

**DEFERRED
IMPLEMENTATION**

until 18 November 2024



Department of **Planning,
Lands and Heritage**



State Planning Policy 3.7 **Bushfire**

September 2024

Prepared under Section 26 of the Planning and Development Act 2005

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment.

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This policy, on 18/11/2024, in accordance with Part 3, Section 20(1)(a) of the *Planning and Development (State Planning Policies) Regulations 2024*, repeals SPP 3.7 Planning in Bushfire Prone Areas (2015)

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1 CITATION

This is a State Planning Policy prepared under Part 3 of the *Planning and Development Act 2005*. It may be cited as State Planning Policy 3.7 Bushfire (SPP 3.7).

2 POLICY INTENT

To implement effective, risk-based land use planning and development which in the first instance avoids the bushfire risk, but where unavoidable, manages and/or mitigates the risk to people, property and infrastructure to an acceptable level. The preservation of life and the management of bushfire impact are paramount.

3 BUSHFIRE IN WESTERN AUSTRALIA

Bushfires are an inherent part of the Australian environment. In many parts of Western Australia, bushfire threat is increasing due to hotter, drier weather conditions associated with long-term climatic changes and development expansion where urban, rural and natural areas interface. The personal and community devastation that can be caused by uncontrolled bushfires requires consistent application of policy objectives that avoid, manage or mitigate such effects.

Under certain weather conditions, bushfire incidents can reach catastrophic magnitudes. Fire conditions may be such that even development consistent with planning policy and building controls may not be enough to ensure the bushfire threat is sufficiently reduced to avoid

injury or property damage. Bushfire threat can never be completely eliminated, and landowners should recognise the need for management and evacuation measures when accepting a level of personal risk and responsibility through choosing to live in bushfire prone areas.

Reducing vulnerability to bushfire is the collective responsibility of State and local governments, landowners, industry and the community. It requires ongoing commitment and diligence to locate and design development appropriately, manage potential fuel loads, implement bushfire management plans, provide emergency services, increase awareness of the potential risk through education, and ensure bushfire emergency 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 THIS POLICY

This policy in conjunction with the Planning for Bushfire Guidelines (Guidelines) provide the foundation for land use planning to address bushfire management in Western Australia. It is to be used to inform and guide decision-makers, referral agencies and landowners/proponents to help achieve acceptable bushfire protection outcomes.

The policy is to be read in conjunction with:

- the *Map of Bush Fire Prone Areas*;
- the supporting Planning for Bushfire Guidelines (Guidelines);

- the Deemed Provisions contained in the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015* that form part of every local planning scheme;
- where relevant, any supplementary provisions of a local planning scheme; and
- *Australian Standard 3959: Construction of Buildings in Bushfire-Prone Areas*.

A designated bushfire prone area is an area that has been identified and designated by the Fire and Emergency Services Commissioner (FES Commissioner) under the *Fire and Emergency Services Act 1998* (as amended). Such areas are identified on the *Map of Bush Fire Prone Areas* as either Area 1 (Urban) or Area 2. Area 1 (Urban) comprises built-up urban areas where the risk posed by bushfire to people, property and infrastructure is lower. Area 2 covers the rest of the designated areas of Western Australia.

Where the planning proposal or development is within an area designated as bushfire prone on the *Map of Bush Fire Prone Areas*, and:

- results in the intensification of development (or land use); or
- results in an increase of visitors, residents or employees; or
- adversely impacts or increases the bushfire risk to the subject or surrounding site(s),



then the following trigger the application of the policy:

- a strategic planning proposal within Area 2 on the *Map of Bush Fire Prone Areas*, that has or will have a Bushfire Hazard Level (BHL) above LOW
 - * Note there is no requirement for strategic planning proposals within Area 1 (Urban) to apply the policy
- a structure plan where lot layout and/or the internal road network is known, or a subdivision, that has or will have a Bushfire Attack Level (BAL) rating above BAL-LOW
- a development application where the development site(s) has a BAL rating above BAL-LOW, where the application is for the:
 - construction of a habitable building (single house or ancillary dwelling) on a lot more than 1, 100 m², which is not connected to reticulated water; and/or
 - construction and/or use of a habitable building (other than a single house or ancillary dwelling), for a vulnerable land use
 - construction and/or use of a caravan park, nature-based park or camping ground (whether it contains a habitable building(s) or not)
- a development application where the development site(s) has a radiant heat impact exceeding 29kW/m² (BAL-40 or BAL-Flame Zone), where the application is for the:
 - construction of a habitable building (single house or ancillary dwelling) on a lot more than 1, 100 m², which is connected to reticulated water; and/or
 - construction of a habitable building (other than a single house or ancillary dwelling).

