

This information sheet provides guidance to assist with the interpretation and implementation of *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*, *State Planning Policy 3.7: Planning in Bushfire Prone Areas*, and *Guidelines for Planning in Bushfire Prone Areas*.

On 7 December 2015 the *Planning and Development (Local Planning Scheme) Amendment Regulations 2015* (LPS Amendment Regulations 2015) established deemed provisions relating to bushfire risk management (deemed provisions). The deemed provisions apply to all local planning schemes prepared under the *Planning and Development Act 2005* to ensure that bushfire risk is appropriately managed in new development throughout the State.

### Frequently Asked Questions

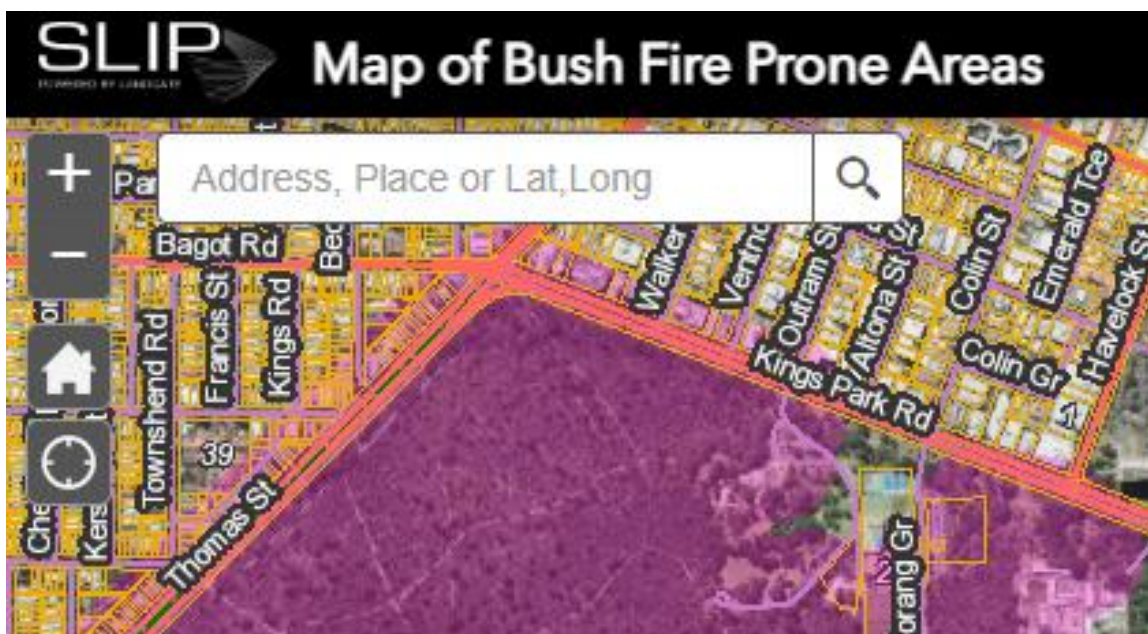
#### What Is a Bushfire Prone Area?

A Bushfire Prone area is an area that has been designated by the Fire and Emergency Services Commissioner as being subject, or likely to be subject to fire. A bushfire prone area is identified by the presence of and proximity to bushfire vegetation and includes the vegetation and a buffer of 100m immediately surrounding it.

#### How Do I Know If My Property Is Within a Bushfire Prone Area?

To find out whether your property falls within, or partially within, a designated Bushfire Prone Area the Map of Bushfire Prone Areas is available on the Department of Fire and Emergency website ([click the link below](#)). If the Map of Bush Fire Prone Areas covers only a small portion of your property, the entire property is still considered to be a Bushfire Prone Area.

[Map of Bush Fire Prone Areas \(slip.wa.gov.au\)](http://slip.wa.gov.au)



## What Are Bushfire Attack Level (BAL) Assessments and Bushfire Management Plans (BMP)?

A bushfire attack level (BAL) is a way of measuring the severity of a building's potential for bushfire exposure. An accredited Bushfire Practitioner would be qualified to determine a BAL-rating and assessment for your proposal. A list of accredited Bushfire Practitioner is available on the [Fire Protection Association \(FPA\)](#) (FPA) website.

The determined BAL-rating is used to establish the construction requirements that can improve the protection of your building from bushfire exposure. Depending on the BAL rating, a bushfire management plan (BMP) may also be required, which would include an assessment against the bushfire protection criteria outlined on the Guidelines for Planning in Bushfire Prone Areas (Guidelines), and an implementation outlining responsibilities for landowners/developers in addressing bushfire protection criteria during each stage of development.

### Is A Bushfire Attack Level (BAL) Assessment Required for My Proposal?

A property that has been designated as bushfire prone will require a BAL if the structure or land use is to be constructed/undertaken within the pink marked areas of the property (as per the DFES mapping). A BAL is also required for a structure (weather permanent or temporary) that involves the use by people for living, working, studying or being entertained. This includes a single dwelling, granny flat, guest house and some Class 10B structures.

