

Attachment 11.1.3



Department of Biodiversity,
Conservation and Attractions



SHIRE OF NANNUP RECEIVED	
Ref: <u>A1451</u>	No: _____
1 2 OCT 2023	
Officer:	<u>Erin</u>

Your ref: A1451
Our ref: 51039 2023/003140
Enquiries: Cherie Kemp
Phone: 97254300
Email: Cherie.kemp@dbca.wa.gov.au

Executive Director
Shire of Nannup
PO Box 11
Nannup WA 6275

Attention: Erin Gower

DEVELOPMENT APPLICATION – LOT 101 (314) CHALWELL ROAD, NANNUP PROPOSED HOLIDAY HOUSE

I refer to your email dated 17 August 2023 seeking the Department of Biodiversity, Conservation and Attractions (DBCA) Parks and Wildlife Service comments in relation to a development application for the above location.

The following comments are provided pursuant to DBCA's responsibilities under the *Biodiversity Conservation Act 2016* (BC Act).

Lot 101 contains habitat suitable for threatened black cockatoos. Black cockatoos are listed as threatened species under the Biodiversity Conservation Act 2016 (BC Act) and the Environment Protection and Biodiversity Conservation Act 1999. Black cockatoos have been found within close proximity to Lot 101.

It is unclear from the Bushfire Management Plan provided with the application, the extent of the Asset Protection Zone (APZ) vegetation clearing requirements.

If the Shire is considering approval of the proposal, the proponent should be aware of their obligations and approval requirements under section 40 of the BC Act, which requires Ministerial authorisation to take or disturb threatened species. DBCA recommends that when vegetation clearing is required, the proponent seek advice from DBCA's Species and Communities branch at speciesandcommunities@dbca.wa.gov.au prior to clearing works, in relation of section 40 authorisation requirements.

The proponent should also seek advice from the Department of Water and Environmental Regulation (DWER) in relation to clearing permit requirements. If a clearing permit is required, DBCA expects that the environmental values that are likely to be impacted by the proposed development will be adequately considered through the assessment of the clearing permit, through which DBCA may provide advice to DWER. DBCA suggests that if development approval is provided then the approval should be subject to a clearing permit being issued.

Regional and Fire Management Services Division
South West Region
PO Box 1693, Bunbury, Western Australia 6230
dbca.wa.gov.au

Thank you for the opportunity to comment on this application. Please contact Cherie Kemp at the Parks and Wildlife South West Region office on 08 97254300 or email swlanduseplanning@dbca.wa.gov.au if you have any questions about this advice.

Yours sincerely



Aminya Ennis
Regional Manager

11 October 2023



SHIRE OF NANNUP RECEIVED	
Ref: <u>A1451</u>	No: _____
03 OCT 2023	
Officer: <u>Erin</u>	

Our Ref: D30681
Your Ref: A1451

Erin Gower
Shire of Nannup
nannup@nannup.wa.gov.au

Dear Ms Gower

RE: VULNERABLE TOURISM LAND USE - 314 CHALWELL ROAD, CARLOTTA – PROPOSAL HOLIDAY HOME

I refer to your email dated 17 August 2023 regarding the submission of a Bushfire Management Plan (BMP) (Version 1), prepared by Bushfire Prone Planning and dated 5 June 2023, for the above development application.

This advice relates only to *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

Assessment

- DFES acknowledges that a residential dwelling currently exists on the subject site and the development application seeks a change of use to short term accommodation.
- Broad consideration of the bushfire risk is required to appropriately plan for land use intensification and is one of the most effective means of preventing inappropriate development in unsuitable locations where an extreme bushfire risk exists. It is on this basis DFES' comments are made and reflect the policy shift to ensure responsible development in bushfire prone areas.
- Consequently, and in accordance with our advisory role, DFES have highlighted in the assessment below the residual bushfire risks associated with the tourism development and compliance with the bushfire protection criteria to aid decision making.

1. Policy Measure 6.5 a) Preparation of a BAL Assessment

Issue	Assessment	Action
Landscape Management Plan	<p>The BMP has identified that a significant amount of Class A Forest will need to be modified to achieve an APZ compliant with Schedule 1: Standards for Asset Protection Zones contained in the Guidelines.</p> <p>A Landscape Management Plan should be prepared to remove ambiguity for the landowner and to provide a compliance mechanism for the Shire.</p>	Modification to the BMP is required.

Evacuation Assumptions	There are several assumptions in section 1.1 of the BMP which should be removed. These assumptions are not valid in the context of short-term accommodation. Comments relating to evacuation should be contained within the Bushfire Emergency Evacuation Plan and not within the BMP. The following statement should be removed from page 6 of the BMP "on days of Extreme fire danger that guests depart the property for the day or if there is a fire in the vicinity."	Modification to the BMP is required.
Construction to AS3959 Building Standards	<p>The DFES acknowledges that <i>AS3959 does not apply retrospectively to existing buildings if the use does not change.</i></p> <p>However, the decision maker should consider upgrading the dwelling to utilise all the elements of AS3959 that apply to the appropriate Bushfire Attack Level (BAL). This is consistent with Clause 78E(i) Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> that requires the local government to have regard to the bushfire resistant construction requirements of the Building Code of Australia.</p> <p>Although BAL construction standards do not guarantee the survival of the occupants or building, DFES supports the improved bushfire resilience provided by AS 3959-2018 construction standards.</p>	Comment only.

