

Your local voice



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10 September 2019

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Comments on Development Application 201935890

Block 4, Section 45 Chapman

The Weston Creek Community Council would like to offer the following comments in relation to this Development Application for supportive housing in residential care accommodation. In short, Council welcomes moves to increase the supply of supportive housing in Weston Creek, but suggests the ACT government assist the proponent to identify a more suitable location in the Weston Creek area.

Council acknowledges the valuable work that the proponent [Hartley Lifecare Inc] performs for some of the most vulnerable people in our community. However, it is the very vulnerability of these citizens that has featured prominently in our thinking. Council strongly believes that these people should not be exposed to the risk of forced evacuation with limited notice.

Further, Council notes that on 16 May 2019 the ACT Legislative Assembly declared a Climate Change Emergency and will shortly release a strategy for dealing with the unfolding consequences of the damage to the climate. Council does question how approval of this proposal could be made in these circumstances.

Council questions why Supportive Housing should be built on this block of land which is within the Bushfire Prone Area as outlined in the Map of the Strategic Bushfire Management Plan. This block is at the interface of the suburban area of Chapman and open rural land and where the 2003 January bushfire commenced its attack on housing in Chapman and Rivett.

The area of the block is 1094 square meters. There remain several “Mr Fluffy” blocks for sale nearby in both Chapman and Rivett. One of some 1900 sq meters at 52 Darwinia Terrace in Chapman – just along the road from this proposed location. These would seem to be much more practical to use for this proposed development and would take away the bushfire risk factor and the need for so much planning for the risk of a Bushfire event.

The Development Application is for a four-bedroom residence on Part C of Block 4 and will accommodate four disabled and handicapped clients of Hartley Lifecare, along with a live-in carer. It will be a purpose-built facility.

The site, on the corner of Kathner St and Percy Cres, is within a designated Bushfire Prone Area (BPA). Council understands that this requires the Development Application to be referred to the ACT Emergency Services Agency for advice and further consideration by the Commissioner. As we understand this, the Development Application falls within the category of being a Special Fire Protection Development.

Council understands that a Special Fire Protection Development requires a range of extra precautions to protect vulnerable people. Advice on the bushfire risk to these properties is sought from ACT Fire & Rescue, as happened with the large public housing development on Section 45.

Council has been advised that evidence at ACAT in the COSTIN & PYKE case last year revealed that:

- (a) the Rural Fire Service and ACT Ambulance were not consulted by ACT Fire & Rescue about an extended area of fire risk or any evacuation plans; and
- (b) ACTPLA only needed to refer the DA to entities for advice but it was not obliged to accept that advice.

In looking at the documentation lodged for this application with ACTPLA, Council notes that the applicants have not, at this stage, sought expert opinions from each of the above entities.

Council has also been advised that the bushfire consultant engaged by the builder relies in his report on AS 3959 for the report’s credibility. As we understand this, AS 3959 applies a building standard to the immediate surroundings of the site and measures the flame threat up to 100m and a run-of-fire over grassland at 350m. This gives this location a LOW fire risk and a Building Attack Level (BAL) of 12.5—the minimum required for a Bushfire Prone Area.

When we look back to the 2003 bushfire, we note that the consultant’s report takes no account of embers and wind, which were the cause of devastation in Chapman. Indeed, we are seeing reports today of the damage to properties in the bushfires raging in NSW and Queensland at the moment. If these factors had been reported, Council considers that his conclusions should have been different.

Council has advice that Canberra researchers led by Professor Jason Sharples in 2017 supported this evidence of embers and wind. In a case study of the Ginninderry region they reported: “...data collected in the aftermath of recent destructive bushfires indicates that the impacts of radiant heat are insignificant compared to the impact of ember attack.” Their

ember load model showed that many areas at considerable risk of ember attack were further than 100m from the urban edge.

Their academic paper continued: *Such areas are not currently required to have any special resilience to embers. As such the results indicate that current methods of risk assessment could significantly underestimate the risk of house loss from bushfire, and that current requirements for construction standards should be extended further than 100m.*

Council understands that despite this and other advice from experts, the benchmark of risk from bushfires for new dwellings today remains as AS 3959-2009. The standard has been widely criticised for being out of date and inadequate and Council believes that the Hartley House project is another example of a proposal being assessed against a standard which many believe is out of date.

The bushfire consultant acknowledges a need for emergency management and evacuation planning. Council understands that this is mandatory for the Hartley project because it is a Special Fire Protection Development (SFPD).

Council further understands that this development, being in a Bushfire Prone Area, means that it is subject to additional legal requirements under the Emergencies Act 2004 and the ACT Strategic Bushfire Management Plan 2014 (v.3).

Developments that will concentrate members of the community at high risk from bushfire in declared Bushfire Prone Areas are not permissible. They may, however, be approved by the ACT ESA in limited circumstances with special conditions.

Suitable emergency and evacuation arrangements are required for occupants of special fire protection developments where they exist in Bushfire Prone Areas and applicable standards for evacuation planning are detailed in the ACT Bushfire Management Standards.

Council also questions what the situation will be with the responsibilities of the staff when days of a Total Fire Ban are declared in the ACT. Will there be a forced evacuation when a Total Fire Ban is declared? Council understands that this is a mandatory rule when an extreme fire danger is forecast.

In conclusion, Council remains of the view that a residential care development that is proposed at the front of a Bushfire Prone Area should not be built in this location.

The Weston Creek Community Council remains available to discuss these comments at any time.

Tom Anderson
Chair
Weston Creek Community Council