

Planning in Bushfire Prone Areas Information Sheet

Important Links

[State Planning Policy \(SPP 3.7\) - Planning in Bushfire Prone Areas](#)

[FPA Australia - Accredited Bushfire Practitioner](#)

[Local Planning Policy 4.2 – Bushfire](#)

Bushfire Prone Areas

In accordance with [State Planning Policy 3.7](#), additional provisions relate to development within a bushfire prone area. Please check the Department of Fire and Emergency Services Map of [bushfire prone areas](#) to determine if your land is within a bushfire prone area.

If your property is located within a bushfire prone area and you are looking to use or develop the land, you will be required to engage a Registered and [Accredited Bushfire Practitioner](#) to prepare supplementary documentation to be submitted with your development application.

Development Requirements

New dwelling and ancillary development

The table below outlines when a development application is required for a dwelling and ancillary development on an existing lot due to the development being located within a bushfire prone area:

| Lots less than 1,110sqm | Development Application | Building Permit |
|---|--|--|
| Proposed new dwelling | BAL not required. | BAL required in all circumstances. |
| Additions/alterations excluding outbuildings | BAL not required. | BAL required if: <ul style="list-style-type: none"> the estimated value of the building work is more than \$20 000; and/or the renovation, alteration, extension, improvement or repair increases the risk of ignition from bushfire attack. |
| Outbuilding | Not required. | BAL required if closer than 6m to a habitable building that has been constructed to a BAL rating. |
| Lots 1,110sqm or greater | | |
| Proposed new Single House and/or Ancillary Dwellings | BAL required in all circumstances – also see Indicative BAL assessment. | BAL required in all circumstances. |
| Additions/alterations excluding outbuildings | BAL required if it results in the: <ul style="list-style-type: none"> intensification of the development; increases the number of residents accommodated on site; and/or Increases the bushfire threat. – also see Indicative BAL assessment. | BAL required if: <ul style="list-style-type: none"> Estimated cost of building works is more than \$20,000; and Renovation, alteration, extension, improvement or repair increase the risk of ignition from bushfire attack. |
| Outbuildings | BAL required if closer than 6m to a habitable building. | BAL required if closer than 6m to a habitable building. |

Commercial development including change of use applications.

All other types of development, such as commercial development (including change of use application), may require a BAL and/or BMP at the Development Application stage. Please contact the City's Planning Department for more information.

Validity of a BAL / BMP

BAL's are only valid for 12 months from the date of issue for the purposes of assessing a development application and / or building permit.

BMP's are only valid for 24 months from the date of issue for the purposes of assessing a development application. Once approved the recommendations contained therein are to be implemented and maintained for the life of the development.

Indicative BAL Assessment for Single House and Ancillary Dwellings

Where a BAL assessment proposes modification to vegetation this must be contained within a Bushfire Management Plan (BMP). Where BAL-29 or lower can be achieved within the lot boundaries, this can be prepared by a Level 2 (or above) Accredited Bushfire Practitioner. If after modifying the vegetation, the BAL rating remains BAL-40 or BAL-FZ this is to be prepared Level 3 Accredited Bushfire Practitioner.

Vulnerable Land Uses Including in Residential Built Out Areas

Vulnerable land uses are defined by the Guidelines as "a land use where persons may be less able to respond in a bushfire emergency" and include Holiday Homes and all other tourism land uses. All Vulnerable land uses require a BMP and BEEP to be prepared by a Level 3 Accredited Bushfire Practitioner.

Strata site proposing an Asset Protection Zone (APZ) on Common Property

SPP3.7 requires an APZ to be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a *low-fuel state on an on-going basis, in perpetuity*.

If a development application includes the establishment and maintenance of an APZ in a neighbouring lot that is Common Property, then the City requires that the strata company adopts an additional Schedule 2 By-law demonstrating:

1. The strata company authorises the clearing and maintenance in perpetuity of vegetation within the neighbouring common property in accordance with a BMP; and
2. Where the strata company has granted consent for an APZ within common property, a letter to the City, as an appendix to the BMP, advising of that consent; and
3. That the by-law can't be amended or repealed without the consent of the local government.

The additional Schedule 2 By-law is to be adopted by the strata company, and letter of consent provided to the City, *prior to* the lodgement of the development application.

The additional Schedule 2 By-law must be reviewed by the City's legal officers prior to adoption. The applicant is advised to contact the City and request a copy of the City-approved draft by-law *before* commencing discussions with the strata company.

In addition to the above requirement, a development application that is approved will be subject to conditions that relate specifically to the establishment and maintenance of an APZ within common property, including but not limited to:

1. A section 70A notification to be placed on the Certificate of Title; and
2. A legal agreement between the owner and City being entered into.

Enquiries

Contact Planning and Development Services staff on (08) 9781 1731, email city@busselton.wa.gov.au, or in person at the City Administration Building during office hours, Monday – Friday.

****Disclaimer****

This information sheet is a guide only. Verification with original Local Laws, Acts, the City's Local Planning Scheme and other relevant documents is recommended for detailed references. The City of Busselton accepts no responsibility for errors or omissions.