



LOCAL PLANNING POLICY NO 18 POINT HENRY FIRE MANAGEMENT REQUIREMENTS

1.0 AIM

That bushfire risk for new development in Point Henry be managed in a manner that complies with State Planning Policy requirements and appropriately responds to local conditions.

2.0 OBJECTIVES

- a) To integrate fire management as a key element of development and subdivision design in balance with environmental, landscape, community and residential objectives;
- b) To ensure that new development contains appropriate levels of bushfire protection; and
- c) Recognise the circumstances particular to Rural Residential development in Point Henry when applying the requirements of State Planning Policy 3.7 'Planning in Bushfire Prone Areas' and the associated 'Guidelines for Planning in Bushfire Prone Areas' (WAPC's Bushfire Policy Framework).

3.0 STATUTORY BASIS

Areas within Western Australia have now been designated as bushfire prone by the FES Commissioner. This order was gazetted in tandem with the Planning and Development (Local Planning Scheme) Amendment Regulations 2015 and new State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) which together form the State Government's bushfire planning reforms.

The Map of Bush Fire Prone Areas identify the parts of the State that are designated as bushfire prone and come into effect on 8 December 2015.

The Planning and Development (Local Planning Scheme) Amendment Regulations 2015 (LPS Amendment Regulations 2015) introduce deemed provisions relating to bushfire at Part 10A and came into effect on 8 December 2015.

SPP 3.7 and the Guidelines for Planning in Bushfire Prone Areas were released and took effect on the 7 December 2015. SPP 3.7 provides the foundation for land use planning decisions in designated bushfire prone areas and local governments need to give due regard to the policy provisions.

Section 4.5.3 of the "Guidelines for Planning in Bushfire Prone Areas" allows for local or regional variations to bushfire criteria which must be endorsed by the WAPC and DFES.

4.0 BACKGROUND

Council prepared the Point Henry Fire Management Strategy in 2014. This Strategy focussed on planning and development issues and provides much of the context for the preparation of this Local Planning Policy and other fire management measures accomplished in Point Henry and surrounds. It should be referred to for any detailed queries.

The Point Henry peninsula extends south from White Trail Road for approximately 8kms. There are an estimated 207 freehold properties within the Point Henry peninsula with approximately 90 of these being developed. Most properties are zoned for rural residential development with areas of between 3 and 10 hectares.

The Point Henry peninsula is characterised by a central granite ridge spine which winds down the peninsula in an overall north – south direction. The highest point is Tooreburrup Hill with an elevation of 156m. Steep granitic coastal slopes give way intermittently to sandy beaches, each with its own character.

The Point Henry peninsula is generally heavily vegetated with endemic coastal peppermint and coastal shrubland on exposed areas. This includes areas of Kwongkan Shrubland which is a recognised threatened ecological community (TEC), listed as Endangered under the Environment Protection and Biodiversity Conservation Act 1999. Approval may be required for a proposed activity that significantly affects the community.

The majority of the Point Henry peninsula is included in the 'Rural Residential' zone under Local Planning Scheme No 2. The Scheme promotes the need to protect and enhance rural landscapes and environmental values while recognising the necessity for fire management measures. Within the Rural Residential zone there are both general development provisions and detailed provisions for each zone.

The Shire of Jerramungup has worked to improve all aspects of fire management in Point Henry since 2012. This policy seeks to clarify fire management requirements for new development on Point Henry.

4.1 *Scheme Requirements*

The majority of private owned land on the Point Henry peninsula is included in the 'Rural Residential' zone under Local Planning Scheme No 2. Clauses applicable to fire management and mitigation have been part of Town Planning Scheme 1 and Local Planning Scheme No.2 since the first subdivision in Point Henry. However, past planning approvals did not explicitly list all requirements of the Scheme at the time and this has historically resulted in a poor standard of compliance in existing development.

There are general and specific provisions that apply to the Rural Residential zones within Point Henry that address issues including setbacks to boundaries, amenity, landscape protection, relationship with surrounding development and fire management.

4.2 WAPC's Bushfire Policy Framework

A package of reforms was introduced in 2015 to help protect lives and property against the threat of bushfires throughout Western Australia. These include:

- *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP3.7);
- *Guidelines for Planning in Bushfire Prone Areas* (Guidelines and Appendices); and
- *Planning and Development (Local Planning Schemes) Regulations 2015 Part 10A – Bushfire risk management (deemed provisions)* which comprises deemed provisions relating to bushfire risk management.

