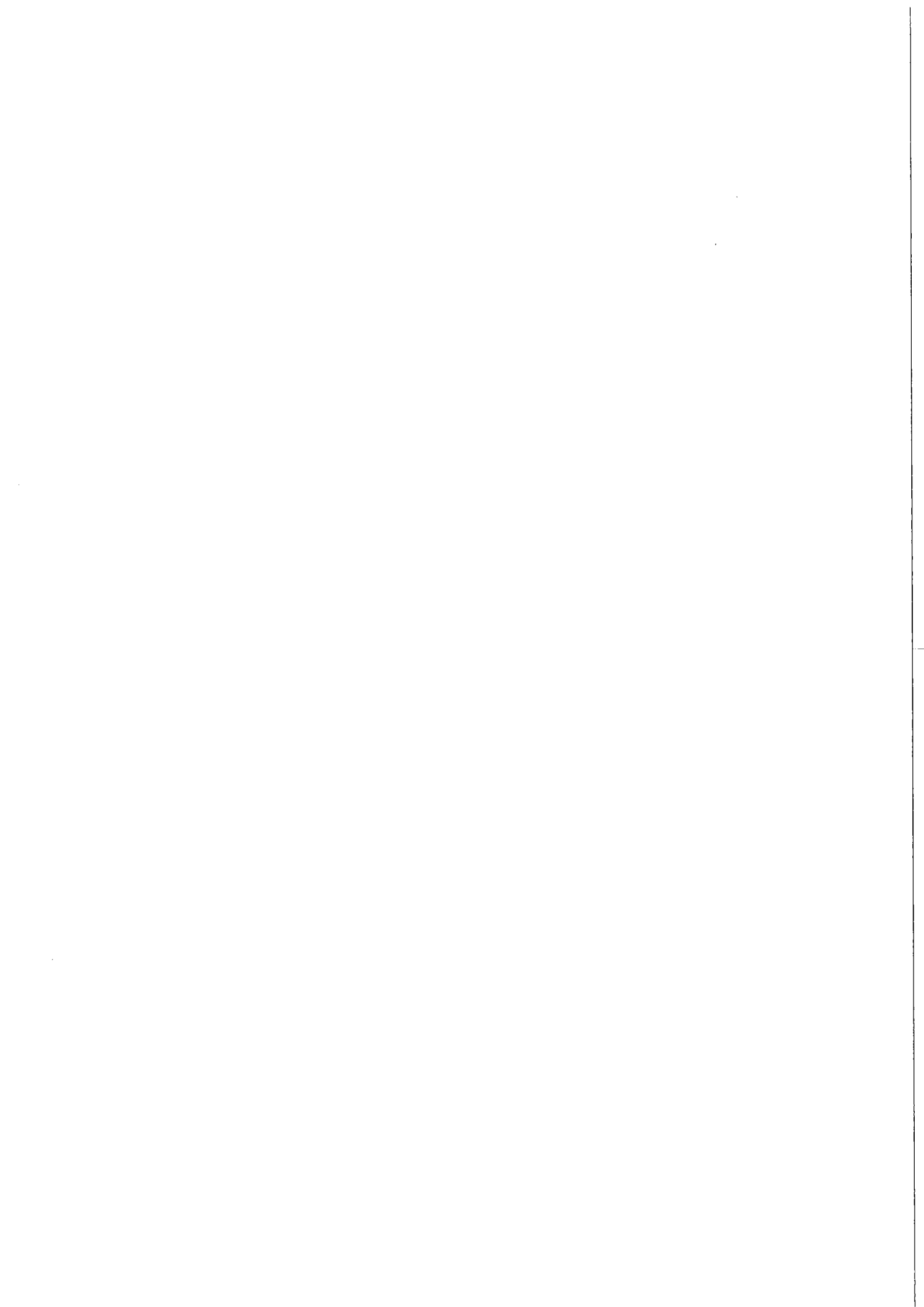




Shire of
Nannup
rest • connect • grow

Agenda

Council Meeting to be held
on Thursday 26 September 2013
Commencing at 4.15pm



Agenda

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
(previously approved)
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
7. **DECLARATIONS OF INTEREST**

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

8. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 22 August 2013 be confirmed as a true and correct record.

9. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
10. **REPORTS BY MEMBERS ATTENDING COMMITTEES**
11. **REPORTS OF OFFICERS**

Agenda No.	Description	Page No.
COMMUNITY & DEVELOPMENT SERVICES		
11.1	Local Planning Policy No. 21 – Bush Fire Management: Submitted for final adoption	3

**Shire of Nannup
Ordinary Council Meeting Agenda: September 2013**

11.2	Amendment No.15 to the Shire of Nannup Local Planning Scheme No. 3: submitted for adoption (initiation)	11
11.3	Memorandum of Understanding between the Nannup Music Club and the Shire of Nannup 2015-2017	14
11.4	WALGA Cat Act Implementation Grant Program	17
11.5	Lotterywest Nannup Town Hall Centenary Grant	19
11.6	Shire of Nannup Promotions Plan	21
11.7	Review of Disability Access and Inclusion Plan	23
WORKS & SERVICES		
11.8	Policy WRK 7 Installation of Crossover	25
FINANCE & ADMINISTRATION		
11.9	Unbudgeted Expenditure - Community Grants 2013	27
11.10	CLGF Funding – Individual Local Governments 2012/13	29
11.11	HAB7 - Events Management Policy	31
11.12	Local Dog Law	33
11.13	Cat and Dog Registration Fees	36
11.14	Budget Monitoring 2013/14	39
11.15	Month Accounts for Payment –August 2013	41

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF MEETING**

(a) OFFICERS

(b) ELECTED MEMBERS

**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS
BEEN GIVEN**

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. CLOSURE OF MEETING

COMMUNITY & DEVELOPMENT SERVICES

AGENDA NUMBER:	11.1
SUBJECT:	Local Planning Policy No. 21 – Bush Fire Management: Submitted for final adoption
LOCATION/ADDRESS:	Applies throughout the municipality
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 9
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Robert Jennings - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT	16 September 2013

- Attachment: 1. Local Planning Policy No. 21 Bush Fire Management (LPP 021)
2. Submissions
3. Correspondence from DPaW

BACKGROUND:

This report sets out the public consultation outcomes and seeks Council's final adoption of *Local Planning Policy No. 21 Bush Fire Management*. The recommended adopted version of the policy is set out in Attachment 1 and incorporates amendments from the version that was publicly advertised. Recommended amendments are outlined in "highlight" or "strikeout".

The Council at its meeting on 27 June 2013 resolved the following at resolution number 8977:

"That Council:

1. Support the public release of draft *Local Planning Policy 21 – Bush Fire Management*, outlined in Attachment 1, and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Shire of Nannup Local Planning Scheme No. 3* for a period of six (6) weeks.
2. Will reconsider draft *Local Planning Policy 21 – Bush Fire Management* following the close of the public submission period and will determine whether or not to adopt the policy with or without modifications."

In accordance with the Council resolution, the Shire administration consulted extensively for a 6 week period by writing to and inviting comments from relevant stakeholders and government agencies, placing public notices in local papers on multiple occasions, placing details on the Shire website and having information available at the Shire office.

The Shire received four submissions on the draft policy, which are provided in Attachment 2 and one late submission in Attachment 3. Overall, there was no objection to the draft policy however various modifications were suggested. The submission from Mr Greg Penney from RUC Fire raised a number of issues/errors with the State Government's *Planning for Bush Fire Protection Guidelines*. In summary, as outlined in the "Comment" section, these comments are noted but they are outside of the influence of the Shire and what can be addressed through the policy.

Previously, the Shire administration undertook preliminary consultation with the Bush Fire Brigade Chief, Bush Fire Brigade Captains and the Department of Fire and Emergency Services (DFES) on the draft policy. This revealed support for the draft policy and only minor suggested changes were outlined.

The Council does not have a planning policy relating to bush fire management.

Planning and building context

The policy seeks to complement the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* and the associated *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup*. For land designated as Bushfire Prone in the Strategy, this will require new habitable buildings or additions to habitable buildings to comply with *Australian Standard AS3959-2009 Construction of Buildings in Bushfire Prone Areas* unless the Shire supports documentation from a suitably qualified and/or experienced practitioner that the land is not Bushfire Prone.

Some of the important planning and building documents that influence the policy are summarised below.

Planning for Bush Fire Protection Guidelines (Edition 2)

The Western Australian Planning Commission (WAPC) and the former Fire and Emergency Services Authority (now DFES) have developed the *Planning for Bush Fire Protection Guidelines* (Edition 2, May 2010). These Guidelines are designed, in part, for local governments to use to assess the risk of bushfire hazard in a proposed development or subdivision. The focus of these Guidelines is "ensuring that bush fire hazards are considered in planning decisions at all stages of the planning process to avoid increased fire risk to life and property through inappropriately located or designed land use and development." (page 1)

Local Planning Scheme No. 3

Scheme Amendment No.12, gazetted on 3 May 2013, introduced part 13 into LPS3. This states:

“13.1 Bushfire Prone Areas are those areas designated as such, by the Bushfire Prone Area Maps as endorsed by Council, which form part of the Scheme for the purposes of Part 13.

13.2 Construction and/or additions to habitable buildings throughout the municipality in areas classified as Bush Fire Prone, will be subject to the relevant requirements pursuant to the Building Code of Australia, Australian Standard 3959 – 2009 (or any updates).

13.3 The Bushfire Prone Area Maps may be amended from time to time and are to be held at the local government office.

13.4 If an owner disputes their land's identification within a designated Bushfire Prone Area that owner may request in writing that the local government reconsider that identification. Supporting documentation is to be provided from a suitably qualified and/or experienced practitioner to address the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2) or any updates.

13.5 On receiving a request made under sub-clause 13.4, the local government may determine that the land is not within a designated Bushfire Prone Area; or determine that the land's identification within a designated Bushfire Prone Area is correct.

13.6 Applications for the construction and/or addition to habitable buildings within Bushfire Prone Areas are to be accompanied by a report from a suitably qualified and/or experienced practitioner, which is to identify the Bushfire Attack Level (BAL) in accordance with the requirements of the Planning for Bush Fire Protection Guidelines (Edition 2) or any updates. The BAL level will inform the application of AS3959.

13.7 The landowner will be responsible for permanent hazard reduction measures to maintain the identified BAL.

13.8 In considering proposals (including applications for planning approval, subdivision applications and structure plans) where there are bush fire risks, the local government is to have regard to –

- a) State Planning Policy 3.4 Natural Hazards and Disasters;

Shire of Nannup
Ordinary Council Meeting Agenda: September 2013

- b) Planning for Bush Fire Protection Guidelines (Edition 2) or any updates;
- c) any advice obtained from the Department of Fire and Emergency Services; and
- d) any other planning consideration the local government considers relevant.

13.9 The local government may impose conditions to reduce bush fire risk to people and/or property including –

- a) the provision of a fire fighting water supply;
- b) the provision of fire services access;
- c) the preparation of a Fire Management Plan in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), or any updates, and implementation of specific fire protection measures set out in the plan; and
- d) the implementation of measures to ensure that prospective purchasers are aware of the relevant scheme provisions, Fire Management Plan and publications addressing fire safety.

13.10 Where a Fire Management Plan has been endorsed by the local government and/or the Department of Fire and Emergency Services, the affected land owners will be responsible for the ongoing implementation of the 'land owners responsibilities' as specified in that Fire Management Plan.”

Clause 10.2 of LPS3 sets out several matters to consider when dealing with applications for Council’s approval of a proposed development:

- (d) any approved Statement of Planning Policy of the Commission;
- (g) any Local Planning Policy adopted by the Council under the provisions of clause 2.4;
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to bush fire or any other risk; and
- (q) whether the proposed means of access to or egress from the site are adequate.

State Planning Policy 3.4 - Natural Hazards and Disasters

Local government must have regard to this Policy in the preparation or amendment of local planning schemes, strategies and policies, and when providing comment and advice that deal with applications that may be affected by natural hazards. The Policy should be used by local government to determine

those areas that are most vulnerable to bushfire and where development should not be recommended. It authorises the WAPC to prepare guidelines for protection from hazards which should be considered in the determination of proposals.

Building Code of Australia

The *Building Code of Australia* (BCA), Parts P2.3.4 and 3.7.4, controls the building of dwellings in declared bushfire prone areas. The BCA is satisfied if the dwelling or habitable building complies with *Australian Standard AS3959-2009 Construction of Buildings in Bushfire Prone Areas*.

COMMENT:

Overview

It is suggested that the Council is now in a position to finally adopt *Local Planning Policy No. 21 – Bush Fire Management*. It is recommended that Council adopts the version set out in Attachment 1, which is amended from the advertised version, to increase clarity.

Considering the extensive consultation that occurred on the draft policy, which resulted in four submissions, and no submission raising objections, it can only be assumed that there is community/stakeholder acceptance to the policy.

In relation to the submission from Mr Greg Penney from RUIC Fire, this essentially raised issues/errors with the State Government's *Planning for Bush Fire Protection Guidelines*. The submission is noted but the comments are outside of the influence of the Shire and what can be addressed through the policy. Based on *State Planning Policy 3.4 Natural Hazards and Disasters*, the Shire is required to consider the Guidelines in assessing planning proposals. As a way forward, the revised policy outlined in Attachment 1 makes it clear that where there are differences between the Guidelines and AS3959-2009 (or any updates) that AS3959-2009 prevails.

Key features of the policy

Some of the key features of the policy include:

- the Council endorses and will have due regard to the WAPC and DFES *Planning for Bush Fire Protection Guidelines* (edition 2) along with any amendments or updates. Where there are differences between the Guidelines and AS3959-2009, AS3959-2009 prevails;
- the Council will adopt a precautionary approach to fire risk. To achieve this, the Council will require proponents seeking planning (development),

subdivision, scheme amendment, structure plan, and building permit approval and other works to take account of fire risk with their proposals;

- the Council will consider fire risk in planning and building decisions to avoid increasing risks through inappropriately located or designed land use and development;
- more intensive land use and development should only take place in areas where the performance criteria and acceptable solutions set out in the Guidelines can be achieved and realistically maintained;
- the Council will consider fire hazard in the context of other considerations such as landscape protection and vegetation retention;
- the Council does not generally support scheme amendment and structure plan requests, intensive development and subdivisions for residential, rural-residential, rural small holdings, tourist, industrial and other habitable building uses in extreme fire hazard areas. The Council will not support scheme amendment and structure plan requests, nor support proposals for "D" and "A" uses as set out in the Zoning Table of LPS3 in areas classified as "extreme" fire risk without permanent and realistic hazard level reduction measures being implemented, that can, in the opinion of the Council, be sustained to reduce the hazard level to moderate or low;
- where a bush fire hazard assessment and/or fire management plan is required, it is to be prepared by a suitably qualified and/or experienced practitioner;
- the Council's preference is that the on-going management and maintenance of emergency access ways and fire service access routes (not "standard" firebreaks around each property) rests with the Shire for larger rural residential and rural small holding subdivisions, residential, tourism or industrial subdivisions adjoining river foreshores and/or public land and other subdivisions as determined appropriate by the Council;
- emergency access ways and fire service access routes are to be protected through an easement, inclusion in a Public Access Way or through other measures to the satisfaction of the Council;
- landowners should take all practical steps to address fire risks subject to gaining necessary approvals;
- the landowner is responsible for permanent hazard reduction measures to maintain the identified Bushfire Attack Level; and
- where a fire management plan has been endorsed by the local government and/or DFES, the affected land owners will be responsible for the ongoing implementation of the "land owner's responsibilities" as specified in the fire management plan.

Next steps and review

Should the Council finally adopt the updated policy set out in Attachment 1, this will provide increased guidance to Council and the Shire administration in assessing development applications, providing recommendations to the WAPC on subdivision applications and determining scheme amendment and structure plan requests. The policy will also assist in providing guidance to LPS3 as a result of Amendment No. 12 being gazetted on 3 May 2013.

The policy should be regarded as a "living" document that will need to be reviewed as required in the light of growing knowledge and experience. The policy will need to be reviewed following the updated Guidelines being endorsed by the WAPC and DFES.

Suggested information sheet

Given the policy is a weighty and complex document, at some point a simpler information sheet will be prepared to assist the community and other stakeholders in relation to building permits and other planning proposals.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, State Planning Policy 3.4 Natural Hazards and Disasters and Shire of Nannup Local Planning Scheme No. 3 (LPS3). Section 2.4 of LPS3 provides the ability to prepare, amend or rescind a Local Planning Policy.

POLICY IMPLICATIONS:

Local Planning Policies are non-statutory documents which provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy in determining planning applications.

FINANCIAL IMPLICATIONS:

There were budgeted costs to the Shire in advertising the policy. For the Shire to meet its statutory obligations in relating to bush fire management, there will be on-going costs to Shire functions including building, planning and potentially ranger services.

STRATEGIC IMPLICATIONS:

Adoption of the policy is anticipated to result in wide ranging economic and community/social implications and some of these are outlined in this report and in the attached policy. The policy, if adopted will assist:

- the decision-making of the Council, the Shire administration and other stakeholders;
- to inform developers/subdividers as to Council requirements, especially to consider bush fire management early in the planning/design process; and
- to raise community and stakeholder awareness regarding bush fire management.

Implementation of the policy will assist to reduce bushfire risk to residents and visitors.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

That Council:

1. Adopt *Local Planning Policy 21 – Bush Fire Management* as set out in Attachment 1.
2. Advise submitters of the above and thank them for their input into the process.
3. Advise the Western Australian Planning Commission and the Department of Fire and Emergency Services regarding the above.

~~DRAFT~~
SHIRE OF NANNUP

Policy Number:	LPP 021
Policy Type:	Local Planning Policy
Policy Name:	Bush Fire Management
Policy Owner:	Chief Executive Officer

Authority: Shire of Nannup Local Planning Scheme No. 3

OBJECTIVES

The objectives of this Policy are to:

- minimise the risk from bush fire and other sources to life, property and community assets for new proposals and require proponents to suitably justify why there should be a departure from this Policy;
- ensure that the impact of fires is significantly reduced and fire suppression is maximised through careful planning and the implementation of fire prevention measures for the safety of residents and visitors;
- control the location of subdivision/development and use of land to avoid placing inappropriate subdivision/development in areas that have [REDACTED] extreme bush fire hazards [REDACTED];
- ensure that new subdivision/development in identified bushfire prone areas is located, designed, constructed and maintained to address the identified bush fire hazard;
- balance bush fire protection, biodiversity, community safety and economic objectives within the context of ensuring that a satisfactory bush fire protection outcome is achieved;
- recognise that the Council has endorsed the State Government document titled *Planning for Bush Fire Protection* (edition 2) or any updates;
- ensure the implementation of appropriate fire management measures to mitigate fire risks;
- ensure that buildings, by virtue of materials and design, are reasonably fire resistant through application of AS3959-2009 [REDACTED];
- provide a consistent approach to the assessment of development in areas identified as bushfire prone;
- provide guidelines to proponents on the minimum requirements and format for the preparation of a Fire Management Plan (FMP);
- provide for the coordination of FMPs and strategic fire breaks throughout the Shire;
- encourage fire fighting facilities and water tanks to be strategically located to best cater for existing and future residential, rural living, tourist and other development;

- outline the role and responsibilities of the developer, the Shire and individual property owners;
- provide guidance to developers, subdividers, landowners, the community, other stakeholders and the Shire administration to ensure new developments and subdivisions appropriately address fire risk;
- clarify works to be undertaken by developers for fire management as part of any subdivision; and
- provide for the integration of the Shire administration's planning and building sections to bush fire protection with broader approaches to bush fire protection, especially the Council's annual fuel reduction notice.

DEFINITIONS AND ABBREVIATIONS

Terms used in this Policy shall be as interpreted as set out in the *Shire of Nannup Local Planning Scheme No.3*, the *Building Code of Australia* or the *Planning for Bushfire Protection Guidelines*. For the purposes of clarification, the following terms have meanings as defined below:

'AS3959-2009' means *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas* or any updates.

'Bushfire Attack Level' (BAL) as set out in *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas* or any updates.

'BCA' means the *Building Code of Australia*.

'Building Protection Zone' (BPZ) as set out in the *Planning for Better Bush Fire Protection Guidelines* which is a low fuel area immediately surrounding buildings.

'Bushfire' means an unplanned fire. Also called a "wildfire" which may include forest scrub and grass fires.

'Bushfire Assessment Report' means a report that demonstrates how the construction of a building will comply with the appropriate setbacks and construction requirements of AS3959-2009. It includes classifying the BAL.

'Bushfire Attack' means the threat on buildings in bushfire prone areas arising from embers, radiant heat, flames, wind and smoke during a wildfire.

'Bushfire Hazard Strategy' means the *Bush Fire Hazard Strategy – Shire of Bridgetown-Greenbushes and Shire of Nannup*.

'Bushfire prone area' means an area of land mapped for the purposes and consideration of bushfire protection through a Local Planning Scheme and which triggers the operation of AS3959-2009.

