

Attachment 11.1.6



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Our Ref: 230559

2 April 2024

Jane Buckland
Development Services Coordinator
Shire of Nannup
PO Box 11
Nannup WA 6275

Dear Jane,

RE: BUSHFIRE PRONE PLANNING'S RESPONSE TO DFES ADVICE REGARDING VULNERABLE LAND USE – LOTS 13 & 639, 25 WOODARBURRUP COAST ROAD, SCOTT RIVER EAST – PROPOSED RURAL PRODUCE STORE, NATURE CAMP GROUND AND HOLIDAY HOUSE

Please find Bushfire Prone Planning's response to the DFES comments on the BMP prepared for the development proposal. The Scrub vegetation and BMP has been updated as requested by DFES, we do not believe that any of the other comments require amendment to the Bushfire Management Plan.

If you wish to discuss these further, please do not hesitate to contact [me/this office].

Yours sincerely

Mike Scott

Director

Bushfire Prone Planning

(Accredited Practitioner **BPAD Level 3**)

1. Policy Measure 6.5 a) Preparation of Assessment and a BAL Contour Map

DFES ADVICE		BPP RESPONSE / ACTIONS
Issue	Assessment	
Vegetation Classification	<p>Evidence to support the exclusion of parts of Area 5 as managed to low threat in accordance with AS3959 is required. The photographic evidence provided does not support the low threat status to the south of the cottage and produce store. Managing the understory alone does not allow the exclusion of an area of trees with a foliage cover well in excess of 30%. This area should be classified as Class A Forest on the vegetation classification map (Figure 3.1) and then measures implemented to manage the area as an APZ so it is clear to the decision maker and applicant that a significant amount of modification is required to achieve an APZ standard and a maximum foliage cover of 15%.</p> <p>The areas of Class A Forest outside the required APZ should be classified. This may result in a larger APZ being required to maintain a BAL rating of BAL – 29 or lower.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959, or the resultant classification could be inaccurate.</p>	<p>BPP Comment: No modification required to the BMP. The vegetation is managed and is less than 15% vegetation cover. Additional photos of the southern area of the cottage are included in this report as additional evidence.</p> <p>The vegetation outside of the cottage APZ remains managed vegetation. Clearing has been undertaken in this area and this is demonstrated with photos as per the BMP.</p>
Vegetation Classification	<p>Parts of vegetation Area 2 (Nature -based camping) cannot be substantiated as Class D Scrub with the limited information and photographic evidence available. Phot ID's 26 and 39 do not support the Class D Scrub classification. Height markers have not been provided.</p> <p>The BMP should details specifically how the Class D Scrub classification was derived as opposed to Class A Forest.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959.</p>	<p>BPP Comment: Acknowledged. The measuring staff was not used, vegetation has been reclassified as Class A Forest.</p> <p>The BMP and mapping have been updated to reflect this.</p>
Vegetation Management	<p>DFES does not accept fire break notices on adjoining land as part of the vegetation management required to achieve an APZ or low threat classification. Fire break notices may only apply for the part of the year and may be varied from year to year by the responsible local government. The proponent is to provide a performance principle-based solution to achieve the required APZ should the APZ rely on the management of vegetation on adjoining land.</p>	<p>BPP Comment: No modification to BMP required. There is no 'adjoining land'. All land is owned by the developer. There is no reference to fire breaks forming part of an APZ within the BMP.</p>

