

Attachment 2 – Clause 53.02 Assessment

An application to subdivide land under Clause 44.06 Bushfire Management Overlay must meet the requirements of Clause 53.02.

Under Clause 53.02, the application to subdivide land must be assessed against Clause 53.02-4.

An assessment against each provision is provided:

53.02-4.1 Landscape, siting and design objectives - Approved Measures

Measure	Requirement	Assessment
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	Complies. Situated in Yarra Junction, the immediate surrounding area comprises of low threat vegetation to the north, south and west of the site. East of the site is forested vegetation. Within the wider landscape there are large expanses of forested vegetation and open grasslands. Bushfire risk to the site is likely to occur from the west of the site given the forested vegetation, topography and typical wind directions in the form of an ember attack. The bushfire risk to the subdivision can be adequately mitigated to an acceptable through the implementation of onsite bushfire protection measures including a requirement for all future dwelling's to be constructed to a BAL-12.5 to BAL 29 standard, fire hydrants, static water supply and implementation of defensible space on an ongoing basis. Further, west of the site includes residential allotments with low threat vegetation that is managed and would provides a physical separation from the forested vegetation further west. Having regard to the above, bushfire protection measures and the site context can mitigate bushfire risk to an acceptable level.
AM 2.2	A building is sited to ensure the site best achieves the following: <ul style="list-style-type: none">• The maximum separation distance between the building and the bushfire hazard.	Complies The proposed subdivision incorporates a perimeter road that separates futures lots from bushfire hazard in particular the eastern and southern boundaries where the greatest bushfire hazard is to the east onsite.

Measure	Requirement	Assessment
	<ul style="list-style-type: none"> • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles. 	<p>As the subdivision includes the creation of a new public road, all dwellings will have direct access to the road and are within 250 metres of Hoddle Street.</p> <p>Access is provided for emergency service vehicles (refer to assessment under AM 4.1).</p>
AM 2.3	A building is designed to reduce the accumulation of debris and entry of embers.	<p>Complies.</p> <p>The application is for subdivision only and does not include any buildings and works for a dwelling.</p> <p>The submitted Bushfire Management Plan indicates all future dwelling's to be constructed to the following Bushfire Attack Level (BAL) construction standard:</p> <ul style="list-style-type: none"> ○ Lots 1-9, 20-25 constructed to BAL-12.5. ○ Lots 15-19 constructed to BAL-19. ○ Lots 10-14 constructed to BAL-29. <p>These construction requirements will ensure buildings are designed appropriate to reduce risk from accumulation of debris and embers.</p>

53.02-4.2 Defendable space and construction objective

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

Approved Measures

Measure	Requirement	Assessment
AM 3.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:</p> <ul style="list-style-type: none">• Column A, B or C of Table 2 to Clause 53.02-3 wholly within the title boundaries of the land; or• If there are significant siting constraints, Column D of Table 2 to Clause 53.02-3. <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-3.</p>	<p>Complies</p> <p>In accordance with the minimum defendable space requirement corresponding Table 2 of Clause 53.02-5, Column A, B and C (see Figure 3), the proposed lots (lot 10-14) adjacent to the Forest Hazard will be constructed to BAL-29 standard and provide 39m of defendable space.</p> <p>All other dwellings can be constructed to a lower construction standard (either BAL-19 or 12.5).</p> <p>Referral to CFA have provided conditional consent to the application and do not require any variation to the proposed BAL ratings and the area of defendable space.</p>
AM 3.2	<p>A building used for accommodation (other than a dwelling or small second dwelling), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</p> <ul style="list-style-type: none">• Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.• Constructed to a bushfire attack level of BAL12.5.	<p>Not applicable – AM 3.1 applies</p>

