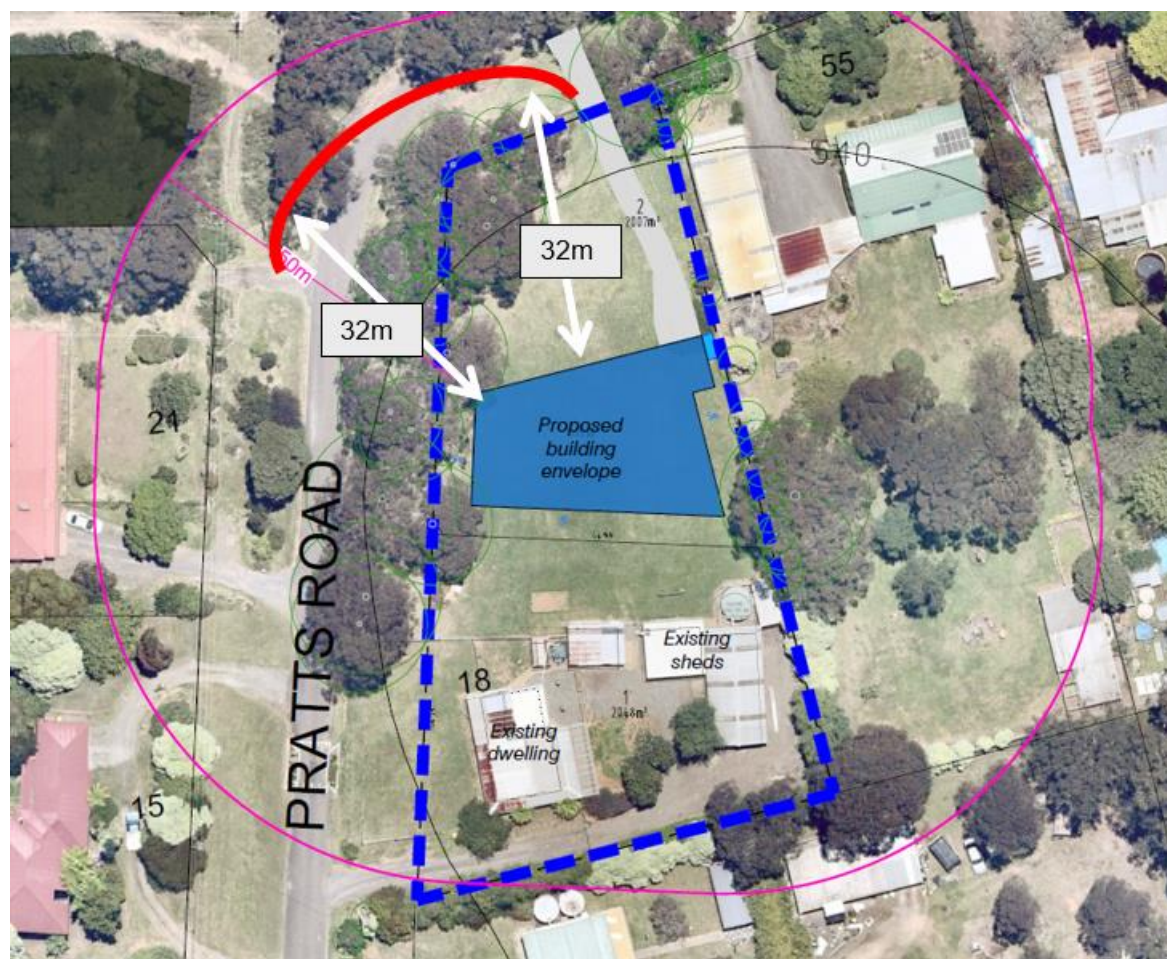


Figure 14: 50m Defendable space



## 9 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 to *Clause 53.02* outlines the following requirements for vegetation management in defensible 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.*

No vegetation is proposed to be removed to facilitate the subdivision. The majority of trees are outside of the site boundary (noting that fencing is not on title boundaries) and as such outside of the defensible space. There are however three trees at the northern end of the lot that do not meet canopy separation and a waiver is thereby sought to allow their retention.



Photograph 14: Trees on site and in the adjacent road reserve

Road reserve  
vegetation

## 10 BUSHFIRE MANAGEMENT STATEMENT

The following section assesses the proposed dwellings and subdivision against the requirements of *Bushfire Planning (Clause 53.02)* as required by the *BMO*. The provisions of *Clause 53.02* 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.*

Subdivision applications must meet all relevant objectives and *Clause 53.02-2* provides flexibility for applicants to respond to any unique circumstances of their site. *Technical Guide: Planning Permit Applications Bushfire Management Overlay, (September 2017)* notes that an application can demonstrate that the objectives are met in two ways:

1. *Include the relevant approved measures in the application. Where this is done the application is deemed to meet the relevant objectives.*
2. *Consider the suitability of any relevant alternative measures, whether specified in Clause 53.02 or not, and demonstrate that an alternative measure satisfies the objective. An alternative measure sometimes replaces an approved measure and sometimes adds to an approved measure.*