~~'DEC' means the Department of Environment and Conservation and includes any other environmental or land management agency should it be renamed.~~

'DFES' means Department of Fire and Emergency Services Authority or the State Government's lead agency that is responsible for fire management should it be renamed.

~~'DPaW' means the Department of Parks and Wildlife and includes any other environmental or land management agency should it be renamed.~~

'Emergency Access Way' (EAW) provide alternative links to public roads during emergencies and meet the Guideline requirements.

'Fire Management Plan' (FMP) means an ongoing dynamic document plan that addresses the requirements of the Guidelines including access, water, Building Separation Zones and the responsibilities of the developer and the land owner.

'Fire Service Access Routes' (FSAR) provide links between public road networks for fire fighting purposes and meet Guideline requirements.

'Guidelines' means the Western Australian Planning Commission and the former Fire and Emergency Services Authority of Western Australia endorsed *Planning for Bush Fire Protection Guidelines (edition 2) or any updates.*

'Hazard Separation Zone' (HSZ) means the fuel reduced area between an area of bushfire hazard and the buildings (and associated building protection zones) of a development.

'LPS3' means the *Shire of Nannup Local Planning Scheme No.3* or other operative Local Planning Scheme.

'Major development' means development likely to result in bush fire issues similar to those created by subdivision, including strata title subdivision.

'Minor building work' means building work:

- which results in an increase in gross floor area of an existing ~~and approved habitable building premises~~ by no more than the lesser 50m² or 25% of the existing gross floor area ~~as at 3 May 2013~~; or
- alterations of not more than 50% of the existing premises building fabric; or
- a non-habitable building located more than 6.0 metres from and not physically connected to a habitable building.

'Proponent' can refer to "applicant", "developer" or "subdivider".

'Proposal' can refer to "planning (development) application, subdivision application, scheme amendment request, structure plan request, structure plan request, building permit or other works where considered appropriate by the Council.

'Rural Zone' means "Agriculture Priority 1 – Scott Coastal Plain", "Agriculture Priority 2", "Cluster Farming" and "Coastal Landscape" zones.

'WAPC' means the Western Australian Planning Commission.

POLICY

This Policy applies throughout the municipality however the applicable of AS3959-2009 only applies to land designated as bushfire prone. In particular, this Policy applies to all proposals within the municipality in areas of fire risk and/or which contributes to fire risk as determined by the Council.

Links to Local Planning Scheme and other documents

This Policy relates to various requirements set out in the LPS3, Council's Local Planning Strategy, the Bush Fire Hazard Strategy, *State Planning Policy 3.4 Natural Hazards and Disasters*, the Guidelines, the BCA and AS3959-2009.

Policy Provisions

1. Endorsement of the *Planning for Bush Fire Protection* document

The Council endorses the WAPC and DFES *Planning for Bush Fire Protection Guidelines* (edition 2) along with any amendments or updates. Accordingly, the Council will have due regard to the Guidelines. Further, the Council will require proponents to ensure compliance with the Guidelines.

There are differences between the Guidelines and AS3959-2009. AS3959-2009

2. General

The Council will adopt a precautionary approach to fire risk. To achieve this, the Council will require proponents seeking planning (development), subdivision, scheme amendment, structure plan, and building permit approval and other works to take account of fire risk with their proposals.

The Council will consider fire risk in planning and building decisions to avoid increasing risks through inappropriately located or ~~designated~~ designated land use and development.

More intensive land use and development should only take place in areas where the performance criteria and acceptable solutions set out in the Guidelines can be achieved and realistically maintained.

The Council will consider fire hazard in the context of other considerations such as landscape protection and vegetation retention.

The Council will have regard to the objectives and provisions of this Policy in determining proposals in areas where there is fire risk.

The Council reserves the right to vary this Policy where, after consideration of all matters, it is deemed appropriate to the circumstance and is consistent with the spirit and intent of the Policy.

Except as varied by this Policy, the local government will assess proposals for scheme amendments and applications for approval of structure plans, subdivision, subdivision clearance, building envelope relocation, planning consent, building permit applications and other proposals against the Guidelines.

The bush fire prone areas mapping, set out in Attachment 1, has been adopted pursuant to LPS3. Areas identified on the mapping as "Bush Fire Prone" are designated bush fire prone areas for the purposes of LPS3, the BCA and this Policy.

Local structure planning, scheme amendment proposals and subdivision applications are required to address the potential for conflict between biodiversity values and bush fire protection. Unless the site is suitably zoned and has relevant approvals on the gazettal of Scheme Amendment No. 12 to LPS3, the Council will generally seek that clearing of native vegetation is minimised wherever reasonably practicable.

Applications for the approval of structure plans, subdivision applications or where conditions of subdivision require identification of building envelopes or the preparation of a FMP, shall ensure that building envelopes, development exclusion areas or similar are put in place and located so as to minimise impacts on native vegetation.

Wherever practicable, to accommodate a combined BPZ and HSZ of 100 metres width, building envelopes, development exclusion areas or similar shall generally be located to provide 100 metres separation from vegetation. Where there is an approved structure plan or subdivision approval that is inconsistent with the Policy, the subdivision application or application for subdivision clearance shall address these Policy provisions as much as is reasonably practicable.

In the case of building envelope plans submitted with applications for subdivision clearance, applications for the relocation of building envelopes, or, in the case of lots where there are no identified building envelopes, the development and associated BPZ and HSZ shall be located so as to minimise the impact on biodiversity values (including native vegetation). Relocation of building envelopes will not be supported to enhance access to views, reduce construction costs or for any other reason where it will increase impacts on biodiversity values.

The Council will seek to achieve the outcomes set out in the Guidelines even where an existing structure plan or subdivision approval is not consistent with the Guidelines. The Council recognises that it may not always be practicable to do so, and will accordingly apply this Policy in a reasonable manner in those cases.

3. Fire Risks

The Council does not generally support scheme amendment and structure plan requests, ~~subdivision applications or development applications~~ for intensive development and subdivisions, such as residential, rural-residential, rural small holdings, tourist, and industrial ~~and other uses~~ developments in extreme fire hazard areas.

The Council will not support scheme amendment and structure plan requests, nor support proposals for "D" and "A" uses as set out in the ~~Table~~ zoning table in areas classified as "extreme" fire risk without permanent and realistic hazard level reduction measures being implemented, that can be sustained in perpetuity in the opinion of the Council to reduce the hazard level to moderate or low. ~~...~~

~~...~~

In areas which are classified as "extreme" and "moderate" fire hazard hazards (bush fire prone), the use and development of land for more intensive purposes will not be approved or supported without assessment of the bush fire risk and compliance with the performance criteria and acceptable solutions set out in the Guidelines. The Council will only support proposals in areas classified as extreme and moderate fire risk following the receipt of a FMP and/or bush fire hazard assessment from a suitably qualified practitioner confirming that the proposal, design, facilities and management are appropriate to address fire risk to the satisfaction of the Council.

4. Bushfire Hazard Mapping

The Council has endorsed the Bushfire Hazard Strategy for the municipality. The Council will give this due consideration in determining proposals.

5. Designated Bushfire Prone Areas

Bushfire Prone Areas are those areas designated by the Bushfire Prone Area Maps as endorsed by the Council. The endorsed Bushfire Prone Area Maps form part of LPS3. The Bushfire Prone Area Maps may be amended from time to time and are to be held at the local government office.

The designated bush fire prone area mapping referred to in this Policy has been endorsed by the Council, [REDACTED] and are set out in Attachment 1 [REDACTED].

6. Habitable Buildings to comply with AS3959-2009

Subject to this Policy, construction and/or additions to habitable buildings throughout the municipality in areas classified as Bush Fire Prone will be subject to the relevant requirements pursuant to the BCA and AS3959 – 2009. [REDACTED]

If an owner disputes their land's identification within a designated Bushfire Prone Area, that owner may request in writing that the local government reconsider that identification. Supporting documentation is to be provided from a suitably qualified and/or experienced practitioner to address the requirements of the Guidelines.

On receiving a request, the local government may determine that the land is not within a designated Bushfire Prone Area, or determine that the land's identification within a designated Bushfire Prone Area is correct.

Applications for the construction and/or addition to habitable buildings within Bushfire Prone Areas are to be accompanied by a report from a suitably qualified and/or experienced practitioner, which is to identify the Bushfire Attack Level (BAL) in accordance with the requirements of the Guidelines. The BAL level will inform the application of AS3959.

In designated bush fire prone areas, due to the need to return environmental assets e.g. threatened vegetation or for amenity reasons in Special Rural estates [REDACTED], the building construction standard may be required to be higher to reduce clearing of native vegetation.

In designated bush fire prone areas, the Council prefers that development is located on cleared land or in areas which will require a minimal amount of clearing. In areas zoned Special Rural, the BPZ should generally be retained on the lot and not extend onto adjoining properties. Where the expansion of the BPZ is proposed, there is a need to consider physical or regulatory constraints to achieve a satisfactory bush fire management outcome.

In designated bush fire prone areas, where a satisfactory bush fire management outcome cannot be achieved to address the Guidelines, AS3959-2009 and this Policy,

applications for planning consent will generally be refused for "D" or "A" uses as set out in the Zoning Table of LPS3. Where a planning consent is not required, then a building permit would generally need to be granted, but with a minimum construction standard of BAL FZ.



7. Requirements for Bush Fire Hazard Assessments and/or FMPs

Unless otherwise agreed, local planning scheme amendment proposals that fall, in part or whole, within any land identified as designated bush fire prone area shall be accompanied by a bush fire hazard assessment consistent with the Guidelines. Generally, unless based on the findings of that assessment and the nature of the proposal, there will be a need for the bush fire hazard assessment to be accompanied by a FMP.

Unless otherwise agreed to by the local government or unless an endorsed FMP addresses all relevant issues in a manner consistent with this Policy in a preceding structure plan or local planning scheme amendment proposal, all applications that fall in part or whole within any land identified as designated bush fire prone area shall be accompanied by a bush fire hazard assessment consistent with the Guidelines.

Unless the proposal is minor building work and/or an endorsed FMP has addressed all relevant issues in a manner consistent with this Policy, the Council will generally require or seek a FMP to accompany all subdivision and planning consent applications that fall, in part or whole, within any land identified as designated bush fire prone area.

Where a FMP has been submitted with a preceding proposal (including establishing a BAL) that addresses all relevant issues in a manner consistent with this Policy and unless development is proposed in a location different to that proposed and assessed as part of the preceding proposal, then a new bush fire hazard assessment or FMP may not be required in support of an application. However, if more than three years has elapsed between approval of the preceding proposal and a building permit application, then an updated bush fire hazard assessment will generally need to be provided in support of the Building Permit application.

8. Qualifications and experience of consultant

All bush fire hazard assessments and FMPs are to be prepared by experienced and/or qualified bush fire consultants. While noting there are no specific accreditation requirements for bush fire consultants at this time in Western Australia, all practitioners are required to have suitable professional indemnity insurance to the satisfaction of the local government. If documents are prepared by a consultant that the local government is not familiar with, the local government may request details of the consultant's

experience, qualifications and level of professional indemnity before accepting documents prepared by that consultant.

9. Minimum requirements for bush fire hazard assessments and FMPs

All bush fire hazard assessments need to be prepared using a methodology consistent with the Guidelines ~~and AS3959-2009~~.

The bushfire hazard assessment plan shall generally be overlaid onto aerial photography to provide a more comprehensive visual depiction of fire hazard and vegetation. The Council does not support the use of street maps or location plans as a basis for the bushfire hazard assessment plan unless under very exceptional circumstances ~~where identified by the bush fire consultant, and to the satisfaction of the Council.~~



FMPs are to include all proposed buildings or, in the case of local planning scheme amendment proposals or applications for approval of a structure plan or subdivision, proposed or potential building locations. The FMP is required to suitably address:

- a bush fire hazard assessment consistent with the Guidelines;
- ~~an identification of the minimum~~ BAL ~~value~~ pursuant to AS3959-2009 and minimum width of the BPZ, HSZ, fire break and access/egress requirements to achieve a satisfactory bush fire management outcome in accordance with the Guidelines and AS3959-2009; and
- where native vegetation needs to be cleared to achieve a satisfactory bush fire management outcome, the identification of the extent of required clearing, and the nature and condition of the vegetation to be cleared.

All FMPs need to be in a format consistent with the model FMP set out in the Guidelines.

The implementation part of the FMP is to clearly identify actions to take place:

- in the case of proposals or applications intended to result in subdivision, prior to commencement of subdivisional works and prior to clearance of the subdivision; and
- in the case of the proposals, prior to commencement of development/construction of buildings, and/or on an annual or other periodic basis.

The Council will require all FMPs to clearly outline the developer responsibilities and the land owner responsibilities.

10. Fire Management Plans

All FMPs are to be prepared in accordance with the Guidelines. FMPs are to address, to the satisfaction of the Council, matters including:

- aim and objectives;
- description of the area;
- assessing and classifying the bushfire hazard (fire problem);
- classifying the bush fire attack level and providing mitigation strategies;
- fire mitigation strategies including a performance approach or an acceptable solutions approach or a combination of the two;
- subdivision and development design to address the hazard;
- location of development;
- vehicular access including as relevant firebreaks, emergency access ways (EAW) and fire service access routes (FSAR);
- water supplies;
- siting of development including HSZ and BPZ;
- design of development, included recommended building design standards to account for fire risk;
- fuel reduction management;
- fire suppression response;
- the anticipated impact on environmental assets (especially reporting on rare flora, fauna and/or threatened ecological communities) on the application site through implementing the FMP.
- implementation; and
- monitoring/review.

[REDACTED]

FMPs submitted to and approved by the local government shall generally be registered as section 70A notifications on the title of the affected property or properties. This will be achieved as a condition of subdivision or as a condition of planning consent.

In the case of an application for a building permit, the local government will seek landowner support to forward the bush fire hazard assessment to prospective purchasers.

11. Fire Breaks

In most cases individual standard firebreaks on each existing and/or proposed lot will be appropriate. However in some cases, EAW or FSAR will be required to complement standard firebreaks. EAW/FSAR should be co-ordinated into existing EAW/FSAR and road networks, allow for retention of vegetation on larger lots, and may better suit the topography and minimise potential erosion.

Where EAW/FSAR are required as part of an approved FMP, the Council will require the subdivider to install the EAW/FSAR, gates and other required measures to the satisfaction of the Council. In particular, the EAW/FSAR is to be to an all-weather standard that can be accessed by two wheel drive vehicles. Where the EAW is also used for pedestrian/cyclist access, the Council may require the access to be sealed, concreted or constructed to an appropriate standard to the satisfaction of the Council.

The Council's preference is that the on-going management and maintenance of EAW/FSAR (not "standard" firebreaks around each property) rests with the Council for:

- larger rural residential and rural small holding subdivisions;
- residential, tourism or industrial subdivisions adjoining river foreshores and/or public land; and
- other subdivisions as determined appropriate by the Council.

The EAW/FSAR is to be protected through a reserve, easement, inclusion in a Public Access Way or through other measures to the satisfaction of the Council.

The Council does not support taking over on-going management and maintenance of EAW/FSAR in the Rural zone.

The Council requires the following for EAW/FSAR:

- the site subject to the FMP is to be self-sufficient and cannot rely on external EAW/FSAR unless:
 - the land containing the EAW/FSAR forms part of the same structure plan or subdivision, and is under one ownership; and
 - there is written agreement by the owner of the land (containing the EAW/FSAR) to the granting of a public easement in gross (over the EAW/FSAR) to be registered on the Certificate of Title; or
 - there is written agreement by the owner of the land (containing the EAW/FSAR) and the subdivider that an easement will be granted free of cost in favour of the local government and will be accepted as a condition of subdivision;
- an easement or alternatively a reserve is to be provided for all proposed EAW/FSAR in favour of the local government at the developer's cost. If it is on an

easement, the easement is required so that the local government can maintain the EAW/FSAR (if agreed to by the Council) and/or to allow vehicular access to the break for emergency egress; and

- all EAW/FSAR (and future driveways) must be constructed to a trafficable surface and comply with the Guidelines.

12. Water Supplies

The Council's priority is seeking to minimise fire risks. The provision of reticulated (scheme) water, with associated hydrants and storage tanks, is an important component to achieve this.

The Council will seek to ensure that urban subdivisions are connected to the reticulated water system. The Council will generally seek to ensure that rural residential subdivision is connected to the reticulated water system in accordance with WAPC policy or as set out in the Local Planning Strategy.

While noting the above, the Council is mindful of the need to conserve water and that water should be fit for purpose. The Council will require that proponents consider appropriate water sources and an appropriate range of fire management measures in preparing FMPs.

In designated bush fire prone areas where reticulated water services are not available or cannot be provided, where a new dwelling is being built more than 50 metres from a public road, constructed private driveways are to be provided to the dwelling in accordance with Acceptable Solution A2.5 of the Guidelines, and access to the same standard shall be provided to the water tank associated with the dwelling. The water tank shall also be fitted with hard suction connections in accordance with DFES requirements.

With regard to Element 3 of the Guidelines (Water), supplementary acceptable solutions A3.2 and 3.3 (non-reticulated areas) include the following:

- all water tanks, pumps and standpipes for public/community use are to be located on land vested with or owned by the local government and to either be immediately accessible from a public road, or accessed by a FSAR. All pipes and other infrastructure linking tanks, pumps and standpipes shall either be on land vested with or owned by the local government, or shall be located within easements in favour of the local government;
- where reticulated electricity is available, pumps should [REDACTED] be electric, or must have the capacity for both AC and DC connections, or a separate petrol driven pump and a 20 litre fuel container shall be provided. [REDACTED]
[REDACTED];
- where reticulated electricity is not available, a separate petrol/[REDACTED] driven pump and a minimum 20 litre fuel container shall be provided;

- pumps housed within a permanent, tamper resistant, lockable shed or cage with concrete floor, with a local government compatible padlock and operating instructions for the water pumps must also be provided with the equipment;
- standpipes provided with a standing area for filling shall ~~be~~ be sealed and, where adjoining a sealed, public road, the tapers shall also be sealed; ~~and~~
~~_____~~
- a minimum tanker refill capacity of 500 litres per minute and a minimum head of six metres to the tank at 2 metres above the ground at the standpipe.

13. Fire Hydrants

In areas served by reticulated water, the Council will require fire hydrants to be provided in accordance with DFES and Water Corporation standards, including design, spacing and water pressure. The Council will require the subdivider's consulting engineer to provide sufficient details in order for the local government to make its assessment.

The Council may also require the subdivider to install a reserve storage tank, in an appropriate location, to complement the reticulated water system to assist in maintaining continuity of supply.

14. Signage

The Guidelines set out requirements for signage where EAW/FSAR connect to public roads. Where set out in an approved FMP, the Council will require the subdivider to install appropriate signage prior to the clearance of the Deposited Plan.

15. Scheme Amendment and Structure Plan Requests

Any scheme amendment request, where there is a potential for fire risk in the opinion of the Council, must be accompanied by a FMP which demonstrates that fire protection requirements contained in the Guidelines are achieved to the satisfaction of the Council.

The Council will not adopt scheme amendment requests on land having moderate or extreme risk where the performance criteria and/or acceptable solutions contained in the Guidelines cannot be met.

The Council will require a FMP to be provided with structure plan requests.

In the case of scheme amendment requests, the Council may not agree to initiate (adopt) a scheme amendment until it is satisfied that the proponent provides appropriate justification to address the Guidelines and this Policy to the satisfaction of Council.

16. Subdivision Applications

Assuming that non-bushfire issues are appropriately addressed, the Council will generally only support subdivision in areas classified as moderate or extreme fire risk either:

- following the receipt of a FMP from a suitably qualified and/or experienced practitioner confirming that the proposal, design, facilities and management are appropriate to address fire risk to the satisfaction of the Council; or
- subject to the imposition of a condition of subdivision approval requiring the preparation and implementation of a FMP.

The Council will recommend conditions to be imposed on subdivisions as applicable. Generally, unless there are non-standard circumstances, the condition will be as per the WAPCs *Model Subdivision Conditions Schedule*.

In terms of implementing the approved FMP, this may include:

- notification in the form of a section 70A notification, pursuant to the *Transfer of Land Act 1893* (as amended) to be placed on the Certificate(s) of Title;
- to ensure that prospective purchasers are aware of the FMP, relevant scheme provisions and publications addressing bush fire safety;
- the developer to lodge a written undertaking with the Shire that they will provide a copy of the FMP and Structure Plan to all prospective purchasers. If an agent is used to market the subdivision, and/or sell the lots on the developers behalf, then they shall also provide a written undertaking;
- the provision of EAW/FSAR and other required access improvements;
- EAW/FSAR are protected by a public easement in gross. Public access to EAW/FSAR must be maintained at all times and no fences, materials, locked gates or structures that impede access should be erected by owners;
- the easement in gross is to be granted free of cost to the local government as a public access easement over EAW/FSAR constructed on the land. The easement documents are to be prepared by the local government's solicitors at the developer's cost and shall be completed and signed by the owner and against the Certificate of Title for the land prior to the issue of any clearances. The easements shall be shown on the Deposited Plan in "as constructed" locations and those locations shall be pegged on site by a qualified licenced surveyor;
- the location of EAW/FSAR shall be pegged and surveyed on site;
- the developer to install signs for EAW/FSAR access in accordance with the FMP and to the satisfaction of the local government;
- the provision of fire fighting water supply and if relevant, fire hydrants;
- water tanks shall be installed prior to occupation of any habitable building and owners need to retain a minimum of 10,000 litres of water for structural fire fighting purposes at all times;
- a water tank is constructed on site in accordance with a FMP approved by the local government;

- the developer addresses fuel loads within the HSZ and BPZ;
- all building envelopes shall be clearly pegged on site by a licensed surveyor;
- the allocation of a site for the location of a fire fighting facility; and
- owners may be required to contribute annually to a special fund to be administered by the local government and used for maintenance of fire fighting facilities or equipment.

