



Fire Protection Report Retirement & Aged Care Facility 12371 Tasman Highway Swansea

Prepared for
Tempus Village Management Pty Ltd

Revision 00
Project 19068

14 July 2020

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Attachment 1.00 Certification

	Name	Signature	Date
Authorised by:	Ross Murphy		14 July 2020

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1. Introduction[1]

Tempus has applied to the Glamorgan Spring Bay Council (Council) for a scheme amendment and associated development of the subject land.

The Scheme amendment seeks to insert a PPZ into the Glamorgan Spring Bay Interim Planning Scheme 2015 (Scheme) that envisages a strategic future for the land as the site of an integrated aged care facility, including a nursing home and retirement village, in a rural setting.

The associated development involves subdivision:

- Firstly, in the form of a boundary adjustment that exchanges the lot known as CT 240461/1 for the land referred to as the Tempus Site. The Tempus Site would correspond with the proposed boundaries of the PPZ.
- Secondly, to divide the Tempus Site with the intention to accommodate a nursing home on the smaller of the 2 titles created.

It also proposes the use and development of what is referred to as Stage 1A and which encompasses the following elements:

- One (1) independent living unit – this would function as a display home and would not be occupied under the current proposal.
- Part of the central communal building referred to at the Enclave – this would be used as a Sales Centre and Visitors Lounge.
- A Works Area – this would be an unfitted-out shell and used by the contractor as a Site Office & Store for the Works.
- Infrastructure to support the above and future development of the site:
 - Main entry road.
 - Entry signage, but not the stone wall, which is part of the Stables.
 - Header Tank at the top of the hill.
 - One of the two Substations.
 - Sewerage Plant.
 - Fire Hydrants required for Stage 1A.
 - Parking around The Enclave.
 - The orchards on either side of the Works area would be planted to get them started.

2. Assessment of the Development Application

2.1 Is the Proposed Use a Vulnerable Use

In accordance with Clause 8.2 of the Scheme, all use and development are classified into one of the defined use classes. The proposal has been classified as falling within the Residential Use Class on the basis that the use is as a Retirement Village. The physical development of the retirement village is not proposed by the current application.

The Code defines a vulnerable use to include a use that is within the Use Class “Residential if for respite centre, residential aged care home, retirement home, and group home”.

It is unclear whether, “vulnerable use” intends to capture all use that is classified as residential based on it being the use of a residential aged care home, retirement home or whether the use of different language in the Code directs a different approach whereby the vulnerable use classification only applies by virtue of the specific activity.

For example, the present application involves an activity that may generally be described as sales and not the end activity of the retirement or residential aged care home. While the purpose of the activity directs classification of the use as “retirement village” and “residential aged care facility” that does not change the nature of the activity that is proposed.

I proceed on the basis that the Code is concerned with the physical development of the retirement home or residential aged care home and not related use and development which attracts the same use classification because of its purpose. This conclusion is consistent with objective of the Code and consistent with the approach to the management of vulnerable uses under the building regulations where each building is assigned a classification based on the use of the particular building.

In this context the application does not propose a vulnerable use because, while the use is classified as Residential – Retirement Village, the proposed activity that attracts this classification is not a respite centre, residential aged care home, retirement home, and group home.

2.2 Use and Development Exemption

If it is determined that the proposed use and development in this application are a vulnerable use, it is necessary to consider the exemption provision at Clause E1.4 of the Code that states in part;

any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures

For the purpose of this discussion the use and development are considered separately below.

2.2.1 Independent Living Unit

In this application a single independent living unit is proposed where, once constructed, staff will be present during defined hours to present the display home to visitors to the site that may be interested in the purchase of a similar unit to be built in the future. The independent living unit will not be used as a dwelling and staff will not be staying overnight in this building.

Once the site is being developed and the unit is proposed to be occupied as a dwelling, a planning application will include the change of use of this building from a display home to a dwelling. At this time the building will become a vulnerable use. The building will be constructed to achieve the required level of bushfire resistance so that there is no need for substantial modification at the time that it becomes a vulnerable use.

In this context there is no increase in risk to potentially vulnerable occupants at this time (Stage 1A) and as a consequence there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.

It is noted that the Tempus intends to ‘clean up the site’ as the first task of Stage 1A. This task will include the removal of standing vegetation other than the trees identified to be retained in the planning application and slash the grass if necessary so that there is an efficient and safe workplace for the development of other aspects of stage 1A and in preparation for the presenting the site to visitors once stage 1A is developed. This preparatory work for the development will assist in reducing the bushfire risk for the independent living unit that is centrally located on the Property.

