



Amendment VC83 – Bushfire protection

Bushfire planning provisions

This advisory note provides information about the bushfire planning provisions introduced into the *Victoria Planning Provisions* and planning schemes by Amendment VC83.

What are the bushfire provisions?

The bushfire planning provisions include:

- The State Planning Policy Framework (SPPF) (clause 13.05 – Bushfire)
- The Local Planning Policy Framework (Municipal Strategic Statement (MSS) and local planning policy where relevant)
- The Bushfire Management Overlay (BMO) (clause 44.06)
- Bushfire protection: planning requirements (clause 52.47)
- Bushfire protection: exemptions (clause 52.48), native vegetation (clauses 52.16 and 52.17) and overlays which seek to manage vegetation
- Decision guidelines (clause 65)
- Referrals (clause 66)
- Definitions (clause 72).

Ministerial Direction 11: Strategic Assessment of Amendments

Ministerial Direction 11 and its associated practice note requires planning authorities to evaluate how an amendment has addressed bushfire risk. If relevant, a discussion on bushfire matters must be included in the explanatory report.

SPPF

The SPPF provides the broad framework for integrating bushfire policy and provisions into the planning scheme. Its objective is to assist in strengthening community resilience to bushfire. The SPPF provides guidance on how bushfire considerations are to be treated in planning schemes and in planning decisions. It:

- provides a framework for hazard identification and risk assessments in the planning system
- ensures that bushfire considerations are taken into account in strategic and settlement planning
- provides direction to planning authorities for implementing bushfire matters in a planning scheme
- provides development control strategies for areas affected by the bushfire hazard, such as the BMO.



Local Planning Policy Framework (LPPF)

In the LPPF, the MSS establishes the strategic framework for the municipality and should show how it supports and implements the SPPF. The SPPF and MSS together provide the strategic basis for considering bushfire through planning schemes. If necessary, a council may also use a local planning policy for bushfire to guide decision making in areas affected by a bushfire hazard.

See *Practice note 64: Local planning for bushfire protection*.

Bushfire Management Overlay (BMO)

The BMO 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 may be supported by an associated schedule. The 'parent' provisions in the BMO provide scope to use a schedule to tailor the BMO to specific local circumstances. A schedule to the BMO is prepared by the council. Where no schedule is in place, the statewide provisions of the BMO apply.

See *Practice note 65: Bushfire Management Overlay and bushfire protection: planning requirements*.

How are BMO areas identified?

BMO areas are shown on planning scheme maps as either BMO or WMO.

Areas shown on planning scheme maps as WMO were introduced into planning schemes before 18 November 2011. The WMO is applied to forests greater than five hectares in size and with a vegetation density of greater than 80%. A forest of this size and density can generate fuel loads capable of supporting extreme and unpredictable bushfire behaviour, for example a crown fire (a fire in the treetops). A crown fire produces extreme radiant heat, flame lengths and embers.

Areas shown on planning scheme maps as BMO have been introduced into planning schemes since 18 November 2011. The BMO is based on the bushfire hazard and is 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. The BMO takes into account vegetation, weather characteristics and slope.

Introducing new BMO mapping

Initially, the area to which the BMO will apply will be the same as that to which the WMO applied.

The Department of Planning and Community Development will work with councils and the Country Fire Authority to progressively introduce new BMO mapping into planning schemes. Over time this will replace WMO mapping so that the maps are based on up-to-date hazard information, verified with local knowledge.

Bushfire protection: planning requirements (clause 52.47)

Specific objectives, standards and decision guidelines are set out in clause 52.47 of all planning schemes and these inform decisions and requirements under the BMO. The matters to be considered include:

- location, layout and siting
- defensible space and construction
- water supply and access
- implementation of bushfire protection measures.

Bushfire protection: exemptions (clause 52.48), native vegetation (clauses 52.16 and 52.17) and overlays which manage vegetation

Permit exemptions for bushfire protection are set out in clauses 52.48, 52.16 and 52.17, and in environmental overlays which seek to manage vegetation. These provisions set out permit exemptions for:

- creating defensible space
- removing vegetation along a fence line
- roadside vegetation management by a road manager
- a community fire refuge and a private bushfire shelter.

For further detail see More information on page 3.



Decision guidelines (clause 65)

Whether or not the site is affected by the BMO, clause 65 of the planning scheme extends the consideration of bushfire issues to all planning permit applications. Clause 65 requires that for the approval of an application or plan, the council must consider, among other things, the degree of bushfire hazard associated with the location of the land and the use, development or management of the land so as to minimise bushfire risk.

Referrals (clause 66)

Clause 66.03 of the planning scheme requires that an application for a planning permit in the BMO must be referred to the relevant fire authority.

Definitions (clause 72)

Clause 72 sets out a definition for defendable space 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.

What complementary bushfire protection measures are there in the building system?

The *Building Act 1993* includes requirements for bushfire protection as part of new development. These requirements apply to declared bushfire prone areas. Bushfire prone areas are a separate regulatory tool to those found in planning schemes.

A bushfire prone area covers:

- all areas of planning schemes within the BMO
- areas of moderate fuel loads such as unmanaged grasslands and smaller isolated patches of bushland
- areas with a moderate exposure to direct flame, radiant heat and ember attack.

In a bushfire prone area, a site assessment in accordance with AS 3959-2009 *Construction of buildings in bushfire prone areas* (AS 3959-2009) will generally be needed. This assessment should be undertaken by a suitably qualified person and must be completed to the satisfaction of the relevant building surveyor. The site assessment determines the appropriate Bushfire Attack Level (BAL) that a building must be constructed to. All buildings in a bushfire prone area must be constructed to at least a BAL 12.5, which provides for protection from ember attack.

A site assessment is also required for development subject to the requirements of the BMO, although where undertaken at the planning stage there are some key differences which need to be considered. These are outlined in more detail at clause 52.47 of planning schemes and in *Practice note 65: Bushfire Management Overlay and bushfire protection: planning requirements*.

Where a site assessment is done at the planning permit stage a further assessment is usually not required at the building permit stage.

More information

More information about the new bushfire provisions introduced by Amendment VC83 is provided in:

[Advisory note 33 – Bushfire protection: Community fire refuge and private bushfire shelter exemptions](#)

[Advisory note 39 – Bushfire protection: Vegetation exemptions](#)

[Practice note 64 – Local planning for bushfire protection](#)

[Practice note 65 – Bushfire Management Overlay and bushfire protection: planning requirements](#)

More bushfire related information is available at www.dpcd.vic.gov.au/planning/bushfire

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