2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Vulnerable Tourism Land Uses - Intent	<p>Intent – does not comply</p> <p>The BMP should not ignore the site context and the serious threat of bushfire to people, property and infrastructure at this location.</p> <p>The likelihood of a bushfire, its severity and intensity, and the potential impact on life and property posed by the bushfire hazard at this location represents an extreme bushfire risk that cannot be adequately reduced.</p> <p>This location does not provide for appropriate bushfire protection to manage the bushfire risk based on a range of factors including, but not limited to:</p> <ul style="list-style-type: none"> - There are vast tracts of bushfire prone vegetation within 150 metres of the site boundary which represents an extreme bushfire risk. - Due to the extreme bushfire prone vegetation on multiple aspects, catastrophic bushfire behaviour is likely, and a bushfire could develop rapidly and grow to a significant size, resulting in the loss of life, property and infrastructure. 	Does not comply.

	<ul style="list-style-type: none"> - The site would present significant complexities for response and may not reasonably and realistically be able to be defended in the event of a bushfire emergency. - Evacuation from the site, with its singular access route, may not be possible and if attempted could pose an unacceptable risk to human safety. - Shelter on site is not considered an acceptable alternative to evacuation given the extreme risk to life and property at this location. <p>The topography, type and extent of bushfire prone vegetation may result in landscape-scale destruction as it interacts with the bushfire hazard on and close to the site.</p>	
<p>Vulnerable Tourism Land Uses - Vehicular Access</p>	<p>P5v – does not comply</p> <p>The public road system in a bushfire prone area should provide alternative access and egress for firefighters and residents during a bushfire emergency.</p> <p>Vehicle access is unlikely to be achieved at this location as evacuation options are limited, traverse extreme bushfire risk areas or are not available, making access and egress options uncertain during a bushfire event.</p> <p>Access in two different directions to two different destinations, in accordance with the acceptable solution, is not available until the intersection with Vasse Highway approximately 13 kilometres from the development site. This exceeds the acceptable maximum length of 200 metres for a dead-end road where the adjoining classified vegetation has an extreme BHL.</p> <p>The BMP has not demonstrated Chalwell Road meets the full technical requirements of the Guidelines as per Table 6 Column 1. It does not appear to achieve the width or height clearance as seen in Photo ID 16.</p> <p>A5.5a states the road complies with the technical requirements whereas A5.5c states it does not comply with the technical requirements. It is unclear whether the ‘technical requirements’ referred to in the compliance statements is referencing Table 6 or the requirements of the acceptable solution.</p> <p>Furthermore, the compliance statement against A5.5e states the driveway meets the full technical requirements of Table 6 Column 3 of the Guidelines but then states <i>the landowner will need</i></p>	<p>Does not comply.</p>

	<i>to check the gradient complies with the technical requirements. The BMP should confirm the gradient of the driveway complies with the technical requirements of Table 6 column 4.</i>	
Vulnerable Tourism Land Uses - Water	<p>A5.6 – not demonstrated</p> <p>The BMP states there are two water tanks on site and will meet the requirements of A5.6 of the Guidelines. It has not been demonstrated there is sufficient water available for firefighting purposes. It is not clear in the BMP of the size of tanks or if the water tank will be dedicated for firefighting purposes to comply with A5.6.</p> <p>It is also noted the water tanks appears to be located in BAL40/FZ. The APZ around one of the water tank is 20m and there is no APZ around the other tank in figure 3.1.1.</p> <p>It is also noted that the coupling set up and piping will need to be replaced to meet the requirements of A5.6 of the Guidelines. It is recommended water tanks dedicated for firefighting purposes and adjacent hard-standing are located in areas of BAL-29 or below and accessible by a type 3.4 fire appliance.</p>	Modification to the BMP is required.

3. Policy Measure 6.6.1 Vulnerable land uses

Issue	Assessment	Action
Bushfire Emergency Evacuation Plan (BEEP)	The referral has included a ' <i>Bushfire Emergency Evacuation Plan</i> ' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 ' <i>Developing a Bushfire Emergency Evacuation Plan</i> '. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.	Comment only.

Recommendation – not compliant with intent

The development application is not compliant as it does not meet the intent of Element 5: Vulnerable Tourism Land Uses. The proposal is intensifying land use in a bushfire prone area with an extreme bushfire hazard both in and surrounding the lot. Furthermore, the proposed development is on a non-compliant dead-end road which passes through an extreme bushfire hazard.

Notwithstanding the above, if the decision maker is of a mind to approve the proposal, it is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.

If you require further information, please contact Land Use Planning Officer – Michelle Gray on telephone number 9395 9561.

Yours sincerely



Sasha De Brito
A/DIRECTOR LAND USE PLANNING

2 October 2022

CC Erin.Gower@nannup.wa.gov.au