2.2.2 Sales Centre and Visitors Lounge (the Enclave)

Consistent with the above discussion, in this assessment it is concluded that the sales centre and visitors lounge (the enclave) will not initially be used to accommodate vulnerable people in Stage 1A. Like the independent living unit, staff will be present during defined hours for the purpose of demonstrating the range and quality of facilities that will be provided.

The Enclave will be further developed in the future to provide a range of services for vulnerable occupants and the development of a bushfire management strategy will be fully developed prior to that use occurring. This will be demonstrated in a subsequent planning application.

In this context there is no increase in risk to potentially vulnerable occupants at this time (Stage 1A) and as a consequence there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.

The development of the Property will also reduce the bushfire risk for this proposed building.

2.2.3 Work Area

The work area is established for the benefit of the builder so that there are facilities available for the efficient operation of the site. The work area will remain in this location for the duration of the building work and then smaller workshop is likely to be retained in the same area for the ongoing maintenance of the Tempus site in conjunction with other activities.

The workshop during the construction phase and after the construction phase are not for the accommodation of vulnerable occupants and so there would be no requirement for this building/s to be provided with bushfire protection as long as they are sufficiently removed from buildings accommodating vulnerable occupants.

There is no increase in risk to potentially vulnerable occupants and as a consequence there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.

2.2.4 Infrastructure

Infrastructure is proposed in Stage 1A to support Stage 1A and the future use and development of the site.

There are no vulnerable occupants associated with the use or development of this infrastructure.

There is no increase in risk to potentially vulnerable occupants and as a consequence there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.

2.2.5 Subdivision

As identified at the Introduction there are two subdivisions considered in this assessment.

Firstly, with respect to the rearrangement boundaries to create the Tempus site it is apparent that there are no new titles created and as a consequence the rearrangement of the boundaries has not sufficiently increased the risk from bushfire to the extent that warrant specific bushfire protection measures.

Secondly, an additional lot is created for the parcel of land where the proposed nursing home is to be established. It is understood that there is an administrative imperative that needs to be satisfied for the establishment of the nursing home.

While a new boundary is established for this administrative purpose, it is apparent that there is a high level of integration between the nursing home site and the remainder of the facility; particularly the enclave. Particular elements that require a high level of integrations include;

- Road access to the nursing home,
- The use of the enclave as a place of evacuation for the nursing home,
- The use of shared infrastructure for fire safety, and
- Future shared hazard management areas for the benefit of both lots.

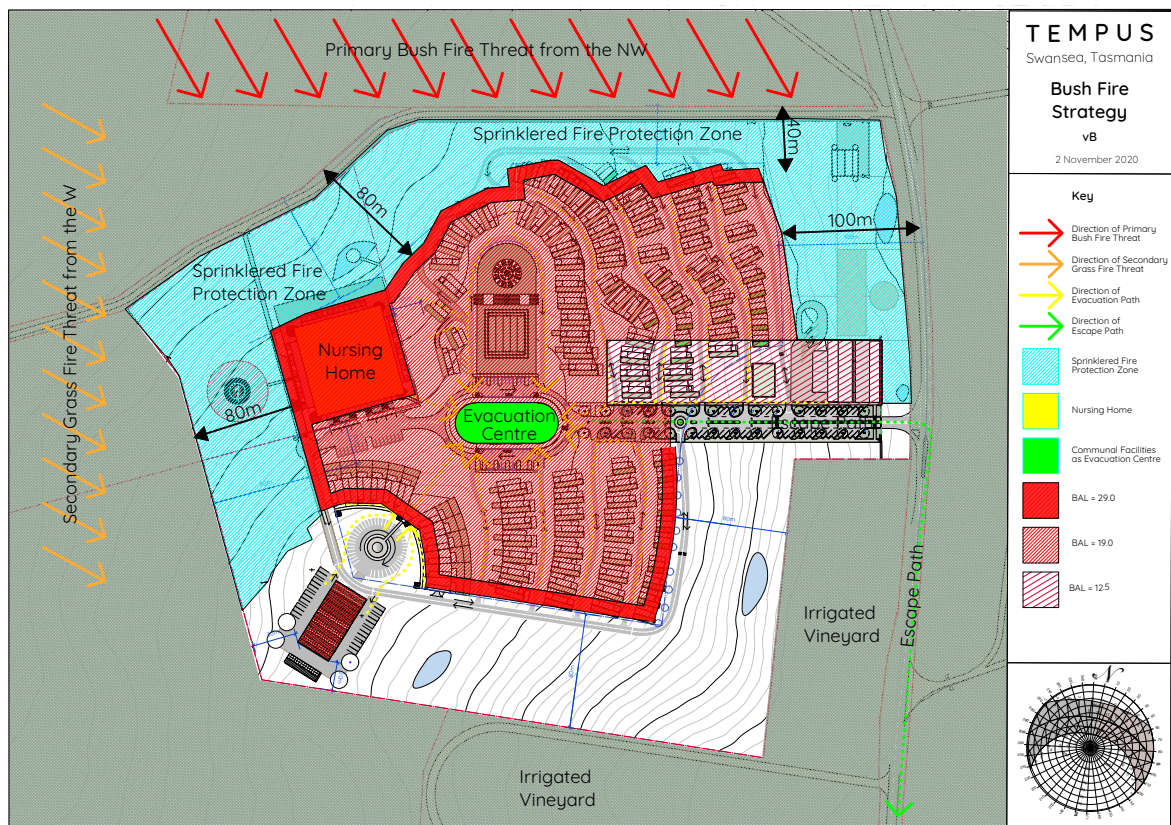
The development of these systems in detail is to be undertaken when buildings are developed for the proposed vulnerable use. At this time (Stage 1A), the development of the property boundary with no approved vulnerable use does not establish a vulnerable use on the site and as a consequence there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.

