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# Planning and building for bushfire protection

## Background

The 2009 Victorian Bushfires Royal Commission (VBRC) was established on 16 February 2009 to investigate the causes and responses to the bushfires which swept through parts of Victoria in late January and February 2009. The bushfires of 7 February 2009 resulted in the loss of 173 lives, saw over 2,000 homes destroyed and 430,000 hectares burnt.

The VBRC conducted an extensive investigation into the causes of, the preparation for, the response to and the impact of the 2009 bushfires. It concentrated on gaining an understanding of precisely what took place and how the risks of such a disaster recurring might be reduced.

The VBRC recommendations give priority to protecting human life and are designed to reflect the shared responsibility that governments, fire agencies, communities and individuals have for minimising the prospect of a tragedy on the scale of February 2009 ever happening again.

The Government has brought its response to the VBRC recommendations on the planning and building system together into an Integrated Planning and Building Framework.

The changes being introduced strengthen the consideration of bushfire at different stages of the planning process and better integrate the planning and building systems.

This fact sheet sets out the key elements of the Integrated Planning and Building Framework and provides useful information for those about to apply for a planning or building permit.

## New State Planning Policy

A new State Planning Policy for Bushfire has been included in every planning scheme in Victoria. It seeks to strengthen community resilience to bushfire through the planning system. This includes considering bushfires in planning our cities and towns and ensuring that important bushfire protection measures are part of new development.

## A new Bushfire Management Overlay

The Bushfire Management Overlay (BMO) has been developed to replace the existing Wildfire Management Overlay. The BMO includes a statutory provision in planning schemes and a map showing where the provisions apply to specific land.

For those living in an area with a BMO, the requirements for development are clearly specified in the planning scheme so that an applicant can see exactly how their development will be assessed.

A range of bushfire issues such as siting of the building, providing defensible space, on-site water availability and emergency vehicle access will need to be considered.

The BMO provisions ensure that development in areas affected by a significant bushfire hazard will only take place after full consideration of bushfire issues. If risk to life and property from bushfire cannot be reduced to an acceptable level the development will not proceed.

Any planning permit issued under the BMO will include a mandatory condition that requires the homeowner to maintain the bushfire protection measures set out in the permit.

A feature of the new BMO is that it enables a council to consider the local nature of bushfire behaviour and risk in an area and allows the council to include local content in a schedule to the overlay where appropriate.

## Updated mapping for the Bushfire Management Overlay

Initially, all areas that were within the Wildfire Management Overlay are now subject to the requirements of the BMO. To find out if the BMO applies to you go to [www.land.vic.gov.au](http://www.land.vic.gov.au).

The Department of Planning and Community Development (DPCD) is working with the Municipal Association of Victoria, councils, the Country Fire Authority (CFA) and the Department of Sustainability and Environment to verify the areas that should be subject to the BMO, based on the most up-to-date bushfire hazard information.

## Managing vegetation for bushfire protection

Clearing and maintaining defensible space around buildings can increase the chances of a building surviving a bushfire. New planning provisions for creating defensible space and managing vegetation are now included in every planning scheme. The provisions provide certainty and guidance to councils and landowners about vegetation removal – both with and without a planning permit.

For new developments, the appropriate level of defensible space is based on the requirements of the BMO and is determined as part of the planning permit application.

For existing dwellings in the BMO, a new '10/50 rule' has been introduced to enable residents to clear any vegetation within 10 metres and any vegetation other than trees within 50 metres of an existing house. This allows for increased bushfire mitigation in the areas with the highest hazard. Local councils will advise if this rule applies as it will depend on when a house was approved or constructed.

In other areas, the 10/30 rule applies statewide except in 21 metropolitan municipalities and allows residents to clear any vegetation within 10 metres of their house and any vegetation other than trees within 30 metres. Again, local councils will advise if this rule applies.

Visit [www.dpcd.vic.gov.au/planning/bushfire](http://www.dpcd.vic.gov.au/planning/bushfire) to view an interactive graphic explanation of how these two rules apply.

## Bushfire shelters

For those planning to build a private bushfire shelter, a new planning provision exempts buildings and works associated with this type of building from the need for a planning permit. For information about requirements under the Building Regulations visit [www.buildingcommission.com.au](http://www.buildingcommission.com.au).

## Building in bushfire prone areas

The building system has also been changed in response to the VBRC. These changes complement those in the planning system.

Firstly, an updated bushfire prone area has been declared. A bushfire prone area is used in the building system to ensure that bushfire protection is considered as part of the building permit. The building permit is separate to the planning permit, although they sometimes deal with similar issues. The bushfire prone area is separate to the BMO and the BMO maps in planning schemes.

The bushfire prone area maps can be viewed at [www.dpcd.vic.gov.au/bushfireproneareas](http://www.dpcd.vic.gov.au/bushfireproneareas).

Secondly, there is now a minimum construction level for new buildings in a bushfire prone area. This was recommended by the VBRC to improve the ability of buildings to withstand an ember attack. Research shows that 85% of houses lost during bushfires are due to ember attack.

The minimum construction level is referred to as a Bushfire Attack Level (BAL) of 12.5. The requirements for what this means are set out in AS 3959-2009 *Building in a bushfire prone area*. A BAL-12.5 requires:

- sealing of roofs to block the entry of embers
- windows screened to prevent the entry of embers when the window is open
- sealing around doors and windows.



