



# Guidelines for Planning in Bushfire Prone Areas



GOVERNMENT OF  
WESTERN AUSTRALIA

Department of **Planning**  
Department of **Fire & Emergency Services**



Western  
Australian  
Planning  
Commission

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## ACKNOWLEDGEMENTS

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This document is based on the *Planning for Bush Fire Protection Guidelines* (WAPC 2010), which was jointly prepared by the Department of Planning and the then Fire and Emergency Services Authority (now DFES).

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# 1. INTRODUCTION

These revised Guidelines replace the *Planning for Bush Fire Protection (Edition 2) Guidelines* (WAPC 2010) and the draft *Planning for Bushfire Risk Management Guidelines* (WAPC 2014). These Guidelines should be read in conjunction with *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) (WAPC 2015) and the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015* (LPS Amendment Regulations 2015).

## 1.1 PURPOSE OF THESE GUIDELINES

These Guidelines provide supporting information for decision-making authorities, planners, landowners/proponents, referral agencies, Level 1 Bushfire Attack Level (BAL) Assessors and Bushfire Planning Practitioners, to implement SPP 3.7. Specifically, they assist in:

- determining appropriate land use planning in relation to bushfire prone areas across the State of Western Australia;
- specifying the requirements to be met at each stage of the planning process; and
- ensuring that necessary bushfire protection measures are incorporated into development.

These Guidelines are designed to assist in the interpretation of SPP 3.7's objectives and policy measures. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a bushfire prone area. It is intended that these Guidelines will be reviewed regularly to ensure they reflect best practice.

The Office of Bushfire Risk Management has endorsed these Guidelines as their standard. As an endorsed standard, these Guidelines, in conjunction with SPP 3.7, are the predominant documents in the State for use by decision-making authorities and referral agencies, during the consideration of strategic planning proposals, subdivisions and development applications.

It is important to note that a bushfire's intensity and spread is dependent on a range of factors, including weather conditions, fuel loads and topography. Adherence to

these Guidelines do not guarantee the survivability of a building that has incorporated the appropriate bushfire protection criteria; rather they reduce the risk of ignition by wind-borne embers, radiant heat and direct flame attack, in conjunction with ongoing site management.

## 1.2 WHERE THESE GUIDELINES APPLY

These Guidelines apply to all higher order strategic planning documents, strategic planning proposals, subdivisions and development applications located in designated bushfire prone areas. These Guidelines also apply where an area is not yet designated as bushfire prone but is proposed to be developed in a way that introduces a bushfire hazard (as outlined in section 3.2.2).

A designated bushfire prone area is an area that has been identified and designated by an order of the Fire and Emergency Services Commissioner under section 18P of the *Fire and Emergency Services Act 1998* (as amended). Such areas are identified on the *Map of Bush Fire Prone Areas*, which can be sourced on the Department of Fire and Emergency Services' website [www.dfes.wa.gov.au/bushfireproneareas](http://www.dfes.wa.gov.au/bushfireproneareas). Designation of an area as bushfire prone reflects the potential of bushfire to affect that site. It acts as a mechanism for initiating further assessment in the planning process.

## 1.3 HOW TO USE THESE GUIDELINES

These Guidelines have been developed to provide an overview of the Western Australian planning process as it relates to bushfire protection. As such, some sections will be more applicable than others depending on the user's requirements and the relevant stage of the planning process, as well as the type and scale of the planning proposal.

These Guidelines are available online to ensure that necessary changes or amendments can be made and the document is up to date. It is important to check the Department of Planning website at [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

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[wa.gov.au/bushfire](http://wa.gov.au/bushfire) to ensure the most up-to-date version of these Guidelines is being used to guide planning and decision-making processes.

Where there is a discrepancy between these Guidelines and *Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas* (AS 3959), AS 3959 prevails.

## 1.4 SUPPORTING FACT SHEETS AND TECHNICAL NOTES

The Western Australian Planning Commission may prepare fact sheets where supplementary information and advice is required on how to apply these Guidelines to specific scenarios. These fact sheets will be prepared and managed by the Department of Planning and form part of these Guidelines where approved by the Western Australian Planning Commission.

The Department of Fire and Emergency Services and the Building Commission may prepare technical notes and industry bulletins on elements of bushfire risk management and construction standards that are complementary to the information contained in these Guidelines. Any technical notes will be owned and managed by the respective agencies and will not form part of these Guidelines, but should be considered where applicable to the planning process.

All relevant technical notes, industry bulletins, Western Australian Planning Commission fact sheets or similar will be listed on the PlanningWA bushfire web page at [www.planning.wa.gov.au/bushfire](http://www.planning.wa.gov.au/bushfire) for reference.

