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## SCHEDULE 12 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO12**.

### LOW DENSITY RESIDENTIAL AND RURAL LIVING GROWTH FRONTS IN YELLOW LOCALISED LANDSCAPE BUSHFIRE RISK AREAS – TOONGABBIE AND BOOLLARRA

#### 1.0

#### Design objectives

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To ensure that the construction standards of new development appropriately respond to the localised ‘significant’ landscape bushfire risk.

To ensure that development is sited to appropriately respond to landscape bushfire hazards.

To ensure that development is provided with adequate defensible space.

To prevent the bushfire landscape risk from increasing.

#### 2.0

#### Buildings and works

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A permit is not required to construct a building or carry out works for the following:

- An alteration or extension to an existing building used for a dwelling or dependent person’s unit that is less than 50 percent of the gross floor area of the existing building.
- An alteration or extension to an existing building (excluding a dwelling and a dependent person’s unit) that is less than 10 percent of the gross floor area of the existing building.
- A non-habitable building, or outbuilding, that is sited more than 10 metres away from any building used for accommodation.

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a dependent person’s unit)
- Education centre
- Hospital
- Industry
- Leisure and recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

An application to construct a building or construct or carry out works should meet the following requirements:

- Any development must be setback from a bushfire hazard at least the minimum distance specified in Table 1 Column A of Clause 53.02 based on a vegetation and slope assessment undertaken against Australian Standard AS3959-2009.
- Provide defensible space to achieve radiant heat benchmarks consistent with Column A of Table 2 at Clause 53.02-5.
- Defensible space must be maintained in accordance with the vegetation management requirements provided at Table 6 in Clause 53.02 with the following variation:
  - The canopy trees must be separated by at least 2 metres.

- Ensure buildings achieve a construction standard not less than BAL-29.
- Ensure a minimum of 2,500 litres static water supply for firefighting purposes, with fire authority fittings and access, is provided for developments on lots under 1,000 square metres.
- Ensure a minimum of 5,000 litres static water supply for firefighting purposes, with fire authority fittings and access, is provided for all lots over 1,000 square metres.
- Ensure vehicle access design and construction meets the standards specified in Table 5 at Clause 53.02-5.

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### 3.0 Subdivision

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A permit to subdivide land must meet the following requirements:

- Each lot must be of a sufficient size to ensure that the future development of the land can achieve bushfire exposure levels of no more than 12.5 kilowatts/square metre under *AS 3959-2009 Construction of Buildings in Bushfire-Prone Areas (Standards Australia, 2009)*.
- Each lot must be provided with vehicle access of good condition, in a suitable location that provides a route that is suitable for safe and efficient egress before and during a bushfire. Dead-end roads are discouraged.
- Staging of subdivisions is to be planned so as to ensure that properties do not abut unmanaged vegetation at completion.

### 4.0 Signs

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None specified.

### 5.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Bushfire Hazard Site Assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A Bushfire Hazard Landscape Assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all the approved measures specified in Clause 53.02-3.
- A Bushfire Management Plan describing how the proposed development responds to the requirements in this clause including siting, defendable space, vegetation management, construction standards and other bushfire protection measures. If the application proposes an alternative measure, a bushfire management statement must explain how the alternative measure meets the objectives of this clause.
- A Vegetation Management Plan prepared to scale and with dimensions to show, to the satisfaction of the responsible authority:
  - The setbacks of the development to all site boundaries.
  - The defendable space zone.
  - The vegetation management requirements, derived from Table 6 at Clause 53.02.

- How the vegetation management requirements will be practicably implemented.

## 6.0

### Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether appropriate siting can occur to provide for sufficient defensible space to protect development against bushfire risk.
- Whether the building design is appropriate in the context of any identified bushfire risk.
- Whether appropriate access and egress can be provided to lots in the event of a bushfire.
- Whether lots can be created without abutting unmanaged vegetation.
- Whether adequate water supply for firefighting purposes has been provided.
- Whether appropriate vehicle access design and construction has been provided.
- Whether the relevant application and permit requirements in this schedule have been met.
- Whether a Section 173 Agreement pursuant to the *Planning and Environment Act 1987* is required to ensure ongoing maintenance of defensible space and other bushfire protection measures included within the Vegetation Management Plan.