The tables at Section 9.1 below provide an assessment against *Clause 53.02*:

### 10.1 BUSHFIRE PROTECTION OBJECTIVES

#### REQUIREMENT – 53.02-4.1 LANDSCAPE, SITING AND DESIGN

- *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.*

##### AM 2.3

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

**ASSESSMENT****AM2.1**

As outlined in Section 5, the bushfire hazard landscape assessment is considered to be extreme given that significant fire runs could develop within unmanaged vegetation in the surrounding hills. The proposed subdivision is considered appropriate in this location for the following reasons:

- The land is zoned for urban purposes (Township Zone);
- The landscape around lot 2 is typically low threat or modified and managed defensible space of adjacent properties contributes towards risk reduction;
- Addition of a dwelling at the northern end of the site will reduce bushfire risk for surrounding allotments given the subdivision will apply defensible space management;
- A future dwelling will be constructed to a BAL-29, that allows the building to be utilised as a place of last resort.

**AM2.2**

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 subdivision creates 2 allotments, with proposed access off Marks Road to be provided via a new crossing and a 32m driveway into Lot 2. The proposed driveway can easily provide access for emergency vehicles. Existing access conditions on Lot 1 will remain unchanged.

**AM 2.3**

This measure is not relevant to subdivision.

**REQUIREMENT – 53.02-4.3 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 53.02-3.*
  - *Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-3.*
- *The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.*

**ASSESSMENT****Water:**

Given the lot size of Lot 2 exceeds 1,001sqm, a 10,000L water tank with fire authority fittings and access required. The water supply is to:

- *Be stored in an above ground water tank constructed of concrete or metal.*
- *Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.*
- *Include a separate outlet for occupant use.*
- *Be readily identifiable from the building or appropriate identification signs 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 water supply for Lot 1 is existing in the form of several tanks. No new tanks are proposed given that the lot already contains a dwelling.

**Access:**

Pratts and Marks Roads are trafficable all-weather roads that can easily accommodate CFA vehicles. The proposed driveway for Lot 2 is approximately 32m in length and as such the following construction standards apply:

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

The driveway and indicative location of the water tank are shown on the subdivision plan comply with these requirements.

The driveway and access to the existing dwelling on lot 1 will remain unchanged.

#### REQUIREMENT – 53.02- 2.4 SUBDIVISION

- *To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.*
- *To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.*

#### **Approved Measures**

##### AM 5.1

Not applicable since 5.2 applies in this instance.

##### AM 5.2

*An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:*

- *Each lot satisfies the approved measure in AM 2.1;*
- *A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defensible space in accordance with:*
  - Columns A or B of Table 2 to Clause 53.02-3 for a subdivision that creates 10 or more lots; or
  - Columns A, B or C of Table 2 to Clause 53.02-3 for a subdivision that creates less than 10 lots.

*The bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-3 must be noted on the building envelope.*

- *Defensible space wholly contained within the boundaries of the proposed subdivision.*
- *Defensible space may be shared between lots within the subdivision. Defensible space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defensible space.*

- Vegetation management requirements, in accordance with Table 6, to implement and maintain the defensible space required under this approved measure.
- Water supply and vehicle access that complies with AM 4.1.

#### AM 5.3

An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support firefighting.

#### AM 5.4

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

### ASSESSMENT

#### AM 5.2

The land is contained within the Township Zone and as such AM 5.2 applies. The proposal complies with the requirements as follows:

- AM 2.1 is met as detailed above;
- A building envelope is proposed on the vacant lot and construction standard in accordance with Column C is applied;
- Defendable space of 50m or to the property boundary has been applied in accordance with the requirement for Modified vegetation. The 32m separation required from forest vegetation encroaches into the road reserve to the west and this is considered acceptable given that it is the managed nature strip of the site and the bitumen road seal. To the east it encroaches into the adjacent residential lot which offers low-threat conditions. This scenario is consistent with the AltM 3.3 whereby adjacent managed areas can be included in the defensible space.

