



MUNICIPAL ASSOCIATION OF VICTORIA

# **MUNICIPAL COUNCIL NEIGHBOURHOOD SAFER PLACES PLAN**

*PLACES OF LAST RESORT DURING A BUSHFIRE*

Yarriambiack Shire Council

[14 December 2011]

## Version control

|               |   |
|---------------|---|
| November 2009 | Draft template sent to all council CEOs for comment   |
| December 2009 | Feedback incorporated. Template issued to councils for use  |
| June 2010     | Reissued with amendments: <ul style="list-style-type: none"><li>· Section 1.3 (f) added</li><li>· Section 1.4 added</li></ul> |

## Introduction and Background

In its Interim Report, the 2009 Victorian Bushfires Royal Commission recommended that neighbourhood safer places, or '**NSPs**', be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire.<sup>1</sup>

In response to this recommendation, the Victorian Government has introduced the *Emergency Services Legislation Amendment Act 2009* (Vic) ('**ESLA Act**') which amends the *Country Fire Authority Act 1958* (Vic) ('**CFA Act**') and the *Emergency Management Act 1986* (Vic) ('**EM Act**'). The effect of these amendments will be to require the Country Fire Authority ('**CFA**') to certify NSPs against the CFA's Fire Rating Criteria, and Victoria's Councils to identify, designate, establish and maintain suitable places as NSPs in their municipal districts.

NSPs are not community fire refuges or emergency relief centres. NSPs are **places of last resort** during the passage of a bushfire, and are intended to be used by persons whose primary bushfire plans have failed. NSPs are places of relative safety only. They do not guarantee the survival of those who assemble there. Furthermore, there may be serious risks to safety encountered in travelling, and seeking access, to NSPs during bushfire events. Depending on the direction of a particular fire, it may not be a safer place to assemble than other places within the municipal district.

NSPs will be assessed by the CFA as providing some protection from immediate risk of direct fire attack, but not necessarily from other risks, such as flying embers. Where a potential NSP which is used for an operational purpose at many times meets the CFA's criteria, then the CFA considers that those operational activities will be able to continue (to the extent practicable in the circumstances) while the place is being used as an NSP.

This Plan is a neighbourhood safer places plan for the purposes of the legislation, and contains guidelines which have been developed by the Municipal Association of Victoria ('**MAV**') to assist the Council in:

- identifying;
- designating;
- establishing;
- maintaining; and
- decommissioning

places as NSPs within its municipal district.

This Plan also identifies other matters that should be taken into account in identifying, designating, establishing and maintaining NSPs within the municipality.

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<sup>1</sup> Recommendation 8.5, 2009 Victorian Bushfires Royal Commission Interim Report

This Plan contains a step-by-step methodology for the Council to follow in identifying, designating, establishing, maintaining and decommissioning NSPs. The Council must consider each of the factors set out in this Plan. It should also consider other factors which are specific to the Council's circumstances, including the resources available to the Council.

Once this Plan has been adopted, Council must make it, and any documents incorporated into it, available at the Council's municipal offices for public inspection during normal office hours free of charge under section 50F(4)(b) of the CFA Act. It must also be published on Council's website under section 50F(4)(a) of the CFA Act.

## **Structure of this Plan**

This Plan has been divided up into four distinct sections.

**Section 1** contains a flow chart which summarises the process for councils to adopt in identifying, designating, establishing and maintaining NSPs within their municipal district.