17. Planning Applications

For developments that are in areas of moderate or extreme fire risk and where there is no existing and contemporary FMP covering the area subject to the application, the Council may require the submission of a FMP with the Planning Application to assess development risks. Alternatively, the Council may impose a condition requiring either the preparation and/or implementation of a FMP or bushfire hazard assessment in accordance with the Guidelines to the satisfaction of the Council.

18. Submission Requirements for Building Permits in Bushfire Prone Areas for Habitable Buildings

The Council will require the following as a minimum requirement:

- a land description and street address of the subject land and how the site of the proposed habitable building is affected by the Bushfire Prone Land map. A copy of the plans and specifications showing how the building will meet the requirements of AS3959-2009;
- the location, extent and type of any bushland on or within 100 metres of the proposed habitable building. A description of the vegetation in a direction perpendicular to each facade. Where different vegetation formations are found over the 100 metres within a direct line from any facade, the predominant vegetation (as per AS3959-2009) assessed is to be taken as the appropriate vegetation formation;
- the effective slope and aspect under the vegetation identified in a perpendicular line from each facade and within 100 metres of the habitable building, which may determine the likely path of any bushfires. The effective slope is that slope under the hazard which most significantly affects fire behaviour;
- any features on or adjoining the site that may mitigate the impact of a high intensity bush fire on the proposed development. The location of the building relative to any slopes or likely future clearance associated with adjoining developments;
- whether the habitable building complies with AS3959-2009 in relation to the construction level for bush fire protection. The report should identify the BAL ratings for each facade in accordance with AS3959-2009. It should also relate to the relevant chapter within AS3959-2009 for the appropriate BAL levels;
- the requirements of any approved FMP setting out the management of vegetation on site, water requirements and landscaping on the site and surrounding the dwellings; and

- implementation requirements required prior to occupation of the habitable dwelling and on an ongoing basis.

The following sets out BAL and corresponding AS 3959-2009 section relating to construction.

BUSHFIRE ATTACK LEVELS AND CORRESPONDING BCA SECTIONS FOR SPECIFIC CONSTRUCTION REQUIREMENTS

Bushfire Attack Level (BAL)	Classified vegetation within 100m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	AS 3959-2009 Construction Section
BAL-LOW	See Clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	4
BAL-12.5	$\leq 12.5 \text{ kW/m}^2$	Ember Attack	3 and 5
BAL-19	$\geq 12.5 \text{ kW/m}^2$ $\leq 19 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 6
BAL-29	$\geq 19 \text{ kW/m}^2$ $\leq 29 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 7
BAL-40	$\geq 29 \text{ kW/m}^2$ $\leq 40 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 and 8
BAL-FZ	$\geq 40 \text{ kW/m}^2$	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 and 9

19. Subdivider/Developer Responsibilities

Subdividers/developers are required to implement requirements set out in endorsed FMPs, bushfire hazard assessments or conditions set by the WAPC and/or local government.

20. Landowner Responsibilities

Landowners should take all practical steps to address fire risks subject to gaining necessary approvals.

The landowner will be responsible for permanent hazard reduction measures to maintain the identified BAL.

Where a FMP has been endorsed by the local government and/or DFES, the affected land owners will be responsible for the ongoing implementation of the "land owner's responsibilities" as specified in the FMP.

Land owners need to maintain driveways for emergency access and maintain areas for sufficient turnaround for fire safety in accordance with the Guidelines and the approved FMP.

Land owners are required to maintain BSZ and HSZ in accordance with the Guidelines and the approved FMP.

21. Fire Equipment Strategy

~~Following a Fire Equipment Strategy being prepared for all or part of the municipality, the Council will give this due consideration in determining proposals. Subject to the recommendations of the Fire Equipment Strategy, the Council may require developers/subdividers to contribute to upgraded fire management equipment in order to reduce fire risks for future residents and/or visitors.~~

22. Annual Fuel Reduction Notice

~~The local government will regularly check firebreaks on residential land.~~

The local government will periodically check bush fuel loads on properties throughout the municipality. A priority will be ensuring that properties issued with a Building Permit for a habitable dwelling post-gazettal of Scheme Amendment No. 12 to LPS3 suitably maintain BPZ and as required, HSZ.

ADMINISTRATION

1. Matters to be Addressed prior to Formally Lodging the Proposal

Proponents are encouraged to discuss bush fire management implications for their proposal with the Shire administration early on in the planning/design process and prior to the formal lodgement of the application/request.

Bush fire hazard assessments and FMPs submitted to the local government in support of local planning scheme amendment proposals, and applications for approval for structure plans and major development will be referred to DFES for comment. Proponents are encouraged to consult with DFES before lodging such proposals or applications with the Shire.

2. Details Provided with the Proposal

The Council recommends that proponents submit appropriate details with their application/request as set out in this Policy.

3. Obtaining Advice

The local government will seek advice from the local volunteer Bush Fire Brigades, DFES and/or other agencies as appropriate on proposals.

4. Assessing the Proposal

In considering proposals (including applications for planning approval, subdivision applications and structure plans) where there are bush fire risks, the local government is to have regard to:

- *State Planning Policy 3.4 Natural Hazards and Disasters*;
- the Guidelines;
- any advice obtained from DFES; and
- any other planning consideration the local government considers relevant.

The Council may refuse to adopt a scheme amendment request, structure plan request, a development application, building permit or recommend refusal to the WAPC for a subdivision application if:


- the Council is of the view that the proposal will create unacceptable bushfire risks and/or will create unacceptable environmental amenity impacts; and
- the proposal is inconsistent with the Guidelines and/or this Policy.

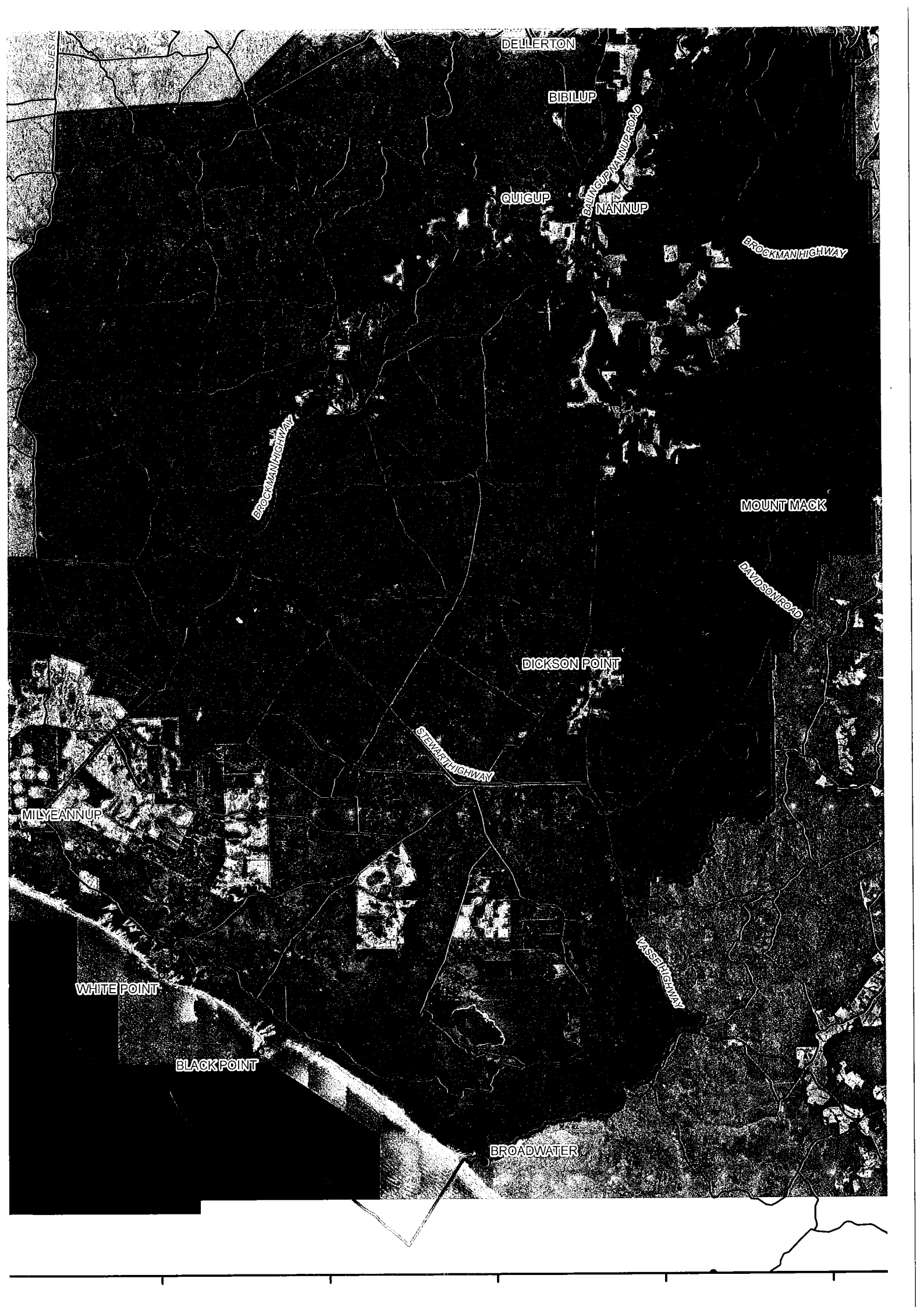
The Council will seek the support of the WAPC to impose appropriate conditions on subdivision approvals.

5. Imposing Conditions

The local government may impose conditions to reduce bush fire risk to people and/or property including:

- the provision of a fire fighting water supply;
- the provision of fire services access;
- the preparation of a FMP in accordance with the Guidelines, or any updates, and implementation of specific fire protection measures set out in the plan; and
- the implementation of measures to ensure that prospective purchasers are aware of the LPS3 provisions, the FMP and publications addressing fire safety.

Related Policies:	
Related Procedures/Documents:	
Delegation Level:	CEO, Building Surveyor, Community Emergency Services Manager
Adopted:	
Reviewed:	



DELLERTON

BIBLUP

QUIGUP

NANNUP

BROCKMAN HIGHWAY

BROCKMAN HIGHWAY

MOUNT MACK

DAVIDSON ROAD

DICKSON POINT

STEUART HIGHWAY

MILYEANNUP

WASSEL HIGHWAY

WHITE POINT

BLACK POINT

BROADWATER

Wendy Kennedy

From: Evelyn Patman
Sent: Thursday, 11 July 2013 1:58 PM
To: Wendy Kennedy
Subject: John Patman came in and is happy with the policy
Attachments: image001.jpg

Evelyn Patman
Executive Officer



Adam Street . PO Box 11 Nannup WA 6275
P: 9756 1018 . F: 9756 1275
www.nannup.wa.gov.au

Wendy Kennedy

From: Robert Jennings
Sent: Thursday, 18 July 2013 3:49 PM
To: Wendy Kennedy
Subject: FW: Busselton City Fire Policy and BAL procedures
Attachments: BAL assessment procedures CoB.doc; image003.jpg; image004.jpg; image001.jpg; image002.jpg

Hello Wendy

A submission to the advertisement.

Regards Rob

Robert Jennings
Chief Executive Officer



Adam Street . PO Box 11 Nannup WA 6275
P: 9756 1018 . F: 9756 1275
www.nannup.wa.gov.au

From: John Evans [mailto:jevo@westnet.com.au]
Sent: Sunday, 14 July 2013 7:23 PM
To: Robert Jennings
Subject: Busselton City Fire Policy and BAL procedures

Hi Robert,
I haven't had time to look at your fire policy yet, but at a glance looks good.
Attached is a one page summary of Bsn's Fire Policy and BAL procedures, which I did up after having to explain it to clients and builders etc a dozen times a week.
When I get time I will do the same for your shire for the same purchase.

Regards,

A handwritten signature in black ink, appearing to read "John".

John Evans



**SOUTHWEST
FIRE
SERVICES**

1 Norman Road,
Busselton, WA 6280.
Ph 0897 544 012
Mob 0427 121 122
jevo@westnet.com.au

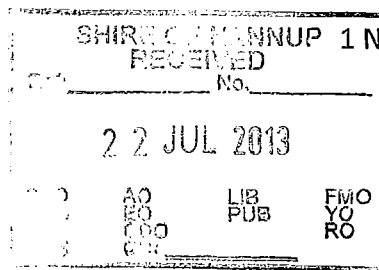
John Evans. Mobile 0427 121 122.

BAL (Bushfire Attack Level) assessment and hazard mitigation procedures City of Busselton. (Correct 4 July 2013)

1. The City of Busselton has designated parts of its area 'Bush Fire Prone' (BFP), and 'Urban Bushfire Prone' (UBFP). These areas can be found on the Online Mapping page (Intramaps) of the City of Busselton website.
2. A BAL rating is determined by an authorised fire consultant, using AS 3959 – 2009 guidelines, in BFP and UBFP areas. FZ (Flame Zone) is the highest rating, followed by BAL 40, 29, and 19. BAL 12.5 is not considered in 'Bush Fire Prone' areas. In 'Bush Fire Prone' areas, the lowest building standard allowable is for BAL 19.
3. The rating takes into account the slope of the land, the vegetation type and classification, if the vegetation is below or above the proposed dwelling, and several other factors. Photographs are taken onsite during inspection and later inserted into the report. The report is submitted to the City with the building license application and the dwelling is built to the standards required for that rating or ratings.
4. For each rating, a certain level of building standard is required. The standard for each BAL rating can be found in the Building Section of the City of Busselton's website. Their Fire Policy can be found there also.
5. If the rating is BAL FZ or 40, and a lower rating is achievable after thinning (if recommended by the consultant), then the dwelling is designed to the lower rating that the report will indicate). After the building license is issued, the thinning can be undertaken, and a second inspection undertaken to verify that the lower rating has been achieved. No thinning or removal of vegetation may be undertaken until a building license is granted. Failure to undertake a second BAL assessment may negate a future insurance claim..
6. In areas designated as Urban Bushfire Prone, the BAL rating will need to be determined by a fire consultant if the site is within 100m of 1.0 ha of classifiable vegetation. A minimum construction standard of BAL 19 will apply in these instances.
7. The minimum BPZ (Building Protection Zone) in Bush Fire Prone areas is 25m wide from each side of dwelling.
8. No dwelling is to be constructed in areas rated as BAL FZ, or BAL 40 (except in certain circumstances). Where a BAL rating of 29 or 19 cannot be achieved (eg by parkland thinning within the 25m BPZ [or further if space allows, and is stipulated by an authorised fire consultant]) and a satisfactory bushfire management outcome attained, the first option will be to relocate the building site. If this is not possible then a minimum construction standard for BAL 40 will be required. Parkland thinning as stipulated by a fire consultant will still be required.
9. If an area is rated at BAL 40 and a satisfactory bushfire management outcome cannot be achieved (as above) building approval will generally be refused. In exceptional circumstances, building approval may be granted, but a minimum construction standard for BAL FZ will be required. Parkland thinning as stipulated by a fire consultant will still be required.
10. In areas where planning consent is not required then a building license would generally be granted, but a minimum construction standard for BAL FZ will be required.
11. Unless all issues (including a bush fire hazard assessment consistent with AS3959-2009) have been addressed in a fire management plan submitted with a preceding development guide plan or subdivision application, all applications (other than for minor works) for relocation of a building envelope, planning consent or building licence (whichever is the first application submitted) are to be accompanied by a fire management plan prepared by a bush fire consultant.
12. On completion of the building, the builder is to affix a certificate in the meter box certifying that the building has been constructed to, and complies with the relevant building standards for the BAL rating determined by the fire consultant.



Mr Robert Jennings,
CEO,
Shire of Nannup.6275.



1 Norman Road, Busselton. 6280

Dear Robert,

Draft Local Planning Policy No 21 – Bush Fire Management

Some comments on your proposed policy for your consideration (unfortunately, no Bushfire Prone or Bushfire Risk Plans were available online).

Part 9 – Minimum requirements for bush fire hazard assessments.

No mention of no approval to build in BAL FZ or BAL 40 sites. Recommend no approval for building in sites rated as FZ (and no way of reducing this). No building for BAL 40 sites, except in certain circumstances.

Part 10 – Fire Management Plans.

- i. Classifying the bush fire attack level. This should read 'indicative' BAL ratings. During the compilation of a FMP, the roads, lots and building envelopes have not been surveyed; therefore accurate measurements cannot be taken to determine the correct BAL rating until that is done. Suggest in the plan -.

The current BAL ratings have been determined using current vegetation classifications and approximate measurements, and are indicative only. Each lot is to be re-assessed to determine the correct BAL rating prior to the building license application being submitted for approval.

- ii. I suggest that fuel loadings (in excess of 8 tonnes per ha) on vegetated (forested) lots be reduced by burning to < 3 tonnes per ha prior to subdivision approval and the release (sale) of any lot. (It is far easier to burn a single large lot without dwellings etc on them, than a number of smaller lots with dwellings on).
- iii. A maximum BAL rating of 29, is desirable. It is recommended that the building pads on vegetated lots, be cleared, and the adjacent vegetation (around pads) be thinned to meet Shire Building Protection Zone standards. This process, if overseen by and certified by a qualified person, would –
 - a. Afford far greater building protection,

- b. Significantly reduce wear and tear on made roads,
- c. Avoid disjointed and adhoc clearing operations into the future.
- d. Reduce risk of fires caused by machinery,
- e. Allow for better planning of material disposal,
- f. Minimize noise, dust, and inconvenience to neighbours,
- g. Reduce heavy vehicle usage on roads (and therefore risk of accidents) after houses have been constructed.
- h. Potentially reduce disposal cost
- i. Provide the future lot buyer with a certified BAL determination,
- j. Produce less work for shire staff.

Part 12 – Water supplies

- i. Many petrol powered pumps failed to function during the Black Friday fires in Vic, because of vaporisation of fuel. I suggest that the shed be heat resistant and insulated to prevent this happening. Modern diesel powered pumps would also be a good option.
- ii. Where a standpipe services at large number of lots (>10) then the standpipe should have two outlets to refill two units simultaneously. Rapid refill essential, especially if nearest adjacent water is > 20minutes away. Signage from nearest road essential.

Administration

Part 1. Excellent suggestion to discuss proposed FMP content and strategies with L.A and DFES before compilation. I find that this saves a lot of time and speeds up the post submission approval process.

Part 4. Parts of the PFBFP Guidelines are out of date and unworkable. For instance Element 4 : Siting of Development - Acceptable Solutions A 4.3 Building Protection Zones requires a **10m** separation between tree crowns. This is totally unnecessary and unacceptable, and something I have been trying to have changed for several years. There would not be a lot in any forested/rural area that meets that criteria presently. I usually suggest, in FMPs and BALs that a **3m** separation is adequate, PROVIDING ground fuel loadings are maintained at < 8 tonnes per ha, and regular maintenance to keep this 3m separation is practiced.

Additional Comments.

1. Annual Firebreak Notice. Rural Land. What sort of fuel does the 75mm depth (non grass) refer to? If it relates to jarrah litter and twigs to 10mm, then that could equate to 40 tonnes per ha, - 5 times recommended by PAW.
2. 20m Building Protection Zone for Special Rural Land. (Why no similar requirement for rural land)? Suggest that this 20m zone be increased to 25m to improve fire safety for occupants, and reflect the desire to build to BAL 29 where possible, which requires a 21m vegetation separation zone (Upslopes and level land only).
3. Chalet and tourist developments. Suggest that many of these are in inappropriate locations, not adequately prepared for fire, have inexperienced or untrained staff, and should be subject to special scrutiny.

Regards,

John Evans,

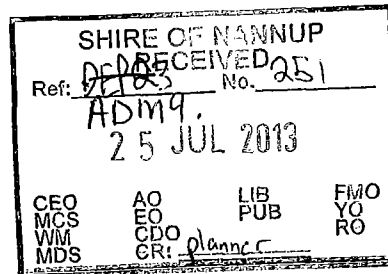
22 July 2013

Your Ref: ADM9
Our Ref: JT1 2012 04865 V01
Enquiries: Garry Crowd
Telephone: 9791 0423



24 July 2013

Shire of Nannup
PO BOX 11
NANNUP WA 6275



Draft Local Planning Policy No.21 – Bush Fire Management

Thank you for referring the above draft policy by your letter dated 9 July 2013.