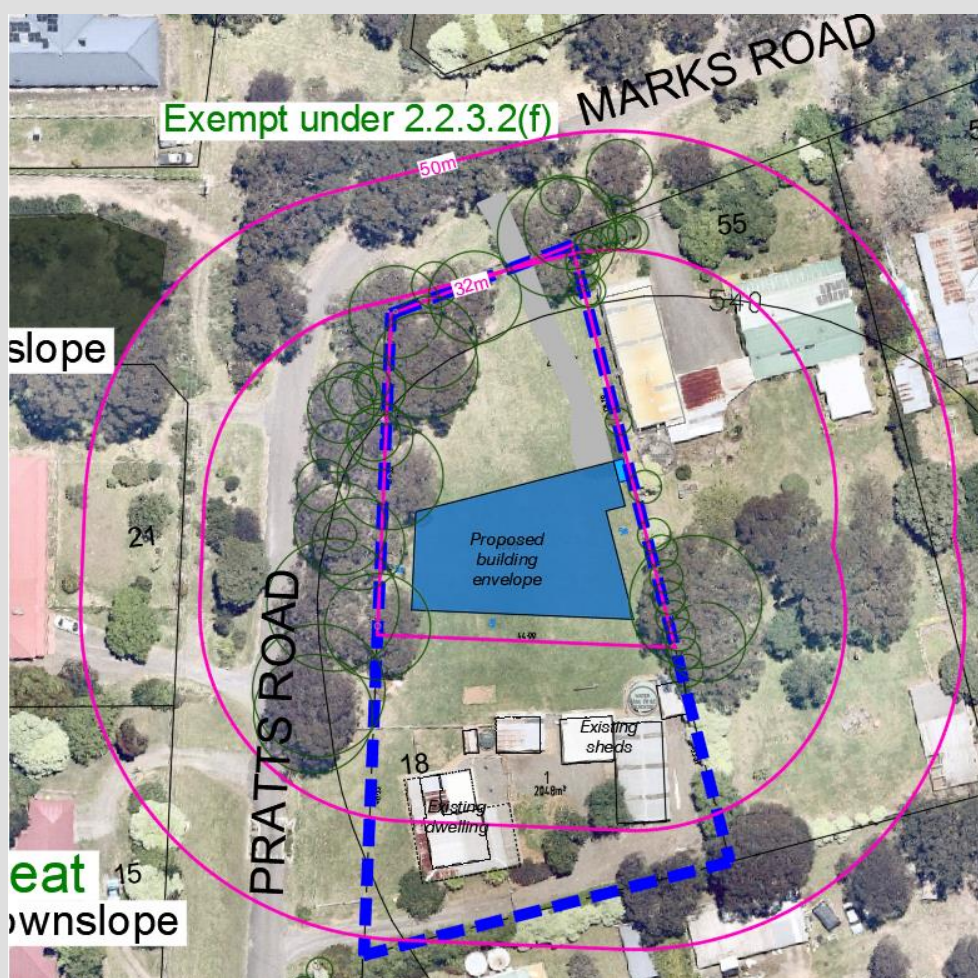


Figure 15: Defendable Space

- Vegetation management requirements are met, noting that a waiver is sought to retain three trees.
- Access and water supply requirements as shown on the Bushfire Management Plan comply with AM4.1 as detailed above.

**AM 5.3**

Not applicable as the subdivision creates 2 lots only.

**AM 5.4**

There are no common areas or proposed landscaping.

## 11 BUILDING REQUIREMENTS

Construction requirements are specified in *AS3959* and the following aspects of a building are covered:

- 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 also be used to prevent the accumulation of debris and entry of embers, and *AS3959* does not cover these aspects. To reduce the vulnerability to ember attack it is recommended that the building design minimise the use of re-entrant corners, complex roof lines, gaps between walls and roofs and unenclosed underfloor space. Where possible, non-combustible features should be utilised.

The *BMO* and *AS3959* do not consider the maintenance of properties, fire fighting for property protection, the need to consider the neighbours buildings and property or wind. Design features to reduce ignition are not mandatory however residents may wish to consider:

- Installation of gutter and valley guards;
- Installation of appropriate landscaping and landscape features (including non-combustible mulch);
- Use of steel, concrete or alternative fire rated products in favour of timber, for any exposed elements of the building.

## 12 LANDSCAPING

Residents must pay particular attention to the vegetation management requirements within the defensible space (see Section 8.3), to ensure that new landscaping does not conflict with the management requirements. The CFA publication *Landscaping for Bushfire* should be referred to as a guide. Any landscape plan prepared as part of the development application should consider bushfire risk and ensure that proposed plantings do not increase risk.



## 13 CONCLUSION & RECOMMENDATIONS

The subject site is in a region of extreme bushfire risk given the surrounding landscape; however Kinglake West is a urban township dominated by low-threat conditions.

The proposed vacant lot (lot 2) has a BAL-29 construction standard and defensible space to the property boundaries, which is in response to the localised forest vegetation to the north and northwest, whilst acknowledging the higher risk from the surrounding landscape. Access and water supply requirements meet Tables 4 and 5.

Vegetation management in accordance with Table 6 can generally be met, with the exception of three trees within the defensible space and a waiver of canopy separation is sought for these trees.,

As lot 1 contains an existing dwelling there are no bushfire protection measures applied. Should this lot be redeveloped in the future, a separate application will be required under the BMO and these aspects would be addressed at that time.

Bushfire protection measures are identified on the Bushfire Management Plan (Appendix 4). In accordance with Clause 44.06-3 of the Bushfire Management Overlay, these requirements will be enforced via a 173 Agreement as follows:

*Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:*

- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Murrindindi Shire Planning Scheme.*
- *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- *State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

*The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.*

This agreement applies to lot 2 only.

It is submitted that the proposed subdivision provides acceptable risk to life and property to meet the requirements of the Bushfire Management Overlay and Clause 53.02 – Bushfire Planning.