**Section 2** contains a more detailed summary of the steps summarised in the flow chart found in Section 1.

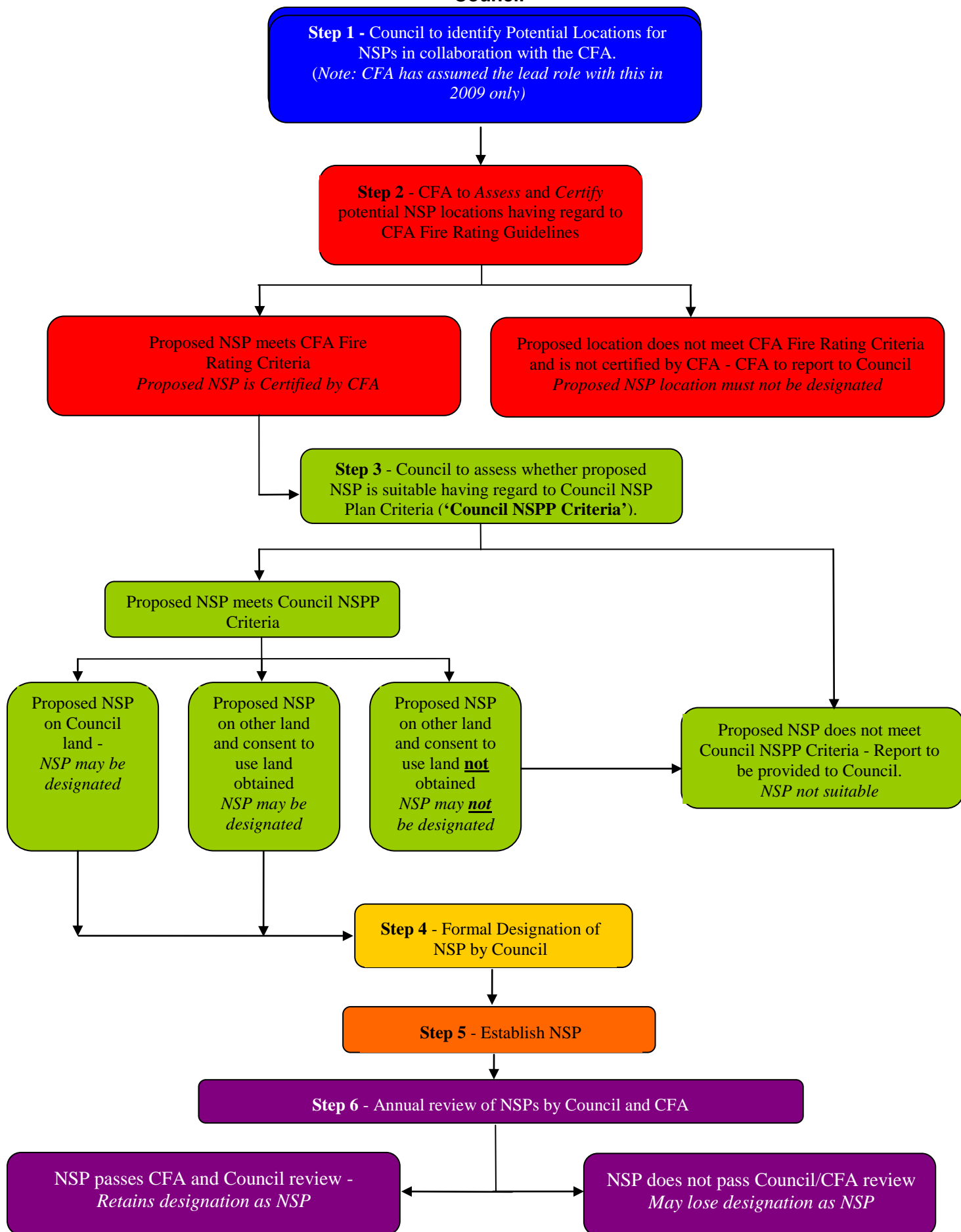
**Section 3** contains a summary of the factors for Council to consider in assessing potential NSP locations, prior to designation.

**Section 4** contains details of content of signage that Council is required to erect at designated NSP locations.

# Section 1

*Flow chart Showing Process for Identifying, Designating, Establishing and Maintaining NSPs.*

**Overview of the process for establishing and maintaining NSPs after adoption of this Plan by Council**



# Section 2

*Detailed summary of steps for establishing NSPs.*

# OVERVIEW OF THE STEPS ASSOCIATED WITH NSPs

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## 1 Identification of Potential NSP Locations

### 1.1 Who is responsible for identifying places as potential NSPs?

For the 2009-2010 fire season, the Country Fire Authority ('CFA') has assumed lead responsibility for identifying potential locations for NSPs. This has been done in consultation with Councils. The initial focus was upon the identification of proposed NSPs within those municipalities with CFA Township Protection Plan ('TPP') areas in place. However, identification efforts have now expanded beyond these localities.

From 2010-onwards, Council will be responsible for identifying potential places as NSPs within its municipal district. Section 50G of the CFA Act requires Council to identify potential NSP locations.

### 1.2 When do potential NSPs need to be identified?

The CFA, in conjunction with Council, is currently in the process of identifying potential NSPs in preparation for the 2009-2010 fire season.

From 2010-onwards, Councils should identify potential additional places as NSPs by 31 May in each year. This should allow sufficient time for:

- (a) **(CFA Certification)** first, assessment and certification of the potential NSP by the CFA;
- (b) **(Council Designation)** secondly, designation of the potential NSP location by the Council; and
- (c) **(Establishment)** thirdly, and subject to the outcome of the assessment and designation process, establishing the NSPs, including the erection of signage and other steps by Council.