DFES ADVICE		BPP RESPONSE / ACTIONS
Issue	Assessment	
Landscape Management Plan	<p>The BMP has identified that a significant amount of vegetation on a steep slope will need to be modified to achieve an APZ compliant with Schedule 1: Standards for Asset Protection Zones contained within 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>	<p>BPP Response: No modification required to the BMP. The area in question has already been cleared as per photographic evidence. The area is a 0-5 slope and sheep graze in this area as the property is a working farm.</p>
BAL Calculation Table	<p>BAL Calculation Table 3.3 (Cottage) has the incorrect separation distance required for Class G Grassland with a slope of 5-10 degrees. The table has used the separation distances for 0-5 degrees in error.</p> <p>Furthermore, the table should detail the actual separation distances as shown in the post development vegetation classification map to validate the BAL rating rather than providing a copy of distances shown in Table 2.5 of AS3959.</p>	<p>BPP Response: Acknowledged. BMP updated.</p> <p>The actual separation distances are detailed on the map (Fig 3.1.1) and within Appendix B.</p>
Future Seasonal Campsites	<p>The future seasonal campsites cannot comply with the intent of Element 5: Vulnerable tourism Land Uses or the vehicular requirements of the Guidelines. The access is weather dependent and the area is surrounded on all sides by an extreme bushfire hazard.</p> <p>The BMP states that permission is being sought for access to the area from Milyeannup Coast Road from DPLH. The land is currently unallocated crown land and if permission to use the access track is provided there would need to be a legal agreement detailing who is responsible for upgrading and maintaining the access track to at least a driveway standard (Table 6, column 4 of the Guidelines), which should include passing bays and have cleared</p>	<p>BPP Response: It is acknowledged that a contract is required between DPLH and the property developer. No modification required to the BMP.</p>

DFES ADVICE		BPP RESPONSE / ACTIONS
Issue	Assessment	
Future Seasonal Campsites	Verges. The campsites are isolated from the main house and will have limited access/egress from the area in the event of an emergency.	
Construction to AS3959 Building Standards	<p>DFES acknowledges that AS3959 does not apply retrospectively to existing buildings if the use does not change.</p> <p>However, the decision maker should consider upgrading the cottage to utilise all the elements of AS 3959 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 AS3959 2018 construction standards.</p>	BPP Response: No action required

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

DFES ADVICE		BPP RESPONSE / ACTIONS
Issue	Assessment	
<p>Vulnerable Tourism Land Uses Intent</p>	<p>Intent – does not comply 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 and 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 10 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 a loss of life, property and infrastructure. - The site would present significant complexities for response and may not reasonably and realistically be defended in the event of a bushfire emergency. - Evacuation from the site, with its uncertain access routes, which traverse an extreme hazard, 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>This statement incorporates the cottage, nature-based camping and the seasonal stay camping which does not form part of this application.</p>	<p>BPP Comment: No modification to the BMP required.</p> <p>From a bushfire management perspective there is no difference if a property is hosted or unhosted.</p> <p>There is no requirement for guests to respond and actively defend the property in a bushfire incident. The key and primary message is for early evacuation. In discussion with the Local Government, it is also advised that the property closes to current and prospective arriving guests (for that day) on days of Catastrophic Fire Danger. This is noted in the BMP. It is also noted that property owners must communicate with guests if there is an Extreme Fire Danger forecast and to advise on activities and conditions of stay. This is a large property that is a working farm. The property owners are on site.</p>

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Issue	Assessment	
Vulnerable Land Uses-Siting and Design	<p>A5.4 and A5.10 – not demonstrated.</p> <p>A5.4 has not been addressed in the BMP. The compliance table should be updated to address A5.4 for the cottage.</p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the table.</p> <p>It has not been demonstrated that the holiday home can achieve BAL – 29 or below as it is not clear if the Class A Forest surrounding the cottage will be modified due to its exclusion in the BMP.</p>	<p>BPP Response: The Assessment statement has been updated to Holiday House outside a Built Up Area. The compliance table has been updated.</p> <p>The holiday house can achieve BAL – 29 as the Excluded vegetation within the APZ around the cottage is managed and has been modified. No further clearing is required.</p>