In addition, local governments may prepare supplementary fact sheets or local planning policies regarding locally specific matters to support the implementation of SPP 3.7 and these Guidelines.

## 1.5 DEEMED PROVISIONS RELATING TO BUSHFIRE RISK MANAGEMENT

The LPS Amendment Regulations 2015 are given effect under section 257B of the *Planning and Development Act 2005* and introduce deemed provisions relating to bushfire risk management at Schedule 2 Part 10A of the *Planning and Development (Local Planning Scheme) Regulations 2015*. These provisions apply to all local planning schemes made under Part 5 of the *Planning and Development Act 2005*.

There are some areas of the State where the deemed provisions relating to bushfire risk management do not apply. This includes land where there is no existing local planning scheme, or where a local planning scheme has ceased to have legal effect (such as land under the *Metropolitan Redevelopment Authority Act 2011* or subject to the *Hope-Valley Wattleup Redevelopment Act 2000*). Adoption of the deemed provisions in these localities is at the discretion of the relevant authority.

The deemed provisions relating to bushfire risk management make reference to the Fire and Emergency Services Commissioner's power to make orders to designate bushfire prone areas of the State. This designation triggers the application of appropriate bushfire construction standards for applicable building classes (i.e. residential buildings) under the Building Code of Australia. Local governments may apply other bushfire risk management conditions for the site to any development approval granted for non-residential buildings.

The deemed provisions relating to bushfire risk management provide a mechanism to require a development approval, and through this, the application of SPP 3.7, to development on sites with extreme bushfire risk (BAL-40 or BAL-Flame Zone ie. BAL-FZ). They specifically require a BAL assessment or BAL Contour Map be undertaken for any habitable or specified building (excluding single houses and ancillary dwellings on lots less than 1,100m<sup>2</sup>) within a designated bushfire prone area, and development approval obtained prior to commencing any applicable development where the BAL indicates BAL-40 or BAL-FZ. The requirement for development approval applies even in circumstances where the need for development approval would otherwise be exempt under the relevant local planning scheme (for example, single houses that are compliant

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with the R-Codes do not require development approval in accordance with clause 61 of the Regulations). This approach provides an opportunity to apply SPP 3.7 and these Guidelines to ensure that bushfire risk management measures are implemented holistically and are supported by a technical assessment of bushfire risk where required. The LPS Amendment Regulations 2015 only apply if an area has been designated as bushfire prone for more than four months. This is to ensure landowners/proponents and the development industry have time to adequately prepare for any additional requirements. However, SPP 3.7 and its requirements for development assessment, apply immediately.

If a landowner/proponent develops a building within a designated bushfire prone area without complying with the LPS Amendment Regulations 2015, the landowner would be liable to enforcement measures for unauthorised development under sections 162 and 223 of the *Planning and Development Act 2005*.

### 1.5.1 INTERACTION BETWEEN EXISTING LOCAL PLANNING SCHEME PROVISIONS RELATING TO BUSHFIRE AND DEEMED PROVISIONS

The deemed provisions relating to bushfire risk management override any existing local planning scheme provisions relating to bushfire, including any inconsistent provisions, apart from special control areas. In accordance with Section 78B (2) of the LPS Amendment Regulations 2015, the requirements of the deemed provisions relating to bushfire risk management are in addition to any provisions relating to development in a bushfire prone area that apply in a special control area.

Under section 73(2A) of the *Planning and Development Act 2005*, a local planning scheme may supplement the deemed provisions relating to bushfire risk management to address any special circumstances for which provisions have not been prescribed. The deemed provisions can be supplemented but not varied or exempted. Any new supplemental provisions require a special control area to be implemented under the scheme amendment process set out in the *Planning and Development Act 2005*.