3. Assessment of the Scheme Amendment

As the Scheme amendment is intended to facilitate the future development of the site for a vulnerable use, I have reviewed the design concept for compliance with Clause.E1.5.1. Discussion is provided on the relevant use standards so that there is confidence that the final development as outlined in the Proposal is reasonably capable of being developed in the future and without exposure to an unacceptable level of risk from bushfire.

A specific assessment of any future application will be required.

A discussion on compliance with the bushfire code in the Scheme is provided at Section 3.8 (p45) of the Integrated Impact Assessment (the IIA) forming part of the Proposal. The following image shows the bushfire strategy appearing in the Integrated Impact Assessment.



The strategy appearing in the IIA may vary during the detailed design for the facility. For the purpose of this assessment, this concept strategy is sufficient to show in broad terms the elements that are likely to be incorporated into the fire management detailed design.

Objective: Vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
P1 A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:	The Code defines a tolerable risk to mean: the lowest level of likely risk from the relevant hazard: (a) to secure the benefits of a use or development in a relevant hazard area; and (b) which can be managed through: (i) routine regulatory measures; or (ii) by specific hazard management measures for the intended life of each use or development. In determining whether a tolerable risk is achieved and maintained each of the following factors are considered as fundamental elements to making that decision.
(a) the location, characteristics, nature and scale of the use;	The proposal is to be located south of Swansea at the northern end of the Property (Kelvedon). As described in the planning assessment of Mr Shephard: <i>“Kelvedon comprises many titles over a large area including the established ‘Kelvedon’ vineyard approximately 5.5km further south. But the relevant parcel in the case of this proposal is the most northern one being approximately 680ha with frontage to the Tasman Highway, and including the alignment of Mount Pleasant</i>

	<i>Road within its overall boundaries [figure omitted].</i> <i>The Tempus site is located on the western side of the Tasman Highway at the intersection with Mount Pleasant Road.</i> <i>Two-thirds of the site has an easterly aspect, sloping gently up from approximately 25m AHD adjacent to the Tasman Highway, to approximately 55m AHD adjacent to a central knoll (peaking around 60m).</i> <i>The western one-third of the site has a north westerly aspect, grading gently down to approximately 30m AHD adjacent to Mount Pleasant Road.</i> <i>The subject site is covered with areas of cleared land and areas of light woodlands.</i> ... <i>... the land immediately to the west of the Tempus site is similar rough grazing as described above. Further to the west, approximately 600m distance, downslope, is improved pasture with access to several small dams based on the ephemeral Smilers Spring Creek.</i> <i>... the Tempus site bounds Mount Pleasant Road on the northern side, beyond this, is bushland that forms part of the overall Piermont Estate. The land contains accommodation used by</i>
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	<i>Piermont staff, and some outbuildings.”</i> The Proposal includes 140 Independent Living Units and an Aged Care Facility incorporating 30 Assisted Living Units and 44 Nursing Home Suites. At completion, the Proposal will accommodate a population of approximately 240 residents. The location of the nursing home and living units are detailed in the above image and it is understood that the scheme amendment seeks to incorporate a Master Plan which entrenches this site layout. While the nature of the services provided and rural setting envisages an active population, particularly within the independent living units, some residents are expected to have limited mobility.
(b) whether there is an overriding benefit to the community;	This matter is addressed in the planning assessment of Mr Shephard, clause 9.1, p.75.
(c) whether there is no suitable alternative lower-risk site;	This matter is addressed in the planning assessment of Mr Shephard, clause 9.1, p.75.
(d) the emergency management strategy and bushfire hazard management plan; and	A specific strategy and plan will be developed when subsequent applications proceed. As detailed in the concept solution in the IIA, these will likely adopt the following: - Establish a buffer zone along the northern side of the site, covered with an array of standing sprinklers gravity fed from the static water supply on the top of the hill, which has sufficient capacity to saturate the area for at least 2 hours.