The process of NSP identification is ongoing. Following each fire season, Council should assess whether any additional potentially suitable NSP locations can be identified within the municipal district.

### 1.3 What factors should be considered when identifying potential NSP locations?

When identifying potential NSP locations, Council should consider matters such as:

- (a) the environment surrounding the potential NSP;
- (b) what other uses are made of the potential NSP, and whether or not those uses could be inconsistent with its designation as an NSP;
- (c) whether the land on which the potential NSP is located is Council-owned or non-Council owned land;
- (d) whether there are clear means of access and egress to and from the potential NSP;



- (e) whether the potential NSP is in close proximity to population centres; and
- (f) for those Councils whose municipal district falls within both a CFA region and the Metropolitan Fire District (“**MF**D”), or borders the MFD but is within the CFA region:
  - (i) the risks involved in people staying in the area being considered for an NSP, versus leaving the area and travelling to a nearby urban area; and
  - (ii) the adequacy of egress routes out of the area being considered for an NSP (including number of egress routes, whether major or minor roadway, type and amount of vegetation along key egress routes; capacity of egress routes to accommodate potentially large numbers of vehicles and to accommodate potential vehicle breakdowns).

#### 1.4 Who should undertake the identification of potential NSPs?

Under the CFA Act, all Councils whose municipal district is located wholly or partly in the ‘country area’ of Victoria are required to identify and designate NSPs.

Council should ensure that the following actions are completed prior to making any determinations regarding the assessment, designation and certification of NSPs:

- (a) A risk assessment considering the matters outlined in section 1.3 (above) must be undertaken by Council’s Municipal Emergency Resource Officer (“**MERO**”) and Municipal Fire Prevention Officer (“**MFPO**”) (which may be initiated through the Municipal Fire Prevention Committee or the Municipal Fire Management Planning Committee as a sub-committee of the Municipal Emergency Management Planning Committee (“**MEMPC**”), using appropriate available information such as Integrated Fire Management Planning data and/or Victorian Fire Risk Register data and any applicable Township Protection Plans;
- (b) The MEMPC must review the results of the risk assessment, as summarised in the MERO’s and MFPO’s report prepared under section 1.4(a) (above), and submit a written report to Council with a recommendation as to whether CFA assessment and Council designation of the potential NSP is warranted in the area under consideration.
- (c) Council should formally review the MEMPC report. Council should only decide that NSP assessment and designation is not warranted in the area under consideration where Council is satisfied that:
  - (i) The risk assessment undertaken by the MERO and MFPO has addressed the matters raised in sections 1.3 of this MNSPP; and
  - (ii) The MEMPC has recommended that assessment and designation of the NSP is not warranted.

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## CFA to Assess and Certify Potential NSP Locations

### 1.5 Who is responsible for assessing potential NSPs against guidelines issued by the CFA ('CFA Fire Rating Guidelines')?

Under section 50G(5) of the CFA Act, the CFA is responsible for assessing potential NSP locations against the CFA Fire Rating Guidelines.<sup>2</sup> This will be done by appropriately qualified and experienced CFA personnel.

Council is not responsible for the assessment and certification of potential NSPs by the CFA.

### 1.6 What criteria must the CFA take into account in assessing potential NSP locations?

In assessing potential NSP locations which have been identified by the CFA (for the 2009-2010 fire season), or by Councils (from 2010-onwards), the CFA must consider the criteria and other considerations as set out in the CFA's Fire Rating Guidelines as issued from time to time by the CFA.

The key matters to be considered by the CFA under the current CFA Fire Rating Criteria are:

- (a) For Open Spaces ã
  - (i) the appropriate separation distance between the outer edge of the potential NSP and the nearest fire hazard ('**Buffer Zone**')<sup>3</sup> should be at least 310 metres; or
  - (ii) an alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the site is no more than 2 kw/m<sup>2</sup>.
- (b) For Buildings ã
  - (i) The Buffer Zone between the outer edge of the building and the nearest fire hazard should be at least 140 metres; or
  - (ii) an alternative Buffer Zone distance may be prescribed by the CFA, which will ensure that the maximum potential radiant heat impacting on the building is no more than 10 kw/m<sup>2</sup>.

### 1.7 When does the CFA assess a potential NSP?

Following identification of a place which may be suitable as an NSP, the potential NSP is assessed by the CFA as soon as practicable. This is likely to occur shortly after identification.

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<sup>2</sup> The CFA Act refers to "Country Fire Authority Assessment Guidelines". For ease of reference in the context of this MNSP Plan, these guidelines are referred to as the CFA Fire Rating Guidelines.