53.02-4.3 - Water supply and access objectives

- 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

Measure	Requirement	Assessment
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none">• A static water supply for fire fighting 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. <p>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.</p>	<p>Complies.</p> <p>A static water supply for firefighting and property protection purposes will be provided at each dwelling in accordance with Table 4 of Clause 53.05-5</p> <p>As denoted in the submitted Bushfire Management Plan, Lots 10 and 14 must provide a 10,000L water supply with fire authority fittings and access within 4 metres of the driveway. As fire hydrants are proposed to be incorporated in the subdivision design all other lots must provide a 5,000L water supply for personal use only (fire authority fittings and access not required).</p> <p>All driveways to the dwellings are less than 20 m and therefore do not need to comply with design and construction requirements in accordance with Table 5 to Clause 53.05-5</p>
AM 4.2	<p>A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</p> <ul style="list-style-type: none">• A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.• Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.	<p>Not applicable – AM 4.1 applies</p>

Measure	Requirement	Assessment
	<ul style="list-style-type: none"> An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency. <p>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.</p>	

53.02-4.4 Subdivision objectives

Measure	Requirement	Assessment
AM 5.1	<p>An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:</p> <ul style="list-style-type: none"> • The defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5. • The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3. 	Not applicable – AM 5.2 applies.
AM 5.2	<p>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or ○ Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots. <p>The bushfire attack level that corresponds to the defensible space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.</p> <ul style="list-style-type: none"> • Defensible space wholly contained within the 	<p>Complies.</p> <p>Each lot satisfied the requirements of AM 2.1 – refer to above assessment.</p> <p>All new dwellings on respective lots will be constructed to particular BAL ratings.</p> <p>The majority of these lots are in accordance with Column A (BAL-12.5, Lots 1-9, 20-25) as well as Column B (BAL-19, Lots 15-19) of Table 2 to Clause 53.02-5.</p> <p>However, Lots 10-14 are in accordance with Column C (BAL-29), with approval sought under AltM5.5 as the subdivision creates more than 10 lots.</p> <p>Defensible space is proposed to be provided wholly within the boundaries of the subdivision. Defensible space within respective lots will be managed in accordance with the bushfire management plan and associated measures that will be secured via a Section 173 Agreement. Numerous trees within the subdivision area are proposed for removal to ensure compliance with vegetation management requirements.</p> <p>It is noted that defensible space utilises a new public road created under the subdivision which will be maintained by Council. Any future landscaping and/or plantings within the road will need to</p>

Measure	Requirement	Assessment
	<p>boundaries of the proposed subdivision.</p> <ul style="list-style-type: none"> Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space. Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure. Water supply and vehicle access that complies with AM 4.1. 	<p>comply with the defendable space requirements.</p> <p>Water supply and vehicle access complies with AM 4.1 (refer to above assessment).</p>
AM 5.3	<p>An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.</p>	<p>Complies.</p> <p>The application is for a Staged subdivision of twenty five (25) lots. Under the ultimate subdivision layout a perimeter road is proposed as part of the development.</p> <p>Stage 1 is proposed for a 12 lot subdivision. In accordance with AM 5.3 and CFA's referral response provided comments for the implementation of the perimeter road under Stage 1.</p> <p>Conditions will apply so prior to statement of compliance the perimeter road is constructed under Stage 1 of the subdivision.</p>
AM 5.4	<p>A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.</p>	<p>Complies.</p> <p>Existing vegetation onsite in the area affected by the subdivision works will be removed to ensure compliance with the vegetation management requirements. Future landscape will also be in accordance with these requirements as the bushfire management plan will be secured under a Section 173 Agreement.</p>

Measure	Requirement	Assessment
AltM 5.5	<p>A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defensible space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</p> <ul style="list-style-type: none"> ▪ All other requirements of AM 5.2 have been met. ▪ Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. 	<p>Complies.</p> <p>As referenced in AM 5.2 assessment all other measures have been met.</p> <p>The lower defensible space and high construction standards is appropriate as the most significant bushfire threat is to the west of the site where bushfire would need to travel downslope first before inclining from the site again. Moreover, the west of the site has already been development by residential development.</p> <p>Additionally, the construction of higher bushfire resistant buildings at this interface will provide a shielding effect for the remainder of the dwellings within the subdivision as well as the subdivision to the north.</p>