	- The buffer would be landscaped with mowed grasslands and dispersed trees, selected for their low flammability, in order to reduce fire hazard to a minimum on this, the most exposed side. - Set-up the Communal Facilities Building at the centre of the village as an evacuation centre, with filtered A/C to pressurise the interior to exclude smoke and sprinklers throughout. This would have catering, toilets & comfortable gathering places. It would also have a standby generator and reliable access to potable water from the header tank on the top of the hill. - The top floor of the Nursing Home, which would have 4 lifts with the capacity to take residents in beds, is at the same level as the Communal Facilities, so the occupants could be evacuated there by staff without the need to use vehicles. - This Evacuation Centre could be accessed directly from the highway, via the main avenue to the east, which would also provide an escape route to the south. - Staff would be trained in the Evacuation procedure, including periodic drills, and the staff levels would be increased on days of fire threats, particularly in the Nursing Home & the Communal Facilities. - A network of fire-hydrants would be distributed throughout the site, in accordance with the fire regulations, and staff would be trained in the use of dedicated fire appliances, which would be stationed in the Works Area. - All buildings would be constructed to comply with AS3959
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	(Construction of buildings in bushfire-prone areas). - The first 10m of buildings adjacent to the buffer zone would be built to a Bushfire Attack Level (BAL) of 29.0. The rest of the buildings would be treated as BAL 19.0, except for a band in the centre of the eastern side, including the Stables, which would be BAL 12.5.
(e) other advice, if any, from the TFS.	No specific input has been sort form TFS.
	Having regard to the above factors, an acceptable level of tolerable risk can be achieved for the development of the retirement and aged care facility. There is sufficient space associated with the Property and no burden of existing building to achieve an outcome where buildings are provided with bushfire protection measures consistent with the Director's Determination for Building in Bushfire-Prone Areas (the Director's Determination) where this standard is augmented by; · The provision of an evacuation centre centrally on the Property where additional protection measures that can be applied for the duration of the life of the building, · The evacuation centre is to be provided with a capacity to accommodate the residents of the Property including the provision of some additional redundancy with the evacuation centre. · Setbacks and management are provided around the evacuation centre which shield the evacuation centre from the effects of fire including ember attack.

	The detailed design of the evacuation centre is to be developed during the detail design phase of the Proposal include the integrated design of fire protection systems including the structural fire safety measures. This includes consultation and collaboration with the Building Surveyor (the approval authority for the building work) and the Tasmania Fire Service (TFS).
A2 An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering: (a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; (b) the ability of occupants of the vulnerable use to: (i) protect themselves and defend property from bushfire attack; (ii) evacuate in an emergency; and (iii) understand and respond to instructions in the event of a bushfire; and (c) any bushfire protection measures available to reduce risk to emergency service personnel.	Development of an emergency management strategy is premature and must be prepared in light of the detailed design of subsequent applications. The concept solution contained in the IIA provides sufficient confidence that an emergency management strategy can be developed which adopts mitigation measures that achieve and maintain a tolerable risk.
A3 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	Development of a bushfire hazard management plan is premature and must be prepared in light of the

	detailed design of subsequent applications. The concept solution contained in the IIA provides sufficient confidence that a bushfire hazard management plan can be developed with appropriate protection measures.
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4. Conclusion

In this assessment it is concluded that Stage 1A of the proposed development and use does not trigger an assessment of the vulnerable use provisions of the Code because this stage of the development and use does not establish a respite centre, residential aged care home, retirement home or group home.

If this assessment is not accepted, certification is provided at Attachment 1.00 to the effect that the development and use in Stage 1a including the subdivision are exempt from the Code in accordance with Clause E1.4 (a).

