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Position Statement:

Planning in bushfire prone areas – Demonstrating Element 1: Location and Element 2: Siting and design

November 2019

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1. Policy intent

The intent of this Position Statement is to provide clarity and guidance for planning proposals in an area with a bushfire hazard level (BHL) of extreme and/or where the lot(s) is impacted with a bushfire attack level (BAL) rating of BAL-40 or BAL-Flame Zone (BAL-FZ).

2. Planning proposals impacted by a BHL of extreme and/or a BAL-40 or BAL-FZ in Western Australia

Policy measure 6.7 of *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) states “strategic planning proposals, subdivision or development applications which will result in the introduction or intensification of development or land use in an area that has or will, on completion, have a BHL of extreme and/or a BAL of BAL-40 or BAL-FZ, will not be supported unless the proposal is considered to be minor or unavoidable development.”

The Guidelines for Planning in Bushfire Prone Areas (Guidelines) acceptable solutions, Appendix 4 – Element 1 (A1.1), refers to the development location being in an area subject to BAL-29 (or below) and Element 2 (A2.1) refers to the siting of every habitable building being surrounded by, and every proposed lot achieving an asset protection zone (APZ) to ensure a BAL-29 (or below).

These elements are being interpreted differently and further clarification is necessary to ensure consistent application.

3. Application of this policy

This Position Statement is to be read in conjunction with SPP 3.7 and the Guidelines and applies in all bushfire prone areas in Western Australia.

4. Policy objectives

To improve understanding and promote informed decision-making when considering application of Element 1 and Element 2 of the bushfire protection criteria within the Guidelines.

5. Policy measures

5.1 Sites that have been identified for development or intensification of land use prior to the release of SPP 3.7

It is recognised that a site may have been identified for development or intensification of land use prior to the release of SPP 3.7. Such sites may not be located in areas with the least possible risk of bushfire and may present challenges in demonstrating compliance with the bushfire protection criteria.

Decision-makers may need to have due regard to previous decisions, however consideration should also be given to improving the bushfire management of the site and surrounding area, thereby reducing the vulnerability of people, property and infrastructure to bushfire. Mitigation measures include improvements to the local road network to facilitate improved access to the site, provision of emergency access ways (EAWs) to the site, provision of additional strategic water tanks or a reduction in the number of lots to provide additional hazard separation.

In these situations, the bushfire management plan should demonstrate compliance with the intent of each element of the Guidelines through performance principle-based solutions.

5.2 Element 1: Location

To demonstrate compliance with acceptable solution A1.1 consideration should be given to the site context, where 'area' is the land within and adjoining the subject site.

The hazards remaining within the site should not be considered in isolation of the hazards adjoining the site, as the potential impact of a bushfire will be dependent on the wider risk context, including how a bushfire could affect the site and the conditions for a bushfire to occur within the site.

5.2.1 Strategic planning proposals (where a BHL assessment has been prepared)

If areas adjoining the subject site have an extreme BHL, consideration should be given to the level of bushfire exposure of the subject site from the type and extent of the vegetation that adjoins the subject site.

If areas within the subject site have an extreme BHL, it should be demonstrated that development design strategies, including the removal or modification of hazardous vegetation in perpetuity and/or that sufficient separation of these areas from development, can be incorporated into the design. This could be in the form of public roads, drainage reserves and managed public open space. Any areas that, on completion of the development,

will retain an extreme BHL within the subject site should not create isolated pockets of developable land¹.

5.2.2 Structure plans (where lot layout is known) and subdivision applications (where a BAL Contour Map has been prepared)

If areas adjoining the subject site have an extreme BHL or a BAL-40 or BAL-FZ, consideration should be given to the level of bushfire exposure of the subject site from the type and extent of the vegetation that adjoins the subject site.

If areas within the subject site have a rating of BAL-40 or BAL-FZ, it should be demonstrated that these areas will be incorporated into the design to increase separation between buildings and bushfire prone vegetation. This could be in the form of drainage reserves, public roads and managed public open space. The areas of BAL-40 or BAL-FZ, within the subject site should not create isolated pockets of developable land.

¹ 'Developable land' is land that can accommodate a habitable dwelling and would not generally include areas of BAL-40 and/or BAL-FZ, areas within the local government setback and areas subject to environmental constraints, including but not limited to, areas subject to inundation, wetland/foreshore buffer areas and areas containing significant vegetation identified for retention.

5.3 Element 2: Siting and design

To demonstrate compliance with acceptable solution A2.1, an APZ must be of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) on all the external walls or supporting columns or posts of the proposed (habitable) building.

5.3.1 Strategic planning proposals (including structure plans where lot layout is not known)

At the strategic level, there may not be enough detail to demonstrate compliance with this element. The decision-maker may consider this element is satisfied where A1.1 is met. Element 2 will need to be demonstrated at subsequent stages of the planning process.

5.3.2 Structure plans (where lot layout is known) and subdivision applications

Provided that Element 1 is satisfied, the decision-maker may consider approving lot(s) containing BAL-40 or BAL-FZ, where:

- a) Lot sizes provide sufficient area to accommodate a building and an APZ to achieve BAL-29 or below (such as lots zoned rural, rural residential, or residential R5 or below). Sufficient area

should also be provided for incidental objects/structures, such as sheds, garages and water tanks, to be built on the lot within BAL-29 or below, or

- b) There is vegetation with demonstrated biodiversity, landscape amenity and/or conservation values, that is identified for retention. Consideration will need to be given to the size of the lot as per (a) and accessibility to enable emergency service vehicles to safely defend the property, or
- c) BAL-40 or BAL-FZ is contained within the front setback of a lot(s) with road frontage that provides for hazard separation (as prescribed in a local planning scheme or the Residential Design Codes), or
- d) Commercial and industrial sites that can demonstrate a building of sufficient size can be built in an area of BAL-29 or below, and any areas of BAL-40 or BAL-FZ will be restricted to areas of hard stand or landscaped as 'low threat' and maintained in accordance with APZ standards, or
- e) For structure plans (where lot layout is known) and subdivision applications where BAL-40 or BAL-FZ is contained within the rear of a lot(s) that backs onto a freeway or main road reserve within the Perth metropolitan area and large regional centres. Consideration

will need to be given to the size of the lot as per (a) and accessibility to enable emergency service vehicles to safely defend the property².

The BAL rating of a lot is defined by the highest BAL rating applied through the BAL assessment, not the lowest BAL rating that can be achieved. This is necessary to ensure decision-makers understand the actual risk posed to those lots and allow the imposition of appropriate development control restrictions.

6. Demonstrating compliance

Where a proposal does not satisfy the interpretation(s) as detailed in this Position Statement a performance principle-based solution will be necessary, in accordance with the Guidelines.

² As a general guide, a standard four-bedroom, two-bathroom home with a 300m² footprint abutting classifiable vegetation at the rear requires on average between 660m² and 890m².