



Department of
Planning



Western
Australian
Planning
Commission

DRAFT STATE PLANNING POLICY

3.7

Planning for Bushfire Risk Management

May 2014

*Prepared under Part Three of the Planning
and Development Act 2005 by the Western
Australian Planning Commission*



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1 Citation

This is a State Planning Policy made under Part Three of the *Planning and Development Act 2005*. This policy may be cited as *State Planning Policy No. 3.7: Planning for Bushfire Risk Management* (SPP 3.7).

2 Policy intent

This policy intends to assist in reducing the risk of bushfire to people, property and infrastructure by taking a risk-minimisation approach to development proposed in bushfire-prone areas.

3 Bushfire in Western Australia

Bushfires are an inherent part of the Australian environment. Throughout Western Australia bushfire risk is increasing due to a number of factors, including:

- hotter, drier weather conditions resulting from climate change;
- demand for rural living lots and expansion of the urban-rural interface; and
- fuel loads increasing at a greater rate.

These factors are seeing an increasing number of people living in, or proximate to, bushfire-prone areas. Many areas of the State have a permanent risk of bushfire that cannot be completely removed. The personal and community devastation that can be caused by uncontrolled bushfires requires closer attention to the consistent application of measures that prevent or mitigate such effects.

Under certain weather conditions, bushfire incidents can reach catastrophic magnitudes. Fire conditions may be such that even development carried out consistent with planning policy and building codes may not be enough to ensure that the bushfire risk is sufficiently reduced to avoid injury or property damage. As such, landowners must recognise the need for management measures when assuming a level of voluntary personal risk through choosing to develop in bushfire-prone areas.

Reducing vulnerability to bushfire is the collective responsibility of State and local governments, landowners and the community as a whole. It requires ongoing commitment and diligence to manage fuel loads, implement Bushfire Management Plans, provide emergency services, increase awareness through education, and ensure evacuation plans are in place, among other management measures. Such measures, working in conjunction with planning policy and building controls, have the effect of increasing community resilience to bushfire.

4 Application of the policy

4.1 How this policy applies

This policy forms the foundation for land-use planning to address bushfire risk management in Western Australia. It should be used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

This policy contains objectives and policy measures, as well as reference to the bushfire protection criteria

contained in the *Planning for Bushfire Risk Management Guidelines*. The objectives outline the general aims and purpose of the policy on which the policy measures and bushfire protection criteria are based. The objectives apply to all land-use and development proposals, while the policy measures apply as relevant to the type of proposal and stage of the development process.

This policy is to be read in conjunction with the *Planning for Bushfire Risk Management Guidelines* (WAPC, 2014), which supersede the *Planning for Bush Fire Protection Guidelines* (WAPC, 2010, Ed. 2), and any relevant legislation or regulations.

The former guidelines are referenced in *State Planning Policy 3.4: Natural Hazards and Disasters* (WAPC, 2006, as amended). Until such time as SPP 3.4 is reviewed, where there is a conflict between SPP 3.4 and this policy in relation to bushfire matters, this policy prevails to the extent of any inconsistency.

4.2 Where this policy applies

This policy applies to all planning proposals located in bushfire-prone areas, including:

- regional planning schemes and amendments;
- sub-regional structure plans;
- local planning strategies;
- local planning schemes and amendments;
- district and local structure plans;
- subdivision applications; and
- development applications.

For the purposes of this policy, a bushfire-prone area is an area that has been designated by the Fire and

Emergency Services Commissioner, or designated as such in a legislative instrument. The location of bushfire-prone areas may be identified in one of the following ways:

- When identified on a local government bushfire map, prepared in accordance with the bushfire hazard assessment methodology set out in the *Planning for Bushfire Risk Management Guidelines*, approved by a resolution of Council, and designated by the Fire and Emergency Services Commissioner; or
- When identified on the State Bushfire-Prone Area Map prepared and designated by the Fire and Emergency Services Commissioner; or
- In the absence of either local or State Government maps, any land within 100 metres of an area of bushfire-prone vegetation equal to or greater than one hectare.

Identification of an area as being bushfire-prone is not in itself an indication of bushfire risk. Rather, it will initiate the need for a landowner to assess the level of risk through either a bushfire hazard assessment and/or Bushfire Attack Level (BAL) assessment.

Bushfire protection measures are best addressed in high-level planning documents to provide a holistic, long-term response to the risk of bushfire. Sub-regional structure plans and local planning strategies are overarching planning documents which set the vision and direction for a particular area and provide the greatest opportunity to ensure the appropriate siting of future development with consideration of bushfire risk. Planning schemes and amendments provide the statutory basis for implementing the direction contained in planning strategies through establishing zoning and development provisions, as well as providing for structure plans and special control areas.