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 defensible 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.

**Millar I Merrigan**

## 14 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*

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:

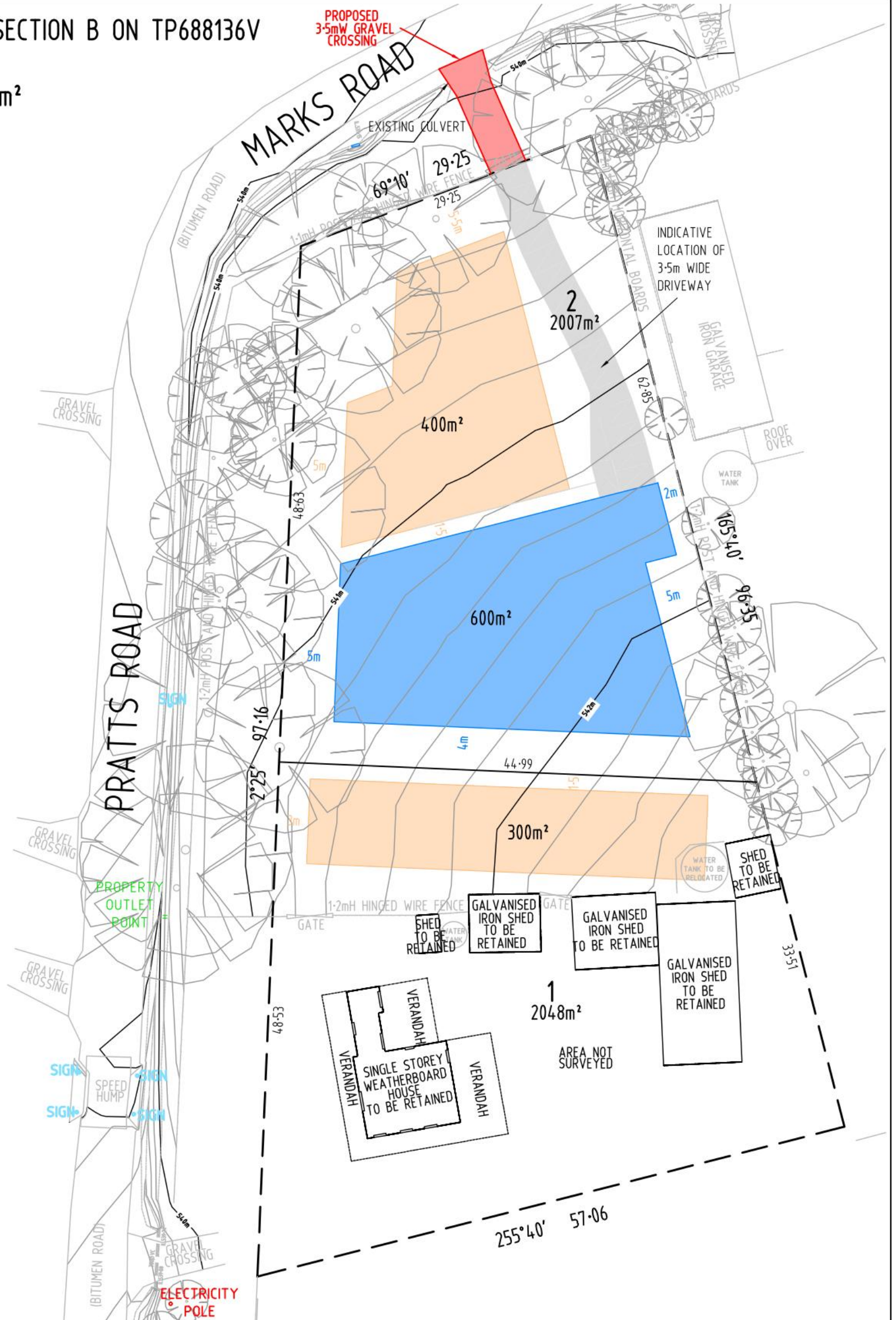
- *Planning Scheme*
- *Website*
- *Hume Municipal Fire Management Plan*



APPENDIX 1: PROPOSED SUBDIVISION PLAN



CROWN ALLOTMENT 25 SECTION B ON TP688136V  
 C/T: VOL.08274 FOL.712  
 TOTAL SITE AREA: 4055m<sup>2</sup>

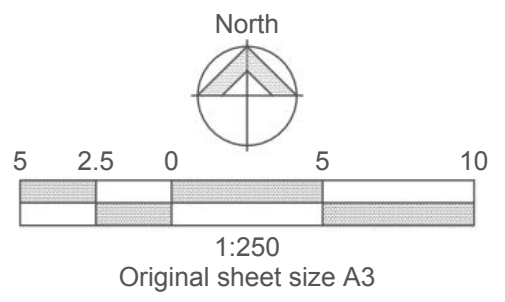


- TREE TO BE RETAINED
- INDICATIVE DRIVEWAY
- PROPOSED BUILDING ENVELOPE WITH 4 BEDROOM MAXIMUM RESTRICTION
- PROPOSED EFFLUENT ENVELOPE

THE THICK DASHED LINES SHOWN ON THIS PLAN REPRESENT SITE BOUNDARIES AS SHOWN IN TP688136V. SITE BOUNDARIES HAVE NOT BEEN DETERMINED BY THIS SURVEY AND THE FIGURE SHOWN IS INDICATIVE ONLY. THE LOCATION OF SITE AND EASEMENT BOUNDARIES SHOULD NOT BE RELIED UPON FOR ANY PURPOSE.