Figure: Application of policy

Strategic planning

Area 1
(urban)

Do not require a bushfire assessment

Strategic planning

Area 2

Undertake a bushfire assessment, with a focus on demonstrating compliance with Element 1: location

Structure plan and subdivision



Subdivision, that has or will have a Bushfire Attack Level (BAL) rating above BAL-LOW

Change of use to hosted or unhosted accommodation



SPP does not apply

Single house or ancillary dwelling under 1,100m²



SPP does not apply

Single house or ancillary dwelling over 1,100m²



Development application required for BAL – 40 and above (construction only)

If no reticulated water, development application required for above BAL LOW (construction only)

Commercial and industrial habitable buildings and specified buildings



Development application required for BAL – 40 and above (construction only)

If no reticulated water, development application required for above BAL LOW (construction only)

Vulnerable habitable buildings and vulnerable land uses & Caravan and camping grounds (with or without habitable buildings)



Development application for above BAL – LOW (construction or use, or construction and use)



5 POLICY OBJECTIVES

The objectives of this policy are to:

- 5.1 Avoid the bushfire risk in the first instance, but where unavoidable, manage and/or mitigate the risk to people, property and infrastructure, to ensure the risks are acceptable and appropriate to the land use and the location.
- 5.2 Improve the bushfire resilience of communities through the provision of appropriate community infrastructure, for use by emergency services and the community in the event of a bushfire.
- 5.3 Ensure development is resilient to increasingly severe and more frequent bushfires compounded by climate change.
- 5.4 Prioritise the retention of native vegetation for biodiversity conservation, environmental protection and landscape amenity.

6 POLICY OUTCOMES

The outcomes listed below specify the role of planning and development in contributing to the overall objectives of this policy. Each outcome is reflected within the elements of the Guidelines – Location, Siting and design, Vehicular access and Water supply. The outcomes are achieved through compliance with the bushfire protection criteria, utilising the acceptable solutions or through an outcomes-based approach. The outcomes may also provide a basis for evaluation of the implementation of this policy.

Strategic planning, subdivision and development should:

- 6.1 Avoid broader landscapes that present an unacceptable bushfire risk to people, property and infrastructure.
- 6.2 Ensure siting and design solutions:
 - manage or mitigate the bushfire risk to people, property and infrastructure; and
 - avoid, or where unavoidable, minimises clearing of native vegetation.
- 6.3 Ensure the design and capacity of vehicular access and egress provide:
 - for efficient and effective evacuation to a suitable destination(s); and/or
 - as a contingency measure for vulnerable tourism land uses, an on-site shelter, where demonstrated appropriate, as a last resort option.
- 6.4 Ensure that sufficient water is available and accessible for emergency services, to enable people, property and infrastructure to be defended from bushfire.

7 POLICY MEASURES

7.1 General measures

- i. Bushfire should be considered at the earliest possible stage of the planning process and all subsequent stages in accordance with the Guidelines.
- ii. Strategic planning, subdivisions and development applications to which this policy applies are to be accompanied by a bushfire management plan, prepared in accordance with the Guidelines and include the following information:
 - a. an assessment of the broader landscape (where required);
 - b. the identification of any environmental, biodiversity or conservation values on the subject site, including vegetation that may be impacted by any proposed clearing or modification, necessary to mitigate bushfire risk;
 - c. a Bushfire Hazard Level, Bushfire Attack Level (BAL), Contour Map or BAL assessment;
 - d. the identification of any bushfire hazard issues arising from the assessment; and
 - e. assessment against the bushfire protection criteria contained within the Guidelines, demonstrating compliance via either the acceptable solutions, or through an outcomes-based approach.
- iii. Proposals should be accompanied by sufficient information relevant to the applicable stage of the planning process and in accordance with the Guidelines.



- iv. Proposals and supporting information should be referred to relevant agencies in accordance with the Guidelines.

7.2 Broader landscape

- i. Proposals located within a Broader Landscape Type B in accordance with the methodology within the Guidelines, will not be supported unless the proposal has demonstrated through an outcomes-based approach that the broader landscape risk to people, property and infrastructure is acceptable..

7.3 Siting in BAL-40 or BAL-Flame Zone

- i. There is a presumption against approving development site(s) or habitable building(s) in areas with a radiant heat impact exceeding 29kW/m² (BAL-40 or BAL-FZ).
- ii. However, the siting of a habitable building that is not considered vulnerable may be considered in the following limited circumstances:
 - a) the lot was created prior to December 2015; and
 - b) there are demonstrated site characteristics and/or environmental, biodiversity or conservation values that prevent the achievement of a radiant heat impact not exceeding 29 kW/m² (BAL-29); and
 - c) it is demonstrated that the reduction of the building footprint or a redesign to manage or mitigate the risk, is not practical or appropriate.

7.4 Vulnerable land uses

- i. Strategic proposals, subdivision and development applications for vulnerable land uses should comply with policy measure 7.1.
- ii. Development applications for vulnerable land uses, should include a bushfire emergency plan prepared in accordance with the Guidelines
- iii. A bushfire emergency plan may not be required for strategic proposals and subdivision applications to facilitate vulnerable land uses, as at this level there is generally not sufficient information or detail available. Consideration of bushfire emergency procedures and options for evacuation, off-site shelter and where relevant, on-site shelter, should be included within the bushfire management plan.