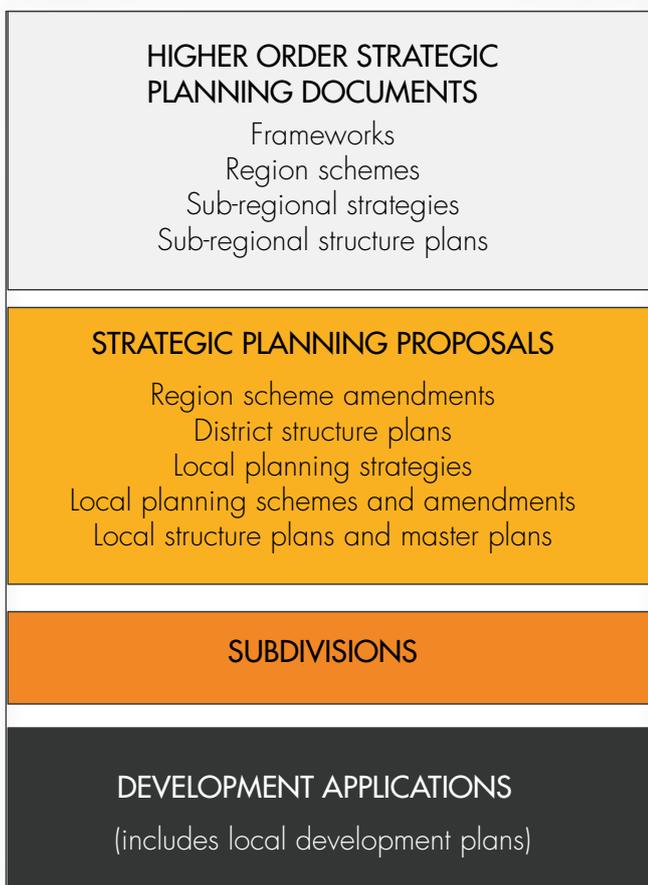
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## 2. POLICY FRAMEWORK OVERVIEW

### 2.1 BUSHFIRE IN THE PLANNING CONTEXT

Western Australia’s planning system includes strategic and statutory planning functions and is set out in the *Planning and Development Act 2005*. The planning system is hierarchical, requiring increasing levels of detail as a proposal progresses through regional, district and local planning to subdivision and development of individual sites (Figures 1 and 2).

**Figure 1:** Western Australian planning hierarchy



Strategic planning focuses on long-term activities and integrates a wide range of issues from economic, social and environmental perspectives to provide context for statutory planning functions. Bushfire risk management should be addressed at the strategic planning stages to ensure bushfire risk management is incorporated into the development landscape where urban, rural and conservation land uses interface. Higher order strategic planning documents may include frameworks and sub-regional planning strategies, whilst strategic planning proposals may include region scheme amendments, local planning strategies and district or local structure plans.

At the regional and sub-regional scale, the planning assessment should consider the likely bushfire hazard in areas proposed for future development, and potential bushfire risk management of such areas.

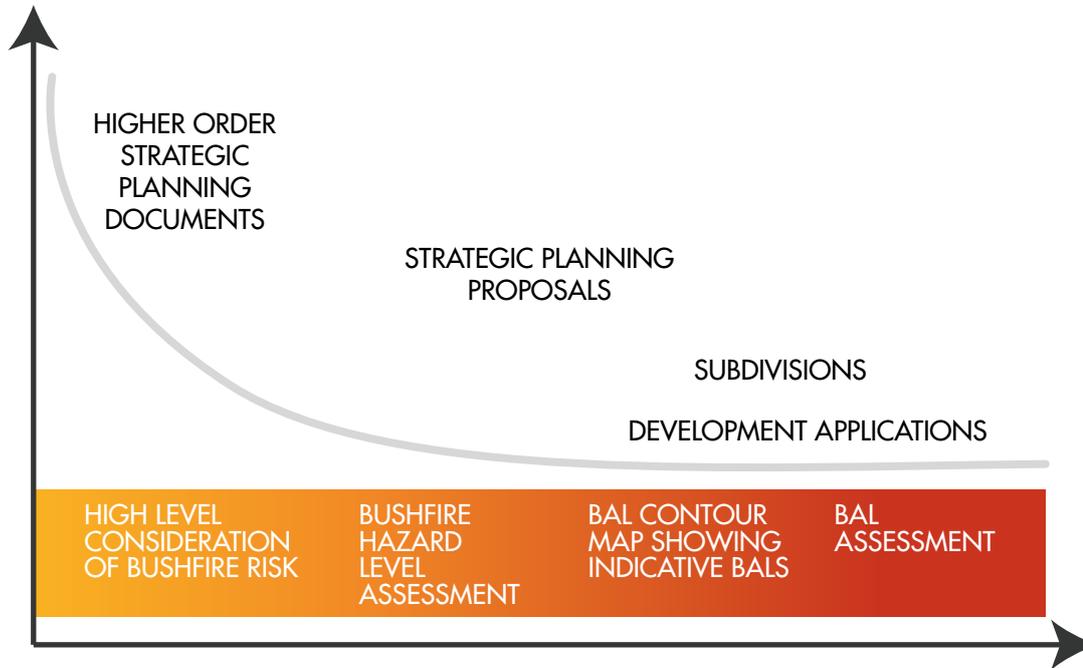
At the district scale, the planning assessment should consider the appropriate use and zoning of land in areas proposed for future development. A Bushfire Hazard Level assessment should be used to inform how future development could be generally sited to ensure the bushfire protection criteria can be achieved at subsequent stages of the planning process. Approval of a proposal should be based on strong certainty that the bushfire risk can be reduced or managed to an appropriate level to support future development.

