

Planning Information Sheet: Development in Bushfire Prone Areas

WHAT IS A BUSHFIRE PRONE AREA AND WHAT DOES IT MEAN FOR DEVELOPMENT/SUBDIVISION OF MY PROPERTY?

The Department of Fire and Emergency Services (DFES) has produced a Map of Bushfire Prone Areas, which are considered to be at risk in the event of bushfire due to the proximity of large areas of bushland.

You can check if your property is within a bushfire prone area by contacting the City of Canning or referring to the map on the Office of Bushfire Risk Management (OBRM) portion of the DFES website.

The Western Australian Planning Commission (WAPC) State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7) directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas.

If your property is designated bushfire prone, development may be subject to additional design, application and assessment requirements unless considered exempt in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

WHEN SPP 3.7 APPLIES AND EXEMPTIONS

SPP 3.7 applies to new development. Where a development or subdivision application is proposed on land within a designated Bushfire Prone Area, SPP3.7 will apply. This also includes vulnerable land uses. Vulnerable land uses have been covered in the section below.

SPP3.7 will apply unless the development is for a single house or an ancillary dwelling on a lot or lots with a total area less than 1100m². Where a development proposal may be exempt from requiring development approval a development application will still be required if the Bushfire Attack Level (BAL) of the site is BAL-40 or BAL-Flame Zone. BAL is explained in the section below.

WHAT IS A VULNERABLE LAND USE?

SPP 3.7 defines a 'Vulnerable Land Use' as: *a land use where persons may be less able to respond in a bushfire emergency*. Examples of what constitutes unavoidable development are provided in the Guidelines.

The guidelines outline the following:

Typically, vulnerable land uses are those where persons may be less able to respond in a bushfire emergency. These can be categorised as one or more of the following:

- *land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability such as the elderly, children (under 18 years of age), and the sick or injured in dedicated facilities such as aged or assisted care, nursing homes, education centres, family day care centres, child care centres, hospitals and rehabilitation centres;*

- facilities that, due to building or functional design, offer limited access or the number of people accommodated may present evacuation challenges, such as corrective institutions (prisons) and detention centres;
- short stay accommodation or visitation uses that involve people who are unaware of their surroundings and who may require assistance or direction in the event of a bushfire, such as bed and breakfast, caravan park and camping ground, holiday house, holiday accommodation, home business, serviced (short stay) apartment, tourist development and workers' accommodation.

The following land use classifications within the City's Local Planning Scheme No. 42 (LPS 42) may be considered 'vulnerable':

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|-----------------------------|-------------------------|----------------------|
| • Aged Care Facility | • Family Day Care | • Hospital |
| • Bed and Breakfast | • Holiday Accommodation | • Hotel |
| • Child Care Premises | • Holiday House | • Medical Centre |
| • Community Purpose | • Home Business | • Motel |
| • Consulting Rooms | • Home Business - Rural | • Place of Worship |
| • Educational Establishment | • Home Occupation | • Serviced Apartment |

It is noted that a Bushfire Attack Level assessment is required (but not limited to) to be carried out for any of the above proposed land uses in the situations where the land is identified to be bushfire prone. Depending upon the outcome of a Bushfire Attack Level Assessment a Bushfire Management Plan may also be required including an Emergency Evacuation Plan.

WILL I BE REQUIRED TO GET A NOTIFICATION LISTED ON THE CERTIFICATE OF TITLE FOR MY PROPERTY?

A notification may need to be placed on the Certificate of Title if a development application that is located on land designated as a Bushfire Prone Area is approved. The intent of the notification is to give notice of factors that affect the use and enjoyment of land.

WHAT IS A BUSHFIRE ATTACK LEVEL (BAL)?

A Bushfire Attack Level (BAL) is a way of determining a proposed building's potential for bushfire exposure. The level is used to establish the construction requirements that can be used to improve the protection of your building from bushfire attack. There are three BAL ratings which are listed in the table on the next page.

Depending on the BAL rating a Bushfire Management Plan (BMP) may also be required. A BMP would include details such as, results of a bushfire hazard assessment and demonstration that all bushfire protection criteria (BPC) requirements can be met. BPC is set out in the Guidelines for Planning in Bushfire Prone Areas by the WAPC.

The accompanying Guidelines for Planning in Bushfire Prone Areas provides supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

A BAL, and associated Bushfire Management Plan (BMP), must be prepared by a suitably qualified consultant. A list of consultants may be obtained from the Fire Protection Association Australia website.

The following table lists the three BAL ratings and outlines applicable requirements at the development, building permit and subdivision application stages:

BAL Rating	Development Application	Building Permit	Subdivision
BAL- LOW	<ul style="list-style-type: none"> No DA required under the provisions of SPP3.7 and Part 10A of the Regulations. If DA is required under Schedule 2 Part 7 of the Regulations, BAL is to be provided. 	<ul style="list-style-type: none"> BAL to be submitted with the BP. No additional BCA requirements are applicable. 	<ul style="list-style-type: none"> BAL to be submitted with the subdivision. No Bushfire Management plan required. No notification required.
BAL- 12.5 to BAL- 29	<ul style="list-style-type: none"> No DA required under the provisions of SPP3.7 and Part 10A of the Regulations. If DA is required under Schedule 2 Part 7 of the Regulations, BAL is to be provided. DA is to submit BMP addressing the bushfire protection criteria. 	<ul style="list-style-type: none"> BAL to be submitted with the BP. Development to be constructed to standards set out in Building Code of Australia. 	<ul style="list-style-type: none"> Bushfire Management plan required. Notification to be registered on title.
BAL- 40 or BAL-Flame Zone	<ul style="list-style-type: none"> DA is required and is to address bushfire protection criteria in the <i>Guidelines for Planning in Bushfire Prone Areas</i>, with the aim of achieving BAL-29 or less for the site. Bushfire Management plan required. A condition is to be imposed on any approval, requiring an applicable Notification under Section 70A to be registered on title. 	<ul style="list-style-type: none"> If a BAL contour map exists for the subject lot use this in place of undertaking a BAL assessment. In all other circumstances a BAL assessment will be needed for the Development Application. Development to be constructed to standards set out in Building Code of Australia. 	<ul style="list-style-type: none"> Proposed lots within this zone will not be considered appropriate and will not be approved.

FURTHER PRE-LODGMET INFORMATION

City officers encourage preliminary discussions where bushfire planning requirements may be applicable. If you wish to make an appointment to see a Planning Officer to discuss your proposal please contact the City on 1300 422 664 or email customer@canning.wa.gov.au.

Disclaimer

This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The City of Canning encourages you to seek professional advice before acting on any information contained in this document. Please contact the City of Canning if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.

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