No.	Revision Description	Drawn	Checked	Date
1.	Prepared as part of planning application	JSLY	AHW	June 2023

DIMENSIONS HEREON ARE SUBJECT TO SURVEY.  
 THIS PLAN IS SUBJECT TO THE APPROVAL OF VARIOUS STATUTORY AUTHORITIES.  
 CONTOURS SHOWN HEREON HAVE BEEN INTERPOLATED FROM ON-SITE LEVELS TAKEN IN METRES AND DECIMALS TO THE AUSTRALIAN HEIGHT DATUM ON 05/05/2023.  
 CONTOUR VERTICAL INTERVAL 0.20 METRES.  
 IMPLIED EASEMENTS UNDER SECTION 12 (2) OF THE SUBDIVISION ACT 1988 TO APPLY TO ALL OF THE LAND IN THE PLAN.



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**PROPOSED SUBDIVISION**  
 18 Pratts Road, Kinglake West  
 Murrundindi Shire Council  
 29923P2  
 Version 1  
 Sheet 1 of 1

**FOR DISCUSSION PURPOSES**

Land Development Consultants

SAI GLOBAL Quality ISO 9001



APPENDIX 2: PLANNING PROPERTY REPORT



From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 24 January 2023 11:32 AM

## PROPERTY DETAILS

Address: **18 PRATTS ROAD KINGLAKE WEST 3757**  
 Crown Description: **Allot. 25 Sec. B TOWNSHIP OF PHEASANT CREEK**  
 Standard Parcel Identifier (SPI): **25-B\PP5632**  
 Local Government Area (Council): **MURRINDINDI**  
 Council Property Number: **7194**  
 Planning Scheme: **Murrindindi**  
 Directory Reference: **Vicroads 61 F9**

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

[Planning Scheme - Murrindindi](#)

## UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**  
 Urban Water Corporation: **Goulburn Valley Water**  
 Melbourne Water: **Outside drainage boundary**  
 Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**  
 Legislative Assembly: **EILDON**

## OTHER

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

[View location in VicPlan](#)

## Planning Zones

[TOWNSHIP ZONE \(TZ\)](#)

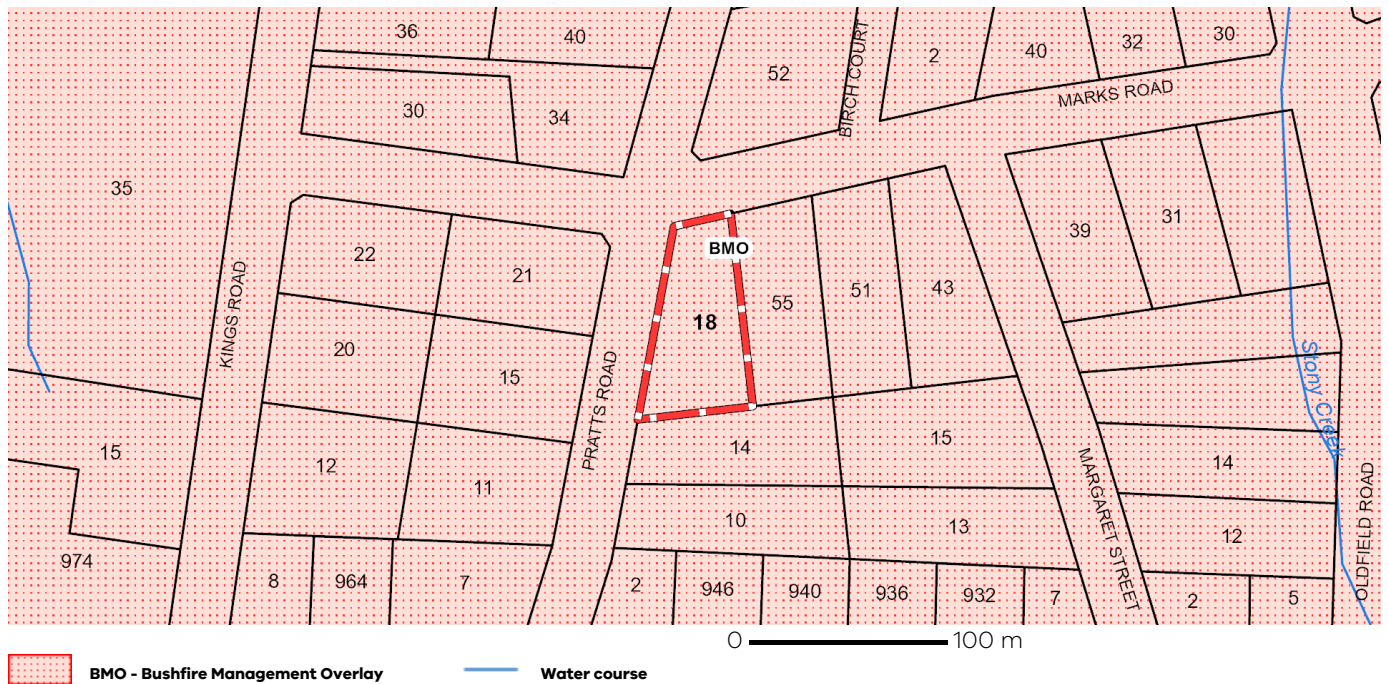
[SCHEDULE TO THE TOWNSHIP ZONE \(TZ\)](#)