<sup>3</sup> The CFA Guidelines refer to "separation distances". However, for ease of understanding, the term "Buffer Zone" is used throughout this MNSP Plan.

## 1.8 When does the CFA certify potential NSP locations?

Once the assessment of a potential NSP is completed by the CFA, the CFA will certify the potential NSP if the place meets the CFA Fire Rating Criteria. The CFA will provide a copy of the CFA certification in relation to a potential NSP to Council upon completion of certification, and a summary of the criteria and assumptions upon which the assessment is based.

Council should ensure that the boundaries of both the potential NSP as certified by the CFA, and any Buffer Zone surrounding it, are clearly defined in the CFA assessment.

*For reasons of community safety, it is a requirement of the CFA Act, and it is also Council policy, that only those places assessed and certified by the CFA may be considered for designation as NSPs by the Council. The Council must not designate a place as an NSP unless it has CFA certification.*

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## 2 Council Assessment of NSPs Following CFA Certification

### 2.1 What factors should be applied by Councils in assessing the suitability of a place as a potential NSP location?

Following certification of a place as an NSP by the CFA, and once Council has received the CFA assessment and any criteria and CFA assumptions which underpin the assessment, Council must assess the place in accordance with the factors outlined below to determine whether it is suitable to be designated as an NSP. Unless a potential NSP satisfies each of the criteria outlined below, it should not be designated by Council as an NSP.

Council's assessment of CFA-certified potential NSPs may, if reasonably practicable, be conducted by the Municipal Emergency Management Planning Committee ('MEMPC'), with a preliminary assessment to be provided to the MEMPC by the MERO and the MFPO.

The factors to determine the suitability of the place as an NSP are as follows: ('Council NSPP Criteria'):

(a) ***Consents and rights of access***

There must be appropriate land access and tenure arrangements so that Council has the right to:

- use the place as an NSP;
- access the site and surrounding areas for maintenance; and
- erect appropriate signage at the NSP, including the OESC signage and additional NSP information signage.

If the potential NSP is on land owned or controlled by Council, appropriate rights of land access and tenure are unlikely to be an issue. However, Council will need to ensure that where Council land is leased or licensed to a third party, it must be possible to put in place appropriate arrangements on reasonably satisfactory and acceptable terms with the tenant or licensee permitting Council to use the land as a potential NSP. In taking these matters into account, Council should consider what alternative uses may be made, whether temporarily or semi-permanently, of land under Council control or management.

If the potential NSP is on Crown land not owned or controlled by Council, then the consent of the Crown land manager is likely to be required. If the land has been leased or licensed to a third party, such as a caravan park operator, then the consent of the tenant or licensee to use the place as a potential NSP will also be required. In obtaining the consent of the relevant Crown land manager, it will be necessary to consider whether or not the Crown Grant or reservation authorises the place to be used as a potential NSP.

Where it is proposed that a place on privately-owned land is to be used as an NSP, then the consent of the relevant landowner (and, where applicable, occupier) for the place to be designated and used as an NSP is required. If the landowner (or occupier) does not consent to the place

being designated and used as an NSP on terms which are reasonably satisfactory and acceptable to the Council, it must not be so designated and used.

Where a potential NSP is located on non-Council land, with the result that consent and rights of access need to be negotiated with the owner and (where necessary) occupier, Council officers responsible for negotiating such consent and rights of access should provide a draft form of consent to the owner/occupier for their consideration. The form of consent will be required to be approved either by Council (through a formal resolution), or by the CEO acting under delegation.

Any amendments to the form of consent which may be requested by the landowner or occupier would need to be thoroughly considered before they are agreed to by Council. If it is not possible or appropriate for Council to agree on amendments that may be requested to the consent document, then the proposed NSP should not be designated by Council.

(b) ***Access and Egress***

Council must assess whether there is sufficient access to the potential NSP which will allow:

- anticipated potential numbers of people to move to and from the place; and
- the CFA and other emergency services to attend the place for asset and personnel protection activities and operations.

Council must assess potential access and egress routes, bearing in mind the fact that NSPs are **places of last resort**.

As people may be seeking access to an NSP in a rushed or panicked state, a number of people could be seeking access in a relatively short time and visibility could be affected by smoke, easily navigable routes to and from an NSP are crucial.

