

12.3.3 a) Amended LPP18 - Point Henry Fire Management



SHIRE OF JERRAMUNGUP LOCAL PLANNING POLICY NO 18 POINT HENRY FIRE MANAGEMENT

AIM

That the bushfire risk at Point Henry be managed through increased prevention and preparedness to be as low as is reasonably practicable to ensure that there is no potential loss of lives.

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;
- c) To improve the fire safety of existing dwellings; and
- d) Not to prohibit development on existing lots.

BACKGROUND

Council has prepared the draft Point Henry Fire Management Strategy (TME 2014). This focussed on planning and development issues, and it provides the context for the preparation of this Policy Statement. It should be referred to for any detailed queries.

The Study Area extends south from White Trail Road for approximately 8kms. There are an estimated 207 freehold properties within the Study Area with approximately 120 of these being developed. The predominant lots are designed for rural residential development with areas of between 3 and 10 hectares. The largest crown reserve is R511 on the northern boundary of the Study Area and this is managed by the Shire of Jerramungup while Point Gordon and Point Henry are both “unmanaged” crown reserves.

There are a number of businesses within the Study Area including; 888 Abalone Pty Ltd; Bremer Bay Beaches Resort and Caravan Park; and the Wellstead Museum and Café. Major infrastructure includes; the Fishery Beach marina; Tooreburrup Hill communication tower and base equipment; Bremer Bay cemetery; and water pipelines etc. The public beaches are important assets and the use of these is greatest during the peak summer holiday period when there is a dramatic increase in the local population.

The Study Area 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 Study Area is generally heavily vegetated with endemic coastal peppermint and coastal shrubland on exposed areas. This includes areas of Proteaceae Dominated Kwongan Shrubland which is protected ecological community 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 Study Area is zoned 'Rural residential' under Local Planning Scheme No 2. The Scheme promotes the need to protect and enhance rural landscapes and environmental values while recognising that fire management measures must be undertaken. Within the rural residential zone there are both general development provisions and detailed provisions for each zone.

The Scheme provisions allow Council to impose a levy per property for fire protection measures which is primarily used for the maintenance of strategic fire breaks.

The Study Area generally has an extreme bushfire hazard rating with smaller areas with a moderate rating.

A major fire occurred in 2002 which resulted in the significant regrowth of the Peppermint woodlands. The community (including visitors) within the Study Area has a moderate to high vulnerability to the potential threat posed by bush fires. The existing single access within the Study Area via Wellstead and Point Henry Roads increases the level of bush fire risk.

The level of bush fire risk is directly related to the type and extent (area) of vegetation and its characteristics. Removal or modification of large areas of vegetation potentially conflicts with environmental policies and is not acceptable to many landowners.

The State Government has implemented a number of bushfire management initiatives which include:

- State Planning Policy 3.7 Bushfire; and
 - Planning for Bushfire Guidelines.
1. The Planning and Development (Bushfire Risk Management) Regulations 2014 and State Bushfire Prone Mapping has been gazetted. This requires:
 2. Any building licence application for residential buildings and outbuildings i.e. Class 1, 2 or 3 buildings or associated Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in designated bushfire-prone areas will be required to be constructed in accordance with AS3959 Construction of Buildings in Bushfire Prone Areas;
 3. A Bushfire Attack Level (BAL) assessment must be undertaken on the site; and
 4. Development on sites with a BAL-40 or BAL-FZ rating will require a planning application under the Planning and Development (Bushfire Risk Management) Regulations 2014.

DEFINITIONS

Unless otherwise specified terms used in this policy have the same meaning as assigned in Town Planning Scheme No 2 and/or the State Planning Policy 3.7 Bushfire (as amended).

Driveway means an access to a property/dwelling which:

- Provides a turnaround area for a Heavy-Duty fire truck within the vicinity of the dwelling (three point or circular);
- Has a minimum width of 4 metres;
- Has a minimum horizontal clearance to vegetation of 6m;
- Has a vertical clearance of 5m; and
- Has a maximum grade of 8 degrees.

Proteaceae Dominated Kwongkan Shrubland means a Proteaceae dominated ecological community found on Point Henry which is an endangered ecological community being of national environmental significance as listed under the Environment Protection and Biodiversity Conservation Act 1999.

Strategic Firebreak means a linear area of land required for fire management which has all inflammable matter and vegetation removed between 5cm above the ground and 5

metres above the ground. The width of a strategic fire break shall be in accordance with an approved Subdivision Guide Plan, Fire Management Plan, Plan of Subdivision or in accordance with a notice issued by the local government in accordance with the Bush Fire Act 1954 as shown on the Strategy Plan.