It is important to note that a BAL-12.5 is a minimum requirement and different construction levels may apply as determined by the required site assessment. A building surveyor can advise further on the site assessment.

A site assessment is also required as part of the planning permit application if the BMO applies. Where the site assessment is done at the planning permit stage, a second assessment is not required at the building permit stage. Instead, the building surveyor must accept the BAL set out on the planning permit.

## Assistance available

The DPCD Bushfire Response Planning Unit is helping people complete rebuilding in fire-affected areas and provides specialist planning advice for people building in areas identified by the Bushfire Management Overlay. It also assists landowners looking to build for the first time in areas of identified fire risk. You can contact the Bushfire Response Planning Unit on (03) 9098 8947.

## Further information

For further information about bushfire building regulations and planning provisions visit [www.dpcd.vic.gov.au/planning/bushfire](http://www.dpcd.vic.gov.au/planning/bushfire)

For more information about building in a BMO contact:

- the planning department of your local council
- the CFA on 9262 8444.

Information about building regulations and building permits is available at [www.buildingcommission.vic.gov.au](http://www.buildingcommission.vic.gov.au)

Information about preparing a property for bushfire is available from the CFA website [www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)

Information about vegetation removal for bushfire protection is available at [www.dpcd.vic.gov.au/planning/bushfire](http://www.dpcd.vic.gov.au/planning/bushfire).

## Some questions answered

### Q. Why have the *Victoria Planning Provisions* changed?

The Government has introduced new bushfire planning provisions into the *Victoria Planning Provisions* and planning schemes so that our planning system responds more effectively to protecting human life and making Victoria's communities safer. This was one of the recommendations of the 2009 Victorian Bushfires Royal Commission (VBRC Rec 39).

### Q. How will the changes improve bushfire safety for regional and rural communities?

There are a number of ways in which the changes will improve bushfire safety for regional and rural communities. These include:

- better consideration of where a house is located on a piece of land in relation to bushfire hazards such as vegetation
- more clearly specifying the appropriate bushfire protection measures for new developments
- ensuring that development won't proceed unless adequate bushfire protection measures have been met
- giving Victorians living in bushfire areas clear rules for creating defensible space around their home

### Q. What is the *Bushfire Management Overlay*?

The Bushfire Management Overlay ensures that development in areas affected by a high bushfire hazard is only approved after full consideration of bushfire issues such as where the building is located on the site, emergency access and fire fighting water supply.

The Bushfire Management Overlay is a statutory provision in planning schemes and the planning scheme map shows where the provisions apply to specific land. The Bushfire Management Overlay replaces the Wildfire Management Overlay.



**Q. Why has the Bushfire Management Overlay replaced the Wildfire Management Overlay?**

The Bushfire Management Overlay will better assess whether a new development should take place by taking into account bushfire hazards. It provides clarity to councils, building surveyors and landowners by specifying the appropriate bushfire protection measures such as defensible space for new developments.

**Q. What are the benefits of the Bushfire Management Overlay?**

The key benefit of the Bushfire Management Overlay is that the requirements for bushfire protection are now clearly specified in the planning scheme.

Under the Wildfire Management Overlay, the requirements were partly included in planning schemes and partly included in guidance issued by the CFA. By including all the key requirements for bushfire protection in the planning scheme, permit applicants and landowners can be more certain about how to design a proposal and the way it will be assessed.

**Q. How will I know if the Bushfire Management Overlay applies to where I live?**

Your local council will be able to provide you with this information or you can obtain a free Planning Property Report at [www.land.vic.gov.au](http://www.land.vic.gov.au).

**Q. Is the process for planning permits the same if I live in a Bushfire Management Overlay?**

Yes, you still apply for a planning permit through the council. If a property is in a Bushfire Management Overlay, the permit will specify the minimum bushfire protection measures required for that site.

**Q. Will I still be able to build a house among trees?**

The new provisions prioritise human life and the safety of Victoria's communities. Approval will depend on whether or not the appropriate bushfire protection measures can be put in place on a particular site.

Examples of bushfire protection measures are:

- the minimum bushfire attack level for construction
- provision of defensible space

- on-site fire fighting water tanks
- access for emergency vehicles.

There will be some locations where these mitigation measures cannot be achieved and it will not be appropriate to give approval to build.

**Q. What measures are in place to stop householders clearing more vegetation than needed?**

Householders need a planning permit if they want to clear vegetation beyond what is allowed by the 10/30 and 10/50 rules. As with any other works that require a planning permit, if they are carried out without a permit the landowner could be the subject of enforcement action.

**Q. What if my neighbour won't clear their vegetation?**

Local councils, through their Municipal Fire Prevention Officer, can assess vegetation fuel hazards on private property and issue Fire Prevention Notices to private landholders where reduction of vegetation fuel hazards on a property is considered necessary.

**Q. What is the bushfire shelter exemption?**

A new planning provision exempts buildings and works associated with a community fire refuge and a private bushfire shelter from the need for a planning permit (clauses 52.48-3 and 52.48-4).

**Q. Where can I obtain further information on the new planning provisions?**

You can visit [www.dpcd.vic.gov.au/planning/bushfire](http://www.dpcd.vic.gov.au/planning/bushfire), contact your local council or call Information Victoria on 1300 366 356.

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