In considering whether access and egress routes are adequate, consideration should be given to issues such as:

- (i) the condition of the road surface;
- (ii) the proximity of the NSP to major roadways and population centres;
- (iii) the type and amount of vegetation along any access routes, and whether that vegetation could be affected by fire and pose a risk of harm to those seeking access to the potential NSP, or otherwise block access to the NSP;
- (iv) the capacity of access routes to accommodate potentially large numbers of vehicles, and to accommodate potential vehicle break-downs;
- (v) parking at the place;
- (vi) any hazards that may exist for persons accessing the place by foot, including in the buffer zone;

- (vii) any relevant matter contained in Council's Road Management Plan prepared pursuant to the *Road Management Act 2004* (Vic); and

If appropriate and satisfactory access and egress routes are not available, then the proposed NSP should not be designated by Council.

(c) ***Maintenance of potential NSP in accordance with CFA assessment criteria***

Council must ensure that the potential NSP can be maintained in accordance with the criteria taken into account by the CFA in arriving at its fire rating assessment.

If additional information is required from the CFA to understand the criteria they have considered in arriving at their fire rating assessment, Council should seek this information from the CFA. If necessary, Council may request the CFA to undertake a further assessment to provide Council with additional information.

(d) ***Opening of the NSP***

Council must consider

- (i) whether it will be possible or practicable to open the potential NSP or otherwise make it available for use on a 24 hour basis during the declared fire danger period;
- (ii) the potential for damage to the place during times that it is open and available for use, but is not being used as an NSP;
- (iii) the potential costs to Council associated with (i) and (ii) above; and
- (iv) the possibility that a potential NSP could be used for unintended purposes, such as an emergency relief centre.

(e) ***Defendable space and fire suppression activities***

CFA have advised that there is no guarantee that fire units will attend an NSP, and that individuals who use NSPs are doing so at their own risk. There should be **no expectation** that fire units or other emergency services personnel will attend an NSP during a bushfire.

Despite this, the potential NSP should be surrounded by sufficient open space to enable the CFA and other fire services to conduct asset protection and fire suppression operations around the place.

Any open space **should be reasonably** free of obstacles which could hinder fire suppression activities. Obstacles may include, amongst other things:

- fences;
- buildings and sheds;
- steep inclines in close proximity to the potential NSP;
- vegetation, particularly large trees;

- other land formations, including rocks, boulders or knolls which could substantially hinder fire suppression operations.

If necessary, advice should be sought from the CFA about their defensible space and fire vehicle access requirements.

When assessing the defensible space factor, Council must consider whether or not approval to clear or disturb flora and/or fauna could be required, whether under legislation such as the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) ('**EPBC Act**'), *Flora and Fauna Guarantee Act 1988* (Vic) ('**FFG Act**') or the *Planning and Environment Act 1987* (Vic) ('**PE Act**'). If such approval is required, then it must be obtained before the potential NSP location is designated.

If the proposed NSP does not have adequate defensible space around it, or if approval to clear or disturb flora and/or fauna is required but cannot be obtained before the NSP is required to be established, or cannot be obtained on reasonably satisfactory conditions, it should not be designated as an NSP by Council.

(f) ***Defendability of Buildings***

If the potential NSP is a building, Council must consider whether or not it is likely to be subject to risk from ember attack.

As the CFA is not required to assess the risk of ember attack to a building in undertaking the CFA fire rating assessment when certifying NSPs, the Council should consider this issue. In considering this issue, Council may need to seek expert advice from appropriately-qualified CFA personnel.

If there is an appreciable risk of the proposed NSP being compromised by ember attack which cannot be satisfactorily defended, then the building is unlikely to be suitable as an NSP and should not be designated by Council.

(g) ***Signage***

- Council must assess whether it will be possible to have signage at the entry to, and in the vicinity of, the potential NSP. Such signage must generally be in accordance with the Signage Template, which is at **Section 4** of this Plan.

Council must refer to the Signage Template when considering whether or not appropriate signage can be erected.

If signage must be placed on private land, then the consent of the landowner will be required.

(h) ***Maintenance and maintainability***

Council must assess whether ongoing maintenance of the proposed NSP, and the surrounding area, is both possible and practical, having regard to the resources reasonably available to the Council. This factor should be considered by the Council not only in relation to the suitability of a proposed NSP, but also as to the total number of proposed NSPs that can be reasonably maintained within the municipal district. This is needed to ensure that the place remains suitable for use as an NSP during each fire season.

Specifically, the place must be capable of being maintained so as to ensure continuing compliance with the CFA Fire Rating Criteria and the Council NSPP Criteria. It is Council policy that if it is not possible to maintain a potential NSP, then it must not be designated as such.

When assessing the maintainability of the potential NSP, both the NSP and the Buffer Zone may require various maintenance activities to be undertaken on a periodic basis. The potential introduction of hazards into the Buffer Zone, such as structures, animals and vehicles, should be taken into account.