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

## Planning Overlay

### BUSHFIRE MANAGEMENT OVERLAY (BMO)



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

## Further Planning Information

Planning scheme data last updated on 19 January 2023.

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>

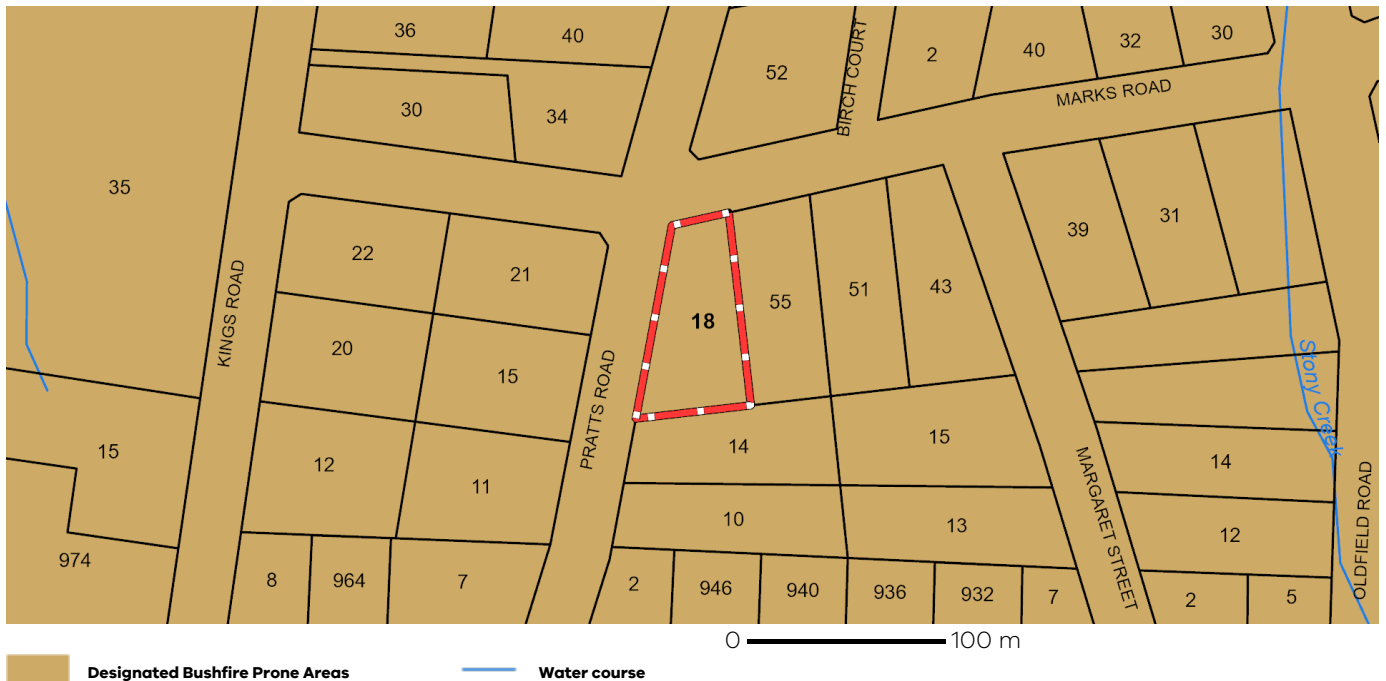


## Designated Bushfire Prone Areas

**This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.**

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

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

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

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

## 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 this 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 \(environment.vic.gov.au\)](http://Native%20vegetation%20(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 \(environment.vic.gov.au\)](http://NatureKit%20(environment.vic.gov.au))

APPENDIX 3: CERTIFICATE OF TITLE





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

VOLUME 08274 FOLIO 712

Security no : 124105903213Q  
Produced 08/05/2023 08:55 AM

CROWN GRANT

**LAND DESCRIPTION**

Crown Allotment 25 Section B Township of Pheasant Creek Parish of Kinglake.