The Water Corporation has no objection to the draft policy although the following comment is provided for Shire of Nannup consideration.

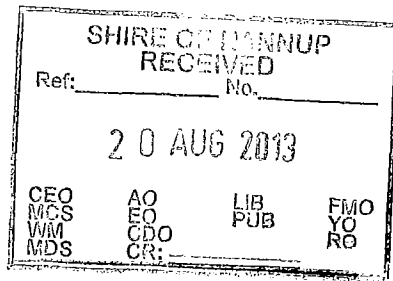
Clause 13. Fire Hydrants (page 12)

Due to historic water supply scheme design, local topography and, at times, practicability, developments in existing reticulation areas or extensions to the schemes may not satisfy all DFES standards. These constraints, most often in achieving the optimum water pressure and/or flow rate, are recognized and accepted across the organizations.

Queries on the Corporation's response can be directed to the Enquiries officer.

A handwritten signature in black ink, appearing to be "Garry Crowd".

Garry Crowd
Land Servicing Advisor
DEVELOPMENT SERVICES



22nd August 2013

Mr Robert Jennings
Chief Executive Officer
Shire of Nannup
Your Ref: ADM9

Dear Mr Jennings,

Thank you for allowing me the opportunity to comment on the Shire of Nannup Draft Local Planning Policy No.21 – Bush Fire Management (the Policy). Please see below my comments aligned with the provisions of the Policy.

Provision 1 – Endorsement of the Planning for Bush Fire Protection document

As a bushfire mitigation consultant it is my concern that the Guidelines are not only inadequate, but contain errors and ambiguity resulting in increased risk to life, property and the environment when applied without correction. This increased risk is compounded by the lack of regulation in the industry allowing practitioners and regulators without any formal education or qualification in bushfire behaviour or protection within the rural urban interface to practice within the industry.

My concerns regarding *errors and omissions* in the current Planning for Bushfire Protection Guidelines are:

- i. The Bushfire Attack Level (BAL) calculation in Table 2 of Appendix 1, pg 23 is incorrect and AS3959 (as amended) should be directly referred to. Utilising the incorrect table may result in approval being granted to developments where dwellings are subject to BAL-40 and BAL-FZ ratings in accordance with AS3959 in areas of scrub (ie majority of areas along the south west coastal cape).
- ii. Errors relating to maximum permissible grades in Element 2 of the performance criteria must be acknowledged. Current specified maximum grade contradicts maximum gradient over short distances and other specifications.

- iii. A3.3 states that a "caveat" must be placed on dams to ensure fire services access. Landgate (Government of Western Australia, 2012) defines a caveat as "(Buyer beware) – A warning to a person searching the original Certificate of Title that there is a claim lodged on the Title to the land, which may prohibit the Registrar of Titles from registering a dealing upon that Title." In accordance with this definition a caveat is the incorrect term and does not ensure fire service access.
- iv. The Guidelines have not been updated to incorporate specific Plantation Guidelines (FESA, 2012). Whilst AS3959 recognises plantation as Class A Forest for purposes of BAL calculation other specific planning considerations inclusive of increased firebreaks are required.

Provision 2 – General

- i. No comment.

Provision 3 – Fire Risk & Provision 4 – Bushfire Hazard Mapping

Definitions and determination of risk appear inconsistent with ISO:31000 and COAG (2004):

- i. The Bushfire Hazard Assessment at strategic levels detailed on page 18 of the guidelines is inconsistent with both ISO31000 : Risk Management – Principles and Guidelines and the National Inquiry on Bushfire Mitigation and Management (Ellis, Kanowski & Whelan, 2004). The current method primarily relies upon vegetation structure with limited additional consideration to topography for determination of land use suitability at a strategic level. Using this method development in the majority of the South West and Great Southern of Western Australia is identified as unsuitable for development. This method does not take into account fire mitigation or consider treatment strategies. Determination of land use suitability should be based on residual risk post consideration of the applicable Fire Management Plan.
- ii. The methodology detailed on page 18 of the guidelines again fails to incorporate fire behaviour or the threat levels at strategic levels as defined in accordance with AS3959 Construction of buildings in bushfire prone areas. Classification of bushfire attack levels detailed on page 19 of the guidelines is inconsistent with the AS3959 despite specifically referring to it as the basis of the cited methodology. AS3959 s2.2.3.2 defines Low Threat Vegetation as "Vegetation of

any type more than 100m from the site." AS3959 s1.5.26 further defines the term "site" as "The part of the allotment of land on which a building stands or is to be erected." This is further compounded by the errors in the BAL Table previously described.

- iii. The Guidelines reference FESA's Visual Fuel Load Guide for use in determining fuel load in accordance with A4.3. At the May 2013 National Bushfire Weather Conference in Busselton utilisation of photographic fuel load guides was specifically identified as being unreliable and inaccurate (Gould, McCaw & Cheney, 2011; Matthews et al., 2012) and is not accepted as a suitable fuel load quantification methodology in determining BAL ratings by the New South Wales Rural Fire Service (NSW, 2006).
- iv. The Glossary (p 14) does not define Hazard; and subsequently cites an "increase in construction standards" as a form of hazard reduction. Increased construction aligned to AS3959 is an engineering control and does nothing to mitigate the bushfire hazard. It may reduce the risk of damage or destruction of the structure in the event of bushfire, however the threat remains unmodified.
- v. Quantified modelling of fire behaviour utilising predetermined parameters, otherwise known as "design fire," in an attempt to idealise a real fire that may occur remains the corner stone of conducting evaluation of performance base design and alternate solutions (Kashef, Viegas, Mos & Harvey, 2012). The current Guidelines have no provision for the inclusion of design fire and therefore no provision for the quantification of worst case bushfire that may affect the site. As a practitioner I have personally experienced Local Governments requiring design bushfire analysis to be removed from Fire Management Plans as they considered them "too complex" and "inconsistent with the current Guidelines."
- vi. The term "fuel load" is not defined in the guidelines. No distinction between understory and canopy fuel load is identified in either the guidelines or FESA's Visual Fuel Load Guide which does not consider canopy fuel loads. This distinction is critical as fire management plans must be developed utilising worst scenario design bushfire with canopy involvement. The use of understory fuel loads alone will result in significant under-calculation of fire intensity and potential resulting in unsuitable development.

Example:

A4.4 cites 8-15t/ha (determined by FESA's Visual Fuel Load Guide) as being the acceptable fuel load. As the Fuel Visual Load Guide does not incorporate canopy fuel

load 15t/ha in accordance with FESA equates to 25t/ha in accordance with design bushfire fuel loads utilised in AS3959 for determination of Bushfire Attack Level.

- vii. Ambiguity is also identified in the quantification of fuel load permissible for Hazard Separation Zones Acceptable Solution 4.4 where different fuel loads are permissible between Jarrah and Karri forest. AS3959 does not differentiate fire behaviour between forest species.

Provision 5 – Designated Bushfire Prone Mapping

- i. No comment.

Provision 6 – Habitable Buildings to comply with AS 3959-2009

- i. Refer to comments regarding Provision 8.

Provision 7 – Requirements for Bush Fire Hazard Assessments and/or FMPs

- i. Page 2 paragraphs 6-8 of the Guidelines state that it may not be “practical to fully comply with the criteria” and that the guidelines are not intended to be enforced in areas of existing development inclusive of established subdivisions. Significant infill development occurs in Western Australia within previously established larger subdivisions, yet the Guidelines remain the only planning guidance available for decision makers creating ambiguity and confusion.
- ii. The Guidelines do not provide guidance as to relevant legislation. Currently there is no link to local government firebreak and fuel reduction notices meaning the provisions in Fire Management Plans cannot be enforced post endorsement. NSW (2006) can be referred to as providing a detailed example of suitable guide.

Provision 8 – Qualifications and experience of consultant

- i. The Guidelines do not specify the appropriate knowledge and qualification base for the provision or assessment of fire management plans. There is significant difference between planning for isolated bushfire and planning for bushfire within the rural urban interface that will impact on structures requiring structurally capable firefighting response. Extensive planning experience specific to remote and isolated bushfire does not translate to bushfire impacting on

urban areas without additional knowledge and experience. The Planning Institute of Australia NSW Division (2012) identifies unregulated bushfire planning and consultancy as a potentially critical issue in any coronial enquiry following a bushfire. The Fire Protection Association of Australia (FPAA) provides a certification scheme for Bushfire Planning and Design (BPAD). Whilst this scheme has been implemented in both NSW and Victoria; bushfire consultancy remains unregulated in Western Australia despite devastating bushfires over the past decade including Roleystone/Kelmscott; Toodyay; Lake Clifton; and Margaret River and numerous national and state bushfire commissions, enquiries and reports (the performance and review of established fire management plans in all Western Australia fires has been outside the scope of relevant enquiries).

- ii. The concerns relating to planning for bushfire protection further extend to the determination of the Bushfire Attack Level (BAL) in accordance with AS3959 Construction of buildings in bushfire prone areas. Again this related industry is unregulated with individual local governments endorsing practitioners in the absence of formal qualification or experience. The BAL rating of a Class 1, 2 or 3 structure dictates the required construction standard to increase survivability from heat flux impact in the event of bushfire. Incorrect determination of BAL will result in increased risk of damage to the structure and potential loss of life within.

Provision 9 – Minimum requirements for bush fire hazard assessments and FMP's

- i. Refer to comments regarding Provision 1.

Provision 10 – Fire Management Plans

- i. In areas where rare flora/fauna or threatened ecological communities exist it may be more appropriate to require a separate and independent environmental assessment. This assists to ensure the effects of bushfire mitigation strategies are accurately and correctly detailed as well as reducing the length of fire management plans.

Provision 11 – Fire Breaks

- i. No comment.

Provision 12 – Water Supplies & Provision 13 – Fire Hydrants

- i. Acceptable solution (A3.2) of the Guidelines provide certain specifications for firefighting water tanks; the typical connection being a '50mm camlock fitting with full flow valve.' It is critical to acknowledge differences in fire appliance filling systems – in particular the difference between bushfire and structural fire appliance capabilities. Where tanks are to be utilised to supply structural fire fighting appliances a 125mm storz coupling is more suitable in order to supply water to the hard suction inlet. Further, where connections on water tanks are located below the level of the fire appliance pump impeller this water becomes unattainable unless the appliance is equipped with suction capabilities and hoses that fit the tank outlet. Where structural fire and rescue brigades are likely to respond in the subdivision area it may be more suitable to equip water tanks with BIC fittings or the storz coupling to ensure access to water supply.
- ii. The Guidelines do not acknowledge the difference in capability or requirements between bushfire and fire and rescue (structural firefighting) resources. Reliance solely on bushfire resources and solutions tailored to such brigades will negatively impact on structurally capable firefighting response. It is therefore critical to acknowledge the difference between isolated bushfire and bushfire within the rural urban interface and provide sufficient planning strategies to facilitate such response.

Provisions 14 – 22

- i. No comment.



Thank you for taking the time to read my comments. I would welcome the opportunity to discuss them further with you if invited.

Kind regards,

A handwritten signature in black ink, appearing to read 'G Penney'.

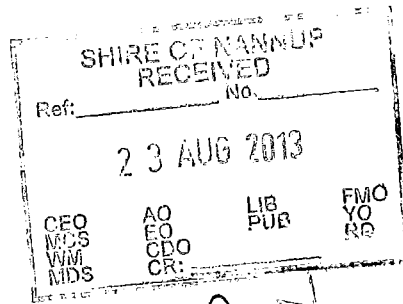
Greg Penney GFireE, Grad Dip Bushfire Protection, BSc.

Director – RUIC Fire

greg@ruic.net.au

References

- AS3959:2009 Construction of buildings in bushfire prone areas
ISO 31000:2009 Risk management principles and guidelines
Ellis, S., Kanowski, P., & Whelan, R. (2004). *National Inquiry on Bushfire Mitigation and Management*. COAG.
FESA. (2012). *Visual Fuel Load Guide*. Perth: Fire and Emergency Services Authority of Western Australia.
FESA. (2011). *Guidelines for Plantation Fire Protection*. Perth Fire and Emergency Services Authority.
Gould, J., Lachlan McCaw, W., & Phillip Cheney, N. (2011). Quantifying fine fuel dynamics and structure in dry eucalypt forest (*Eucalyptus marginata*) in Western Australia for fire management. *Forest Ecology and Management*(262), 531-546.
Kashef, A., Viegas, J., Mos, A., & Harvey, N. (2012). Design Fires for Road Tunnels Safety Design. *ASHRAE Transactions*, 118, 636-643.
Landgate. (2013). Caveats Retrieved 26th July, 2013, from <http://www.landgate.wa.gov.au/Corporate.nsf/!Epop?OpenForm&Query=Caveats--25>
Matthews, S., Sullivan, A., Watson, P., & Williams, R. (2012). Climate change, fuel and fire behaviour in a eucalypt forest. *Global Change Biology*(18), 3212-3223. doi: 10.1111/j.1365-2486.2012.02768.x
NSW Rural Fire Service. (2006). *Planning for Bushfire Protection*. NSW Rural Fire Service.
Planning Institute of Australia. (2012). Planning Institute of Australia (NSW Division) Consultation 'Planning for Bushfire Protection 2006'



Shire of
Nannup
It's about the quality

Our Ref: ADM9

9th July 2013

Robin Mellema
Nannup Brook Bush Fire Brigade
PO Box 38
Nannup WA 6275

Handwritten signature
issues raised in red bins!
on document

Dear Robin

DRAFT LOCAL PLANNING POLICY NO. 21 – BUSH FIRE MANAGEMENT

I write to advise that you now have the opportunity to comment on the above draft Local Planning Policy by 23rd August 2013.

By way of background, the Council considered the draft policy at its meeting on 27th June 2013 where it resolved:

That Council:

1. *Support the public release of draft Local Planning Policy 21 – Bush Fire Management, outlined in Attachment 1, and require the draft policy to be publicly advertised in accordance with the requirements set out in the Shire of Nannup Local Planning Scheme No. 3 for a period of six (6) weeks.*
2. *Will reconsider draft Local Planning Policy 21 – Bush Fire Management following the close of the public submission period and will determine whether or not to adopt the policy with or without modifications.*

I have attached a copy of the minutes relating to the item along with the draft policy for your consideration.

Should you have any queries or wish to discuss matters relating to the draft policy, please contact the Shire's Planning Unit on 97561018.

Submissions on the draft policy must be made in writing and lodged with the undersigned on or before 23rd August 2013

Yours faithfully

ROBERT JENNINGS
CHIEF EXECUTIVE OFFICER
Enc

**DRAFT
SHIRE OF NANNUP**

Policy Number:	LPP 021
Policy Type:	Local Planning Policy
Policy Name:	Bush Fire Management
Policy Owner:	Chief Executive Officer

Authority: Shire of Nannup Local Planning Scheme No. 3

OBJECTIVES

The objectives of this Policy are to:

- minimise the risk from bush fire and other sources to life, property and community assets for new proposals and require proponents to suitably justify why there should be a departure from this Policy;
- ensure that the impact of fires is significantly reduced and fire suppression is maximised through careful planning and the implementation of fire prevention measures for the safety of residents and visitors;
- control the location of subdivision/development and use of land to avoid placing inappropriate subdivision/development in areas that have extreme bush fire hazards;
- ensure that new subdivision/development in identified bushfire prone areas is located, designed, constructed and maintained to address the identified bush fire hazard; *Whose judgement*
- balance bush fire protection, biodiversity, community safety and economic objectives within the context of ensuring that a satisfactory bush fire protection outcome is achieved;
- recognise that the Council has endorsed the State Government document titled *Planning for Bush Fire Protection* (edition 2) or any updates;
- ensure the implementation of appropriate fire management measures to mitigate fire risks;
- ensure that buildings, by virtue of materials and design, are reasonably fire resistant through application of AS3959-2009;
- provide a consistent approach to the assessment of development in areas identified as bushfire prone;
- provide guidelines to proponents on the minimum requirements and format for the preparation of a Fire Management Plan (FMP);
- provide for the coordination of FMPs and strategic fire breaks throughout the Shire;
- encourage fire fighting facilities and water tanks to be strategically located to best cater for existing and future residential, rural living, tourist and other development;
- outline the role and responsibilities of the developer, the Shire and individual property owners;
- provide guidance to developers, subdividers, landowners, the community, other

p this, then any location? except dot point 3?

→ stakeholders and the Shire administration to ensure new developments and subdivisions appropriately address fire risk;

- clarify works to be undertaken by developers for fire management as part of any subdivision; and
- provide for the integration of the Shire administration's planning and building sections to bush fire protection with broader approaches to bush fire protection, especially the Council's annual fuel reduction notice.

DEFINITIONS AND ABBREVIATIONS

Terms used in this Policy shall be as interpreted as set out in the *Shire of Nannup Local Planning Scheme No.3*, the *Building Code of Australia* or the *Planning for Bushfire Protection Guidelines*. For the purposes of clarification, the following terms have meanings as defined below:

'AS3959-2009' means *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas* or any updates.

'Bushfire Attack Level' (BAL) as set out in *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas* or any updates.

'BCA' means the *Building Code of Australia*.

'Building Protection Zone' (BPZ) as set out in the *Planning for Better Bush Fire Protection Guidelines* which is a low fuel area immediately surrounding buildings.

'Bushfire' means an unplanned fire. Also called a "wildfire" which may include forest scrub and grass fires.

'Bushfire Assessment Report' means a report that demonstrates how the construction of a building will comply with the appropriate setbacks and construction requirements of AS3959-2009. It includes classifying the BAL.

'Bushfire Attack' means the threat on buildings in bushfire prone areas arising from embers, radiant heat, flames, wind and smoke during a wildfire.

'Bushfire Hazard Strategy' means the *Bush Fire Hazard Strategy – Shire of Bridgetown-Greenbushes and Shire of Nannup*.

'Bushfire prone area' means an area of land mapped for the purposes and consideration of bushfire protection through a Local Planning Scheme and which triggers the operation of AS3959-2009.

'DEC' means the Department of Environment and Conservation and includes any other environmental or land management agency should it be renamed.

experienced practitioner, which is to identify the Bushfire Attack Level (BAL) in accordance with the requirements of the Guidelines. The BAL level will inform the application of AS3959.

In designated bush fire prone areas, due to the need to return environmental assets e.g. threatened vegetation or for amenity reasons in Special Rural estates, the building construction standard may be required to be higher to reduce clearing of native vegetation.

In designated bush fire prone areas, the Council prefers that development is located on cleared land or in areas which will require a minimal amount of clearing. In areas zoned Special Rural, the BPZ should generally be retained on the lot and not extend onto adjoining properties. Where the expansion of the BPZ is proposed, there is a need to consider physical or regulatory constraints to achieve a satisfactory bush fire management outcome.

In designated bush fire prone areas, where a satisfactory bush fire management outcome cannot be achieved to address the Guidelines, AS3959-2009 and this Policy, applications for planning consent will generally be refused for "D" or "A" uses as set out in the Zoning Table of LPS3. Where a planning consent is not required, then a building permit would generally need to be granted, but with a minimum construction standard of BAL FZ.

7. Requirements for Bush Fire Hazard Assessments and/or FMPs

Unless otherwise agreed, local planning scheme amendment proposals that fall, in part or whole, within any land identified as designated bush fire prone area shall be accompanied by a bush fire hazard assessment consistent with the Guidelines. Generally, unless based on the findings of that assessment and the nature of the proposal, there will be a need for the bush fire hazard assessment to be accompanied by a FMP.

Unless otherwise agreed to by the local government or unless an endorsed FMP addresses all relevant issues in a manner consistent with this Policy in a preceding structure plan or local planning scheme amendment proposal, all applications that fall in part or whole within any land identified as designated bush fire prone area shall be accompanied by a bush fire hazard assessment consistent with the Guidelines.

Unless the proposal is minor building work and/or an endorsed FMP has addressed all relevant issues in a manner consistent with this Policy, the Council will generally require or seek a FMP to accompany all subdivision and planning consent applications that fall, in part or whole, within any land identified as designated bush fire prone area.

Where a FMP has been submitted with a preceding proposal (including establishing a BAL) that addresses all relevant issues in a manner consistent with this Policy and unless development is proposed in a location different to that proposed and assessed

as part of the preceding proposal, then a new bush fire hazard assessment or FMP may not be required in support of an application. However, if more than three years has elapsed between approval of the preceding proposal and a building permit application, then an updated bush fire hazard assessment will generally need to be provided in support of the Building Permit application.

8. Qualifications and experience of consultant

All bush fire hazard assessments and FMPs are to be prepared by experienced and/or qualified bush fire consultants. While noting there are no specific accreditation requirements for bush fire consultants at this time in Western Australia, all practitioners are required to have suitable professional indemnity insurance to the satisfaction of the local government. If documents are prepared by a consultant that the local government is not familiar with, the local government may request details of the consultant's experience, qualifications and level of professional indemnity before accepting documents prepared by that consultant.

9. Minimum requirements for bush fire hazard assessments and FMPs

All bush fire hazard assessments need to be prepared using a methodology consistent with the Guidelines.