There may be cases where maintenance activities can only be undertaken by, or with the consent of, an adjoining landowner. This may, in turn, require assurances from such landowners that the place, and areas surrounding it, will be maintained to a satisfactory level.

When assessing the maintainability of a potential NSP, Council must consider whether or not approval to clear or disturb flora and/or fauna could be required, whether under legislation such as the EPBC Act, FFG Act or the PE Act. If such approval is required, then it must be obtained before the potential NSP location is designated.

If the proposed NSP is not capable of being satisfactorily maintained, then it should not be designated by Council.

(i) ***Disabled access***

Council must consider whether or not there are clear means of access for disabled and mobility-impaired persons to the potential NSP.

In considering this issue, regard should be had to such matters as whether or not it would be necessary for cars or other vehicles to enter the NSP area to allow persons with disabilities to be dropped off within the place.

(j) ***Alternative Uses of potential NSP***

Council must consider what other uses may be made of the potential NSP which could impact upon its ability to properly function as an NSP.

Where a potential NSP which is used for an operational purpose at many times has been assessed by the CFA as meeting the criteria in the CFA Fire Rating Guidelines, and has been certified by the CFA, then the CFA has advised that those operational activities will be able to continue (to the extent practicable in the circumstances) while the place is being used as an NSP.

If the place is used for other uses which could compromise its ability to be used as an NSP, then it should not be designated as an NSP by Council.

(k) ***Communication with the community***

Council must be able to communicate the location of the potential NSP to the community. There should be good community awareness of the location of the place, together with the risks that relate to the use of the potential NSP, and the risks associated with travelling to the potential NSP in the event of a bushfire.



(l) **Public liability insurance**

As a matter of prudent risk management, Council should have regard to:

- (i) any additional factors which are relevant to Council's maintenance of insurance coverage for legal claims relating to the identification, designation, establishment, maintenance and decommissioning of a place as an NSP, as well as travel to an NSP; and
- (ii) any statutory defences to claims.

**2.2 Who is responsible for undertaking the Council assessment of potential NSPs?**

A report prepared by the MERO and MFPO detailing whether or not the potential NSP meets the above criteria should be prepared and provided to:

- (a) the MEMPC, where it is practicable for the MEMPC to be involved in the Council assessment process; and
- (b) the Council.

The MEMPC must assess the potential NSP, taking into account the MERO's report, and make a recommendation to Council as to whether or not to designate the potential NSP.

**2.3 When are potential NSP locations required to be assessed by Council?**

Any potential NSPs certified by the CFA should be assessed by Council no later than 30 June each year, so as to allow time for the places to be designated and established as NSPs by Council, and for any appropriate amendments to be made to the MEMP and MFPP prior to the commencement of the bushfire season.

This timing is obviously subject to the CFA assessing and certifying the potential NSP location in a timely manner.

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### **3 Council Designation of NSPs**

#### **3.1 Who is responsible for Council designation of NSPs?**

Council must formally determine whether or not to designate a place as an NSP. Council should not designate a place as an NSP unless it is satisfied that the place is suitable, having regard to the Council NSPP Criteria.

An NSP may only be designated by a resolution of the Council.

#### **3.2 When should Council consider the designation of a potential NSP?**

Following preparation of an assessment of a potential NSP by the MEMPC, Council should determine whether or not to designate a potential NSP location by no later than 31 July. This will enable any necessary establishment works to be undertaken.

#### **3.3 What must the MFPO do once a potential NSP is designated by Council?**

Once the Council has designated a place as an NSP, the MFPO must provide an updated list of all designated NSPs within the municipality to the CFA under section 50K of the CFA Act. This updated list must be provided by no later than 30 September in each year.

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## 4 Establishment and Maintenance of NSPs Following Designation

### 4.1 Who is responsible for establishing NSPs?

Following designation, Council will establish all designated NSPs within the municipal district.

### 4.2 What must be done when establishing NSPs?

To establish a NSP after its designation, Council must:

- erect appropriate signage at and near the NSP;
- undertake any necessary preparatory works, including the construction or establishment of any required infrastructure and the clearance of vegetation, so as to enable the area to be used as an NSP;
- publish the location of the NSP on the Council website; and
- update Council's Municipal Emergency Management Plan and Municipal Fire Prevention Plan to include the location of the NSP.

The MFPO must provide an up-to-date list of NSPs to the CFA no later than 30 September each year under section 50K of the CFA Act.