An assessment is also provided for the proposed scheme amendment.

5. References

1. Tasmania Planning Commission, *Planning Directive No. 5 - Bushfire-Prone Areas Code*. 2013: Tasmania.

**ATTACHMENT 1.00
CERTIFICATION**

BUSHFIRE-PRONE AREAS CODE

CERTIFICATE¹ UNDER S51(2)(d) *LAND USE PLANNING AND APPROVALS ACT 1993*

1. Land to which certificate applies²

Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.

Name of planning scheme or instrument:

Glamorgan - Spring Bay Interim Planning Scheme 2015

Street address:

12371 Tasman Highway, Swansea

Certificate of Title / PID:

See Planning Application.

Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.

Street address:

NA

Certificate of Title / PID:

NA

2. Proposed Use or Development

Description of Use or Development:

Stage 1A of a proposed to develop a retirement and aged care facility.

Code Clauses:

☐ E1.4 Exempt Development

☐ ~~E1.5.1 Vulnerable Use~~

☒ ~~E1.5.2 Hazardous Use~~

☐ ~~E1.6.1 Subdivision~~

¹ This document is the approved form of certification for this purpose, and must not be altered from its original form.

² If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

3. Documents relied upon

Documents, Plans and/or Specifications

Title:	Fire Protection Report – retirement and Aged Care Facility – 12371 Tasman Highway, Swansea		
Author:	Ross Murphy – Castellan Consulting Pty Ltd		
Date:	14 July 2020	Version:	0

Bushfire Hazard Report

Title:			
Author:			
Date:		Version:	

Bushfire Hazard Management Plan

Title:			
Author:			
Date:		Version:	

Other Documents

Title:	Request to amend the Glamorgan – Spring Bay Interim Planning Scheme 2015 and request to consider an application for reorganisation of boundaries, subdivision, and development of the retirement and aged care facility at 'Kelvedon', 12371 Tasman Highway, Swansea		
Author:	Neil Shephard and Associates		
Date:	11 May 2020	Version:	

4. Nature of Certificate

☐	E1.4 – Use or development exempt from this code		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
☐	E1.4 (a)	Insufficient increase in risk	NA

☐	E1.5.1 – Vulnerable Uses		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
☐	E1.5.1 P1	Residual risk is tolerable	NA
☐	E1.5.1 A2	Emergency management strategy	NA
☐	E1.5.1 A3	Bushfire hazard management plan	NA

☐	E1.5.2 – Hazardous Uses		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
☐	E1.5.2 P1	Residual risk is tolerable	NA
☐	E1.5.2 A2	Emergency management strategy	NA
☐	E1.5.2 A3	Bushfire hazard management plan	NA

☐	E1.6 – Development standards for subdivision		
	E1.6.1 Subdivision: Provision of hazard management areas		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
☐	E1.6.1 P1	Hazard Management Areas are sufficient to achieve tolerable risk	NA
☐	E1.6.1 A1 (a)	Insufficient increase in risk	NA
☐	E1.6.1 A1 (b)	Provides BAL 19 for all lots	NA
☐	E1.6.1 A1 (c)	Consent for Part 5 Agreement	NA

E1.6.2 Subdivision: Public and fire fighting access			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
☐	E1.6.2 P1	Access is sufficient to mitigate risk	NA
☐	E1.6.2 A1 (a)	Insufficient increase in risk	NA
☐	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	NA

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
☐	E1.6.3 A1 (a)	Insufficient increase in risk	NA
☐	E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	NA
☐	E1.6.3 A1 (c)	Water supply consistent with the objective	NA
☐	E1.6.3 A2 (a)	Insufficient increase in risk	NA
☐	E1.6.3 A2 (b)	Static water supply complies with Table E5	NA
☐	E1.6.3 A2 (c)	Static water supply is consistent with the objective	NA

5. Bushfire Hazard Practitioner³

Name:

Ross Murphy – Castellan Consulting
Pty Ltd

Phone No:

0447710152

Address:

99 Campbell Street

Fax No:

NA

Email
Address:

ross@castellan.com.au

Hobart

7000

Accreditation No:

BFP – 122

Scope:

1, 2, 3a, 3b, 3c

6. Certification

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.



or

~~*There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.*~~



and/or

~~*The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.*~~



Signed:
certifier



Date:

14 July 2020

Certificate No:

19068

³ A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of *Fire Service Act 1979*. The list of practitioners and scope of work is found at www.fire.tas.gov.au.