Water Supply means a water tank (*or dedicated portion of a water tank*) with a 20,000L capacity which is solely for fire fighting purposes and:

- A 50mm male camlock coupling with full flow valves.
- A hard standing access adjacent to such connection/s and this must be readily identifiable.
- An associated non electric fire fighting pump (normally 5.5hp) with sufficient hose to protect the dwelling and the surrounding low fuel zone.

Vegetation Management Plan means a plan which identifies vegetation types and recommends appropriate management measures that retain the ecological qualities of the vegetation communities. Such recommendations will include for fire management, weed control, access etc.

STRATEGY PLAN

This Policy includes the attached strategy plan which is to be read in conjunction with the policy provisions.

PROVISIONS

1. That the study area is considered to be bushfire prone for the purpose of the application of the Building Code of Australia.

New Dwellings

2. That new dwellings being developed on existing allotments shall unless otherwise approved by the Local Government:
 - Be constructed in accordance with AS3959 Construction of Buildings in Bushfire Prone Areas;
 - Comply with any approved fire management plan including any assigned BAL rating;
 - Have an appropriate water supply of 20,000L;
 - Have an appropriate driveway and vehicle turn around area;
 - Have a 20m building protection zone; and
 - Avoid areas of Proteaceae Dominated Kwongan Shrubland.

Existing Dwellings

3. That existing dwellings:
 - Should have an appropriate water supply;
 - Should have an appropriate driveway and vehicle turn around area;
 - Should have a 20m building protection zone unless otherwise approved by Council; and
 - Should upgrade the construction standard of buildings to comply with AS3959 where practicable.
4. That owners and property managers must ensure that fire prevention measures are maintained at holiday homes including the provision of information to guests.

Outbuildings

5. AS3959 construction standards apply to outbuildings, carports, sheds, verandas etc. Where these are attached to the dwelling they will have the same BAL rating as the dwelling. Where they are more than 6m from the dwelling they will have a separate BAL rating.
6. Non habitable outbuildings may utilise BAL-40 or BAL-FZ ratings.

Note: Any outbuilding within 6m of a dwelling must have the same BAL rating. Once it is more than 6m from the dwelling then it has its own BAL rating.

Future Development

7. That any new planning proposal (rezoning, structure plan or subdivision) shall comply with State Planning Policy 3.7 Bushfire and the associated Guidelines. Any such development must be designed to ensure that there is a maximum Bushfire Attack Level rating of BAL-29. Any proposal must identify any Proteaceae Dominated Kwongkan Shrubland and assess the potential impacts on this.

Building Protection Zone

8. That where the slope of the site exceeds 10 degrees the planning approval for the dwelling and / or fire management plan shall require the building protection zone to be increased on the downslope from the dwelling as follows:
 - a) 25m for land with slopes between 10° to 15°;
 - b) 30m for land with slopes between 15° to 20°; and
 - c) 40m for land with slopes over 20°.
9. That the requirement for building protection zone may be varied by Council where the development is considered to be “unavoidable development” being that:
 - a) No alternative building location/building envelope exists;
 - b) The 20m distance is not available due to topography, sensitive vegetation i.e. Proteaceae Dominated Kwongkan Shrubland, distance to boundary, etc; or
 - c) That it could be compensated for by a larger setback on another side that may act as a refuge, i.e. 30m wide with direct access to the property’s water supply.
10. In considering any proposed variation to the provision of the building protection zone for new dwellings, Council will require that a fire management plan be prepared for subject land. This plan shall show that there are appropriate alternative performance based measures for the protection of the dwelling.
11. Where dwellings on adjoining properties are located less than 20m from the shared boundary, Council may permit screen planting along the boundary within the building protection zone.
12. That Council will develop a policy to allow the building protection zone to include heath vegetation which has been trimmed to a nominated height and maintained with reduced fuel loads. This Policy shall encourage the planting of local native species so that this area becomes a “managed” landscape.

Building Envelope and Balance of Land

13. That as part of the planning application for a dwelling, the building envelope is to be redefined and endorsed by Council. The building envelopes shown in the subdivision guide plans are general in nature and historically have not been assessed against fire management & environmental/landscape/amenity principles. While acknowledging that landowners will want to site dwellings to take advantage of coastal views the building envelope should preferably not be located in areas of Proteaceae Dominated Kwongkan Shrubland.
14. The building protection zone should generally be contained within the defined building envelope.
 - a) The balance of the building envelope is to be maintained as a hazard separation zone.
 - b) 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 building protection zone.
15. That where a private landowner wishes to undertake additional fuel reduction measures on a property such measures may require the approval of Council under Clause 5.24 of the Scheme and the approval of the Department of Environment Parks and Wildlife unless exempted under Council's proposed Bushfire Risk Management Plan. Progressive thinning of coppiced peppermint trees to reduce fuel loads is supported and shouldn't need any clearing approval.