Following designation, all designated NSPs within the municipality must be identified in:

- the MFPP, under section 55A(2) of the CFA Act; and
- the MEMP, under section 20(2) of the EM Act.

### 4.3 When must NSPs be established?

NSPs should be established no later than [**30 October**] each year.

### 4.4 Maintenance of NSPs

NSPs within the municipality need to be maintained by Council. Maintenance activities must include vegetation management, hazardous tree removal and the maintenance of infrastructure required for the satisfactory functioning of the place as an NSP. If additional works have been required to establish the NSP, then those works should be subject to periodic review.

The fuel load in the vicinity of the NSP must not increase so as to affect the fire rating of the NSP.

Council must ensure that defensible spaces, the Buffer Zone and access and egress routes are appropriately maintained.

Council must inspect the NSP, Buffer Zone and access and egress routes on a periodic basis, and in any event not less than once every month during the declared fire danger period, to ensure that the NSP continues to be capable of

functioning as an NSP. If Council identifies issues that may impact upon the functioning of the place as an NSP, then Council must:

- (a) address the issue;
- (b) take reasonable steps to have the issue addressed, such as requesting the owner of the land on which the NSP or Buffer Zone is located to address the issue; or
- (c) consider decommissioning the NSP and revoking the designation of the place as an NSP.

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## **5 Annual Inspections of NSPs**

### **5.1 Who is responsible for the annual review of NSPs?**

Council must undertake an annual review of all designated NSPs within the municipality.

Council must also request the CFA to undertake an assessment against the CFA Fire Rating Criteria of each NSP within the municipality on an annual basis.

These reviews are intended to ensure that each NSP remains suitable for use as an NSP during the up-coming fire season.

### **5.2 What must be considered when undertaking inspections?**

NSPs should be assessed annually against the Council NSPP Criteria. The CFA will assess NSPs against the CFA Fire Rating Criteria.

If an NSP no longer meets:

- (a) the CFA Fire Rating Criteria, then it must be decommissioned; and
- (b) the Council NSPP Criteria, then Council must determine whether or not it wishes to address any of the identified non-compliances. If it does not, then the NSP must be decommissioned.

### **5.3 When must NSP locations be inspected?**

NSPs must be inspected prior to 31 August each year under section 50J of the CFA Act.

# Section 3

Summary of factors for Council to consider in assessing potential NSP locations prior to designation

# Factors to Consider in Assessing Potential NSPs

| Council NSPP Criteria   | Issues to consider  | Council comments  | Satisfied? Yes/No |
|---|---|---|-------------------|
| <b>Consents and rights of access</b><br><i>See section 3.2(a)</i> | If the potential NSP is located on Council-owned land, can Council use the land as an NSP if required? Consider whether or not Council allows the land to be used for potentially inconsistent purposes, such as for farmers' markets, fetes, circuses etc.   | DSE owned. Used as sporting facility and for functions. No great issue perceived if emergency arises and venue required.  | Yes               |
|   | If the potential NSP is on private land, or public land under the control of a Crown Land Manager (other than Council), can Council enter into arrangements which allow it to use the land as a potential NSP on reasonably satisfactory terms? Also consider whether Council has the right to: <ul style="list-style-type: none"> <li>• access the site and surrounding areas for maintenance; and</li> <li>• erect appropriate signage at the NSP.</li> </ul> | -The Trustees of Anzac Park have granted permission to use as NSP.<br>-Access by council for maintenance; and to erect signage has no issue   | Yes               |
| <b>Access and egress</b><br><i>See section 3.2(b)</i>             | Do access routes to the potential NSP allow for: <ul style="list-style-type: none"> <li>• the anticipated potential number of people to move to and from the place; and</li> <li>• the CFA and other emergency services to attend the place for asset and personnel protection activities?</li> </ul>   | -The location should be able to allow the anticipated volume of people to access the site.<br>-The CFA would have adequate access for asset and personal protection.  | Yes               |
|   | Are access routes easily navigable, bearing in mind they could be affected by smoke? Consider the condition of the road surface, proximity to population centres and major roads, capacity of access routes to accommodate large numbers of vehicles, the availability of car parking at the place and any other relevant matters.  | Anzac Park is located in central Warracknabeal, allowing the community easy access to the facility. Proximity to the highway networks is good and will allow easy access to distance travellers. Road surface conditions are good, with wide roads leading to the site. | Yes               |
| <b>Maintenance of NSP in accordance with CFA assessment</b>       | Can Council maintain the potential NSP in accordance with the criteria taken into account by the CFA in arriving at its fire rating assessment? <i>If the CFA have not provided sufficient information in relation to the criteria it has taken into account in arriving at its fire rating assessment, it may be necessary for Council to seek further information from the CFA.</i>   | Yes   | Yes               |
| <b>Opening of the NSP</b><br><i>See section 3.2(d)</i>            | Will it be possible and practicable to make the potential NSP available for use on a 24 hour basis during the declared fire danger period? This is a particular issue where the potential NSP is a building. Consider the potential for damage to the NSP which could result during times that it is open and available for use, but is not being used as an NSP.   | -Building will not be left unlocked at all times, but opened during an emergency.<br>-No significant is expected from use as a NSP.   | Yes               |
|   | What costs could be incurred by Council in making the potential NSP available on a 24 hour basis during the declared fire danger period? Are these costs reasonable, and capable of being borne by Council?   | It is not council's intention to book the venue for the duration of the fire danger period.   | Yes               |
|   | Could the potential NSP be used for an unintended purpose which could impact upon its use as an NSP   | It is unlikely tthe centre will conflict with its use,  | Yes               |