The bushfire hazard assessment plan shall generally be overlaid onto aerial photography to provide a more comprehensive visual depiction of fire hazard and vegetation. The Council does not support the use of street maps or location plans as a basis for the bushfire hazard assessment plan, (unless under very exceptional circumstances.)

this has been covered part in brackets.

FMPs are to include all proposed buildings or, in the case of local planning scheme amendment proposals or applications for approval of a structure plan or subdivision, proposed or potential building locations. The FMP is required to suitably address:

- a bush fire hazard assessment consistent with the Guidelines;
- an identification of the minimum BAL pursuant to AS3959-2009 and minimum width of the BPZ, HSZ, fire break and access/egress requirements to achieve a satisfactory bush fire management outcome in accordance with the Guidelines and AS3959-2009; and
- where native vegetation needs to be cleared to achieve a satisfactory bush fire management outcome; the identification of the extent of required clearing, and the nature and condition of the vegetation to be cleared.

All FMPs need to be in a format consistent with the model FMP set out in the Guidelines.

The implementation part of the FMP is to clearly identify actions to take place:

- in the case of proposals or applications intended to result in subdivision, prior to commencement of subdivisional works and prior to clearance of the subdivision; and
- in the case of the proposals, prior to commencement of development/construction of buildings, and/or on an annual or other periodic basis.

The Council will require all FMPs to clearly outline the developer responsibilities and the land owner responsibilities.

10. Fire Management Plans

All FMPs are to be prepared in accordance with the Guidelines. FMPs are to address, to the satisfaction of the Council, matters including:

- aim and objectives;
- description of the area;
- assessing and classifying the bushfire hazard (fire problem);
- classifying the bush fire attack level;
- fire mitigation strategies including a performance approach, an acceptable solutions approach or a combination of the two;
- subdivision and development design to address the hazard;
- location of development;
- vehicular access including as relevant firebreaks, emergency access ways (EAW) and fire service access routes (FSAR);
- water supplies;
- siting of development including HSZ and BPZ;
- design of development, included recommended building design standards to account for fire risk;
- fuel reduction management;
- fire suppression response;
- the anticipated impact on environmental assets (especially reporting on rare flora, fauna and/or threatened ecological communities) on the application site through implementing the FMP;
- implementation; and
- monitoring/review.

What does this mean?

FMPs submitted to and approved by the local government shall generally be registered as section 70A notifications on the title of the affected property or properties. This will be achieved as a condition of subdivision or as a condition of planning consent.

In the case of an application for a building permit, the local government will seek landowner support to forward the bush fire hazard assessment to prospective purchasers.

11. Fire Breaks

In most cases individual standard firebreaks on each existing and/or proposed lot will be appropriate. However in some cases, EAW or FSAR will be required to complement standard firebreaks. EAW/FSAR should be co-ordinated into existing EAW/FSAR and road networks, allow for retention of vegetation on larger lots, and may better suit the topography and minimise potential erosion.

Where EAW/FSAR are required as part of an approved FMP, the Council will require the subdivider to install the EAW/FSAR, gates and other required measures to the satisfaction of the Council. In particular, the EAW/FSAR is to be to an all-weather standard that can be accessed by two wheel drive vehicles. Where the EAW is also used for pedestrian/cyclist access, the Council may require the access to be sealed, concreted or constructed to an appropriate standard to the satisfaction of the Council.

The Council's preference is that the on-going management and maintenance of EAW/FSAR (not "standard" firebreaks around each property) rests with the Council for:

- larger rural residential and rural small holding subdivisions;
- residential, tourism or industrial subdivisions adjoining river foreshores and/or public land; and
- other subdivisions as determined appropriate by the Council.

The EAW/FSAR is to be protected through a reserve, easement, inclusion in a Public Access Way or through other measures to the satisfaction of the Council.

The Council does not support taking over on-going management and maintenance of EAW/FSAR in the Rural zone.

The Council requires the following for EAW/FSAR:

- the site subject to the FMP is to be self-sufficient and cannot rely on external EAW/FSAR unless:
 - the land containing the EAW/FSAR forms part of the same structure plan or subdivision, and is under one ownership; and
 - there is written agreement by the owner of the land (containing the EAW/FSAR) to the granting of a public easement in gross (over the EAW/FSAR) to be registered on the Certificate of Title; or
 - there is written agreement by the owner of the land (containing the EAW/FSAR) and the subdivider that an easement will be granted free of cost in favour of the local government and will be accepted as a condition of subdivision;
- an easement or alternatively a reserve is to be provided for all proposed EAW/FSAR in favour of the local government at the developer's cost. If it is on an easement, the easement is required so that the local government can maintain the

*In the
fire zone
to this
residential
forests only
bank
wet land
not over road?*

EAW/FSAR (if agreed to by the Council) and/or to allow vehicular access to the break for emergency egress; and

- all EAW/FSAR (and future driveways) must be constructed to a trafficable surface and comply with the Guidelines.

In manual Yes?

12. Water Supplies

The Council's priority is seeking to minimise fire risks. The provision of reticulated (scheme) water, with associated hydrants and storage tanks, is an important component to achieve this.

The Council will seek to ensure that urban subdivisions are connected to the reticulated water system. The Council will generally seek to ensure that rural residential subdivision is connected to the reticulated water system in accordance with WAPC policy or as set out in the Local Planning Strategy.

While noting the above, the Council is mindful of the need to conserve water and that water should be fit for purpose. The Council will require that proponents consider appropriate water sources and an appropriate range of fire management measures in preparing FMPs.

In designated bush fire prone areas where reticulated water services are not available or cannot be provided, where a new dwelling is being built more than 50 metres from a public road, constructed private driveways are to be provided to the dwelling in accordance with Acceptable Solution A2.5 of the Guidelines, and access to the same standard shall be provided to the water tank associated with the dwelling. The water tank shall also be fitted with hard suction connections in accordance with DFES requirements.

With regard to Element 3 of the Guidelines (Water), supplementary acceptable solutions A3.2 and 3.3 (non-reticulated areas) include the following:

- all water tanks, pumps and standpipes for public/community use are to be located on land vested with or owned by the local government and to either be immediately accessible from a public road, or accessed by a FSAR. All pipes and other infrastructure linking tanks, pumps and standpipes shall either be on land vested with or owned by the local government, or shall be located within easements in favour of the local government;
- where reticulated electricity is available, pumps should be electric, or must have the capacity for both AC and DC connections, or a separate petrol driven pump and a 20 litre fuel container shall be provided;
- where reticulated electricity is not available, a separate petrol driven pump and a minimum 20 litre fuel container shall be provided;
- pumps housed within a permanent, tamper resistant, lockable shed or cage with concrete floor, with a local government compatible padlock and operating instructions for the water pumps must also be provided with the equipment;

- standpipes provided with a standing area for filling shall be sealed and, where adjoining a sealed, public road, the tapers shall also be sealed; and
- a minimum tanker refill capacity of 500 litres per minute and a minimum head of six metres to the tank at 2 metres above the ground at the standpipe.

13. Fire Hydrants

In areas served by reticulated water, the Council will require fire hydrants to be provided in accordance with DFES and Water Corporation standards, including design, spacing and water pressure. The Council will require the subdivider's consulting engineer to provide sufficient details in order for the local government to make its assessment.

The Council may also require the subdivider to install a reserve storage tank, in an appropriate location, to complement the reticulated water system to assist in maintaining continuity of supply.

14. Signage

The Guidelines set out requirements for signage where EAW/FSAR connect to public roads. Where set out in an approved FMP, the Council will require the subdivider to install appropriate signage prior to the clearance of the Deposited Plan.

15. Scheme Amendment and Structure Plan Requests

Any scheme amendment request, where there is a potential for fire risk in the opinion of the Council, must be accompanied by a FMP which demonstrates that fire protection requirements contained in the Guidelines are achieved to the satisfaction of the Council.

The Council will not adopt scheme amendment requests on land having moderate or extreme risk where the performance criteria and/or acceptable solutions contained in the Guidelines cannot be met.

The Council will require a FMP to be provided with structure plan requests.

In the case of scheme amendment requests, the Council may not agree to initiate (adopt) a scheme amendment until it is satisfied that the proponent provides appropriate justification to address the Guidelines and this Policy to the satisfaction of Council.

16. Subdivision Applications

Assuming that non-bushfire issues are appropriately addressed, the Council will generally only support subdivision in areas classified as moderate or extreme fire risk either:

- following the receipt of a FMP from a suitably qualified and/or experienced practitioner confirming that the proposal, design, facilities and management are appropriate to address fire risk to the satisfaction of the Council; or

**BUSHFIRE ATTACK LEVELS AND CORRESPONDING BCA SECTIONS
FOR SPECIFIC CONSTRUCTION REQUIREMENTS**

Bushfire Attack Level (BAL)	Classified vegetation within 100m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	AS 3959-2009 Construction Section
BAL-LOW	See Clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	4
BAL-12.5	$\leq 12.5 \text{ kW/m}^2$	Ember Attack	3 and 5
BAL-19	$\leq 12.5 \text{ kW/m}^2$ $\leq 19 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 6
BAL-29	$\leq 19 \text{ kW/m}^2$ $\leq 29 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 7
BAL-40	$\leq 29 \text{ kW/m}^2$ $\leq 40 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 and 8
BAL-FZ	$\leq 40 \text{ kW/m}^2$	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 and 9

19. Subdivider/Developer Responsibilities

Subdividers/developers are required to implement requirements set out in endorsed FMPs, bushfire hazard assessments or conditions set by the WAPC and/or local government.

20. Landowner Responsibilities

Landowners should take all practical steps to address fire risks subject to gaining necessary approvals.

The landowner will be responsible for permanent hazard reduction measures to maintain the identified BAL.

Where a FMP has been endorsed by the local government and/or DFES, the affected land owners will be responsible for the ongoing implementation of the "land owner's responsibilities" as specified in the FMP.

Land owners need to maintain driveways for emergency access and maintain areas for sufficient turnaround for fire safety in accordance with the Guidelines and the approved FMP.

Land owners are required to maintain BSZ and HSZ in accordance with the Guidelines and the approved FMP.

21. Fire Equipment Strategy

Conflict with DFES Regs. Not supported

Following a Fire Equipment Strategy being prepared for all or part of the municipality, the Council will give this due consideration in determining proposals. Subject to the recommendations of the Fire Equipment Strategy, the Council may require developers/subdividers to contribute to upgraded fire management equipment in order to reduce fire risks for future residents and/or visitors.

22. Annual Fuel Reduction Notice

The local government will periodically check bush fuel loads on properties throughout the municipality. A priority will be ensuring that properties issued with a Building Permit for a habitable dwelling post-gazettal of Scheme Amendment No. 12 to LPS3 suitably maintain BPZ and as required, HSZ.

Fire loads of in those zones?

Attachment 1 – Bush Fire Prone Areas from the *Bush Fire Hazard Strategy – Shire of
Bridgetown-Greenbushes and Shire of Nannup*

MAP?

Wendy Kennedy

Subject: FW: Draft Local Planning Policy No 21 - Bush Fire Management

From: Steve Thompson [mailto:steve@edgeplanning.com.au]
Sent: Tuesday, 27 August 2013 5:53 PM
To: 'BUNB-427-SWLanduseplanning'
Cc: Robert Jennings (robertj@nannup.wa.gov.au)
Subject: RE: Draft Local Planning Policy No 21 - Bush Fire Management

Hi Tracy

I have no objection to receiving a late submission from DPaW. However to provide the Shire the opportunity to report to the next Council meeting, it would be appreciated if you could respond by email no later than Friday 6 September.

Regards

Steve Thompson
Partner



0409 107336 · www.edgeplanning.com.au
134 Hare Street, Mount Clarence, Albany WA 6330

From: BUNB-427-SWLanduseplanning [mailto:SWLanduseplanning@DPaW.wa.gov.au]
Sent: Tuesday, 27 August 2013 4:29 PM
To: nannup@nannup.wa.gov.au
Cc: steve@edgeplanning.com.au
Subject: Draft Local Planning Policy No 21 - Bush Fire Management

Dear Mr Jennings

The Department of Parks and Wildlife (DPaW) would like to provide comments on the above proposed local planning policy.

DPaW is finalising comments and expects to provide the response within two weeks. DPaW therefore requests an extension to the due comment date.

Regards
Tracy Teede
Planning Officer
Department of Parks and Wildlife
South West Region – Bunbury

Wendy Kennedy

From: Robert Jennings
Sent: Thursday, 1 August 2013 11:32 AM
To: Wendy Kennedy
Subject: FW: Fire Intensity
Attachments: intensity examples.jpg; image003.jpg; image004.jpg; image001.jpg; image002.jpg

Hello Wendy

More comments for your note.

Regards Rob

Robert Jennings
Chief Executive Officer



Adam Street . PO Box 11 Nannup WA 6275
P: 9756 1018 . F: 9756 1275
www.nannup.wa.gov.au

From: John Evans [mailto:jevo@westnet.com.au]
Sent: Tuesday, 23 July 2013 1:20 PM
To: Robert Jennings
Subject: Fire Intensity

Hi Robert,

For your info and to show the vast difference, in heat produced, between a prescribed burn and a bushfire burning in (exactly) the same place -

The higher the fuel loading, the higher the intensity of the fire involved., low intensity burning is achievable under prescribed conditions and with the appropriate fire application procedures . In contrast, in exactly the same location, a prescribed burn may produce 400 Kw/m, but the same area burning as a wildfire with adverse weather may produce 5000 Kw/m.

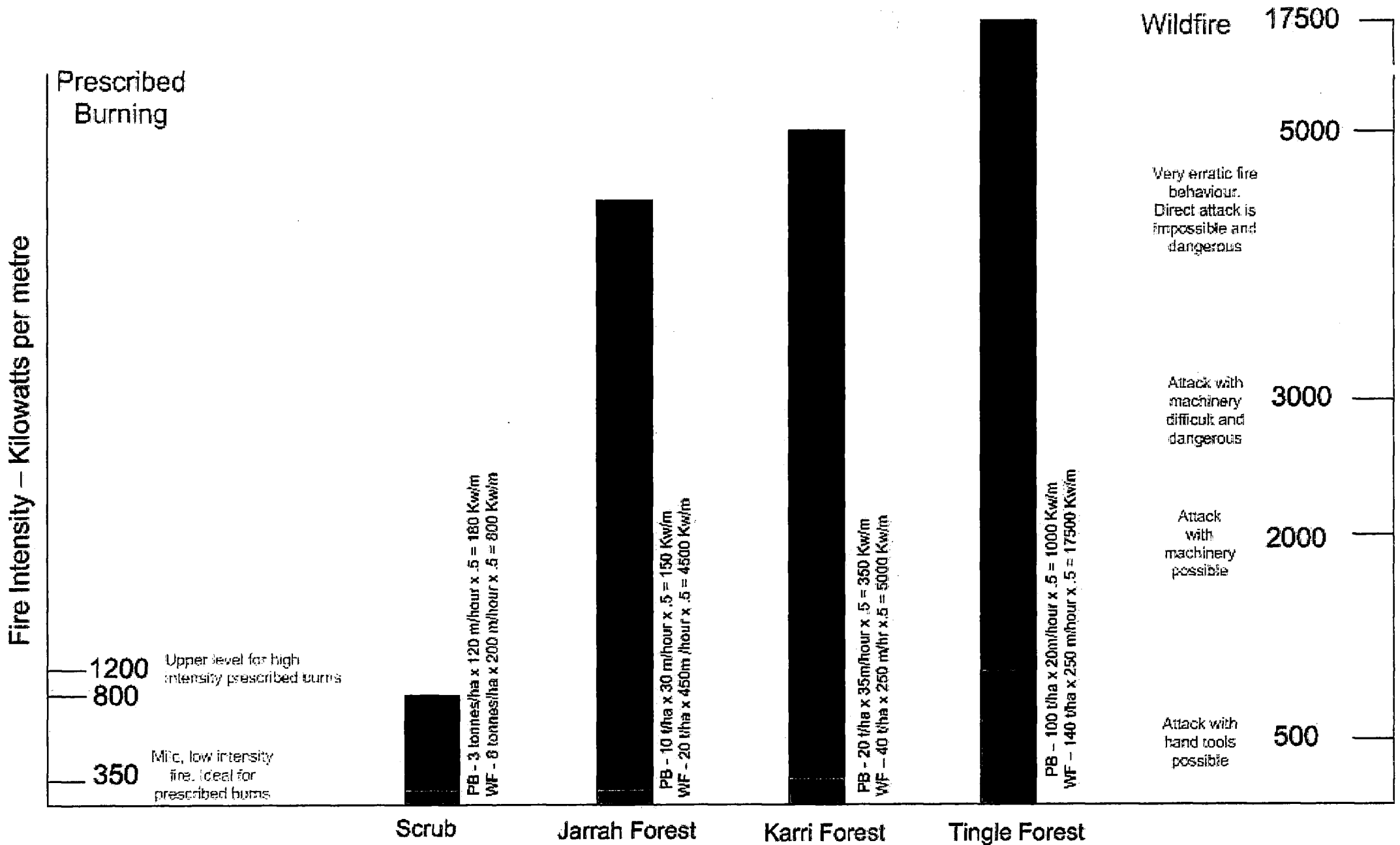
Such fires may cause serious environmental and property loss damage.

The attached chart I prepared illustrates the comparisons for major WA forest types.

Regards,

A handwritten signature in black ink, appearing to read "John", written in a cursive style.

John Evans



Comparison of Fire Intensity (heat produced per metre) with Prescribed Burning and Wildfires on the same site.

█ Prescribed Burning Intensity Level

█ Wildfire Intensity Level



Government of Western Australia
Department of Parks and Wildlife
Regional Services Division

Your ref: Adm9
Our ref: PRS 34740 2006/003775
Enquiries: Tracy Teede
Phone: 9725 4300
Fax: 9725 4351
Email: swlanduseplanning@dpaw.wa.gov.au

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

ATTENTION: Robert Jennings

DRAFT LOCAL PLANNING POLICY NO 21 – BUSH FIRE MANAGEMENT

I refer to your letter of 9 July 2013 forwarding a draft Local Planning Policy for the above property for the Department of Parks and Wildlife's (DPaW) consideration and comment. I apologise for the delayed response.

The following comments are provided on the proposal.

Local Planning Scheme No 3 – Section 13.8

DPaW notes that proposal considerations are to have regard to State Planning Policy 3.4, the Planning for Bush Fire Protection Guidelines (Edition 2), Department of Fire and Emergency Services advice and any other planning consideration the local government considers relevant.

The Shire of Nannup includes areas adjacent to National Parks, State forests and Nature Reserves which are managed by DPaW. These DPaW managed areas would be considered an extreme bushfire hazard.

As a Bushfire Hazard Management Authority, DPaW will commonly be in charge of bushfires on DPaW-managed land and therefore has a particular interest in bushfire protection on neighbouring lands. Consultation with DPaW about content of bushfire management plans should therefore be a requirement for lands adjoining DPaW-managed land.

Approval of proposals should not result in impositions being placed upon the management of the adjoining DPaW lands. Given this, DPaW recommends that Section 13.8 include an additional point stating that *"...any advice obtained from DPaW where the proposed development adjoins DPaW managed land"*.

Comment

Key Features of the Draft Policy

Section 13.8 should include an additional point stating, *"...where development adjoins land managed by DPaW, the proposal will be referred to DPaW for advice."*

Draft Local Planning Policy No 21 – Bush Fire Management

Definitions and Abbreviations

The definition, *"DEC" means the Department of Environment and Conservation and includes any other environmental or land management agency should it be renamed*", should be retained.

On 1 July 2013 the DEC was separated into two agencies, one to carry out environmental regulation (Department of Environmental Regulation) and administer the *Environmental Protection Act 1986* (EP Act), and the other (Department of Parks and Wildlife) [DPaW] to be responsible for parks and wildlife while administering the *Conservation and Land Management Act 1984* and the *Wildlife Conservation Act 1950*.

Given this, the above definition should also note the newly formed DPaW.

Policy – Policy Provisions

2 - General

The fourth paragraph states, *"The council will consider the fire hazard in the context of other considerations such as landscape protection and vegetation retention"*. This should be amended to include, ...*"Where the proposal adjoins land managed by DPaW, the proposal will be referred to DPaW for advice."*

Paragraph 11 states, *"Wherever practicable, to accommodate a combined BPZ and HSZ of 100 metres width, building envelopes, development exclusion areas or similar shall generally be located to provide 100 metres separation from vegetation"*. This should be amended to state *"...100 metres separation from native vegetation."*

6-Habitable Buildings to comply with AS 3959-2009

Paragraph 6 states, *"In designated bush fire prone areas, due to the need to return environmental assets..."*. This should be amended to state *"...due to the need to retain environmental assets..."*

9-Minimum requirements for bush fire hazard assessments and FMPs

The fourth dot point states, *"in the case of proposals or applications intended to result in subdivision, prior to commencement of subdivisional works and prior to clearance of the subdivision..."*. This should be amended to state *"..., prior to commencement of subdivisional works, or at the time of application for subdivision..."*

The fifth dot point states, *"in the case of the proposals, prior to commencement of development/construction of buildings..."*. This should be amended to read, *"...in the case of the development, and at the time of application for development..."*

10-Fire Management Plans

The last paragraph states *"...to forward the bush fire hazard assessment..."*. This should be amended to read, *"...to forward the bushfire hazard assessment, and the FMP..."*

12-Water Supplies

The second dot point states that, *"where reticulated electricity is available, pumps should be electric..."*. This should only apply where reticulated electricity is located underground otherwise there is a risk of loss of power where ever the main supply is cut.