If land within a bushfire-prone area is rezoned to accommodate development or land-use intensification, this has the effect of determining that development in this location is acceptable. It is therefore critical that bushfire risk is formally assessed as part of any amendment to rezone land, including the impact of any proposed bushfire management mechanisms. The WAPC will take a risk-minimisation approach in relation to any local planning scheme or amendment which proposes to facilitate intensified settlement or development within an identified bushfire-prone area.

New development should provide the highest achievable level of protection from bushfire. Where earlier strategic planning has not addressed the management of bushfire risk, assessing greenfield or infill development will require the exercising of statutory planning discretions. This may include situations where information becomes available subsequent to the original planning of an area which warrants planning measures being taken to address previously unidentified risks. In these circumstances this policy should be applied wherever practicable by both proponents and decision-makers to achieve acceptable bushfire protection outcomes to ensure that people, property and infrastructure are protected to an appropriate level and risk of damage is minimised.

The *Planning for Bushfire Risk Management Guidelines* describe the relationships between different levels of planning and how bushfire risk management can be addressed.

4.3 Precautionary principle

Responsible planning authorities should apply the 'precautionary principle' to all decision-making that potentially involves bushfire risk. This is a presumption

against approving further development or intensification of land uses where there is a lack of sufficient certainty that potentially significant adverse impacts can be reduced or managed.

Responsibility will lie with the proponent to demonstrate that bushfire risks have been sufficiently identified and, if necessary, reduced and/or managed. In the absence of such identification and management to the satisfaction of the responsible authority, decision-makers should refuse the planning application.

5 Policy objectives

The objectives of this policy are to:

- 5.1 Facilitate the avoidance of placing people, property and infrastructure in areas of extreme bushfire risk.
- 5.2 Reduce vulnerability to bushfire through the identification and assessment of bushfire hazards and risk in decisions at all stages of the planning process, including strategic planning, regional and local planning schemes, and structure planning through to subdivision and development.
- 5.3 Ensure that subdivision, development and land-use proposals take into account bushfire protection requirements and include specified fire protection measures, especially over land that has or will have a moderate or extreme bushfire hazard level, and/or land where construction standards of BAL-12.5 and above apply.
- 5.4 Achieve a responsible and balanced approach between bushfire risk management measures and landscape amenity and biodiversity conservation objectives.

6 Policy measures

- 6.1 Planning or development applications within identified bushfire-prone areas are to undertake a bushfire hazard assessment (low, moderate or extreme), prepared by a fire consultant, in accordance with the methodology set out in the *Planning for Bushfire Risk Management Guidelines*.
- 6.2 Planning proposals or development applications relating to land that has or will have a bushfire hazard level above low are to comply with these policy measures.
- 6.3 Any planning proposal or development application which will result in the introduction or intensification of development in an area that has or will have an extreme bushfire hazard level, and/or requires construction standards of BAL-40 or BAL-FZ, shall not be supported unless it can be demonstrated that the risk can be reduced to comply with policy measure 6.4 or the proposal is considered to be unavoidable development as per policy measure 6.6.
- 6.4 Any planning proposal or development application in an area that has or will have a moderate bushfire hazard level, and where construction standards at or between BAL-12.5 and BAL-29 may apply, may be approved where it can be undertaken in accordance with policy measure 6.5.
- 6.5 Any planning proposal or development application to which this policy applies shall be accompanied by a Bushfire Management Plan prepared by a fire consultant that:
- includes the results of the bushfire hazard assessment determining the applicable hazard level(s) of low, moderate or extreme across the subject site;
 - for development proposals, includes a BAL assessment, to determine the indicative applicable BAL level;
 - identifies any bushfire hazard issues arising from the applicable assessment(s); and
 - demonstrates that all bushfire protection criteria requirements can be achieved to the satisfaction of the decision-maker.
- 6.6 Any planning proposal or development application that will result in the introduction, or intensification, of development in an area that has an extreme bushfire hazard level and/or requires construction standards of BAL-40 or BAL-FZ shall only be supported if it is unavoidable development. Such applications are to be accompanied by a Bushfire Management Plan prepared by a fire consultant, jointly endorsed by the relevant local government and the authority responsible for emergency services.
- 6.7 The decision-maker may require of the proponent that an independent assessment of the bushfire risk be undertaken by a fire consultant prior to a decision being made on any proposal if the decision-maker has reason to believe that the assessment provided does not adequately address these policy measures.
- 6.8 The advice of the relevant authority responsible for emergency services is to be sought and considered in the preparation of all sub-regional structure plans and local planning strategies and regional and local planning schemes and amendments incorporating bushfire-prone areas, and for subdivision and development applications where compliance with these policy measures is unlikely to be achieved.
- 6.9 The decision-maker is to seek the advice of the relevant authority responsible for environmental protection when making decisions on applications where substantial clearing of vegetation is proposed to ensure landscape amenity and biodiversity conservation considerations are taken into account.
- 6.10 Proposals for vulnerable or high-risk land uses in moderate bushfire hazard level areas shall not be supported unless they are accompanied by a Bushfire Management Plan, prepared by a fire consultant, that demonstrates compliance with the bushfire protection criteria, and which includes an emergency evacuation plan for proposed occupants and/or risk management for any flammable on-site hazards, to the satisfaction of the decision-maker.
- 6.11 The decision-maker may impose conditions on subdivision or development applications to address bushfire protection issues in accordance with this policy, including notifications on title alerting to the potential bushfire risk, and developer contributions for on-going bushfire protection in accordance with *SPP 3.6 Development Contributions for Infrastructure (WAPC, 2009, as amended)*.