DFES ADVICE		BPP RESPONSE / ACTIONS
Issue	Assessment	
Vulnerable Tourism Land Uses - Vehicular Access	<p>A5.5 and 5.11 – not demonstrated A5.5 has not been addressed in the BMP. The compliance table should be updated to address A5.5 for the cottage.</p> <p>DFES is unable to verify if Milyeannup Coast Road to the south west meets the standard of a public road as per the technical requirements of Table 6 column 1 of the Guidelines. The road appears to be unsealed and very narrow (approximately 4 metres) in parts with heavily vegetated verges. An appliance parked on parts of this road during operations would prevent the passing of other vehicles.</p> <p>The decision maker should be satisfied that Milyeannup Coast Road to the south west meets the standard of a public road and would allow two way traffic in the event of an emergency or during an evacuation event.</p>	<p>BPP Comment: The Assessment Statement has been updated to address A5.5 and 5.11, including the compliance table.</p> <p>Milyeannup Coast Road meets the requirement of a public road. It is an unsealed road. There is two way access for vehicles in all weather conditions on this road. No further updates required to the BMP.</p>

DFES ADVICE		BPP RESPONSE / ACTIONS
Issue	Assessment	
Vulnerable Tourism Land Uses - Water	<p>A 5.11c – comment only The BMP has shown an EAW and made a statement in the BMP against the acceptable solution for an EAW.</p> <p>The EAW is outside the lot boundary of the application even though the neighbouring land appears to be owned by the applicant. It is acknowledged that the BMP states an EAW is not required to achieve compliance with vehicular access but has detailed it as an additional egress option for visitors. However, the EAW does not comply with the technical requirements of the Guidelines. It is in excess of 500 metres in length and does not appear to be formalised as a public right of way easement.</p> <p>The EAW details should be moved to the Bushfire Emergency Evacuation Plan and removed from the BMP unless there is an intention to formalise it and ensure that it complies with the technical requirements of the Guidelines.</p>	<p>BPP Comment: The EAW details have been removed from the Assessment statement in the BMP.</p>
Vulnerable Tourism Land Uses – Water (Cottage/Farm Shop)	<p>A5.6 not demonstrated. A5.6 has not been addressed in the BMP. The compliance table should be updated to address A5.6 for the cottage.</p> <p>The BMP states that a water tank is already in place but acknowledges that there is no dedicated tank for firefighting. The BMP states that one would be installed if required by the Shire. This is not supported. The acceptable solution is for a tank to be installed which is dedicated for firefighting purposes for the following reasons:</p> <ul style="list-style-type: none"> - The use of domestic water for firefighting purposes is prohibited under the Bushfires Act 1954. - In the event of an emergency incident firefighters may drain the entire domestic tank in suppression efforts. Until the tank is refilled residents cannot return to their homes. - When a tank, used mainly for domestic purposes, is entirely emptied the sediment at the bottom of the tank may be disturbed when re-filling which can make the water unpotable. - There is no guarantee that the tank will have the reserve of 10,000L as this is at the discretion of the landowner. 	<p>BPP Response: No modification to the BMP required. The Local Government has confirmed that the existing tank is suitable for fire fighting capability. The existing water tank is fed from the bore automatically.</p>

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Vulnerable Tourism Land Uses – Water (Cottage/Farm Shop)	The Guidelines require every habitable building to have a 10,000L water tank dedicated for firefighting. The Cottage and Farm Shop should each have a 10,000L tank dedicated for firefighting located in an area of BAL – 29 or lower and accessible to a type 3.4 appliance.	

DFES ADVICE		BPP RESPONSE / ACTIONS
Issue	Assessment	
Bushfire Emergency Evacuation Plan (BEEP)	<p>The referral has included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. 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.</p> <p>It is noted that the first evacuation route mentioned in the BMP is not shown in the BEEP. This should be updated for accuracy.</p>	BPP Comment: No update required to the BEEP. Both evacuation routes are detailed in the BEEP (see Fig 1. Site Emergency Information)

Additional photos to demonstrate APZ compliance (Managed vegetation)