Statutory planning is founded on legislation and regulations and is guided by strategic planning documents. Statutory planning controls land uses and development through assessment and determination of subdivision applications, local development plans and development applications.

Planning proposals in designated bushfire prone areas must be consistent with bushfire considerations in strategic planning documents to ensure coordinated, holistic bushfire risk management measures are achieved. Bushfire risk management measures should not be left to the statutory planning stage.

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Figure 2: Applicability of bushfire assessment to stages of the planning process



## 2.2 PLANNING APPROVAL PROCESS IN BUSHFIRE PRONE AREAS

Section 5 of these Guidelines provides details of how SPP 3.7 is to be applied at each stage of the planning hierarchy, in alignment with Table 1.

The policy measures of SPP 3.7 and these Guidelines are not to be applied retrospectively. Existing approvals will not be subject to further bushfire planning requirements; however this should not preclude landowners/proponents from striving to achieve better outcomes.

Under the LPS Amendment Regulations 2015, a BAL assessment or BAL Contour Map is required for the development of all habitable buildings or specified buildings (excluding single houses and ancillary dwellings on lots less than 1,100m<sup>2</sup>) if the development is located in a designated bushfire prone area (as identified on the *Map of Bush Fire Prone Areas*).

If a BAL Contour Map has been prepared for a previous subdivision approval, this may be used in place of a BAL assessment where the decision-maker is satisfied the BAL Contour Map is sufficient. If the BAL shown on the Contour Map and/or BAL assessment is BAL-40 or BAL-FZ, development approval is always required.

A BAL assessment or BAL Contour Map is also required under SPP 3.7 before commencing any other development (i.e. not a habitable or specified building) in a designated bushfire prone area (as identified on the *Map of Bush Fire Prone Areas*).

Under the Building Code of Australia, additional building construction requirements apply to residential buildings (Class 1, 2 and 3 buildings and associated Class 10a buildings and decks) in a designated bushfire prone area, regardless of the site area.

For more information refer to the 'Approval Processes in Bushfire Prone Areas' fact sheet produced by the Department of Planning and the Building Commission. Sections 4.2, 4.3, 5.4 and 5.8 of these Guidelines also provide more information.

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Table 1: SPP 3.7 in the planning process

PLANNING STAGE	SCALE	PURPOSE OF STAGE AND SCOPE TO ADDRESS BUSHFIRE RISK	POLICY REQUIREMENTS
<b>Higher order strategic planning documents</b>			
Frameworks Region schemes Sub-regional strategies Sub-regional structure plans	Multiple local government areas	<p>Frameworks and sub-regional structure plans are high-level strategic documents that guide land use and infrastructure planning at a regional scale for up to 50 years. They do not have statutory effect.</p> <p>Other State-initiated land use planning instruments include region schemes, planning control areas and Ministerial Orders under the <i>Planning and Development Act 2005</i>.</p> <p><i>High level consideration of bushfire risk when identifying potential land for future development.</i></p>	<p>Application of SPP 3.7.</p> <p>Section 5.1</p>
<b>Strategic Planning Proposals</b>			
Region scheme amendments	Multiple local government areas	<p>Region schemes coordinate land use and zoning across different local government areas. They facilitate the reservation of land for public purposes.</p> <p>Region schemes have statutory effect; however, much of the State is not covered by a region scheme.</p> <p><i>Strategic ability to address bushfire risk.</i></p>	<p>Application of SPP 3.7.</p> <p>Section 5.2.1</p> <p>Section 4.1 Section 4.2 Appendix 2 Appendix 3</p> <p>Section 4.5 Appendix 4</p>
District structure plans	Part of a sub region to show general pattern of development/ or Several suburbs and cross local government boundaries	<p>Structure plans act as a zoning overlay, providing an indicative design for future subdivision and development.</p> <p><i>Strategic ability to address bushfire risk.</i></p>	<p>Application of SPP 3.7.</p> <p>Section 5.2.2</p> <p>Bushfire Hazard Level assessment or BAL Contour Map (where the lot layout is already known).</p> <p>Consideration of bushfire protection criteria. This can be in the form of a Bushfire Management Plan.</p> <p>Section 4.1 Section 4.2 Appendix 2 Appendix 3</p> <p>Section 4.5 Section 4.6 Appendix 4 Appendix 5</p>