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor

TRAVIS SCOTT DAVIES of 18 PRATTS ROAD KINGLAKE WEST VIC 3757  
AS490403L 30/08/2019

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AS490404J 30/08/2019  
QUDOS MUTUAL LTD

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP688136V 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: 18 PRATTS ROAD KINGLAKE WEST VIC 3757

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 19531K DENTONS AUSTRALIA  
Effective from 30/08/2019

DOCUMENT END

<b>TITLE PLAN</b>	<b>EDITION 2</b>	<b>TP 688136V</b>
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**Location of Land**

Parish: KINGLAKE  
 Township: PHEASANT CREEK  
 Section: B  
 Crown Allotment: 25  
 Crown Portion:

Last Plan Reference:  
 Derived From: VOL 8274 FOL 712  
 Depth Limitation: 50 FEET

**Notations**

SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 8274 FOL. 712 AND NOTED ON SHEET 2 OF THIS PLAN

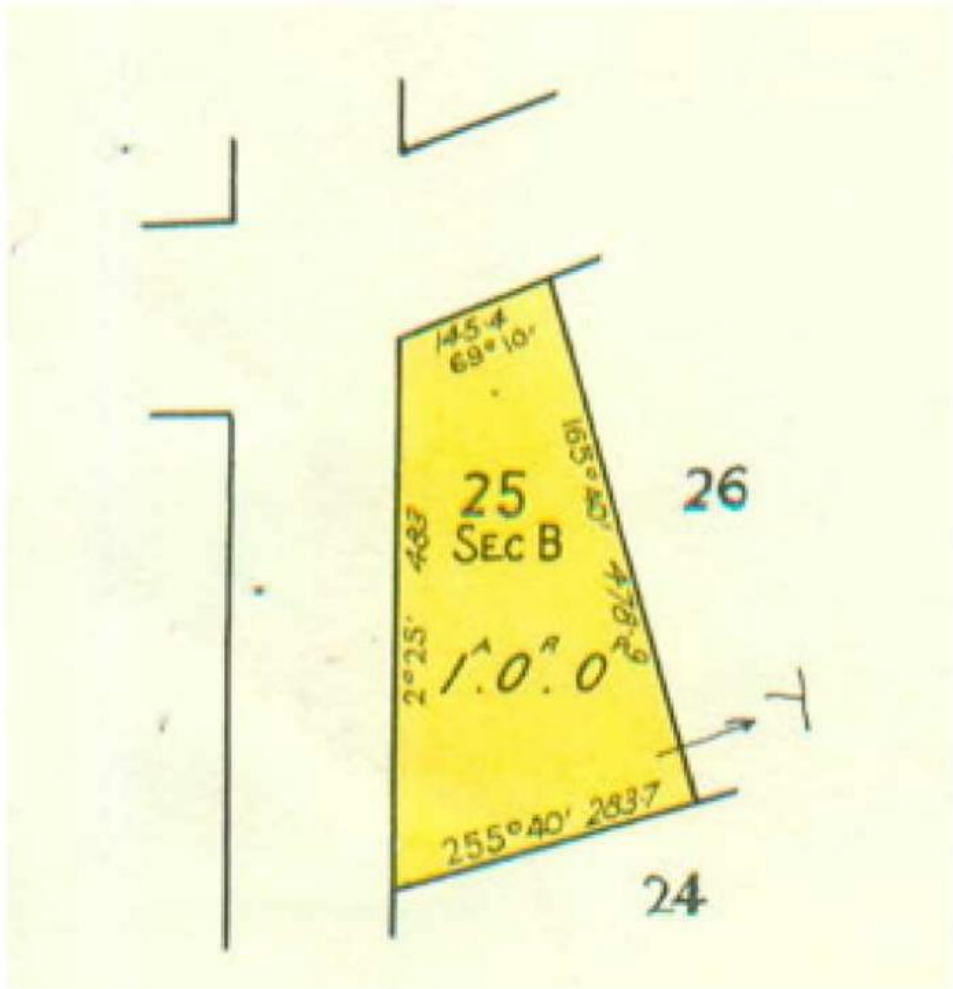
ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

**Description of Land / Easement Information**

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 14/11/2000  
 VERIFIED: GB

**COLOUR CODE**  
 Y = YELLOW



LENGTHS ARE IN LINKS

Metres = 0.3048 x Feet  
 Metres = 0.201168 x Links



TITLE PLAN

TP 688136V

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS  
 CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

All THAT PIECE OF LAND in the said State containing one acre—  
 more or less being Allotment twenty-five of Section B in the Township of Pheasant Creek Parish of Kinglake County of  
 Anglesey

delineated with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though she held the land without limitation as to depth EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the *Mines Act 1928* in upon or under or within the boundaries of the land hereby granted AND reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted AND ALSO reserving to Us Our heirs and successors—

- (i) all petroleum as defined in the *Mines (Petroleum) Act 1935* on or below the surface of the said land and
- (ii) the right of access for the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and
- (iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land.

