

SUMMARY OF SUBMISSIONS
Gobby Road, Keysbrook 311 (L12) 10200 – Holiday Accommodation - PA21/862

Submitter	Submitter Comments	Officer Comments				
First DFES Submission	<p>This advice relates only to <i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (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.</p> <p>Assessment</p> <ul style="list-style-type: none"> 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. In line with the State Core Objective of Emergency Risk Management - <i>People: protect lives and wellbeing of persons</i>, DFES has assessed this proposal against SPP 3.7 and the Guidelines. DFES acknowledges this proposal falls within the scope of the Western Australian Planning Commission's <i>Position Statement: Tourism land uses in bushfire prone areas</i> (the Statement). The decision maker can consider the policy intent of the Statement, particularly regarding the primacy of life. <p>1. Policy Objectives 5.1 and 5.2 apply to this proposal</p> <table border="1" data-bbox="257 997 1729 1436"> <thead> <tr> <th colspan="2" data-bbox="257 997 1729 1034">Assessment</th> </tr> </thead> <tbody> <tr> <td data-bbox="257 1034 996 1436">Policy objectives</td> <td data-bbox="996 1034 1729 1436"> <p>5.1 & 5.2 – not achieved</p> <p>The paramount objectives of SPP 3.7 are to avoid an increase in the threat of bushfire, to preserve life and to reduce vulnerability to bushfire.</p> <p>Conflictingly the proposed development would increase the threat of bushfire and vulnerability of people, property and infrastructure to bushfire at this location.</p> <p>The submission seeks to apply bushfire protection measures to 'mitigate' the bushfire risk where the risk cannot be 'controlled' but should be avoided entirely.</p> </td> </tr> </tbody> </table>	Assessment		Policy objectives	<p>5.1 & 5.2 – not achieved</p> <p>The paramount objectives of SPP 3.7 are to avoid an increase in the threat of bushfire, to preserve life and to reduce vulnerability to bushfire.</p> <p>Conflictingly the proposed development would increase the threat of bushfire and vulnerability of people, property and infrastructure to bushfire at this location.</p> <p>The submission seeks to apply bushfire protection measures to 'mitigate' the bushfire risk where the risk cannot be 'controlled' but should be avoided entirely.</p>	This advice has been considered in the Consultation and Bushfire Consideration sections of the report.
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	<p>the bushfire hazard at this location represents an extreme bushfire risk that cannot be adequately reduced.</p> <p>The DFES advice considers the intent of the element, which is to ensure the proposal is <i>“located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.”</i> Further, the performance principle states it needs to be demonstrated that <u>“the risk can be managed.”</u></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. • 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>Siting and Design</p>	<p>Intent – non-compliant</p> <p>The bushfire hazard remaining within the site should not be considered in isolation of the bushfire hazard adjoining the site. Further, BAL construction standards focus on asset protection and this should not be</p>

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	<p>incorrectly equated with a lower risk to people and the subject site.</p> <p>Ultimately, there is inadequate physical separation from the extreme bushfire prone vegetation within 150 metres of the site boundary. Studies of past bushfire events demonstrate 85% of fatalities occur within 100 metres of extreme bushfire level vegetation, source: Bianchi, Raphaele, et al. "Environmental circumstances surrounding bushfire fatalities in Australia 1901–2011." <i>Environmental Science & Policy</i> 37 (2014): 192-203.</p> <p>The DPLH Position Statement (November 2019) - Planning in bushfire prone areas - Demonstrating Element 1: Location and Element 2: Siting and Design <i>states to demonstrate compliance with acceptable solution A1.1 consideration should be given to the site context, where 'area' is the land within and adjoining the subject site. The hazards remaining within the site should not be considered in isolation of the hazards adjoining the site, as the potential impact of a bushfire will be dependent on the wider risk context, including how a bushfire could affect the site and the conditions for a bushfire to occur within the site.</i></p> <p>The development has not been designed appropriately to ensure bushfire protection measures can be achieved and to minimise the level of bushfire impact to people that are considered vulnerable. 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</p>	

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	<p>risk that cannot be adequately reduced through the provision of an APZ.</p> <p>Vehicle Access</p> <p>A3.2 – not demonstrated</p> <p>The public road system in a bushfire prone area should be safe and available for firefighters and residents during a bushfire emergency. Gobby Road traverses an extreme hazard in both directions until the intersection with South Western Highway.</p> <p>Gobby Road does not appear to comply with the technical requirements for a public road as per the Guidelines Table 6 column 1 for horizontal clearance i.e. vegetation clearance on either side of the road pavement (trafficable surface). It is recommended that the Shire consider mitigating the road-side vegetation either side of the road pavement to comply with the Guidelines or the Austroads standard shoulder width and clearance criteria. This will enable compliance with site line provisions as well as the ability for fire appliances to undertake firefighting and emergency management activities.</p> <p>Water</p> <p>A4.2 – not demonstrated</p> <p>The BMP states a single 90,000L water tank will be installed to meet the requirements of A4.2 of the Guidelines. It is noted the water tank appears to be located in BAL40/FZ. The proposed water tank is located over 300 metres from the nearest cabin and over 1 kilometre away (via road) from the cabin furthest away. The cabins should be clustered and the water available within close proximity to the structures.</p>	

