

Attachment 11.3.1

Policy Number:	LPP 004
Policy Type:	Local Planning Policy
Policy Name:	Bed & Breakfast
Policy Owner:	Chief Executive Officer

Authority: Shire of Nannup Local Planning Scheme No.3

OBJECTIVE

This policy aims to facilitate the provision of high standards of Short Stay/Home Style accommodation in various locations to encourage tourism whilst maintaining the amenity of those locations for permanent residents.

DEFINITION

The *Shire of Nannup Local Planning Scheme No. 3* (LPS No. 3) defines Bed and Breakfast accommodation as follows:

“Bed and Breakfast accommodation means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term basis and includes the provision of meals.”

Note:

Where a premise accommodates more than six (6) persons exclusive of the family of the keeper, it shall be defined as a “lodging house” and is required to comply with the provisions of LPS No. 3, Health (Miscellaneous Provisions) Act 1911 and the Shire of Nannup Health Local Laws 2003.

POLICY

The establishment of Bed and Breakfast accommodation within the Shire of Nannup is to note the following:

Locations/Zones

A Bed & Breakfast may only be established in areas designated within the Zoning Table that forms part of LPS No.3, which requires approval by the local government as a “D” use. A Bed & Breakfast use is not permitted in the Industry Zone or where specifically excluded in a structure plan.

Appearance of Dwelling

The use of Bed & Breakfast accommodation shall be incidental to the predominant use and nature of the dwelling. The appearance of the dwelling shall remain residential and shall not impact adversely on surrounding properties. Minimum Standards /conditions for Bed & Breakfast Accommodation:

Maximum rooms

Maximum 3 guest bedrooms for guest purposes (maximum 6 adults), with a separate bedroom for the owner/manager.

Water

Adequate water supply is to be provided for ablutions, cooking and drinking that meets the Australia Drinking Water Guidelines. Additionally, adequate water for fire-fighting purposes is to be provided.

General Issues and Requirements

In determining the suitability of a Bed and Breakfast proposal, the local government shall take into consideration the following issues and requirements:

1. Potential impact on the adjoining properties and surrounding residential area.
2. Appropriateness of accessibility by vehicle or as required by walking and cycling.
3. Car parking to be provided on site is one (1) car bay for every two guest rooms and two (2) spaces for the dwelling itself. Where an uneven number of guest rooms exist, the number of car bays provided for guest rooms is to be rounded up to the nearest whole number.
4. The provision of adequate emergency management response.

Approval Conditions

The following conditions (not limited) will apply to all Bed and Breakfast Accommodation applications on approval:

1. An approval shall not be transferred or assigned to any other property.
2. Bed and Breakfast Accommodation shall not be used as a lodging house or for permanent accommodation.
3. A sign, subject to the provisions of the local government's Sign Policy, may be erected on-site subject to the approval being granted by the local government.
4. Smoke alarms to be installed in accordance with the Building Code of Australia.
5. Car parking is to be provided on-site.
6. No facility for cooking or laundry facilities will be permitted within the rooms.

Change of Ownership

Local government planning approval will not be forfeited in the event of change of ownership of the premises. However notification to the local government of the intentions of any new owners of these establishments is required to enable the local government's records to be updated.

Related Policies	LPP 020 Developer and Subdivider Contributions LPP 021 Bush Fire Management
Related Procedures/ Documents	
Delegation Level	CEO, Building Surveyor, Development Services Officer
Adopted:	OM 22 April 2010.
Reviewed:	OM 27 July 2023

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 moderate to extreme bush fire hazards, as set out in the *Bush Fire Hazard Strategy – Shire of Bridgetown-Greenbushes and Shire of Nannup*, unless permanent and realistic hazard level reduction can be sustained without detrimental environmental and/or landscape impact;
- 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 or any updates;
- 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 firefighting 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.

'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 firefighting 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.

Where there are differences between the Guidelines and AS3959-2009, AS3959-2009 prevails.

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 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 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 residential, rural-residential, rural small holdings, tourist, industrial and other 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 LPS3 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. Additionally, for “D” and “A” uses set out in the LPS3 zoning table, the Council will not generally support proposals which have a BAL-40 or a BAL- FZ rating.