Planning Application and Approvals

16. That planning applications on land in the Study Area are to include information on proposed bush fire management measures including:
 - a) What BAL rating is intended to be used for the construction of the dwelling;
 - b) Confirming the average gradient of the slopes under this vegetation on all four sides of the dwelling extending for a distance of 100m;
 - c) Detailing what vegetation is intended to be cleared for the construction of the dwelling and associated fire management of the property;
 - d) Defining the proposed building envelope;
 - e) Confirm the capacity of the proposed water tanks; and
 - f) Showing the proposed driveway.
17. Where a planning application proposes any variation to the provisions of this Policy or proposes to use BAL – 40 or BAL – FZ construction standards for dwellings, it shall be accompanied by a bushfire management plan (BMP).

Note: The inclusion of the term "alternative performance based measures" would mean a FMP prepared by a BPAD Level 3 accredited fire consultant.

18. Where an application proposes to modify more than 30m width of vegetation or impacts on shrubland vegetation the Council may refer the application to DPaW for comment.
19. Where an application proposes development on land which may contain Proteaceae Dominated Kwongkan Shrubland, Council may request that a flora survey be conducted to confirm the presence and extent of the Proteaceae Dominated Kwongkan Shrubland.
20. 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 fire management measures,
- b) Landscape and environmental objectives;
- c) Any potential impacts on Proteaceae Dominated Kwongkan Shrubland; and
- d) Whether there are alternative development sites on the subject land.

21. That Planning Approvals require the installation and maintenance of appropriate driveways, water supply and building protection zone.

Local Planning Scheme

22. That Council amend the Local Planning Scheme to introduce a general provision relating to bush fire prone land and consider the introduction of a Special Control Area over the Study Area for bushfire management.

Shire Land

23. That Council investigate the opportunities to improve the passive fire protection measures at Blossom's and Short beaches including the development of Neighbourhood Safer Places and upgrading of roads to a suitable standard.

24. That Council prepare a fire management plan for R511 which includes fire management zones and associated measures.

25. That portion of selected road reserves be judiciously slashed for their full width as part of the strategic firebreak network.

26. That Council investigate the opportunities to improve the standard of roads in Point Henry over time including line marking, pull over bays and completing Wellstead Road.

IMPLEMENTATION

27. That Council continue to utilise the existing landowner contribution scheme for maintenance of strategic firebreaks and other mitigation measures.

28. That Council review its Firebreak Notice in relation to the provision of building protection zones, water supplies, and driveways. The application of these measures on existing dwellings should be phased in over a nominated time period i.e. 5 years.

29. Where it is not practical for an existing dwelling to provide a 20m building protection zone a landowner shall apply for a variation to the Firebreak Notice. In considering any such request regard will be given to:

- a) The topography of the site;
- b) Potential environmental impacts caused by the building protection zone;
- c) Provision of alternative low or managed fuel zones.

Note: Varying 20m BPZ for existing houses can be considered without need for a Bushfire Management Plan.

30. That fuel reduction measures on the balance portion of the land outside of the building envelopes, vacant and Crown Land be addressed in the preparation of the municipal Bushfire Risk Management Plan.

31. That the Shire use the Vegetation Management Plan for Point Henry and implement measures for specific vegetation communities with a view to retaining their ecological values over time.
32. The Council consider preparing an Asset Plan updated annually that documents all development with the status of the fire management elements available at each property.
33. Encourage people to work with neighbours to achieve secondary access points.
34. Referrals to DFES should be directed to advice@dfes.wa.gov.au in the following circumstances:
 - (i) Disagreement between DPLH, landowners and/or the Local Government;
 - (ii) To assist with appeals in the State Administrative Tribunal;
 - (iii) Statutory planning applications within a BAL-40 or BAL-FZ, or where method 2 / performance principals have been used to address the bushfire criteria;
 - (iv) All strategic planning documents/ applications, including sub regional and district structure plans and local planning policies;
 - (v) Scheme amendments that propose 'supplemental provisions' to Part 10A Bushfire risk management provisions (deemed provisions); and
 - (vi) Development applications for vulnerable, unavoidable or high-risk development.
35. That this Policy be reviewed once every five years or when required.