The second dot point states that, *"..or must have the capacity for both AC and DC connections..."*. There should also be a requirement for charged back-up batteries, or an alternative power source (eg. generator), to be provided.

16-Subdivision Applications

The second dot point states, "*subject to the imposition of a condition of subdivision approval requiring the preparation and implementation of a FMP.*" This should be amended to state, "*...condition of development approval requiring...*"

An additional dot point should be included which states, "*A draft FMP is to be submitted with the development and/or subdivision application.*"

The second dot point under "implementing the approved FMP", states, "*to ensure that prospective purchasers are aware of the FMP.*" This should be amended to state ... "*purchasers are aware of the FMP, and its obligations placed on landowners...*"

The third dot point under "implementing the approved FMP states, "*...then they shall also provide a written undertaking...*". This should be amended to state, "*...then they shall also provide a written undertaking, plus an additional copy is to be retained by the shire for reference by future landowners, Shire planning and Shire rangers*".

Section 18 – Bushfire Attack Levels and Corresponding BCA Sections for Specific Construction Requirements table

DPaW advises the table should be consistent with Table 3 of the Planning for Bush Fire Protection Guidelines (Edition 2) (the guidelines). A copy of Table 3 is attached for your information.

DPaW notes the ">" and "≤" symbology does not match the Table 3 guidelines.

In addition the BAL-Low "AS3959-2009 Construction Section" column should be amended to stated "4 - however if the dwelling is located within 200m of forest then the construction standard should be 3 and 5".

Administration

1-Matters to be Addressed prior to Formally Lodging the Proposal

The second paragraph states, "*...structure plans and major development will be referred to DFES for comment*". This should be amended to include referral to DPaW.

The second paragraph states, "*...to consult with DFES before lodging...*". This should be amended to include consultation with DPaW.

3.Obtaining Advice

The draft Local Planning Policy states that advice should be sought from "*...local volunteer Bush Fire Brigades, DFES and/or other agencies as appropriate on proposals*". This should be amended to include seeking advice from DPaW where the proposal adjoins DPaW managed lands.

4. Assessing Proposal

The third dot point states, "*any advice obtained from DFES...*". This should be amended to state, "*any advice obtained from DFES, and DPaW where applicable; and...*"

Please note that for the reference document, "*Bushfire Hazard Strategy*" (March 2012), DPaW suggests consideration should be given to declaring Bush Fire Prone Areas as extending more than 100m (perhaps 200m plus) considering that dwellings not built to the minimum AS 3959 BAL, will be at greater risk from ember ignition.

Note also that the Department of Fire and Emergency Service's Office of Bushfire Risk Management is preparing a planning policy dealing with Bushfire Risk Management planning, which the shire may wish to consider in relation to its draft policy.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the DPaW South West Region office if you have any queries regarding this advice.

A handwritten signature in cursive script, appearing to read 'Tracy Teede'.

For Regional Manager

16 September 2013

Att.

**BUSHFIRE ATTACK LEVELS AND CORRESPONDING BCA SECTIONS
FOR SPECIFIC CONSTRUCTION REQUIREMENTS**

Bushfire Attack Level (BAL)	Classified vegetation within 100m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	AS 3959-2009 Construction Section
BAL-LOW	See Clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	4 3 & 5
BAL-12.5	$\leq 12.5 \text{ kW/m}^2$	Ember Attack	3 and 5
BAL-19	$\begin{matrix} > 12.5 \text{ kW/m}^2 \\ \leq 19 \text{ kW/m}^2 \end{matrix}$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 6
BAL-29	$\begin{matrix} > 19 \text{ kW/m}^2 \\ \leq 29 \text{ kW/m}^2 \end{matrix}$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 and 7
BAL-40	$\begin{matrix} > 29 \text{ kW/m}^2 \\ \leq 40 \text{ kW/m}^2 \end{matrix}$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 and 8
BAL-FZ	$\begin{matrix} > 40 \text{ kW/m}^2 \end{matrix}$	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 and 9

if within 200m of forest.

WAPC Planning For Bushfire Protection Guidelines
 EDITION 2

Table 3: Bushfire attack levels and corresponding sections for specific construction requirements

Bushfire Attack Level (BAL)	Classified vegetation within 100 m of the site and heat flux exposure thresholds	Description of predicted bush fire attack and levels of exposure	Construction Section as per AS 3959
BAL-LOW		There is insufficient risk to warrant specific construction requirements. Despite this, FESA strongly recommends that ember protection features be incorporated in design where practicable.	4
BAL-12.5	$\leq 12.5 \text{ kW/m}^2$	Ember attack	3 and 5
BAL-19	$> 12.5 \text{ kW/m}^2$ $\leq 19 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux.	3 and 6
BAL-29	$> 19 \text{ kW/m}^2$ $\leq 29 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux.	3 and 7
BAL-40	$> 29 \text{ kW/m}^2$ $\leq 40 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames.	3 and 8
BAL-FZ	$> 40 \text{ kW/m}^2$	Direct exposure to flames from fire front in addition to heat flux and ember attack.	3 and 9

Source: "AS 3959 - 2009 Construction of buildings in bushfire-prone areas" published by Standards Australia, Sydney.

COPY

Shire of Nannup
Ordinary Council Meeting Agenda: September 2013

AGENDA NUMBER:	11.2
SUBJECT:	Amendment No.15 to the Shire of Nannup Local Planning Scheme No. 3: submitted for adoption (initiation)
LOCATION/ADDRESS:	Portion of Lot 68 Warren Road, Nannup
NAME OF APPLICANT:	Dowling Giudici & Associates
FILE REFERENCE:	TPL1/15
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Robert Jennings - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT	16 September 2013

- Attachment:
1. Location Plan
 2. Correspondence and documentation from proponent

BACKGROUND:

The applicant seeks Council support to rezone a portion of Lot 68 Warren Road from "Special Use (SU5)" to "Residential R10/15" to facilitate the subdivision of the existing two dwellings.

The location of the subject land is shown in Attachment 1.

The proponent's correspondence and documentation are set out in Attachment 2. This provides background information which is generally not repeated in this report.

The site is zoned "Special Use (SU5)" in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. The statutory conditions/special provisions for SU5 require the preparation of a Structure Plan prior to subdivision.

The Council endorsed the Higgins Swamp Structure Plan at its meeting on 28 June 2012. This Structure Plan provided broad guidance for the area, however it is of a "preliminary" nature compared to LPS3 requirements and WAPC guidelines.

COMMENT:

The scheme amendment request is supported and adoption (initiation) by Council is recommended. Given the location of the existing development, the scheme

amendment will not impact the future subdivision/development potential of the balance of land.

Should the landowner or other landowners on the balance of the land subject to Special Use SU5 seek to subdivide, they will need to prepare and gain endorsement to a Structure Plan which is adopted by the Council and endorsed by the WAPC. As part of this, relevant technical investigation will be required. The Structure Plan will be subject to further community and stakeholder consultation.

Subject to the Council's decision, the scheme amendment will be forwarded to the Environmental Protection Authority seeking environmental clearance. Following this, the amendment will be publicly advertised for a minimum of six weeks by:

- placing a sign on-site;
- writing to relevant stakeholders;
- placing notices in local papers;
- details being on the Shire's website; and
- having information available at the Shire office.

Public advertising will provide the community and stakeholders the opportunity to consider issues and provide written comments to the Shire.

Following the close of the consultation period, the matter will again be considered by Council to determine whether or not to support final adoption of the scheme amendment (with or without modifications). After this, the Western Australian Planning Commission (WAPC) will next assess the scheme amendment request with the final decision made by the Minister for Planning.

Should the amendment be finally gazetted, the applicant is then required to gain subdivision approval from the WAPC. As part of this, the Shire will seek that stormwater management is appropriately addressed and crossovers are sealed.

STATUTORY ENVIRONMENT:

Planning and Development Act, Town Planning Regulations and LPS3.

POLICY IMPLICATIONS:

Nil at this stage.

FINANCIAL IMPLICATIONS:

Nil at this stage.

STRATEGIC IMPLICATIONS:

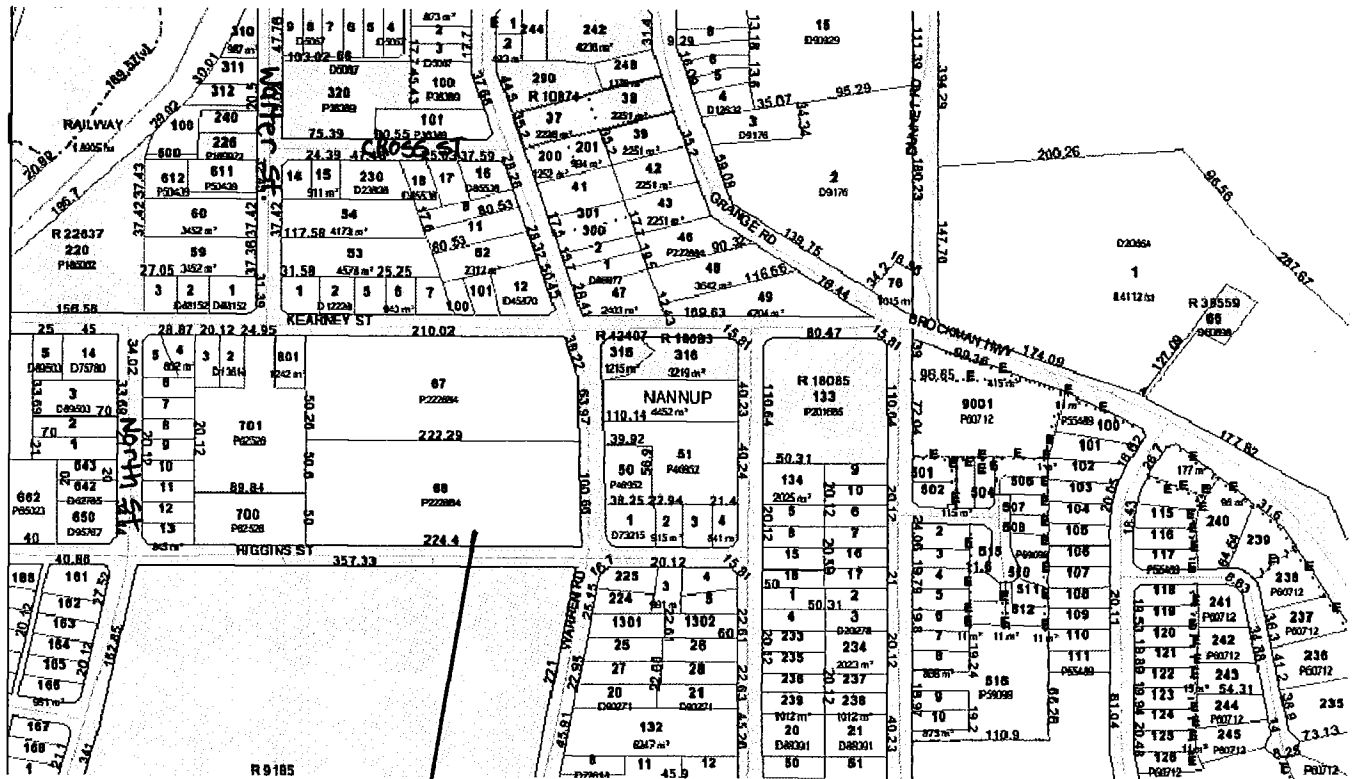
The site forms part of Policy Area No. 1 – Townsite in the *Shire of Nannup Local Planning Strategy*. The Strategy's recommendation for the policy area is that urban consolidation is encouraged subject to issues of effluent disposal and flooding being addressed where relevant. The site is outside of the 1 in 100 ARI floodplain.

VOTING REQUIREMENTS: Simple Majority.

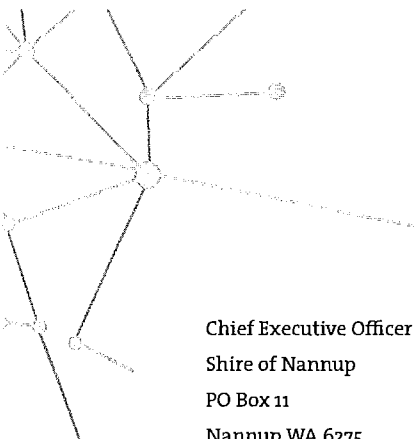
RECOMMENDATION:

That Council:

1. Agree to adopt (initiate) an amendment to the *Shire of Nannup Local Planning Scheme No. 3*, pursuant to Part 5 of the *Planning and Development Act 2005*, through rezoning a portion of Lot 68 Warren Road, Nannup from "Special Use (SU5)" to "Residential R10/15".
2. Authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 15 documents.
3. Note the Shire will refer Scheme Amendment No. 15 to the Environmental Protection Authority for assessment pursuant to section 81 of the *Planning and Development Act 2005*. Should the Environmental Protection Authority advise that the amendment does not require assessment, advertise the amendment in accordance with the *Town Planning Regulations 1967*.



Lot 68 (P222884) Warren Road.



Chief Executive Officer
Shire of Nannup
PO Box 11
Nannup WA 6275



**DOWLING
GIUDICI +
ASSOCIATES**

Regional Development
& Planning

Attention: Steve Thompson, Consultant Shire Planner

Carnarvon, 09.09.2013

Rezoning Request—Portion of Lot 68 (HN92) Warren Road Nannup

Your Ref:
Our Ref:HUBMAR1 130909

Dear Steve,

As you know, I act on behalf of Marc Huber and Irene Schmutz, the registered proprietors of the aforementioned property, in respect to their request to rezone a 4,129m² portion of lot 68 from the Special Use (SU5) zone to the Residential zone with an assigned residential density coding of R10/15.

ABN 98 143 814 032

Dowling Giudici
+ Associates
33 Robinson St
PO Box 800
Carnarvon WA 6701

The aforementioned rezoning is requested on the basis of recent advice provided by both yourself and Matt Cuthbert of the Department of Planning that such a rezoning is one pathway that can facilitate the incorporation of each of the 2 dwellings currently standing on the lot (and their respective curtilages) into their own separate allotments without the prior requirement for a detailed structure plan over lot 68.

Office +61 (08) 9941 1888
Sabrina 0400 411 999
Tony 0419 951 212

To this end, please find enclosed 4 copies of the amendment documentation setting out and describing the proposed amendment. An electronic copy of the amendment has also been forwarded to you separately by email.

dga@dgaplanning.com
www.dgaplanning.com

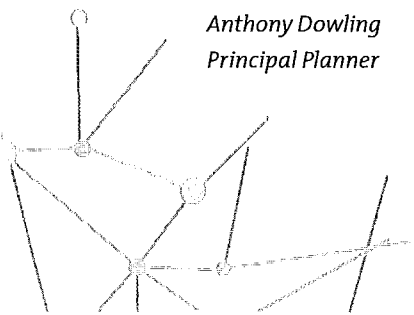
Page 1 of 1

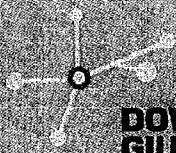
I trust the amendment documentation is in order but if there is anything remiss with it please let me know. It is also requested that the proposed amendment be presented to the September 2013 Ordinary Meeting of the Nannup Shire Council for initiation. Please note that all correspondence in respect to the amendment is to be directed to me in the first instance (via email: tony@dgaplanning.com) but please feel free to copy in Marc via his email address (marc.huber@gmx.com). Marc Huber will also arrange separate payment of the applicable fees.

Yours faithfully



Anthony Dowling
Principal Planner





**DOWLING
GIUDICI +
ASSOCIATES**

PLANNING AND DEVELOPMENT
CONSULTANTS

Rezoning Proposal—Portion of Lot 68 (HN92) Warren Road Nannup

Amendment N° 15—Nannup Local Planning Scheme 3

PROPOSAL TO AMEND A DISTRICT/TOWN PLANNING SCHEME

Responsible Authority

Shire of Nannup

Description of Scheme

Local Planning Scheme (LPS) 3

Type of Scheme

Local Planning Scheme

Serial Number of Amendment

15

Proposal

Rezoning portion of lot 68 (HN92) Warren Road Nannup from the **Special Use zone (SU5) to the **Residential** zone with an assigned residential density coding of **R10/15****



Planning and Development Act 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF NANNUP

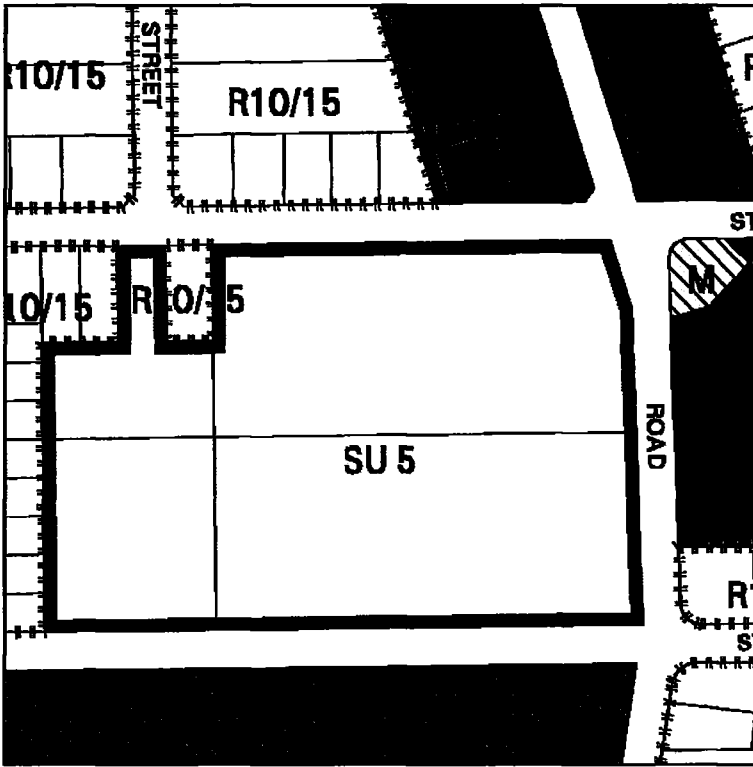
TOWN/DISTRICT PLANNING SCHEME N^o 3 - AMENDMENT N^o 15

Resolved that the local government, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above scheme by:

1. Rezoning portion of lot 68 on Plan 222884 Warren Road Nannup from the 'Special Use' zone (SU5) to the 'Residential' zone with an assigned density coding of R10/15; and
2. Modifying the scheme maps accordingly.

Dated this..... day of 20....

.....
Chief Executive Officer






Existing Scheme Map [Scale approx 1:1000]

LEGEND



SCHEME RESERVES

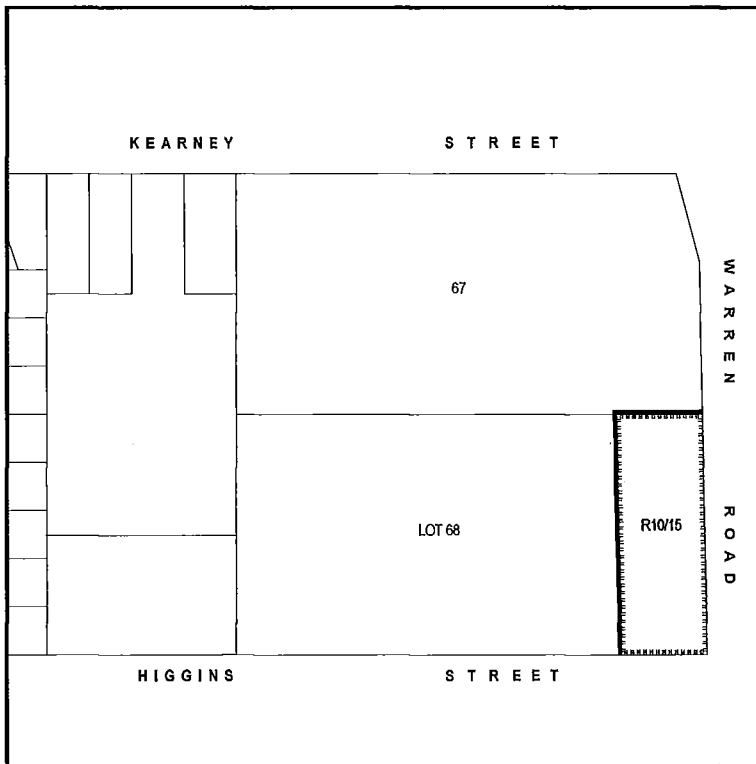
-  PARKS AND RECREATION
-  PUBLIC PURPOSE

SCHEME ZONES

-  RESIDENTIAL
-  TOWN CENTRE
-  MIXED USE
-  INDUSTRY
-  SPECIAL USE

OTHER

-  R CODING
-  HERITAGE AREA



Proposed Scheme Map [Scale approx 1:1000]

Shire of Nannup
 Local Planning Scheme No 3
 Amendment No 15

ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT

SHIRE OF NANNUP

TOWN/DISTRICT PLANNING SCHEME N^o 3 - AMENDMENT N^o 15

The local government, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above scheme by:

1. Rezoning portion of lot 68 on Plan 222884 Warren Road Nannup from the 'Special Use' zone (SU5) to the 'Residential' zone with an assigned density coding of R10/15; and
2. Modifying the scheme maps accordingly.