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the *Land Act 1928*.

AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the *Mines Act 1928* or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands PROVIDED that compensation shall be paid to the said

GRANTEE

her executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry.

LENGTHS ARE IN  
LINKS

Metres = 0.3048 x Feet  
 Metres = 0.201168 x Links

Sheet 2 of 2 sheets



APPENDIX 4: BUSHFIRE MANAGEMENT PLAN





**Construction Standard:**

No construction standard applies to Lot 1.

Any future dwelling on Lot 2 is to be designed and constructed to a minimum construction standard of BAL 29.

**Access:**

Access for fire fighting vehicles to Lot 2 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 than 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:**

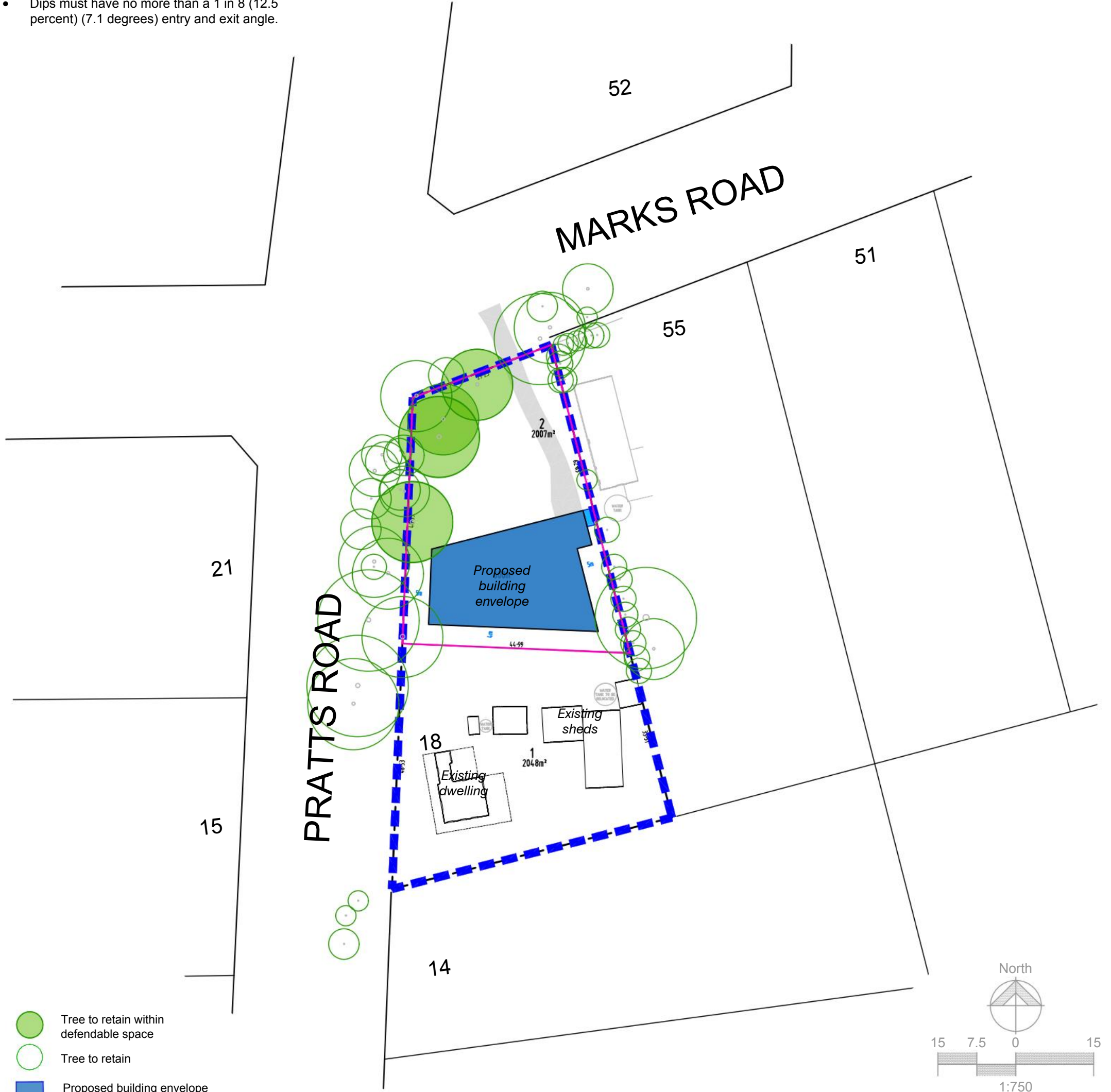
Defendable space for Lot 2 is provided for a distance of 50 metres or to the property boundary, whichever is the lesser, and will be modified and managed in accordance with the following requirements:

- 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 on Lot 2. 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).



- Tree to retain within defendable space
- Tree to retain
- Proposed building envelope
- ▬ Site Boundary
- ▬ Defendable space (to property boundary)
- ▬ Indicative water tank
- ▬ Access

