



## Cardup Career Fire & Rescue Station

### Gazettal and Emergency Services boundaries Levy briefing

The proposed site for the Cardup CFRS is not currently part of a gazetted fire district and sits adjacent to the Metropolitan Gazetted Fire District (MGFD). It is located within a current bushfire brigade response area within the Shire of SJ (Shire of SJ) and is designated Emergency Services Levy (ESL) Category 3.

Provided are two hard copy and electronic maps for review which identify **draft**.

- proposed response area for the Cardup CFRS;
- proposed extension of the MGFD; and
- changes to the ESL categorisation.

**Map 1:** Seven-minute Isochrone Map from the new Cardup CFRS Site

**Map 2:** Map proposing the extension of the MGFD and the ESL 1 and 3 boundary changes

These maps establish the preliminary details of the proposal, which will be used for the purposes of consultation with the Shire of Serpentine Jarrahdale.

#### LEGISLATIVE AND PROCEDURAL STEPS

The following steps are required pursuant to the *Fire Brigades Act 1942* (**FB Act**) and *Fire and Emergency Services Act 1998* (**FES Act**):

##### **1. Adjustment of Fire District Boundary (FB Act – section 5)**

The Minister may, by notice published in the *Government Gazette*, constitute a new fire district or adjust the boundaries of an existing fire district.

The Minister has not delegated this power to the FES Commissioner.

#### **Comment**

It is proposed to adjust the existing MGFD so that it will extend past the southern boundary of the Armadale CFRS to encompass the new Cardup CFRS response area. This proposed response area is based on a seven-minute isochrone from the

proposed Cardup CFRS site and considers improvements to local road networks which are likely to be completed prior to the station opening in December 2024. Refer to **Map 1**.

The proposed response area, which is located within the Shire of SJ, currently sits within the 'Metropolitan region' as defined in Schedule 3 of the *Planning and Development Act 2005*. This tends to support the proposal to extend the MGFDF instead of establishing a new fire district.

The *Gazette* notice adjusting the MGFDF will be submitted as part of a package for sign-off by the Minister once consultation is complete (refer to requirement 3 below) and the proposed changes are confirmed.

## **2. Declaration of district served by a permanent fire brigade (FB Act – section 35A)**

The Minister may, by notice published in the *Government Gazette*, declare any district to be a district served by a permanent fire brigade.

The Minister has not delegated this power to the FES Commissioner.

### ***Comment***

This proposal, which involves the extension of the MGFDF to incorporate the Cardup CFRS response area, is covered under existing section 35A notice (the Notice) published in *Government Gazette* 3772 on 7 December 1979, which provides that the MGFDF is a district served by a permanent fire brigade. The Notice is still in effect due to the transitional provision in section 53(3) of the *Fire and Emergency Services Legislation Amendment Act 2002*.<sup>1</sup> It will not be necessary to separately declare the Cardup CFRS response area as being served by a permanent fire brigade.

The section 35A declaration is important for the purposes of applying the correct Emergency Services Levy category.

## **3. Proposal submitted to Local Government (FB Act – section 27)**

The FES Commissioner must advise local government of the specific details of any proposals in relation to fire districts, before they are put into operation, including proposals in respect of:

- class of the brigade
- method of fire protection and hazardous material incident control; and
- the rescue service in the district.

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<sup>1</sup> Section 54(3) of the *Fire and Emergency Services Legislation Amendment Act 2002* states: "An order made by the Governor under section 35A of the *Fire Brigades Act 1942* that is in force immediately before the day on which this section comes into operation, continues in force on and after that day, subject to the *Fire Brigades Act 1942* (as amended by this Act), as if it were a notice made by the Minister under that section as amended by this Act."

The local government may make representations to the FES Commissioner regarding the specifics of such proposals.

The local government may appeal to the Minister if dissatisfied with the decisions of the FES Commissioner regarding the specifics of any proposals.

For the purpose of meeting this requirement, the meeting taking place on 29 March 2023 between DFES and the Shire of Serpentine Jarrahdale is considered consultation.

#### **4. ESL Category Areas (FES Act – section 36F)**

The new Cardup CFRS and changes to the boundaries of the MGF D will have implications for the declaration of ESL categories.

Regulation 6 of the *Fire and Emergency Services Regulations 1998* currently prescribes the following ESL categories:

- ESL Category 1 – Areas that are serviced by permanent fire brigades (i.e., CFRS) and State Emergency Service (SES) Units.
- ESL Category 2 – Areas that are serviced by a CFRS brigade and a Volunteer Fire and Rescue Service (VFRS) brigade and SES Units.
- ESL Category 3 – Areas that are serviced by a private fire brigade, VFRS or BFB brigade supported by CFRS brigades and the SES Units.
- ESL Category 4 – Areas that are serviced by a VFRS brigade, private brigade, a FES unit or an enhanced BFB (Structural) and the SES Units.
- ESL Category 5 – Areas that are serviced by a BFB brigade, a FES unit or DFES staff and the SES Units.

The Minister has the power to by notice, published in the *Government Gazette*, to declare a different prescribed ESL category. This power cannot be delegated to the Commissioner, and care should be taken to ensure no representations are made that the Commissioner is the final decision-maker.

Before publishing the notice in the *Gazette*, the Minister must consult with the relevant local government.

*Note:* The requirement for consultation will be satisfied even if there is no agreement so long as the Minister provides the relevant local government with a genuine opportunity to be heard regarding the proposed change *before* making a final decision.

#### **Other pertinent information:**

1. An ESL assessment has been undertaken which has determined that the area proposed as detailed in Map 2 falls within an ESL 1 category.
2. An additional assessment has been undertaken which has determined that the area proposed as detailed in Map 2 falls within an ESL 3 category – this area is

an extension based on the previous boundary from the current Metropolitan Gazetted Fire District boundary served by Armadale CFRS.

3. The current 7 minute isochrone does not consider future road network changes – included but not limited to the Tonkin Highway extension or the possible extension of Orton Road to Soldiers Road and any changes to existing railway crossings – the 7 minute isochrone is based on a response distance of 7 minutes travelling at normal road conditions at 80 kmh. Once the station is commissioned, future amendments will be undertaken in line with existing DFES processes.
4. The Cardup CFRS Station is due for practical completion in December 2024 – site clearing is planned to commence in June 2023.
5. Chief Superintendent Metropolitan Operations is the Project Advisory Team Chair for the design phase.
6. District Officer Hills is the project coordinator for the station commissioning – under the supervision of Superintendent South East Metropolitan Operations.
7. Consultation with Volunteer Bushfire Brigades is scheduled for April 2023.
8. The plan is for the station to have the following appliances:
  - a. Scania Urban Pumper – Heavy Rescue capability
  - b. Light Tanker
  - c. 3.4 Urban (3000 litre 4WD)
9. The crewing is intended to comprise of 1 Station Officer and 5 Firefighters – the station will operate 24/7 on a four platoon rostering system.