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PLANNING STAGE	SCALE	PURPOSE OF STAGE AND SCOPE TO ADDRESS BUSHFIRE RISK	POLICY REQUIREMENTS
Local planning strategies	Single local government area	<p>Local planning strategies guide local land use planning over 10–15 years. They outline considerations that need to be addressed in order for land to be rezoned. Local planning strategies guide the preparation and review of statutory local planning schemes.</p> <p><i>Strategic ability to address bushfire risk.</i></p>	<p>Application of SPP 3.7.</p> <p>Bushfire Hazard level assessment (new or updated).</p> <p>Consideration of bushfire protection criteria.</p>
Local planning schemes and amendments	Single local government area	<p>Local planning schemes provide overarching statutory basis for land use planning at the local government level. They provide for land use zoning, land use permissibilities, and include provisions for structure plans and special control areas.</p> <p>Special control areas are a zoning overlay which may set out an alternative planning process to follow, or specific provisions applying to an identified area. Generally required as part of a full scheme review.</p> <p><i>Strategic ability to address bushfire risk.</i></p>	<p>Application of SPP 3.7.</p> <p>Bushfire Hazard level assessment (new or updated) or BAL Contour Map (where the lot layout is already known).</p> <p>Consideration of bushfire protection criteria. This is to be in the form of a Bushfire Management Plan.</p>
Local structure plans and master plans	Generally cover a single residential estate or local area	<p>Non-statutory plans act as a zoning overlay and provide an indicative design for future subdivision and development. They identify matters that need to be addressed at subdivision and development stages.</p> <p>Local structure plans and master plans should make provision for all bushfire criteria to be met at the earliest stage of development.</p> <p><i>Strategic ability with localised scope to address bushfire risk.</i></p>	<p>Application of SPP 3.7.</p> <p>Bushfire Hazard level assessment (new or updated) or BAL Contour Map (where the lot layout is already known).</p> <p>Consideration of bushfire protection criteria. This is to be in the form of a Bushfire Management Plan (new or updated).</p>

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PLANNING STAGE	SCALE	PURPOSE OF STAGE AND SCOPE TO ADDRESS BUSHFIRE RISK	POLICY REQUIREMENTS
<b>Subdivisions</b>			
Subdivision applications	Varies from two lots to hundreds of lots	Subdivision applications enable the creation of new lots and reserves. <i>Localised scope to address bushfire risk.</i>	<p>Application of SPP 3.7.</p> <p>BAL Contour Map (new or updated) or BAL assessment for small-scale subdivision.</p> <p>Assessment against the bushfire protection criteria. This is to be in the form of a Bushfire Management Plan (new or updated) where required.</p> <p>Notification on Title.</p> <p>Section 5.3</p> <p>Section 4.2 Section 5.3.1 Appendix 3</p> <p>Section 4.5 Section 4.6 Appendix 4 Appendix 5</p> <p>Section 4.6.4 Section 5.3.2</p>
<b>Development Applications</b>			
Development applications (excludes single houses and ancillary dwellings on a lot less than 1,100m <sup>2</sup> ) (includes Local Development Plans)	Typically an individual lot but may cover more than one lot	Development applications provide for approval of land uses and development. <i>Site-specific scope to address bushfire risk.</i>	<p>Application of SPP 3.7.</p> <p>BAL Contour Map (new or updated) or BAL assessment.</p> <p>Assessment against bushfire protection criteria. This can be in the form of a Bushfire Management Plan (new or updated) where required.</p> <p>Notification on Title.</p> <p>Section 5.4</p> <p>Section 4.2 Section 4.3 Appendix 3</p> <p>Section 4.5 Section 4.6 Appendix 4 Appendix 5</p> <p>Section 4.6.4</p>

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## 2.3 BUSHFIRE RISK MANAGEMENT AND ENVIRONMENTAL CONSERVATION

Many bushfire prone areas also have high biodiversity values. Policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values. Such areas may include wetlands, foreshores, Bush Forever sites, remnant vegetation, threatened species and ecological communities, nature reserves and coastal reserves.