This policy refers to these documents as the WAPC Bushfire Policy Framework and development applications are required to comply with these documents.

When considering development proposals in Point Henry the WAPC Bushfire Policy Framework requires:

- Application of State Planning Policy 3.7;
- A BAL Assessment;
- Assessment against the bushfire criteria in the form of a Bushfire Management Plan; and
- A Notification placed on the Title

Importantly, clause 4.5.3 of the Guidelines for Planning in Bushfire Prone Areas allows for local or regional variations to “*recognise special local or regional circumstances (e.g. topography/vegetation/climate) which reinforce the intent of a particular bushfire protection element and apply across a defined locality.*”

5.0 POLICY STATEMENT

This Policy will apply to all development proposed on land zoned Rural Residential on the Point Henry peninsula under the Shire of Jerramungup Local Planning Scheme 2.

This Policy applies the WAPC Bushfire Policy Framework and supplements certain provisions of this framework with additional requirements that respond to local conditions.

This Policy is to be read in conjunction with State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7) and Guidelines for Planning in Bushfire Prone Areas

5.1 Local Conditions - Point Henry Peninsula

The Point Henry peninsula has characteristics that require a specific response, and necessitate a modified approach to the application of the WAPC's Bushfire Policy Framework; as permitted by Clause 4.5.3 of the Guidelines for Planning in Bushfire Prone Areas.

These specific characteristics include:

- a) There is only one road in and out of Point Henry leading to a requirement under clause 6.11 of State Planning Policy 3.7 to apply the 'precautionary principle' to new strategic planning proposals, subdivision and development proposals. This means that "*the potentially serious threat of bushfire to people, property and infrastructure warrants a conservative approach to decision making being taken*" (cl.2.5 of WAPC Guidelines for Planning in Bushfire Prone Areas).
- b) Many properties and public spaces contain the **Kwongkan Shrubland** vegetation community which is a *Proteaceae dominated* vegetation community found in the WA south coast region, including on Point Henry, which is a Threatened Ecological Community listed as Endangered under the Environment Protection and Biodiversity Conservation Act 1999.
- c) There are a wide variety of vegetation types, many of which respond strongly to disturbance, particularly peppermint trees and coastal wattle.
- d) Limestone ridges run through the peninsula that are particularly sensitive to erosion.
- e) Strong seasonal winds and the influences of a coastal environment.
- f) Past fire management approaches resulting in fire mitigation measures including:
 - Strategic Break network in private property;
 - Clearing back of vegetation from roads for these to work more effectively as strategic breaks; and
 - Communal water supply, existing and planned.
- g) A history of and vulnerability to weed invasion in disturbed land, particularly Victorian Teatree.
- h) A sometimes steeply rolling topography.
- i) High levels of biodiversity with Point Henry being within the Fitzgerald Biosphere; listed as part of the UNESCO listed 'Man in the Biosphere' program. The objective of this program is "*to address a sustainable balance between the goals of conserving biological diversity, promoting economic development and maintaining cultural values*".
- j) High levels of absentee landownership and houses used exclusively as holiday homes resulting a higher likelihood of people unfamiliar with the locality being present at the time of a bushfire.
- k) Given the rural and remote location, volunteers attending a bushfire in Point Henry are likely to be unfamiliar with the local conditions resulting in a need for more uniform response to fire management measures on private property.
- l) The original objective of the Rural Residential zone in this area is "...to create rural-residential retreats in a coastal area with emphasis on minimising impact on the landscape and natural vegetation...." Therefore, retaining landscape values and character of area was foremost in the original zoning of the peninsula and needs to be recognised when applying the WAPC Bushfire Policy Framework.

6.0 POLICY REQUIREMENTS

6.1 When considering proposed development applications, the Council shall, in addition to the matters contained in the Local Planning Scheme and the WAPC's Bushfire Policy Framework, consider the proposal in relation to:

- Emergency management responses are based upon uniformity which provides certainty to the volunteers who are potentially risking their lives to defend property.
- That the “pre-cautionary principle” be applied to new development in Point Henry on the basis of the single access road increasing the overall bush fire risk.
- **That the Point Henry peninsula has history and characteristics (as listed at 5.1 of this policy) that require a specific local response.**

Building Envelope and Balance of Land

6.2 That as part of the planning application for a dwelling, the building envelope is to be redefined and endorsed by Council.