The construction requirements are not retrospective to existing dwellings; however, extensions and renovations may be subject to the standards as set out in AS3959. If your property is greater than 1100m<sup>2</sup> and the BAL report provides an assessment level of BAL 40 or BAL FZ (Flame Zone) you will require Development Approval in addition to any building permit requirements. These proposals should be discussed with the Shires Development Services team on 9727 0222 or email [info@capel.wa.gov.au](mailto:info@capel.wa.gov.au).

### Am I Exempt from Bushfire Planning Requirements If I Have A Building Envelope?

No, you are still required to obtain a BAL Assessment if your property has a building envelope and is completely or partially within a bushfire prone area. If you propose to build within 6 meters of another structure within the building envelope you will require to obtain a BAL Assessment. For example, if you have an existing house on your property and wish to build a shed within 6 meters of the house you will be required to obtain a BAL Assessment.

## 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 1,110m <sup>2</sup>	Development Application	Building Permit
<b>Proposed New Dwelling</b>	BAL not Required	BAL required in all circumstances
<b>Additions/Alterations Excluding Outbuildings</b>	BAL not Required	BAL required if: <ul style="list-style-type: none"><li>• The estimated value of the building work is more than \$20,000; and/or</li><li>• The renovation, alteration, extension, improvement, or repair increases the risk of ignition from bushfire attack.</li></ul>

<b>Outbuildings</b>	BAL not Required	BAL required if closer than 6m to a habitable building that has been constructed to a BAL rating.
<b>Lots 1,110m<sup>2</sup> or Greater</b>		
<b>Proposed new Single House and/or Ancillary Dwellings</b>	BAL Required in all circumstances – also see Indicative BAL Assessment	BAL Required in all circumstances
<b>Additions/Alterations Excluding Outbuildings</b>	BAL Required if it results in the: <ul style="list-style-type: none"> <li>• Intensification of the development</li> <li>• Increases the number of residents accommodated on site; and/or</li> <li>• Increases the bushfire threat – also see Indicative BAL Assessment.</li> </ul>	BAL Required if: <ul style="list-style-type: none"> <li>• Estimated cost of building works is more than \$20,000; and</li> <li>• Renovation, alteration, extension, improvement or repair increase the risk of ignition from bushfire attack.</li> </ul>
<b>Outbuildings</b>	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 Shire's Development Services for more information.

### Hosted and Un-hosted Holiday Homes (including Airbnb style Accommodation)

Hosted and Un-hosted Holiday Accommodation are included in Change of Use Applications. The table below outlines when a Development Application is required and when a Bushfire Management Plan is required. The type of Bushfire Practitioner required to undertake the Bushfire Management Plan is determined by whether the location of the Holiday Accommodation is considered a vulnerable land use as described in State Planning Policy 3.7:

Location	Development Application Required	Bushfire Management Plan Required	Bushfire Practitioner Level Required
<b>Boyanup</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Level 3 Practitioner
<b>Capel</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Level 2 Practitioner
<b>Dalyellup</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Level 2 Practitioner
<b>Gelorup</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Level 3 Practitioner
<b>Peppermint Grove Beach</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Level 3 Practitioner
<b>Stratham</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Level 3 Practitioner

### Validity Of A BAL / BMP

BALs are only valid for 12 months from the date of issue for the purposes of assessing a Development Application and/or Building Permit.

BMPs 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 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, the Shire 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.
2. Where the strata company has granted consent for an APZ within common property, a letter to the Shire, as an appendix to the BMP, advising of that consent.
3. That the by-law cannot 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 Shire, *prior to* the lodgement of the Development Application.

The additional Schedule 2 By-law must be reviewed by the Shire's legal officers prior to adoption. The applicant is advised to contact the Shire and request a copy of the Shire-approved draft *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.
2. A legal agreement between the owner and the Shire being entered into.

## Other Shire Requirements

The Shire of Capel's annual Bush Fire Prevention Order sets out the requirements such as fire breaks and low fuel zones for all properties within the Shire. Compliance with these requirements is mandatory. A link to the current Bush Fire Prevention Order is provided in the further information below or for more information, you can contact one of the Shire's Community Rangers on 9727 0222 or email [info@capel.wa.gov.au](mailto:info@capel.wa.gov.au).

## More Information

Other sources of information on Bushfire Prone Areas include:

- Shire of Capel Annual Bush Fire Prevention Order  
<http://capel.wa.gov.au/health-environment/emergency-management/fire-management/fire-restrictions/>
- Fire Protection Association Australia – Accredited Practitioner list  
<http://www.fpaa.com.au/bpad.aspx>
- Department of Fire and Emergency Services – Bushfire Prone Areas mapping tool  
<https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx>
- Department of Planning, Lands & Heritage  
<https://www.dplh.wa.gov.au/information-and-services/state-planning/bushfire-planning-reform>
- Department of Mines, Industry Regulation and Safety – Building in Bushfire Prone Areas  
<https://www.commerce.wa.gov.au/building-commission/building-bushfire-areas>

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