The Council recognises historical lot creation and will seek the appropriate location and design of development for “permitted development” (clause 8.2 of LPS3) and for “P” uses set out in the LPS3 zoning table. The Council will seek to influence proponent’s maker safer choices in the location and design of development.

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. The overview map is set out in Attachment 1, with other mapping available on the Shire website and at the Shire office.]

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. The exception is where the application is classified as a “minor building work”. Where an application is a minor building work, the Council encourages proponents to engage a qualified and/or experienced practitioner to undertake a BAL assessment and to build to AS3959-2009. However, the Council will approve minor building work not meeting AS3959-2009 subject to the building meeting the Policy’s minor building work definition and compliance with other planning, building and environmental health considerations.

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 or in other areas, 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.

Non-habitable buildings, including outbuildings (sheds) do not generally need to meet AS3959-2009. Exceptions do occur should the outbuilding be located within 6 metres of the habitable building.

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 justified by the bush fire consultant and to the satisfaction of the Council.

The Council considers that a maximum BAL-29 rating is desirable. The Council will however consider BAL-40 and BAL-FZ on their merits (where there is no way of reducing this BAL without unacceptable environment/amenity impact), where the development is a "P" (permitted) use in the LPS3 zoning table or where the development does not require a planning application.

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;
- indicative BAL ratings 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 indicative BAL ratings;
- fire mitigation strategies including a performance approach set out in the Guidelines, 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. This may require a separate and independent environmental assessment from a suitably qualified and/or experienced practitioner;
- implementation; and
- monitoring/review.

Where an approved FMP requires fuel loadings to be reduced (by burning, slashing or other methods), this is required to be undertaken prior to the Shire clearing the subdivision condition. The fuel reduction should generally be overseen by a suitably experienced and/or qualified bush fire practitioner. The Council's preference is that the fuel reduction is undertaken for the entire subdivision or stage rather than for an individual lot.

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 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.

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 generally 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. Unless justified by the bush fire consultant, the pump should be housed in a heat resistant and insulated shed/structure to the satisfaction of the Council;
- where reticulated electricity is not available, a separate petrol/diesel 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 should be sealed and, where adjoining a sealed, public road, the tapers shall also be sealed;
- where a standpipe services generally more than 10 or more lots, then the standpipe should have two outlets to refill two units simultaneously; 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 licensed 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 firefighting 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 firefighting 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 firefighting 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. Annual Fuel Reduction Notice

The local government will regularly check firebreaks on freehold 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:	26 September 2013
Reviewed:	OM 25 January 2018

Policy Number:	TPL 4
Policy Type:	Local Planning Policy
Policy Name:	Residential Accommodation – Minimum Internal Requirements
Policy Owner:	Manager Development Services
Authority	Shire of Nannup Local Planning Scheme No.3

OBJECTIVE

To detail minimum internal residential standards to ensure and maintain a consistent satisfactory quality of life, amenity and health requirements for residential occupants.

DEFINITIONS Nil.

POLICY

Enabling Legislation

Town Planning & Development Act, Local Government Act, Health (Miscellaneous Provisions) Act 1911, Building Code of Australia.

With regard to the objective of this Policy the following minimum standards shall apply to all residential dwelling accommodation:

1. The minimum floor area shall be 55sqm, unless special dispensation is granted by the Council. Under the former Uniform Building By-Laws the minimum floor area required in a Class 1 building was 40sqm plus WC, laundry and cooking facilities to be provided in accordance with the Health (Miscellaneous Provisions) Act 1911. Average floor area for these non-habitable rooms was approximately 15sqm, hence the minimum floor area of 55sqm.
2. The internal area of all residential dwellings shall be partitioned and lined into separate habitable and non-habitable areas. The minimum internal facilities to be provided are separate cooking and food preparation area, WC, bathroom and sleeping quarters.
3. The WC and bathroom shall be partitioned and enclosed separately from the remainder of the internal accommodation.
4. All residential development shall conform to the provisions of the Building Code of Australia and the Health (Miscellaneous Provisions) Act 1911.
5. Effluent disposal for all residential accommodation shall comply with the provisions of the Health (Miscellaneous Provisions) Act 1911.

Related Policies:	
Related Procedures/Documents:	
Delegation Level:	
Adopted:	OM 13 May 1993.
Reviewed:	OM 25 January 2018