6.3 In considering a planning application, the Council, in addition to the matters contained in the Local Planning Scheme, shall consider the suitability of the development location and proposed building envelope in relation to:

- a) Proposed bushfire management measures,
- b) Landscape and environmental objectives;
- c) Any potential impacts on Kwongkan Shrubland; and
- d) Whether there are alternative development sites on the subject land.

New Dwellings & Outbuildings

6.4 That new dwellings and outbuildings proposed on existing allotments shall, unless otherwise approved by Council:

- Comply with the requirements of State Planning Policy 3.7 “Planning in Bushfire Prone Areas” and the associated Guidelines for Planning in Bushfire Prone areas” except where varied by this Policy;
- Comply with any approved Bushfire Management Plan including any assigned BAL rating;
- Avoid areas of Kwongkan Shrubland wherever practical.

6.5 A Bushfire Management Plan is required for all new dwellings and associated outbuildings:

- (a) Where the development proposal meets the acceptable solution for each element of the Bushfire Protection Criteria found at Appendix 4 of the Planning in Bushfire Prone Areas Guidelines (including where these are varied in this policy) the Point Henry specific Bushfire Management Plan template at Appendix 1 of this Policy may be used; or
- (b) Where a development proposes to apply any ‘performance principle’ a Bushfire Management Plan prepared by an appropriately accredited person is required.

Asset Protection Zone

- 6.6 Acceptable Solution A2.1 of the *Guidelines for Planning in Bushfire Prone Areas* is varied to require the minimum width of an Asset Protection Zone (APZ) for new development to be 20m, except where 6.7 (below) applies. Any APZ proposed at less than 20m (including a reduction to the BAL-29 setback distance) will require a Bushfire Management Plan prepared by an accredited person.
- 6.7 The width of an APZ for a building proposed to be located in Kwongkan Shrubland may apply the BAL-29 setback standard to keep the impact on this vegetation community to a minimum.
- 6.8 The Asset Protection Zone should generally be contained within the defined building envelope.
- 6.9 Where the building envelope setback is less than 20m from the boundary, the dwelling is still to be setback 20m in order to accommodate the Asset Protection Zone within the property boundaries.

Water

- 6.10 Acceptable Solution A4.3 of the *Guidelines for Planning in Bushfire Prone Areas* is varied to require a minimum dedicated water tank size of at least 20,000l with a 50mm male camlock coupling with full flow values.

Vegetation

- 6.11 Where an application proposes to modify more than 30m width of vegetation or impacts on Kwongkan Shrubland vegetation the Council may refer the application to DBCA for comment.
- 6.12 Where an application proposes development on land which may contain Kwongkan Shrubland, Council may request that a flora survey be conducted to confirm the presence and extent of the Kwongkan Shrubland.
- 6.13 Landowners are encouraged to manage the balance of their land in accordance with the recommendations of the Shire of Jerramungup report "*Bremer Bay & Point Henry Vegetation Mapping and Management Report*".

Kwongkan Shrubland means the *Proteaceae Dominated Kwongkan Shrublands* ecological community listed as Endangered under the Environmental Protection Kwongkan and Biodiversity Conservation Act 1999.

7.0 ASSOCIATED DOCUMENTS

Whilst this Local Planning Policy is confined to guiding the assessment of new development proposals in the Rural Residential zone on Point Henry peninsula it is important to note that there are many other complimentary fire management measures taking place in Point Henry. These are summarised below:

Point Henry Fire Management Strategy 2014, this strategy document guides and informs many of the fire mitigation methods undertaken in Point Henry and provides the context for the preparation of this Local Planning Policy. It should be referred to for any detailed queries.

Shire of Jerramungup Fire Control Information Notice applicable through the Bush Fire Act 1954. This was amended in 2015 with the agreement of Council and Bushfire Advisory Committee and includes a requirement for:

- (i.) Compliant access/driveway; landowners must comply by **31st October 2016**
- (ii.) Turnarounds for heavy firefighting vehicles; landowners must comply by **31st October 2017**
- (iii.) 20,000L dedicated water supply; landowners must comply by **31st October 2018**
- (iv.) 20 metre Asset Protection Zone (APZ); landowners must comply by **31st October 2019**

Importantly, the Fire Control Information Notice allows for permanent variations where Point Henry specific conditions warrant it. A separate variations policy has been prepared as an internal procedure to guide staff in the assessment of these applications.