ADOPTION

Adopted by resolution of the local government at the Ordinary meeting of the local government held on the day of 20....

.....
President

.....
Chief Executive Officer

Planning and Development Act 2005

FINAL APPROVAL OF LOCAL PLANNING SCHEME AMENDMENT

SHIRE OF NANNUP

TOWN/DISTRICT PLANNING SCHEME Nº 3 - AMENDMENT Nº 15

Adopted for final approval by resolution of the local government at the Ordinary meeting of the local government held on the day of 20... and the seal of the local government was pursuant to that resolution hereunto affixed in the presence of:

[Affix seal of the local government here]

.....
President

.....
Chief Executive Officer

Recommended/Submitted for Final Approval:

.....
Delegate under S16 of the Planning and Development Act 2005

Date: ... / ... / ...

Final Approval granted:

.....
Minister for Planning

Date: ... / ... / ...



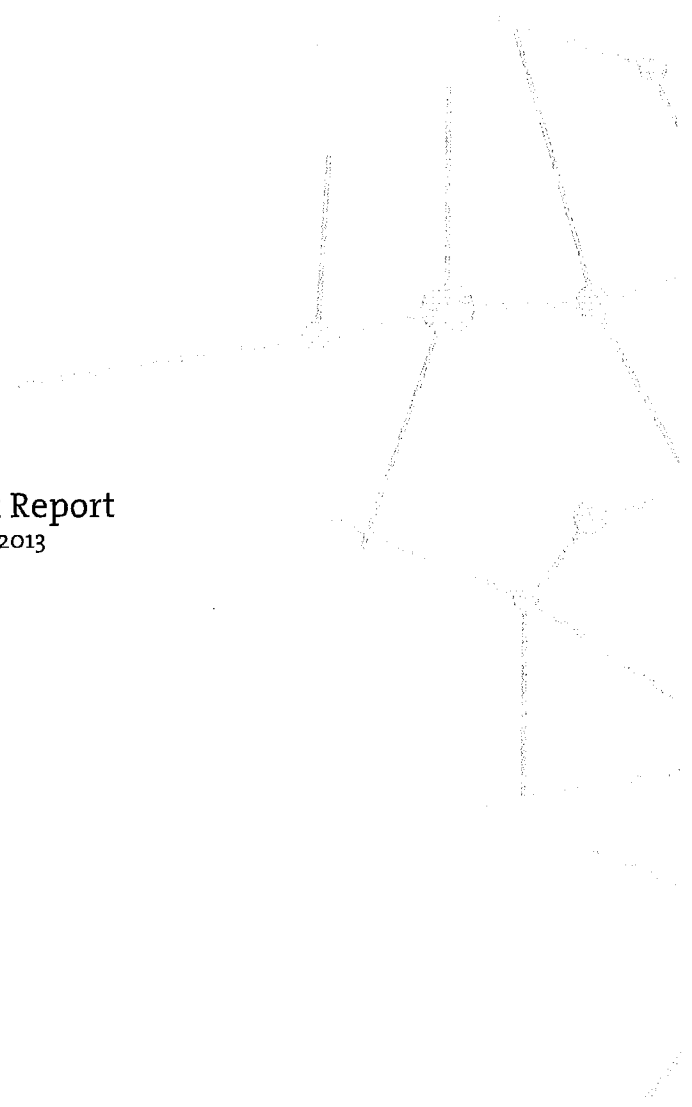
**DOWLING
GIUDICI +
ASSOCIATES**

Regional Development
& Planning

Rezoning Proposal—Portion of Lot 68 (HN92) Warren Road Nannup

Amendment N° 15—Nannup Local Planning Scheme 3

Amendment Report
September 2013





**DOWLING
GIUDICI +
ASSOCIATES**

Regional Development
& Planning

ABN 98 143 814 032

Dowling Giudici
+ Associates

33 Robinson St
PO Box 800
Carnarvon WA 6701

Office +61 (08) 9941 1888
Sabrina 0400 411 999
Tony 0419 951 212

dga@dgaplanning.com
www.dgaplanning.com

Citation

Dowling, AD. 2013. *Rezoning Proposal - Lot 68 (HN92) Warren Road Nannup - Amendment Report*. Dowling Giudici + Associates.

Disclaimer

This document has been produced by Dowling Giudici + Associates on behalf of Marc Huber and Irene Scmutz, the registered proprietors of lot 68 Warren Road Nannup, for the purpose for which it has been prepared.

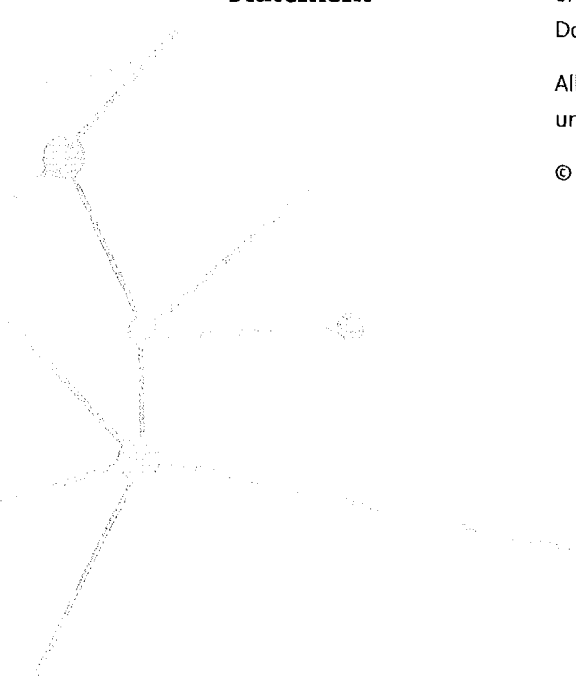
Although every effort has been made to ensure the accuracy, validity and comprehensiveness of the contents of this document, Dowling Giudici + Associates makes no warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, validity, and comprehensiveness of this document, or the misapplication, misinterpretation or misprinting by any third party of its contents.

Copyright Statement

All rights reserved. No element of this document may be reproduced, transmitted or stored electronically stored, removed, without the prior written permission of Dowling Giudici + Associates.

All photography in this document is owned by Dowling Giudici + Associates unless otherwise stated.

© Dowling Giudici + Associates, 2013



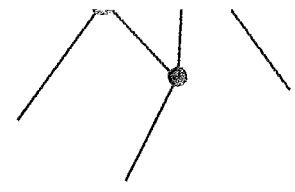
Contents

1	Purpose of Amendment.....	04
2	Land Description.....	04
3	Background/Context.....	05
4	Amendment Proposal.....	07
5	Justification for Amendment.....	07
6	Effect of Amendment.....	11
7	Conclusion.....	11

Appendices

Appendix 1— <i>Certificate of Title</i>	A-1
Appendix 2— <i>Higgins Swamp Structure Plan (2012)</i>	A-2
Appendix 3— <i>Comparison of Allowable Use Classes - Special Use zone vs Residential zone</i>	A-3





Report

1 Purpose of Amendment

The purpose of this amendment is to suitably rezone the portion of lot 68 Warren Road Nannup comprising 2 existing occupied dwellings in order to facilitate each of these dwellings being incorporated into their own separate lots.

2 Land Description

The land the subject of this amendment is more particularly described as lot 68 on Plan Number 222884; street address 92 Warren Road Nannup. A location map is provided at Figure 1 below. A copy of the land's *Certificate of Title* is provided at Appendix 1.

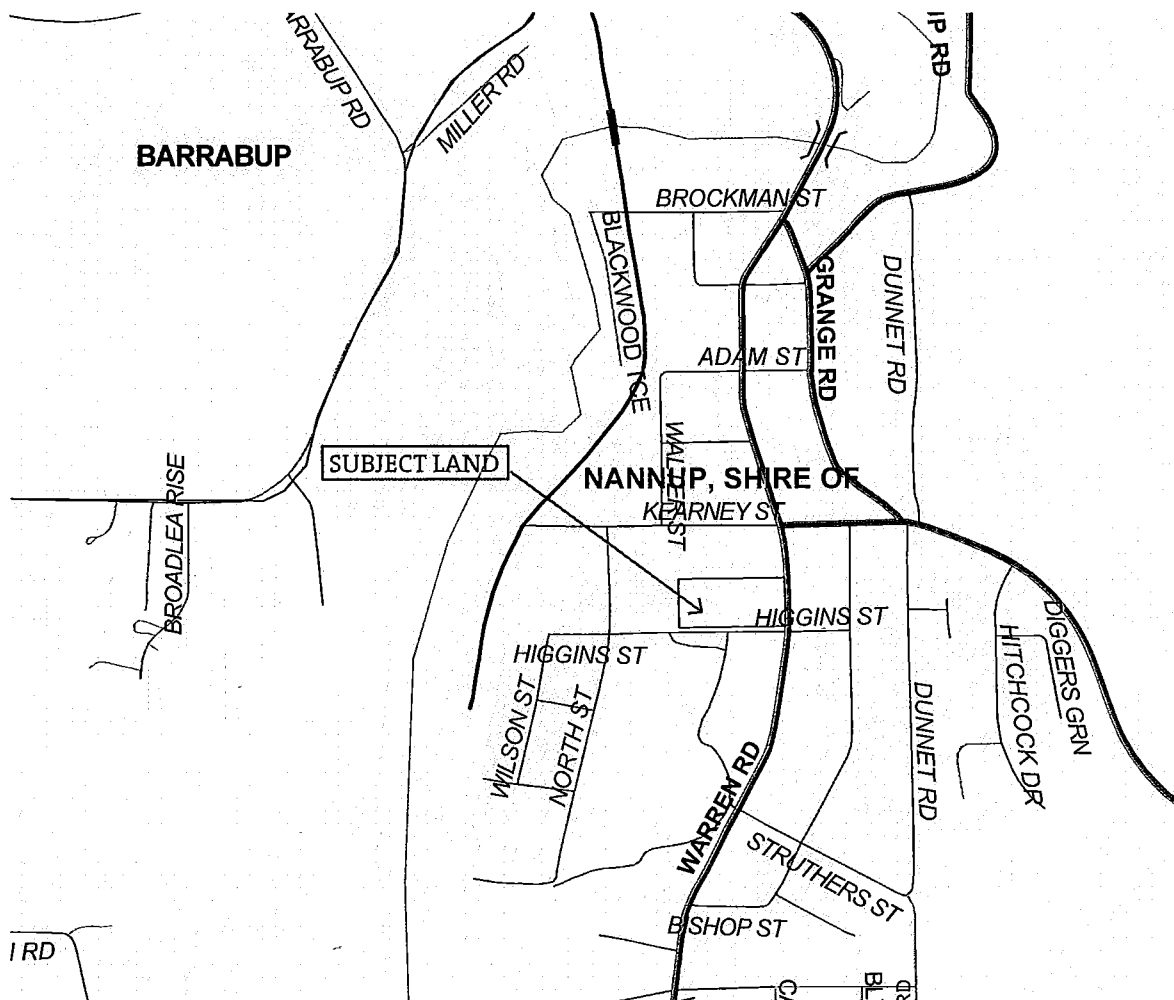
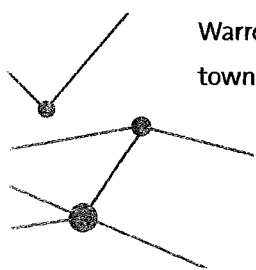


Figure 1 - Location Map

It is a 2.2460 hectare sized parcel of land located between Kearney and Higgins Street on the west side of Warren Road Nannup, on the southern boundary of what is generally defined and recognised as the Nannup town centre.



It is elevated between approximately 70 metres AHD and approximately 78 metres AHD, generally sloping downwards in a westward direction from its Warren Road lot boundary.

As can be seen from the site orthophoto below in Figure 2, the western portion of the lot comprises part of an intermittent wetland colloquially known as 'Higgins Swamp'; the central/eastern portion of the lot comprises a stand of poplars; with two (2) existing dwellings located along the lot's eastern flank, fronting Warren Road.

Vehicular access to the 2 dwellings is provided from both Warren Road and Higgins Street.

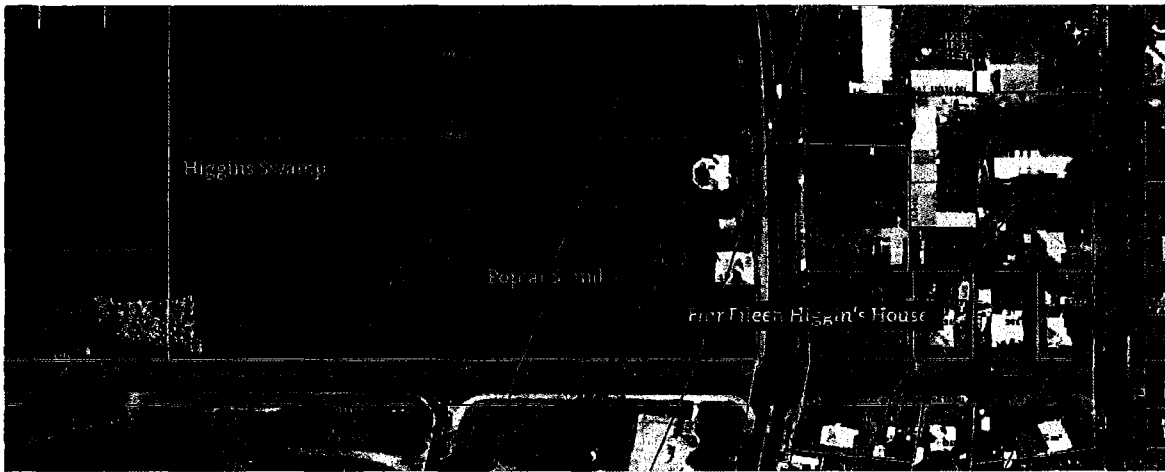


Figure 2 - Site Orthophoto

3 Background/Context

The registered proprietors of lot 68 have identified the northern-most located dwelling as surplus to their requirements and hence, seek to dispose of it via the Nannup housing market. However, they seek to retain ownership of the southern-most dwelling but within a smaller-sized allotment.

According to the *Shire of Nannup Municipal Inventory* (1996) the southern-most dwelling was originally constructed as a hardware and blacksmith shop (c.1912) although it is referred to in the inventory as the place of 'Eileen Higgin's House and Swamp'. Notwithstanding its purported original purpose, the building has been adapted for residential occupancy which continues to this day. The northern-most dwelling is a more contemporary construction designed and built for residential occupancy.

The registered proprietors will retain the undeveloped balance portion of lot 68 as well as the current 'Special Use' zoning in place over it.

A preliminary plan of subdivision reflecting the intended subdivision is provided at Figure 3 over the page.

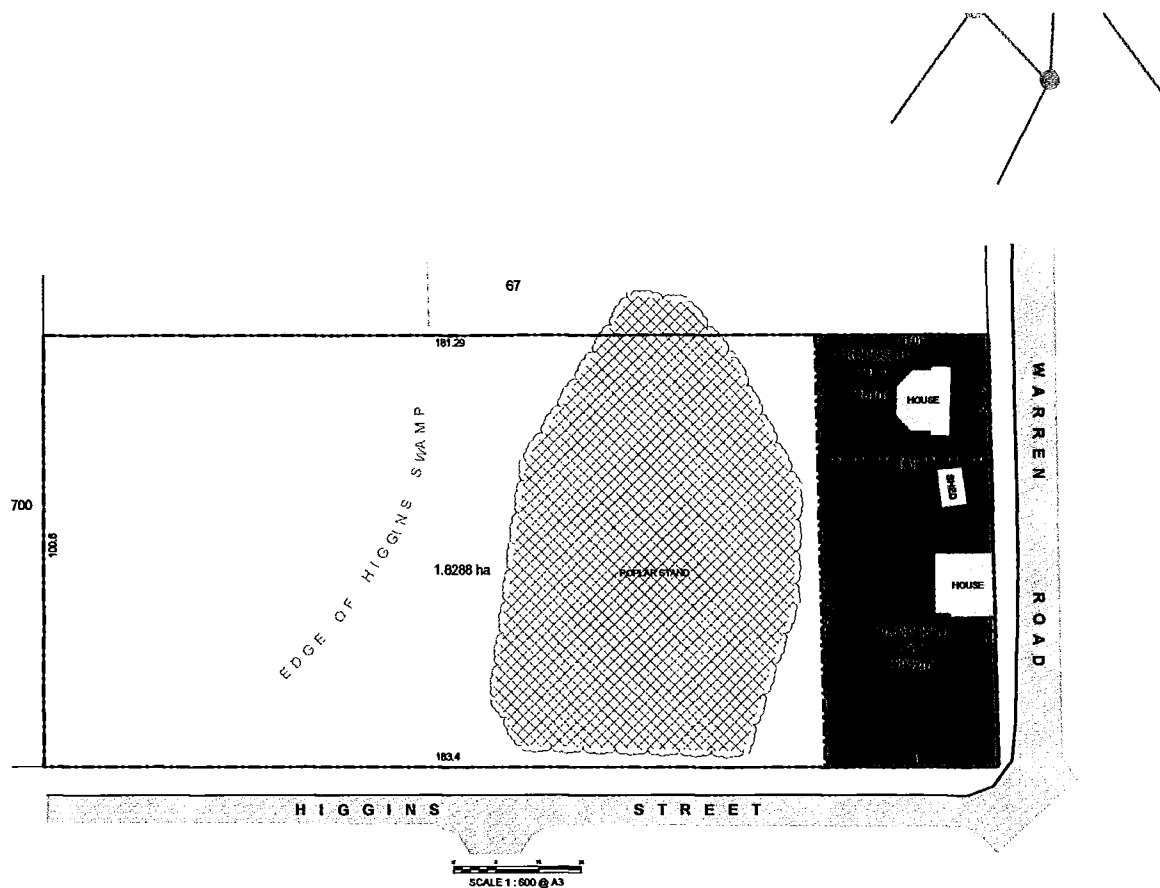


Figure 3 - Indicative Plan of Subdivision

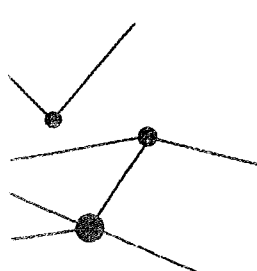
The *Shire of Nannup Town Planning Scheme (TPS) 3* presently precludes lot 68 from being further subdivided into smaller lots without a Structure Plan having first been adopted by the Nannup local government and the Western Australian Planning Commission (WAPC).

A structure plan (entitled *Higgins Swamp Structure Plan*) over this lot and adjoining lots 67 Warren Road, 700 Higgins Street and 701 Kearney Street was prepared in 2012 by the registered proprietor of lot 67.

This structure plan primarily divides the structure plan area into a number of residential, conservation and mixed use precincts. It did not consider or address a future subdivision pattern for the plan area based on these precincts. The structure plan was adopted by the Nannup Shire Council in June 2012 subject to some minor modifications being carried out to the plan, which have since occurred.

Proposals for future land subdivision within these precincts, however, is still subject to formulation of more detailed structure plans.

For a small-scale 3 lot subdivision that proposes to contain the 2 existing dwellings on lot 68 each within their own allotment, the requirement for a further structure plan over this lot is considered onerous and unwarranted. As an alternative both the Shire of Nannup and the WAPC suggested amending TPS 3 by rezoning the portion of lot 68 containing the 2 existing dwellings and their proposed curtilages to 'Residential', with an assigned dwelling density coding of R10/15. Hence, this amendment.



4 Amendment Proposal

This amendment proposes to rezone that part of lot 68 comprising the 2 existing dwellings on the land and their respective curtilages from the 'Special Use' zone (SU5) to the 'Residential' zone with an assigned density coding of R10/15.

The proposed rezoning is illustrated on the proposed amendment map contained within this amendment document.

5 Justification for Amendment

The proposed partial rezoning of lot 68 to 'Residential' is justified on the grounds that:

- ▶ At the regional level, it will accord with the key **Community** land use planning and development principle expressed in the *State Planning Strategy (1997)*;
- ▶ At the local level, it will accord with the aims of the *Nannup Townsite Strategy (2000)*, the **Residential Areas** policy objectives expressed in the *Nannup Local Planning Strategy 2007*, and applicable provisions of the *Higgins Swamp Structure Plan*;
- ▶ The zoning will be consistent with adjacent residential zoned land and development; and
- ▶ The land is already capable for residential use by virtue of its 2 existing dwellings in place.

