



Our Ref: D38472
Your Ref: DA2/25

Tinka Hui
Shire of Wyndham East Kimberly
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Dear Tinka Hui

RE: VULNERABLE LAND USE – LOT 33 ON DP219892, MITCHELL FALLS CAMPGROUD, MITCHELL PLATEAU – PROPOSED WORKERS ACCOMODATION, CAMP MESS AND ABLUTIONS - DEVELOPMENT APPLICATION

I refer to your email dated 28 February 2025 regarding the submission of a Bushfire Management Plan (BMP) (Revision B), prepared by Ecosystem Solutions and dated 26 February 2025, for the above development application.

This advice relates only to the *State Planning Policy 3.7 Bushfire* (SPP 3.7) and associated *Planning for Bushfire Guidelines* (Guidelines).

It is the responsibility of the proponent to ensure the proposal complies with relevant planning and building requirements. 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.

Assessment

- DFES acknowledges that the use is already present within the National Park, and that the proposal is to relocate the workers accommodation as requested by the Traditional Owner Group, Wunambal Gaambera.
- DFES has confirmed with the Shire (decision maker) that the proposal is considered to have an element of vulnerability and has therefore been assessed under Bushfire Protection Criteria 8: Vulnerable Tourism Land Uses and Day Uses.
- The Shire has confirmed this proposal to be an intensification of development and the application of SPP 3.7 is triggered.
- The intent of SPP 3.7 is to implement effective, risk-based land use planning and development which in the first instance avoids the bushfire risk, but where unavoidable, manages and/or mitigates the risk to people, property and infrastructure to an acceptable level. The preservation of life and the management of bushfire impact are paramount. DFES maintains the view that a broader landscape assessment should be considered in the context of vulnerable land use.
- Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below.

1. Policy Measure 7.1 ii. c. BAL contour map

Issue	Assessment	Action
Vegetation Classification	<p>Vegetation plot 3 and plot 4 cannot be substantiated as Class D Scrub with the limited information provided. Height sticks have not been provided to confirm heights, and it is unclear how the plot has been separated from the adjoining Class B Woodland.</p> <p>The BMP should detail specifically how the Class D Scrub classification was derived as opposed to Class B Woodland.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	Modification to the BMP is required.
Vegetation Exclusion	<p>The exclusion of plot 5 in its entirety cannot be substantiated. DFES notes that the vegetation within plot 5 appears to be a continuation of the classified vegetation within plots 1 to 4. Additionally, the APZ for the site requires the vegetation beyond what has been assessed to managed to a low threat state.</p> <p>An enforceable mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity and that they are enforceable.</p>	The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.
Method 2	<p>DFES notes that greater clarity is required around definitions for inputs to Method 2 calculations, of particular relevance to this application are those regarding effective slope. No contour map has been provided to support the slope inputs.</p> <p>Additionally, there is no BAL -2 within AS3959:2018, it appears that reference to BAL-2 should be replaced with 2 kW/m².</p> <p>Accordingly, DFES advises that the Method 2 outputs cannot be validated.</p>	Modification to the BMP is required.

2. Policy Intent

Assessment	Action
DFES acknowledges that the new Guidelines do not require the assessment of Location for development applications. However, the requirements for compliance with Siting and Design, in isolation does not allow for consideration of the overall location of the site and the broader landscape. This is considered to be of key importance mainly	Decision maker to be satisfied.