| <b>Council NSPP Criteria</b>   | <b>Issues to consider</b>  | <b>Council comments</b>   | <b>Satisfied? Yes/No</b> |
|--|--|---|--------------------------|
|  | (such as an emergency relief centre)?  | as it has other options for centres like relief centres.  |                          |
| <b>Defendable space and fire suppression activities</b><br><i>See section 3.2(e)</i> | Is the potential NSP surrounded by sufficient open space to enable the CFA to conduct asset protection and fire suppression operations? Is that open space reasonably free of obstacles (such as fences, buildings, steep gradients, vegetation and other land formations)? <i>Council should seek CFA advice concerning the defendability of the potential NSP and the Buffer Zone, including in relation to fire vehicle access requirements.</i>  | See CFA assessment dated 21/1/2010  | Yes                      |
|  | Will approval be required under legislation such as the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)</i> , <i>Flora and Fauna Guarantee Act 1988 (Vic)</i> and the <i>Planning and Environment Act 1987 (Vic)</i> ? Can such approval be obtained before the NSP is established?   | Yes   | Yes                      |
| <b>Defendability of buildings</b><br><i>See section 3.2(f)</i>                       | If the potential NSP is a building, has Council sought expert advice from the CFA to determine whether the NSP is likely to be subject to risk from ember attack? If it is subject to such a risk, can that risk be safely managed?  | See CFA assessment dated 21/1/2010  | Yes                      |
| <b>Signage</b><br><i>See section 3.2(g)</i>  | Can appropriate signage be erected at the entry to the potential NSP, and in its vicinity?   | Yes   | Yes                      |
|  | If signage needs to be placed on private land, can Council obtain the consent of the relevant landowner to the erection of the signage?  | Not applicable  | Yes                      |
| <b>Maintenance and maintainability</b><br><i>See section 3.2(h)</i>                  | Is the potential NSP capable of being maintained to ensure continuing compliance with the CFA Fire Rating Criteria and the Council NSPP Criteria?<br><br>Where relevant, consider whether adjoining land owners and occupiers will provide Council with an assurance that both the potential NSP and the Buffer Zone can be maintained to a satisfactory level.  | Council will be able to maintain compliance with the CFA fire rating criteria, with minimal need to impact on adjoining properties within the buffer zone.                | Yes                      |
| <b>Disabled access</b><br><i>See section 3.2(i)</i>                                  | Are there any means of access for disabled and mobility-impaired persons to the potential NSP, including vehicle access to drop off people with disabilities?  | Yes   | Yes                      |
| <b>Alternative uses of potential NSP</b><br><i>See section 3.2(j)</i>                | Can Council manage alternative uses which may be made of the potential NSP so as to ensure that those uses will not compromise the function of the place as a potential NSP?<br><br><i>The CFA has advised that where a potential NSP which is used for an operational purpose at many times meets the CFA Fire Rating Criteria, then the CFA considers that those operational activities will be able to continue (to the extent practicable in the circumstances) while the place is being used as an NSP.</i> | Council can manage alternatives as Council is only going to use the centre in the incidence of an emergency. The likely impact the centre will be compromised is minimal. | Yes                      |
| <b>Community Communication</b><br><i>See section 3.2(k)</i>                          | Will it be possible to ensure that there will be good community awareness of the location of the potential NSP, and the risks associated with using the potential NSP?   | Council will advertise the NSP designation and post on website. Council will make the community aware of risks associated with using the NSP in an emergency situation.   | Yes                      |





# Section 4

## NSP Signage Template