Each of these grounds are more fully explained as follows:

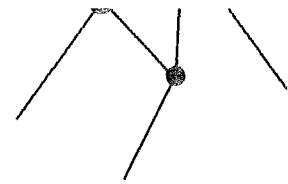
State Planning Strategy (1997)

The current *State Planning Strategy* identifies five (5) key principles that define the State's primary planning aim, which is **the sustainable use and development of land**.

The 5 key principles are:

- ▶ Environment
- ▶ Community
- ▶ Economy
- ▶ Infrastructure
- ▶ Regional Development

Of these, the **Community** principle underpins the purpose of and has direct application to this amendment.



This principle is a tenet allowing for responses to social changes and facilitation of vibrant, safe and self-reliant communities. It facilitates this by ensuring sufficiently zoned and serviced land for a range of land uses such as housing. This amendment directly responds to this.

The **Community** principle also seeks to integrate land use and transport planning, promoting patterns of land use which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars. The proximity of lot 68 to the Nannup town centre and with Warren Road as its frontage provides a high degree of accessibility to a wide range of commercial and community services and facilities without the need to travel long distances. This will aid in the achievement of this principle.

Nannup Townsite Strategy (2000)

This strategy identified land suitable for urban and rural-residential expansion of the Nannup Townsite. It divided the strategy area—the existing Nannup Townsite and its surrounds—into 10 policy areas.

Lot 68 is included in Policy Area 1—Nannup Townsite. The strategy recommends that within this policy area urban consolidation be encouraged subject to issues of effluent disposal and flooding being addressed where relevant.

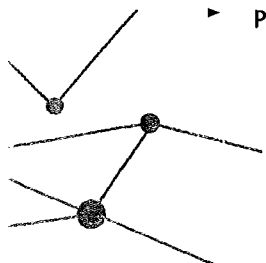
One of the aims of the strategy is to ensure an adequate ongoing supply of serviced and suitable land for housing, tourism, employment, commercial activities, recreation, community facilities and services. The amendment will facilitate the achievement of this particular aim in respect to housing.

Nannup Local Planning Strategy (2007)

This is a broad level strategy that sets out the Nannup local government's general aims and intentions for future long term growth and change within the Nannup local government area for a 10 - 15 year period. It references and incorporates the aforementioned *Nannup Townsite Strategy* and its aims in relation to the Nannup Townsite. However, it translates the broad-based aims of the townsite strategy into a local planning policy framework with detailed objectives to be applied to the use, development and subdivision of land within the townsite.

The strategy's general objectives for the Nannup Townsite are:

- ▶ Retain a compact townsite with its distinct village-like character and environmental features;
- ▶ Achieve site-responsive development that provides a variety of housing types to meet the varied accommodation needs of the areas population;
- ▶ Maximise the use of community facilities available in townships;
- ▶ Promote safety of people and property; and



- ▶ Provide for small scale home based businesses which provide local employment opportunities.

For existing and planned residential areas the Strategy cites the following specific land use and development objectives that are to apply to future land use and development within them:

- ▶ Ensure that land within a residential zone remains committed to single dwelling housing as the primary function and predominant land use of the zone. In particular circumstances, dependent upon site suitability, Council will be prepared to consider group dwelling development proposals;
- ▶ Allow for a variety of housing types where there are needs for such housing and where it can be integrated within the existing natural and built environment;
- ▶ To encourage an appropriate standard and appearance of development to complement the existing and diverse character of the town;
- ▶ Provide limited and controlled opportunities for non-residential uses that meet the needs of the local residential community and protect the residential amenity of the area;
- ▶ Ensure that non-residential uses are compatible with the surrounding neighbourhood, and the visual, environmental and landscape qualities of the area; and
- ▶ Prevent the establishment of commercial uses which would be more suitably located in the Town Centre zone.

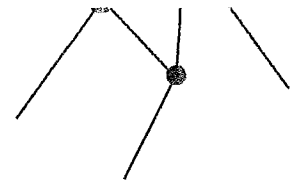
Because there will be no alteration to the current use of and form of development on lot 68, the amendment will not detract from the attainment of any of the aforementioned objectives.

On the contrary, it will fulfill the aforementioned first-listed objective.

In addition to the aforementioned objectives, the following additional land subdivision objectives also apply when seeking approval to subdivide land within Nannup's residential areas:

- ▶ Ensure that the design of subdivisions is responsive to the land capabilities of the site and recognises the availability of service infrastructure and can provide for drainage and stormwater treatment;
- ▶ Ensure that the design of any new subdivision recognises and responds to existing physical, environmental and visual characteristics of the site and surrounding area;
- ▶ Provide for a range of lot sizes for the accommodation of various alternative housing and lifestyle opportunities; and
- ▶ Ensure an adequate on-going supply of serviced and suitable land for housing, tourism, employment, commercial activities, recreation, community facilities and services.

The intended subdivision will specifically fulfill the aforementioned first and fourth-listed subdivisional objectives.



In respect to the first subdivisional objective, lot 68 is serviced by existing reticulated power, water and sewerage systems. The proposed future lots will be capable of being connected to these systems.

In regard to stormwater and drainage, future lots will need to accord with the Nannup Shire's *Local Planning Policy (LPP) 002—Private Stormwater Drainage Connections to Council's Stormwater Drains*. This requirement applies at the time the proposed lots are created and requires fulfilment before final subdivision approval is granted.

Higgins Swamp Structure Plan

This Shire endorsed plan sets out future land use precincts and potential future road linkages within lot 68 and adjoining lots 67 Warren Road, 700 Higgins Street and lot 701 Kearney Road. A copy of this plan is reproduced at Appendix 2.

The plan was prepared for the registered proprietor of adjoining lot 67 as a precursor to undertaking a grouped dwelling development on part of lot 67 (and as required by the currently prescribed 'Special Use' zoning provisions applying to the aforementioned lots).

The structure plan includes the portion of lot 68 sought to be rezoned to 'Residential' in the **Low Density Residential (R15) Precinct (LDR5)**. Within this precinct, a minimum average dwelling density ratio of 1 dwelling per 666m² land area applies.

With reference to the indicative plan of subdivision shown at Figure 3, the size of the proposed lots comprising the existing dwellings will exceed the prescribed average dwelling density for 'Residential' zoned land.

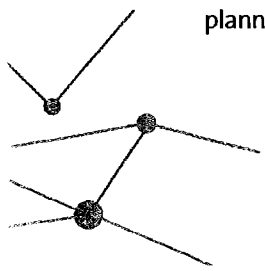
Land Use and Zoning

Given that the two existing dwellings on lot 68 have been designed and occupied for residential living purposes, it is logical and sensible to rezone the land upon which they sit to 'Residential'.

The proposed rezoning will also fit well with nearby residential zonings and residential development along surrounding streets such as Kearney, North and Higgins Street and along the east side of Warren Road south of Higgins Street as illustrated in the existing zoning map contained within this amendment document.

The current application of the 'Special Use' zoning to lot 68 is questioned in the context of the uses prescribed under this zone for the land. The current permissible uses under this zone are also allowed (either 'as-of-right' or at the discretion of the responsible authority) under the 'Residential' zoning.

Ordinarily, a 'Special Use' zoning is intended to reflect an intended special use of the land (or a mix of planned integrated uses) that generally cannot be accommodated under another type of zoning.



The proposed 'Residential' zoning better reflects the current use and form of development that has taken place on this part of lot 68, which is intended to remain into the foreseeable future.

Capability for Residential Use

Lot 68 is served by a reticulated power, water, sewerage and telecommunication systems. Both existing dwellings are connected to these systems.

The curtilages of both existing dwellings are well-drained as they are sited on downward slopes falling to the west (towards Higgins Swamp).

According to the State's *Contaminated Sites Database* lot 68 is not known or suspected as being a contaminated site pursuant to the State's *Contaminated Sites Act 2003*.

6 Effect of Amendment

The principal effect of this amendment will be that a more appropriate zone will be in place that is reflective of the current residential use and form of existing development on the land. However, the opportunity and potential to use/develop the land for those uses prescribed under the current 'Special Use' zoning still remains.

A further effect is that a wider range of uses may be allowed than currently permitted under the 'Special Use' zoning applying to the land. A comparative list of these uses is provided at Appendix 3 to this report.

From the Shire of Nannup perspective, as the authority responsible for enforcing *Local Planning Scheme (LPS) 3*, the proposed residential zoning will enable greater control over the siting, disposition and form of any future residential development proposed for the land, by virtue of the application of the *Residential Design Codes of Western Australia* (the 'R'codes). These codes are the State's principal planning policy that guides the density, scale, and form of residential development.

Under the current 'Special Use' zoning, less weight is afforded to the application of these codes when assessing proposals and applications for extensions to existing residential development and/or new residential development.

7 Conclusion

Given that the proposed rezoning will reflect the existing residential use presently being carried out on part of lot 68 and accord with salient State and local framework plans and planning policies—with negligible effect on the existing character and amenity of the surrounding area—it is contended that this amendment be allowed.

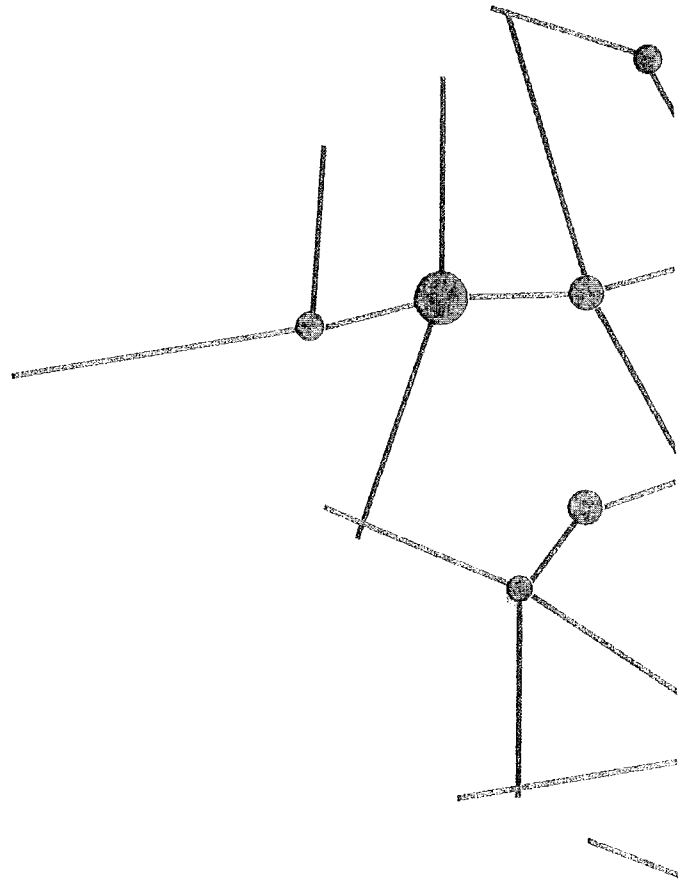




**DOWLING
GIUDICI +
ASSOCIATES**

Regional Development
& Planning

Appendices



Appendix 1
Certificate of Title

WESTERN



AUSTRALIA

REGISTER NUMBER 68/DP222884	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 5/2/2010

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 2735 FOLIO 497

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 68 ON DEPOSITED PLAN 222884

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

IRENE SCHMUTZ
MARC RUDOLF HUBER
BOTH OF 92 WARREN ROAD, NANNUP
AS JOINT TENANTS

(TP L684597) REGISTERED 19 JULY 2011

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *L684598 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 19.7.2011.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

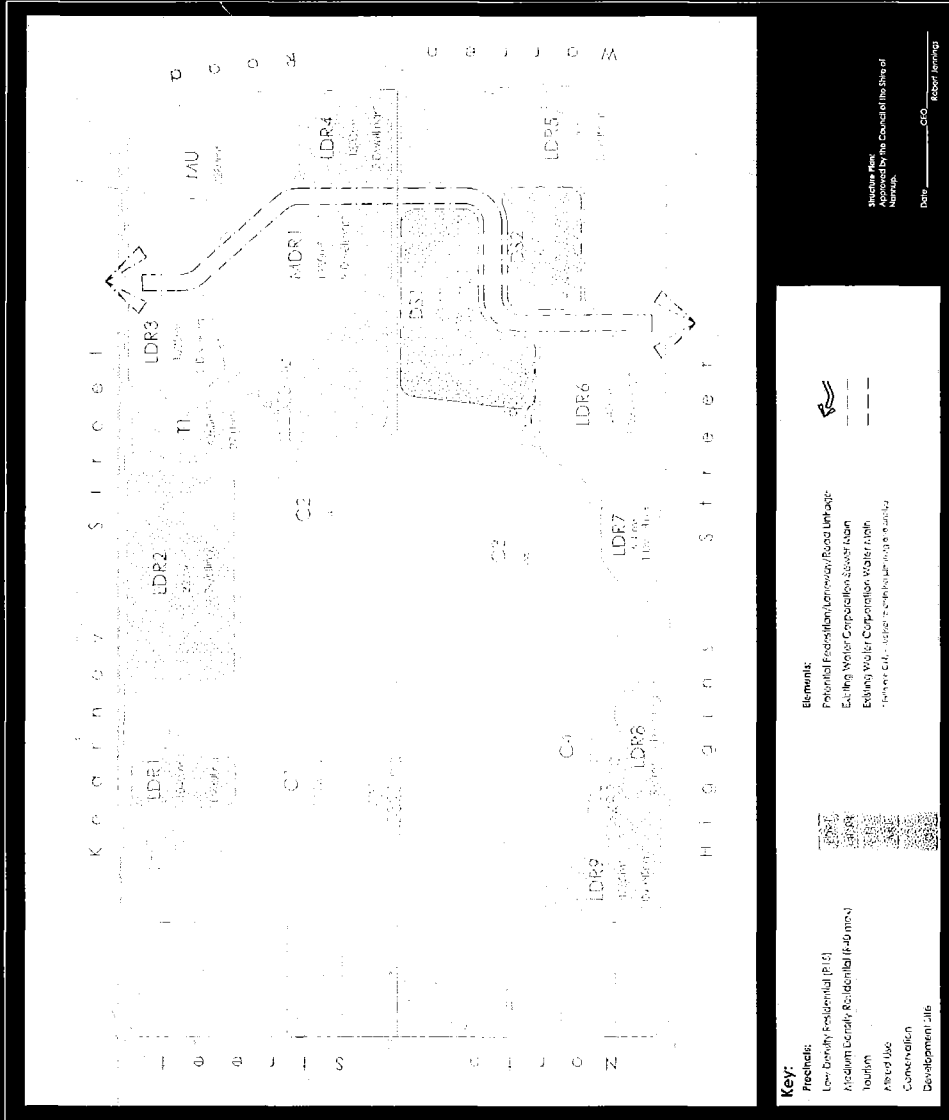
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1093-559 (68/DP222884).
PREVIOUS TITLE: 1093-559.
PROPERTY STREET ADDRESS: 92 WARREN RD, NANNUP.
LOCAL GOVERNMENT AREA: SHIRE OF NANNUP.

- NOTE 1: K410356 LAND PARCEL IDENTIFIER OF NANNUP LOT 68 CHANGED TO LOT 68 ON DEPOSITED PLAN 222884 ON 13.11.2007 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.
NOTE 3: L498911 SECTION 138D TLA APPLIES TO CAVEAT L327715.
NOTE 4: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING L684598

LANDGATE COPY OF ORIGINAL NOT TO SCALE Thu Aug 29 22:16:00 2013 JOB 42646911

Higgins Swamp Structure Plan (2012)

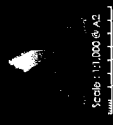


- Provisions:**
- Residential and Development Site Precincts**
 - Unless otherwise provided for in an approved Structure Plan, all residential subdivisions to be compliant with the provisions of the WA Residential Design Codes as specified in the key.
 - All residential subdivisions to be connected to a reticulated sewer service.
 - Unless otherwise provided for in an approved Structure Plan, all lots shall be provided in the form of a complete contribution.
 - Subdivision will not be subject to the provisions of the Australian Planning Commission, where applicable. The structure plan is subject to the provisions of the Australian Planning Commission, where applicable. The structure plan shall include, but not be limited to, the following:
 - including lot and dual use plans provision, all levels, and boundary environmental considerations, access and egress arrangements, water supply, access and configuration, road and easement widths, lot size and configuration and any other reasonable requirements of this Site and/or WAPC.
 - Conservation Precincts**
 - Conservation Precincts are to be subject to a single lot plan, to be submitted to appropriate management statements being incorporated into the subdivision map to be considered by Council.
 - Mixed Use Precinct**
 - Development of the Mixed Use Precinct shall comply with the requirements of the Mixed Use Zones pursuant to the City's Local Planning Scheme, No. 3.
 - Tourism Precinct**
 - Development of the Tourism Precinct shall comply with a lot plan, to be submitted to appropriate management statements, to be submitted to appropriate management statements being incorporated into the subdivision map to be considered by Council.
 - General**
 - Other than the existing structures on Lot 67, a structure on Lot 67 and any other structures on the site shall be subject to the provisions of the City's Local Planning Scheme, No. 3.
 - Development on this site shall be subject to the provisions of the City's Local Planning Scheme, No. 3, and any other applicable provisions of the City's Local Planning Scheme, No. 3.
 - Development applications shall be required to address the following:
 - provision of water supply, stormwater management, infrastructure (including lot and dual use arrangements), access and egress arrangements, water supply, access and configuration, road and easement widths, lot size and configuration and any other reasonable requirements of this Site and/or WAPC.
 - A Water Corporation Water Main is to be provided and implemented at the subdivision stage prior to the creation of new lots.



Revision	Description	Date
1	Issue for Council	08/08/12
2	Issue for Council	08/08/12
3	Issue for Council	08/08/12
4	Issue for Council	08/08/12
5	Issue for Council	08/08/12
6	Issue for Council	08/08/12
7	Issue for Council	08/08/12
8	Issue for Council	08/08/12
9	Issue for Council	08/08/12
10	Issue for Council	08/08/12
11	Issue for Council	08/08/12
12	Issue for Council	08/08/12
13	Issue for Council	08/08/12
14	Issue for Council	08/08/12
15	Issue for Council	08/08/12
16	Issue for Council	08/08/12
17	Issue for Council	08/08/12
18	Issue for Council	08/08/12
19	Issue for Council	08/08/12
20	Issue for Council	08/08/12
21	Issue for Council	08/08/12
22	Issue for Council	08/08/12
23	Issue for Council	08/08/12
24	Issue for Council	08/08/12
25	Issue for Council	08/08/12
26	Issue for Council	08/08/12
27	Issue for Council	08/08/12
28	Issue for Council	08/08/12
29	Issue for Council	08/08/12
30	Issue for Council	08/08/12
31	Issue for Council	08/08/12
32	Issue for Council	08/08/12
33	Issue for Council	08/08/12
34	Issue for Council	08/08/12
35	Issue for Council	08/08/12
36	Issue for Council	08/08/12
37	Issue for Council	08/08/12
38	Issue for Council	08/08/12
39	Issue for Council	08/08/12
40	Issue for Council	08/08/12
41	Issue for Council	08/08/12
42	Issue for Council	08/08/12
43	Issue for Council	08/08/12
44	Issue for Council	08/08/12
45	Issue for Council	08/08/12
46	Issue for Council	08/08/12
47	Issue for Council	08/08/12
48	Issue for Council	08/08/12
49	Issue for Council	08/08/12
50	Issue for Council	08/08/12

Client:	Mr and Mrs L. O'Connell
Design:	Martin Richards
Drawn:	MR
Drawing No.:	000/057/002/F
Date:	August 2012



Higgins Swamp
Structure Plan
 Lot 701 Kerriway Street, Lot 67 and 68 Warren
 Road and Lot 700 Higgins Street, Wannup

Comparison of Allowable Use Classes - *Special Use* zone vs *Residential* zone

Special Use Zone Use Classes	Residential Zone Use Classes	*
▶ Bed and breakfast Accommodation	▶ Bed and Breakfast Accommodation	D
▶ Single Dwelling	▶ Car Park	A
▶ Grouped Dwelling	▶ Caretaker's Dwelling	D
▶ Home Business	▶ Child Care Centre	A
▶ Home Occupation	▶ Civic Use	D
▶ Home Office	▶ Community Purpose	D
	▶ Consulting Rooms	A
	▶ Cottage Industry	D
	▶ Single Dwelling	P
	▶ Grouped Dwelling	D
	▶ Education Centre	A
	▶ Exhibition Centre	A
	▶ Home Business	D
	▶ Home Occupation	D
	▶ Home Office	P
	▶ Market	D
	▶ Medical Centre	A
	▶ Place of Assembly	A
	▶ Place of Worship	A
	▶ Public Utility	P
	▶ Recreation and Leisure	A
	▶ Residential Building	D
	▶ Telecommunications Infrastructure	D
	▶ Winery	A

* **Permissibility within Zone:** P - Permitted; D - Discretionary; A - Discretionary after notification given