7 Definitions

Australian Standard (AS3959): Refers to the *Australian Standard 3959: Construction of buildings in bushfire-prone areas*, as referenced in the Building Code of Australia.

BAL: Stands for Bushfire Attack Level as set out in AS3959.

Building Code of Australia: Refers to the Building Code of Australia Volumes One and Two, as amended from time to time of the National Construction Code series published by or on behalf of the Australian Building Codes Board.

Bushfire: A general term used to describe fire in vegetation, and includes wildfire.

Bushfire Attack Level assessment: A method of determining a site's Bushfire Attack Level, as set out in AS3959, which follows after a bushfire hazard level assessment.

Bushfire hazard: The potential or existing flammability of vegetation that, in association with topography and slope, when ignited may cause harm to people or damage property or infrastructure. Development shall be avoided in extreme bushfire hazard areas, unless considered unavoidable in accordance with the applicable policy measures.

Bushfire hazard assessment: A bushfire hazard assessment provides a measure of the likely intensity of a bushfire – whether from within or from outside the subject area – and the likely level of bushfire attack on a subdivision and related development by categorising and mapping land as having a low, moderate or extreme bushfire hazard level.

Bushfire Management Plan: A document that sets out medium to long-term mitigation strategies for managing bushfire hazards and risk which is ongoing for the life of the development. Bushfire Management Plans are generally prepared by fire consultants on behalf of proponents with the assistance of the responsible State authority for emergency services where required. They may be used to support rezoning requests, structure plans, and subdivision and development applications and should be prepared in accordance with the model Bushfire Management Plan provided in the *Planning for Bushfire Risk Management Guidelines*.

Bushfire-prone area: For the purposes of this policy, a bushfire-prone area is an area that has been certified by the Fire and Emergency Services Commissioner, or designated as such in a legislative instrument.

Bushfire protection criteria: A performance-based system of assessing bushfire management measures. It is to be applied for all rezoning, structure planning, subdivision and/or development applications in areas with a moderate bushfire hazard level. The criteria are contained in the *Planning for Bushfire Risk Management Guidelines*.

Bushfire risk: The chance of a bushfire occurring that will have harmful consequences to people, property and infrastructure. Risk is often expressed in terms of a combination of the consequences of an event and the associated likelihood of occurrence, and arises from the interaction of hazards, communities and the environment. Risk can be reduced, but never eliminated.

Decision-maker: The Minister for Planning, State Administrative Tribunal, Western Australian Planning Commission, Development Assessment Panel and/or the relevant local government and their delegates that make decisions regarding the application of this policy.

Development application: An application for approval to carry out development under either a local planning scheme or region planning scheme and includes local development plans.

Fire consultant: A person with expertise in fire management, who is eligible for certification under an applicable accreditation scheme.

Fire protection: A generic phrase used to describe the range of services and systems used to mitigate the impact of fire on the community. It encompasses fire prevention (including bushfire risk treatment strategies), preparedness and emergency response.

Fuel Load: The amount of flammable material that could serve as fuel for a bushfire.

High-risk land use: Land uses which may lead to the potential ignition, duration and/or intensity of a bushfire. Such uses may also expose the community, fire fighters and the surrounding environment to dangerous, uncontrolled substances during a bushfire event. Typically such uses would involve the bulk manufacture or storage of flammable or otherwise hazardous materials.

Planning proposal: Any strategic-level proposal including regional and local planning strategies, regional and local planning schemes, structure plans and subdivisions but does not include development applications.

Unavoidable development: Development that, in the opinion of the decision-maker, represents exceptional circumstances where full compliance with this policy would be unreasonable or unnecessary, no alternative location exists, and it is not contrary to the public interest.

Vulnerable use: A land use which is occupied by persons who may be less able to respond in a bushfire emergency, such as child or aged care centres, tourist accommodation, educational establishments, hospitals, and corrective institutions.

WAPC: Western Australian Planning Commission.