Bushfire Risk Mitigation Plan

Wesplan-fire, the state emergency response plan for fire, requires local governments with a high risk of bushfire to develop a Bushfire Risk Management Plan (BRMP).

In June 2017 Council adopted a BRMP that is a high level document prepared in collaboration with the Department for Fire and Emergency Services (DFES). This document is a tenure blind assessment providing an overview of the bushfire risk within the shire, and the associated treatment strategies to address wider impacts. This plan brings together contextual factors that impact bushfire risk across the shire.

The BRMP planning process has identified roles of the various tenure managers, including private property holders to meaningfully address bushfire risk, through on the ground work, policy amendments, community engagement and education.

The plan will be implemented over a five year period. Over this period it is envisaged that strategies will be embedded in the shires daily business which continues to lower the risk to the community from bushfire.

Bremer Bay Point Henry Vegetation and Mapping Project maps and assesses the various vegetation communities in Point Henry and provides best practice recommendations on managing vegetation with a view to reducing fuel loads and protecting biodiversity.

The recommendations from this project are being embedded into the various mitigation practices and policies of the Shire of Jerramungup where practical including the BRMP, Bushfire Management template (Appendix 1) and general information provided to landowners and prospective purchasers.

Property Address:
Lot size:
Landowner:
Development Application Ref:
Prepared by:

Document control

Client: Insert client name

Report Version	Purpose	Author/reviewer and accreditation details	Date Submitted

Disclaimer

Bushfire Assessment Results

Undertake a BAL assessment in accordance with AS3959.

Assessment against the Bushfire Protection Criteria

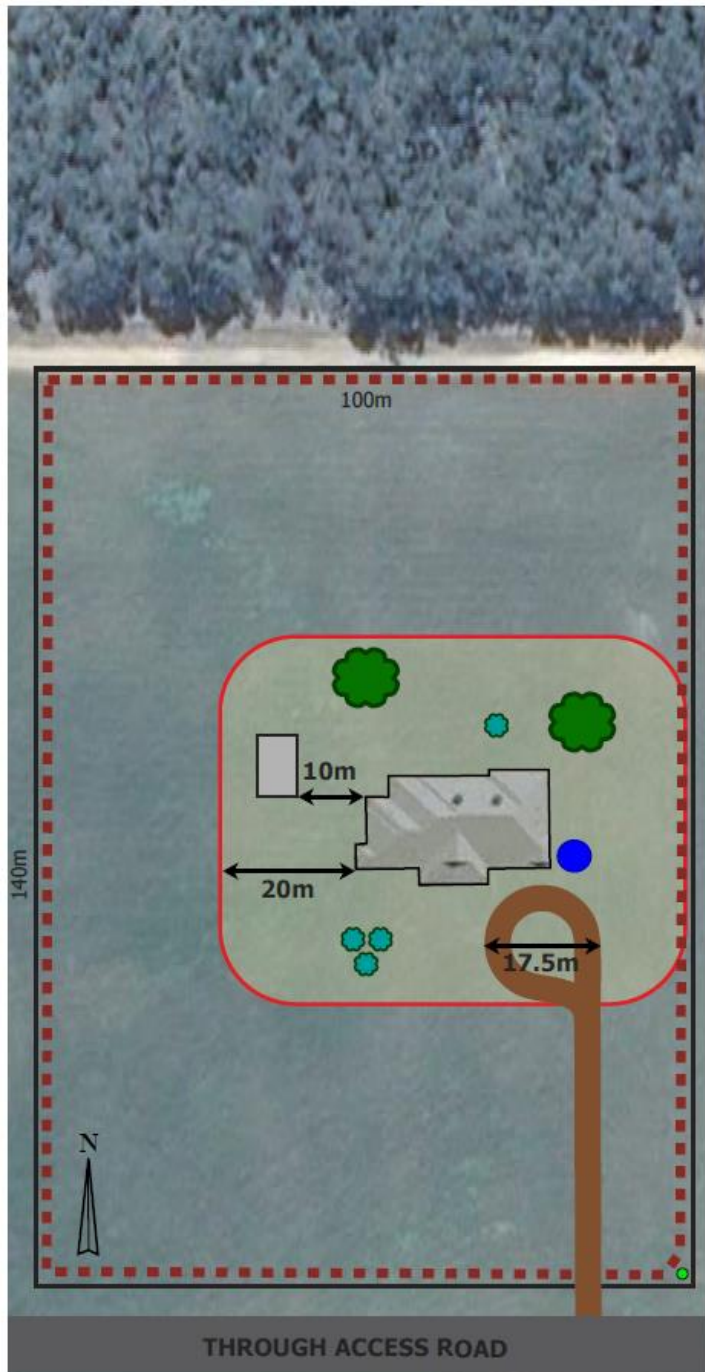
For each of the elements listed in Appendix 4 of the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines) and the local variations listed in the Shire’s Local Planning Policy 18, the ‘intent’ must be demonstrated by addressing the relevant acceptable solutions. Where these acceptable solutions cannot be fully met, performance based solutions may be proposed through a Bushfire Management Plan prepared by an accredited bushfire professional.

