

PS21 – Bushfire Management Plans (Notes for Practitioners)



September 2018

This information sheet has been prepared to guide the public, and bushfire planning professionals, toward preparation of Bushfire Management Plans to meet the specific requirements of the Shire of Augusta Margaret River.

A Bushfire Management Plan (BMP) is a document that sets out short, medium and long-term fire risk management strategies for the life of the development.

BMP's are prepared in accordance with *Statement of Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)* and the *Guidelines for Planning in Bushfire Prone Areas (the Guidelines)*.

The Shire strongly recommends that BMP's are prepared by an accredited Bushfire Planning Practitioner in accordance with the requirements set out in the Guidelines and with the assistance of the responsible authority for emergency services where required.

BMP's lodged to the Shire in support of applications for development approval, or in response to subdivision applications, are to be prepared as follows:

Vegetation Impacts

- BMP's must include details of how the recommendations will impact existing vegetation on site. For example, in cases where implementation of the asset protection zone results in modification to vegetation, the BMP must include details of how the vegetation is proposed to be modified by including details of the plant species affected, height, diameter and location of those to be removed and / or retained on both the surveyed site plan and in an accompanying text. The APZ must be ground truthed on the site so that the full impact of works to modify the vegetation can be assessed and determined. Consideration will be made in the assessment of the BMP of the environmental implications of the proposed vegetation removal and pruning options. An assessment of the proposed changes by the Shire's Environmental Officers may be required.
- In the case where BMP's recommend modification to vegetation in an area affected by a restrictive or conservation covenant with a State Government agency, the comments of the relevant agency are required to be submitted with the BMP to demonstrate the suitability or otherwise of the works.

Maintenance Obligations

- The BMP must not make commitments about maintenance by third parties including the local authority. The BMP can only make commitments about maintenance of land on the site by the proponent or land owner and must not include reference to maintenance by others including the Shire. If the BMP relies on maintenance by a third party then this is a matter to be addressed by the land owner/proponent and is the responsibility of the proponent to ensure it will occur on an ongoing basis. Evidence of any maintenance commitments will be required to be submitted with the BMP.

Implementation

- An implementation schedule must be included in the BMP detailing the steps to establish the outcomes of the BMP. The schedule must detail the responsible person or people for implementing each action in the BMP (e.g. works to install the APZ), a time frame for the works to be completed, maintenance responsibilities and a time frame for maintenance.
- The implementation schedule must include a certification and sign off section. The proponent's fire expert or assessor should be responsible for determining compliance with the various stages of implementing the BMP and should have a 'sign off' capacity to certify that the BMP has been implemented. This certification may be in the form of a signature block on the BMP in the relevant schedule. The intention of this sign off is to ensure accountability for implementing works prior to the Shire attending the site to determine compliance. It is noted that the sign off or certification of the assessor will not supersede or circumvent any approvals required by Shire staff but is intended to demonstrate that works have been completed prior to seeking clearances from the Shire. The outcome should be a more streamlined approval process.
- The BMP should include a summary of all changes that are proposed to a development and / or site as a consequence of the BMP recommendations. This may include changes to existing vegetation by installation of the APZ, changes to the design of buildings etc.

Emergency Access Ways

- Element 3 of the Guidelines, Vehicle Access, requires emergency access ways (EAW's) where no alternative for a public road exists (this will need to be demonstrated by the proponent). In the event an EAW impacts State infrastructure (main roads network, electrical easements etc), proponents are strongly encouraged to liaise with the relevant State Government agency prior to submission of the BMP. The comments of the State Government should be provided as an attachment to the BMP in order to demonstrate how the matter has been resolved prior to submission of the BMP to the local authority.
- EAWs must be constructed prior to clearance by the Shire. The BMP must detail the construction and maintenance requirements for the relevant EAW. EAWs may be provided in a reserve or retained in private lots. For EAWs on private lots, the Shire will seek to ensure that the cost of maintaining the EAW is borne by those who own titles on which the EAW is located. As detailed in the Guidelines (Element 3), where the EAW is constructed on private land an easement in gross is to be established.
- An easement is a legal Deed between the property owner (Grantor) and a third party (Grantee) and has a specific purpose over a portion of the land. The Grantee will often be the Shire. The affected land will be identified on the Deposited Plan. The easement gives the Grantee certain rights over the land identified as the easement area on the Deposited Plan. The Deed is placed upon the Certificate of Title, and shown on the Deposited Plan, under 'Limitations, Interests, Encumbrances and Notifications'. The Grantor will have to legally abide by the agreements within the Deed.
- The EAW is secured via an easement in gross under section 195 of the *Land Administration Act 1997 (as amended)*. The terms of the easement are specified in the Blank Instrument Form using a Form B2.
- A solicitor may be commissioned by, and at the cost, of the proponent to prepare any relevant documentation including the Form B2. There is no standard document provided by the Shire. The instrument should state that the Grantor is to maintain and keep the easement in a cleared and trafficable condition. The terms of the instrument may permit the EAW to be gated however it cannot be locked.

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Amending BMP's

- In the event a BMP is amended and subsequent copies are provided to the Shire for assessment, the amendments to the BMP are to be highlighted in the document to identify changes from the previous version. This will assist the officer to determine the suitability of the proposed changes and provide a more timely assessment of the variations.

BMP's for Subdivision

- BMP's prepared as part of subdivision applications, in consultation with the WAPC & DFES, should be forwarded to the Shire immediately once finalised along with the written comments of DFES.

Further information about BMP's can be found at:

Statement of Planning Policy 3.7 Planning in Bushfire Prone Areas:

<https://www.planning.wa.gov.au/8194.aspx>

Guidelines for Planning in Bushfire Prone Areas:

http://www.planning.wa.gov.au/dop_pub_pdf/Bushfire_Guidelines_Version_1.2_Aug2017.pdf

Planning Bulletin 11/2016 – Planning in Bushfire Prone Areas:

<https://www.planning.wa.gov.au/publications/6923.aspx>

Note: Prior to lodging your BMP you are encouraged to discuss your proposal with a Shire Planning Officer (08) 9780 5220.

**** DISCLAIMER ****

This information sheet is a guide only. Verification with original Local Laws, Acts, Local Planning Scheme No. 1 and other relevant documents is recommended for detailed references. The Shire of Augusta Margaret River accepts no responsibility for errors or omissions.

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