In implementing policy objective 5.4, planning assessments should consider:

- existing planning policies and publications, such as:
  - *SPP 2: Environment and Natural Resources Policy* (WAPC 2003);
  - *SPP 2.6: State Coastal Planning Policy* (WAPC 2013);
  - *SPP 2.8: Bushland Policy for the Perth Metropolitan Region* (WAPC 2010);
  - *SPP 2.9: Water Resources* (WAPC 2006);
  - *Visual Landscape Planning in Western Australia* (WAPC 2007); and
- any local government biodiversity strategies or similar;
- whether the site, or a portion of the site, has been identified as a vegetation corridor, as an environmentally-sensitive site or otherwise identified in a planning document as being, or proposed to be, reserved for a conservation or environmental protection purpose (such as an ecological linkage, local natural area, foreshore area or wetland buffer);
- any landscape issues, including any landscape plans that have been prepared over the site; and
- requirements of relevant environmental legislation.

Policy objective 5.4 is most effectively addressed at the strategic planning stage where biodiversity and bushfire concerns can be considered collectively to help determine the most appropriate location, type, form, scale and intensity of future development in an area.

Establishing development in bushfire prone areas can adversely affect the retention of native vegetation through clearing associated with the creation of Hazard Separation Zones (HSZ) and Asset Protection Zones (APZ)

(formerly known as building protection zones). Where loss of vegetation is not acceptable or causes conflict with landscape or environmental objectives then it may be necessary to reduce lot yield, cluster development, comply with the applicable bushfire construction requirements of the Building Code of Australia relevant to the BAL of the site (as set out in AS 3959), or modify the development location in order to minimise the removal or modification of remnant vegetation (Figure 3).

Planning proposals should satisfy bushfire protection requirements within the boundaries of the land being developed so as not to impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants. Where revegetation of waterway foreshores, wetland or coastal buffers is necessary for their protection or management, it may be necessary to modify the development location or reduce lot yield to provide adequate hazard separation from the future vegetation boundary.

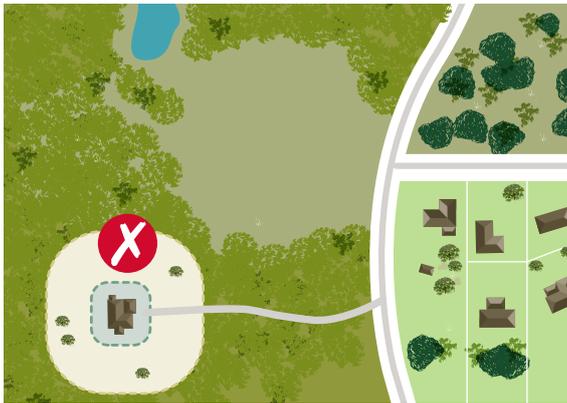
In instances where biodiversity management conflicts with bushfire risk management measures and significant clearing of native vegetation is the only means of managing bushfire risk the proposal should generally not be supported.

Application of the precautionary principle and advice from the relevant agencies responsible for environmental protection and biodiversity conservation will be sought and considered as part of the decision-making process for applications proposing to:

- clear vegetation within environmentally sensitive areas protected under State or Commonwealth legislation;
- environmentally significant native vegetation, including foreshore areas and wetland buffers;
- substantial clearing of locally significant native vegetation; and/or
- where development is adjacent to vegetated land managed by those agencies.

The application may be refused if the value of the vegetation is high and the landowner/proponent proposes achieving an acceptable bushfire risk through vegetation clearing without consideration and inclusion of other management measures.

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Where possible, development should be located in existing cleared areas and close to the property entrance.



**CLASSIFIABLE VEGETATION**

- Manicured Garden
- Grassland
- Woodland
- APZ
- HSZ

In addition to referrals to the relevant agency responsible for environmental protection and biodiversity conservation, the decision-maker is to seek the advice of the relevant agency responsible for water resource management when making decisions on applications where clearing of vegetation may adversely impact water resources, including waterway foreshore areas.

For proposals located within 100 metres of Kings Park or Bold Park, it is recommended that the decision-maker forward a copy of the application to the Botanic Gardens and Parks Authority for comment and advice.

Clearing of native vegetation in Western Australia requires a clearing permit under Part V, Division 2 of the *Environmental Protection Act 1986* unless the clearing is for an exempt purpose. Exemptions from requiring a clearing permit are contained in Schedule 6 of the Environmental Protection Act or are prescribed in the Environmental Protection Regulations. Clearing required for compliance with subdivision conditions of approval is one example of where an exemption applies. However, the exemptions under the Environmental Protection Regulations do not apply in environmentally sensitive areas.

**Figure 3:** Location of development should minimise environmental impact

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## 2.4 CLIMATE CHANGE IMPACT

Climate change impacts on Western Australia during the last century have included a rise in average temperatures and rainfall across the State as well as a significant decrease in annual rainfall in south-west Western Australia. Future projections indicate that across the State, rainfall will decrease by up to 20 per cent and summer temperatures will increase by up to 2.1°C by 2030, relative to 1960 – 1990 levels.