7.5 Outcomes-based approach

- i. This policy recognises that some sites are unable to fully comply with the acceptable solutions of the Guidelines due to complex site characteristics and/or environmental values, but through the use of innovative, alternative bushfire risk management measures may be able to satisfy the outcomes of this policy.
- ii. Where an outcomes-based approach is used, an assessment is to be undertaken in accordance with this policy, and the following criteria:
 - a) address the acceptable solutions to the greatest extent possible;
 - b) identify the non-compliance with the acceptable solutions and why these cannot be achieved;

- c) detail how the design addresses bushfire risk and where additional bushfire risk management measures have been deemed necessary and included to minimise the risk;
 - d) detail if there are any community net-benefits, such as improvements to the public road network;
 - e) include any fire engineering solutions or written evidence such as publications and State Administrative Tribunal decisions to support the proposal (where available);
 - f) outline how the policy outcomes have been achieved; and
 - g) outline why approval is warranted by the decision-maker in this instance.
- iii. Where an outcomes-based approach is unable to demonstrate that the outcomes of this policy can be achieved, to the satisfaction of the decision-maker, refusal should be contemplated.



DEFINITIONS

Bushfire Attack Level (BAL): a means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire. This is set out in the *Australian Standard 3959: Construction of buildings in bushfire-prone areas*, as referenced in the *Building Code of Australia* (as amended).

BAL assessment: an assessment prepared in accordance with AS 3959 or Planning for Bushfire Guidelines, to determine a bushfire attack level (BAL).

BAL Contour Map: a BAL Contour Map is a scale map of the subject lot(s) illustrating the potential radiant heat impacts and associated indicative BAL ratings in reference to classified vegetation. The BAL Contour Map is to be prepared in accordance with the Planning for Bushfire Guidelines.

Broader Landscape Assessment (BLA): the BLA examines the area external to the planning proposal, extending for a distance of approximately two kilometres. It provides a means of quantifying the characteristics and the potential impacts of bushfire in the broader landscape, when considering the suitability of a location for the intensification of land use or development.

Bushfire: a generic term that may include fire involving grassfire, scrub fires or forest fire.

Bushfire hazard issues: issues identified during the examination of the results of the bushfire assessment, environmental considerations and broader landscape (where necessary), for a planning proposal. Identified issues are to be addressed through the bushfire protection measures and/or may need special consideration.

Bushfire Hazard Level (BHL) assessment: a pre- or post-development assessment that provides a measure of the likely intensity of a bushfire and the likely level of bushfire attack on a site determined by categorising and mapping land as having a low, moderate or extreme BHL in accordance with the methodology set out in the Guidelines.

Bushfire emergency plan (BEP): a documented scheme of assigned responsibilities, actions and procedures, required in the event of a bushfire emergency. It consists of the preparedness, prevention and response activities.

Bushfire management plan (BMP): A document that sets out short, medium and long-term risk management strategies for the life of the development.

Bushfire prone area: an area that has been designated by the FES Commissioner under s. 18P of the *Fire and Emergency Services Act 1998* as an area that is subject, or likely to be subject, to bushfires.

Bushfire protection criteria: an outcomes-based system of assessing bushfire risk management measures contained in the Guidelines.

Bushfire risk: the chance of a bushfire igniting, spreading and causing damage to people, property and infrastructure.

Bushfire risk management measures: means the application of the bushfire protection criteria contained in the *Planning for Bushfire Guidelines* (2024).

Development site: means that part of a lot on which a building(s) that is the subject of development stands or is to be constructed, as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*, section 78A.

Habitable Building: means a permanent or temporary structure on land that –

- Is fully or partially enclosed; and
- Has at least one wall of solid material and a roof of solid material; and
- Is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained, as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Off-site shelter: another location, some distance away from the site that is able to accommodate all the people being evacuated. The place is not under threat from a bushfire.

On-site shelter: an on-site location where people facing an immediate threat to their personal safety or property can gather and seek shelter from the threat of a bushfire.



Strategic planning proposal: any strategic-level planning document or proposal including regional and sub-regional frameworks, region schemes and amendments, sub-regional strategies, structure plans, local planning strategies and local planning scheme reviews, scheme amendments, but does not include structure plans where the lot layout and/or the internal road layout is known.

Subject site: the entirety of the lot(s), subject to and affected by the planning proposal.

Suitable destination: an area that is not designated as bushfire prone on the *Map of Bush Fire Prone Areas* or is greater than 100 metres from classified vegetation, or 50 metres from Class G Grassland, as per AS 3959 and can provide protection during and after a bushfire event. A suitable destination is located within an urban area, townsite or similar. This also includes any evacuation centre, dedicated by the local government, for use during a bushfire event.

Unacceptable bushfire risk: a level of risk that is so high that bushfire risk management measures are not considered appropriate and only avoidance enables the elimination of the risk.

Vulnerable land use: a land use which:

- is designed to accommodate people who are less physically or mentally able and likely to present evacuation challenges; and/or
- due to the building design or use, or the number of people accommodated, likely to present evacuation challenges; and/or

- involves visitors who are unfamiliar with the surroundings.

Examples are provided within the Guidelines.