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	<p>If emergency services are unable to assist the cabin occupants would have no defence in the face of a bushfire if evacuation is no longer an option.</p> <p>4. Policy Measure 6.6.1 Vulnerable land uses</p> <table border="1"> <thead> <tr> <th style="text-align: center;">Issue</th> <th style="text-align: center;">Assessment</th> <th style="text-align: center;">Action</th> </tr> </thead> <tbody> <tr> <td>Bushfire Emergency Evacuation Plan (BEEP)</td> <td> <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 5.5.2 '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 should be noted that the BEEP outlines a 'Sheltering in Place Procedure'. It should be clearly stated that this is not an option as such and should only be used as a last resort when evacuation is not possible.</p> </td> <td>Comment only.</td> </tr> </tbody> </table> <p><u>Recommendation – not supported due to extreme hazard</u></p> <p>The development is not supported for the reasons outlined above, including:</p> <ol style="list-style-type: none"> 1. The proposal does not comply with the intent, objectives and policy measures of SPP 3.7. 	Issue	Assessment	Action	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 5.5.2 '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 should be noted that the BEEP outlines a 'Sheltering in Place Procedure'. It should be clearly stated that this is not an option as such and should only be used as a last resort when evacuation is not possible.</p>	Comment only.	
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	<p>2. The proposed development is in an area of extreme bushfire risk making the location unsuitable for intensification and would increase the bushfire threat through the introduction of additional people, property and infrastructure at this location.</p> <p>3. The proposal does not comply, or has not demonstrated compliance, with the 'bushfire protection criteria' contained within the Guidelines, as detailed in the table(s) above.</p>	
<p>Second DFES Submission</p>	<p>This advice relates only to <i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (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.</p> <p>Assessment</p> <ul style="list-style-type: none"> • 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. • It is noted that the applicant's response has assessed DFES comments against the Position Statement: <i>Tourism Land Uses in Bushfire Prone Areas</i>. The Position Statement has been rescinded and version 1.4 of the Guidelines, which includes Element 5: Vulnerable Tourism Land Uses, is now active. • The decision maker may request the BMP assess the tourism proposal against Element 5 of the Guidelines as it appears that compliance could be achieved with some additional modifications and incorporation of mitigation measures. • However, Element 5 does not include an assessment against Element 1: Location. The intent of SPP 3.7 is to reduce and mitigate the risk of bushfire to people and property, which is prescribed through demonstrating compliance with Element 1: Location. DFES maintains the view that Element 1 should not be ignored in the context of vulnerable land use, particularly where the broader location for such a proposal has not been considered under the current bushfire planning framework. 	<p>This advice has been considered in the Consultation and Bushfire Consideration sections of the report.</p>

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	<ul style="list-style-type: none"> • Should the BMP assess the proposal against Element 5, DFES' advice provided on 23 November 2021 would remain unchanged. The development cannot comply with the intent and objectives of SPP 3.7 given the location and our recommendation is provided on that basis. If the decision maker is of the mind to approve the proposed development and wishes to discuss these with DFES, please contact the undersigned/officer named below. • In addition, DFES do not support the comments within the applicants' response regarding the construction of the tiny cabins. If the cabins are not required to, or cannot, be constructed to BAL-29 they should be located in an area commensurate with their construction standard. The decision maker should validate the statements made by the bushfire consultants regarding their construction standard. • A BAL Contour Map of the entire site should be provided within any updated BMP that the Shire requests. DFES not support the statement that the BAL Contour would not clearly indicate the bushfire impact to each cabin. A whole of site BAL contour can be provided in addition to the BAL Contour Maps for each cabin site. A whole of site BAL Contour and the immediate surrounds, is demonstrating the extreme hazard across the site, in direct contradiction to Element 1: Location, and should inform decision making. <p>Recommendation – not supported due to extreme hazard</p> <p>Vulnerable development is not supported at this location for a number of reasons outlined above (in addition to the reasons outlined in DFES' response provided on 23 November 2021), these reasons include:</p> <ol style="list-style-type: none"> 1. The proposal does not comply with the intent, objectives and policy measures of SPP 3.7. 2. The proposed development is in an area of extreme bushfire risk making the location unsuitable for intensification and would increase the bushfire threat through the introduction of additional people, property and infrastructure at this location. 	