Significant likely impacts of climate change for the State include the increased risk of bushfire and drought and decreased average rainfall in south-west Western Australia.

## 2.5 DISCRETIONARY DECISION-MAKING AND THE PRECAUTIONARY PRINCIPLE

Planning decisions must be made on the merit of a proposal and include holistic consideration of a number of planning issues. For strategic planning proposals, subdivisions and development applications in bushfire prone areas, discretionary decision-making will involve the application of the precautionary principle contained in policy measure 6.11. The outcome of this policy measure means that the potentially serious threat of bushfire to people, property and infrastructure warrants a conservative approach to decision-making being taken.

The decision-maker is to exercise judgement when considering the merits of proposals that do not satisfy the policy objectives and measures of SPP 3.7 or the acceptable solutions in the bushfire protection criteria. Bushfire risk to people, property and infrastructure should be addressed at a scale that is consistent with the proposal being considered and based on appropriate levels of information. In exercising judgement, the decision-maker should consider:

- the intent, objectives and policy measures of SPP 3.7 and these Guidelines;
- the need to apply the precautionary principle;
- compliance with any provisions of the local planning scheme or local planning policy relating to bushfire;
- whether the bushfire hazard can be reduced to an acceptable level;

- whether the proposed measures can be practically implemented and maintained for the life of the development or land use;
- whether the proposal demonstrates an improvement or innovation in bushfire risk management that improves the bushfire outcome on the site and surrounds; and
- advice received from relevant referral agencies.

Achieving the objectives and measures set out in SPP 3.7 should not be at the expense of achieving consistency with other policies and publications, particularly in relation to environmental and biodiversity management and landscape amenity. Where, in order to preserve life, property or infrastructure, the objectives of other relevant planning policies or publications would be compromised, it may be the case that the proposal may not be suitable on planning grounds.

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## 3. BUSHFIRE PRONE AREAS

### 3.1 IDENTIFICATION AND REVIEW OF BUSHFIRE PRONE AREAS

SPP 3.7 applies to land which has been designated as being bushfire prone by the Fire and Emergency Services Commissioner under powers provided in the *Fire and Emergency Services Act 1998*. This designation is made in the form of an order published in the Government Gazette that refers to the *Map of Bush Fire Prone Areas*. Areas identified as being bushfire prone to which SPP 3.7 and these Guidelines apply are coloured 'pink' on the map. The remaining areas are not considered bushfire prone for the purpose of implementing additional development requirements; however SPP 3.7 also applies to areas not yet designated bushfire prone when they are proposed to be developed in a way that introduces a bushfire hazard, as outlined in section 3.2.2. A sample of the Map is provided in Figure 4.

The *Map of Bush Fire Prone Areas* has been developed by the Office of Bushfire Risk Management in consultation with local governments to incorporate localised information. The Office of Bushfire Risk Management is an independent office within the Department of Fire and Emergency Services reporting directly to the Fire and Emergency Services Commissioner. The Office of Bushfire Risk Management is responsible for preparing, maintaining and administering the *Map of Bush Fire Prone Areas*. Local governments have a role in the ongoing review of bushfire prone areas within their administrative boundaries to inform the accuracy of the *Map of Bush Fire Prone Areas* through the annual review process.

Designated areas as shown on the *Map of Bush Fire Prone Areas* are referenced in the deemed provisions relating to bushfire risk management. However, the *Map of Bush Fire Prone Areas* should not be adopted as a local planning scheme map under section 4 of the *Planning and Development Act 2005* as it will be updated annually to reflect when development has taken place or new information has become available.

The *Map of Bush Fire Prone Areas* provides a single means of identifying whether a site is designated under law as being bushfire prone at the state level. This means

Figure 4: Extract from *Map of Bush Fire Prone Areas*



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that land identified as being within a bushfire prone area on the *Map of Bush Fire Prone Areas* is subject to, or likely to be subject to, bushfire attack. The *Map of Bush Fire Prone Areas* acts as a trigger to determine whether bushfire protection planning and building requirements apply. Individual local planning schemes may also contain special control areas that designate areas as bushfire prone which may have more detailed hazard mapping and additional planning requirements.

In accordance with SPP 3.7, all strategic planning proposals, subdivisions and development applications<sup>1</sup> within a designated bushfire prone area will need to be accompanied by either a Bushfire Hazard Level assessment, a BAL Contour Map and/or a BAL assessment.