A statement of compliance against each relevant acceptable solution and a spatial representation of the proposed risk management measures should be incorporated on an A4 or A3 figure (refer to example figure). Examples of information that could be represented spatially include:

- * spatial alignment and width of any APZs (*Note: 20m minimum is required for new development in Point Henry*)
- * vehicular access requirements such as private driveways longer than 50 m, passing bays or turn around areas, battle-axes, emergency access ways, fire service access routes, etc
- * provision of water supply requirements (e.g. water tank location, hardstand and turnaround provisions, etc) (*Note: Shire of Jerramungup requires 20,000l of water dedicated to fire-fighting with a 50mm male-camlock*).
- * environmental – location of habitat trees and protected vegetation/complexes such as Kwongkan Shrubland.
- * reference to the ongoing management requirements of the property, including the APZ.

Appendices

- Include information on how the balance of the property will be managed (refer to the Shire’s report “Bremer Bay Point Henry Vegetation Mapping and Management Project”, in particular *Appendix 8 - Vegetation Management Guide* for assistance and further information.
- Include an appendix containing Appendix 4 - Element 2 (Schedule 1) of the Guidelines to assist with implementation and ongoing management of the APZ if relevant.
- If required, include an appendix containing vehicular access technical requirements (Table 4 of the Guidelines) to assist with implementation of proposed access provisions.
- Attach a copy of the BAL Assessment undertaken for the proposed development.



NOTES

As the outbuilding is more than 6m from the dwelling, no special construction measures are required under AS3959.

Asset Protection Zone (APZ)
The minimum width for the APZ is to be 20m. The land between the development and the classified vegetation is to be maintained as an APZ.

Vegetation in the APZ is to comply with Schedule 1 Element 2 of the Guidelines noting that:

- Trees >5m in height are to be setback a minimum distance of 6m from the building with no branches overhanging the roof.
- Shrubs <5m in height are to be setback a minimum distance of 3m from the building and not planted in clumps greater than 5m²
- Grass is to be maintained at less than 100mm in height.

A 20,000L water supply dedicated to firefighting will be provided in addition to the normal domestic water supply. It can be located in the same tank with suitable separation and a 50mm male camlock fitting










The driveway access will be suitable for a fire truck with a minimal 4m trafficable surface. A turn around will be provided near the dwelling and a hardstand areas to provide access to the water tank.

If an access gate is going to be installed along the driveway, then the gate shall have a minimum width of 3.6m.

The power dome is to be kept clear of vegetation.

Installation and upkeep of the asset protection zone, firebreaks, water supply and the driveway are the responsibly of the landowner. The measures listed above shall be implemented prior to the occupation of the dwelling and shall continue to be maintained in perpetuity.

LEGEND

- SUBJECT LAND 
- DWELLING 
- OUTBUILDING 
- ASSET PROTECTION ZONE 
- DRIVEWAY 
- TREES >5m 
- SHRUBS <5m 
- WATER TANK 
- POWER DOME 

PROPERTY/ASSESSMENT DETAILS

Owner:

Lot/No:

Street:

Locality:

Prepared by:

Company:

Accreditation Level:.....

Accreditation Number:.....

Accreditation Expiry Date.....

Attachment 1**BALANCE OF TITLE**

The landowner is encouraged to maintain the balance of the property, outside of the APZ, driveway and turnaround in accordance with the recommendations of the Shire's report "Bremer Bay Point Henry Vegetation Mapping and Management Project", in particular Appendix 8 - Vegetation Management Guide.

Provide plan of the property showing vegetation communities present and & reproduce the recommendations for managing that vegetation type.

Provide recommendations on weed, dieback and erosion management (refer pages 98-129 of Appendix 8 - Vegetation Management Guide for guidance).

The Shire's Development team can provide a plan of the vegetation communities present to serve as a base plan.