<p>due to the need to consider vehicular access/egress and the extreme bushfire hazard surrounding the development site.</p> <p>Consideration should be given to the site context and the serious threat of bushfire to people, property and infrastructure at this location. It is considered that 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 risk that cannot be managed/mitigated to an acceptable level.</p> <p>This location does not provide for appropriate bushfire protection to manage/mitigate the bushfire risk based on a range of factors including, but not limited to:</p> <ul style="list-style-type: none"> • Evacuation from the site, with its singular access route, may not be possible and if attempted could pose an unacceptable risk to human safety. • Shelter on site is not considered an acceptable alternative to evacuation given the extreme risk to life and property at this location. • 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, that presents an unacceptable risk to the preservation of life, property and infrastructure. 	
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3. Policy Measure 7.1 ii. e. Compliance with the Bushfire Protection Criteria 8: Development – Vulnerable tourism land uses and day uses

Element	Assessment	Action
Siting and Design	<p>A2.1b – not demonstrated</p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the above table.</p>	Modification to the BMP is required.
	<p>A2.3 and A2.4 – not demonstrated</p> <p>A large area of native vegetation is required to be modified to achieve an APZ compliant with Schedule 1: Standards for Asset Protection Zones to ensure that the onsite open space shelter achieves 2 kW/m² with a 1200K flame temperature.</p> <p>It is for the decision maker to determine if the proposal avoids or where it is unavoidable, minimises the clearing of native vegetation.</p> <p>A Landscape Management Plan should be prepared to remove ambiguity for the landowner and to provide a compliance mechanism for the Shire.</p>	Decision maker to be satisfied.

	<p>A2.5 – not demonstrated</p> <p>The method 2 calculations cannot be validated for the reason(s) in the above table.</p> <p>Additional evidence is required to demonstrate that there is sufficient separation distance from the bushfire prone vegetation to avoid exposure to a radiant heat flux exceeding 2 kW/m²</p>	Modification to the BMP is required.
Vehicular Access	<p>A3.5 – not demonstrated</p> <p>A3.5 cannot be validated for the reason(s) outlined above in A2.5.</p>	Modification to the BMP is required.
Water Supply	<p>A4.1 – not demonstrated</p> <p>DFES does not accept the BMP's statement that compliance has been achieved.</p> <p>It has not been demonstrated that there is sufficient onsite water supply available and dedicated to firefighting purposes, with inconsistencies between the BMP and the development plans (figure 1).</p> <p>There are a number of comments made within the BMP which make it unclear if an outcomes-based approach is being proposed, including:</p> <ul style="list-style-type: none"> • There is limited drinking water available on site. • The intention is early evacuation and not actively defend therefore no water tanks for firefighting are proposed. • DBCA would be first responders and are aware of the locations of the available firefighting water throughout the Mitchell River National Park. <p>The BMP should be modified to provide clear detail of how the acceptable solution is achieved, or demonstrate compliance with evidence that substantiates an outcomes-based approach. If the practitioner does propose an outcomes-based approach, it is for the decision maker to determine that the outcomes of the policy can be achieved.</p>	Modification to the BMP is required.

4. Policy Measure 7.4 Vulnerable land uses

Issue	Assessment	Action
Bushfire Emergency Plan (BEP)	<p>The referral has included a '<i>Bushfire Emergency Plan</i>' for the purposes of addressing the policy requirements.</p> <p>Consideration should be given to the Guidelines Section 8.3.1 'Developing a Bushfire Emergency Plan'. This contains detail regarding what should be included in a BEP and will ensure the appropriate content is detailed when finalising the BEP to the satisfaction of the Shire.</p>	Comment only.

Recommendation – compliance with acceptable solutions not demonstrated – modifications required

It is considered critical the bushfire management measures within the BMP are modified to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.

The proposed development has not demonstrated compliance with Bushfire Protection Criteria 8: Development – Vulnerable tourism land uses and day uses.

In addition, the decision maker is to be satisfied that the location and broader landscape is suitable for the proposed development (vulnerable land use) which is in a bushfire prone area with an extreme bushfire hazard on multiple aspects that is considered to present an unacceptable risk to people, property and infrastructure.

If you require further information, please contact Land Use Planning Officer – Kelsie Petrelis on telephone number 9395 9961.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Desmond Abel', with a long horizontal stroke extending to the right.

Desmond Abel
DIRECTOR LAND USE PLANNING

14 April 2025