



Our Ref: D07652
Your Ref: DA18/0405

Regan Travers
City of Kalamunda
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Dear Ms Travers

RE: VULNERABLE LAND USE – LOT 3 (415) MUNDARING WEIR ROAD, PIESSE BROOK – AMENDMENT TO EXISTING RESTAURANT – DEVELOPMENT APPLICATION

I refer to your email dated 12 February 2020 regarding the submission of a Bushfire Attack Level Report (BMP) (Version 2), prepared by Smith Consulting and dated 21 February 2019, for the above development application. The BMP is accompanied by a letter from the applicant titled “Proposed Amendment to Existing Restaurant – Lot 3 (415) Mundaring Weir Road” dated 31 January 2020 for the above development application (DA).

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

- A formal response was previously provided for the proposed development, dated 5 August 2019 for the same version of the BMP, however the issues raised have not been addressed.
- The BMP refers to building requirements and exemptions under the BCA, however the BMP has been prepared to accompany a planning application. A BAL rating above BAL-LOW applies and therefore a BAL assessment and an assessment against the bushfire protection criteria is required by SPP 3.7.
- The response from the applicant in the letter dated 31 January 2020 has taken DFES’ previous comments from the letter from DFES dated 8 January 2019 regarding the ‘High-Risk Land Use’ referral out of context and should be disregarded.
- DFES notes an existing approval for a restaurant land use at the subject site and that the City of Kalamunda (City) have deemed the land use a vulnerable land use as the number of people accommodated may present an evacuation challenge.
- The purpose of a BMP is to identify the bushfire risk and clearly demonstrate how compliance with the bushfire protection criteria contained within Appendix 4 of the Guidelines can be achieved.
- The 4.6.2 of the Guidelines state:
“*Planning approval will be informed by the BMP, including demonstration of compliance with the bushfire protection criteria. As the BMP is a document that should apply for the life of the development, the decision-maker should require modifications to the document in*

the event there are discrepancies, prior to endorsement and/or approval of the planning application being granted. Conditional approval should not be granted prior to the BMP being prepared and endorsed.”

- DFES is of the opinion that preparing a BMP after a planning approval has been granted will not resolve the discrepancies within the BMP. Therefore, Version 2 of the BMP does not clearly demonstrate that compliance with the Bushfire Protection Criteria can be achieved.
- Further clarification is required within the BMP of the requirements of SPP 3.7 and the supporting Guidelines as outlined in our assessment below.

1. Policy Measure 6.5 a) (i) Preparation of a BAL assessment

Issue	Assessment	Action
Vegetation Classification	<p>Plot 1 – Excluded vegetation 2.2.3.2 (e) & (f)</p> <p>The vegetation exclusion of Plot 1 extends into the adjoining property to the south-west (81 Aldersyde Road, Piesse Brook). Should an area of vegetation within an adjoining lot require modification and management in perpetuity, that lot should also form a part of the development application to ensure that a condition of approval requiring compliance with a BMP can be enforced.</p>	Bushfire management measures proposed within any adjoining lot should form part of the development application.
Landscape Management Plan	A Landscape Management Plan detailing the areas of managed vegetation would reiterate and clearly demonstrate the requirements of the BMP.	Recommended that a Landscape Management Plan be prepared that correlates with the BMP.
Vegetation Classification	<p>Plot 3 – Class B Woodland</p> <p>Vegetation within Plot 3 cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. The BMP should detail specifically how the classification was derived particularly where the worst-case scenario is not applied (i.e. Class B Woodland as opposed to Class A Forest).</p> <p>If unsubstantiated, the vegetation classification should be revised to apply the worst-case scenario as per AS3959:2018.</p>	Modification/ Clarification of the BMP required.
BAL Assessment input table	<p>The BAL assessment undertaken is still unable to be validated as it is unclear if the separation distances (from vegetation plots to the proposed development) used to determine the BAL impact are applying the worst-case scenario. Plot 2 – Class A Forest surrounds the proposed development on the north-east, east, south, and west yet only one assessment point has been provided (see Table on pg. 14 of the BMP). It is unclear if the BAL rating derived is applying the worst-case scenario given the slope and separation distance from Plot 2 may vary across the site and on different elevations.</p> <p>Further, it is unclear how the separation distances of 36m</p>	Modification to BMP required.

	<p>and 47m have been derived and where these are measured from for Plot 2 – Class A Forest and Plot 3 – Class B Woodland respectively.</p> <p>DFES recommend that the assessment lines/points showing the separation distances be delineated spatially on the vegetation classification map and include reference to both the ‘open restaurant area’ and ‘built structures’ to verify the bushfire impact for the proposed redevelopment is accurate.</p>	
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2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Bushfire Protection Criteria	<p>Bushfire Protection Criteria - not addressed</p> <p>For areas above BAL- LOW, each of the bushfire protection criteria should be demonstrated. This information can be in the form of a Bushfire Management Plan (BMP) or an amended BMP where one has been previously endorsed. This has not been undertaken in accordance with Policy Measure 6.5 c).</p>	<p>Compliance with Bushfire Protection Criteria required to be demonstrated.</p>

Recommendation – insufficient information

The previous advice provided by DFES on 5 August 2019 has not been addressed.

Given that the proposed development application has the potential to increase the threat of bushfire to people, property and infrastructure, DFES emphasise that the decision maker should ensure that the bushfire risk and hazard reduction/bushfire protection measures are established and understood before making a determination.

Consequently, the decision maker should require that the BMP addresses the policy requirements of SPP 3.7 and the Guidelines to inform decision making.

If you require further information, please contact Richard Trinh – Senior Land Use Planning Officer on telephone number 6551 4031.

Yours sincerely



Ron de Blank
DIRECTOR LAND USE PLANNING

5 May 2020