Under the LPS Amendment Regulations 2015, if a single house or ancillary dwelling on a lot or lots of 1,100m<sup>2</sup> or greater is proposed in a designated bushfire prone area, a BAL assessment is required. This also applies to any other habitable or specified buildings, regardless of lot size, in a designated bushfire prone area. In each case, where a BAL Contour Map has been prepared for previous subdivision approval in relation to the subject site, this may be used in place of a site-specific BAL assessment.

If the BAL Contour Map or BAL assessment indicate a rating of BAL-40 or BAL-FZ, development approval is required before applying for a building permit, despite any exemption that would normally exist. The BAL rating of a site can also be used to determine the level of bushfire resistant construction that may apply to the building under the Building Code of Australia.

The LPS Amendment Regulations 2015 include a four month transitional period from the date the area is designated, unless there are existing special control areas, scheme provisions, existing maps and/or policies that are consistent with the *Map of Bush Fire Prone Areas*.

This transitional period will also occur to newly designated areas following every update of the *Map of Bush Fire Prone Areas*. Once the transitional provisions have expired, existing local government bushfire maps will no longer provide for the designation of areas as being bushfire prone, unless the area is identified in a special control area. Any inconsistencies between the *Map of*

*Bush Fire Prone Areas* and local government bushfire mapping must be identified to the Office of Bushfire Risk Management by local governments for consideration in their annual map review as per the review procedures outlined in the *Mapping Standard for Bush Fire Prone Areas* (OBRM 2015, as amended).

Bushfire prone vegetation is determined according to the criteria outlined in the *Mapping Standard for Bush Fire Prone Areas* and is identified on the *Map of Bush Fire Prone Areas* prepared by the Office of Bushfire Risk Management. Further information on how the map is prepared and updated can be found in the *Mapping Standard for Bush Fire Prone Areas*.

The *Map of Bush Fire Prone Areas* is available on the Department of Fire and Emergency Services' website [www.dfes.wa.gov.au/bushfireproneareas](http://www.dfes.wa.gov.au/bushfireproneareas) using the Shared Location Information Platform (SLIP) managed by Landgate. While the map should not be made to form part of a local planning scheme, local governments will be able to include the mapping of their current bushfire prone areas within their geospatial information systems (GIS) to inform their planning decisions. When a State map is released, local governments will be able to access the new layer from SLIP.

<sup>1</sup> Development applications exclude applications for single houses and ancillary dwellings on a lot or lots less than 1,100m<sup>2</sup>.

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## 3.2 AREAS WHERE THERE IS NO APPARENT HAZARD

If a proposal is in a designated bushfire prone area and the relevant assessment results in a property having either a Bushfire Hazard Level classification of Low, or achieves a BAL-LOW rating across the entire portion of developable land, then the planning proposal or development application does not require application of SPP 3.7 or these Guidelines despite the fact that it is designated within the *Map of Bush Fire Prone Areas*.

### 3.2.1 BUSHFIRE ATTACK LEVEL (BAL) ASSESSMENT (BASIC) FOR DESIGNATED AREAS WHERE THERE IS NO CURRENT HAZARD

A Bushfire Attack Level (BAL) assessment (basic) is a BAL assessment prepared where there is no apparent bushfire hazard. Circumstances where these may be prepared would be limited to instances where

- land has been cleared since the *Map of Bush Fire Prone Areas* was released and the site no longer contains, or is within 100 metres of bushfire prone vegetation<sup>2</sup>; or
- the site is of a significant enough size that the building envelope to which the proposal relates is not within 100 metres of bushfire prone vegetation.

In these instances, the decision-maker may choose to accept the BAL assessment (basic) prepared by the landowner/proponent. Evidence such as aerial photography demonstrating the absence of vegetation should be submitted with the BAL (basic) assessment to assist the decision-maker. Where the decision-maker is not satisfied that the proposal is outside 100 metres of bushfire prone vegetation, they may require a BAL assessment to form part of the planning proposal.

Where local government is satisfied that the subject land has been cleared since the *Map of Bush Fire Prone Areas* was released, local government should contact the Office of Bushfire Risk Management to request that the area be reconsidered and the *Map of Bush Fire Prone Areas* amended on the next revised version, as per the annual

review procedures outlined in the *Mapping Standard for Bush Fire Prone Areas*.

Where there is no apparent hazard the landowner/proponent may utilise the information contained in the Department of Planning's fact sheets to assist in completion of a BAL assessment (basic). For residential buildings (Class 1, 2 and 3 buildings and Class 10a buildings and decks associated with Class 1, 2 and 3 buildings), a registered building surveyor will need to be satisfied that the BAL assessment (basic) is correct prior to signing the relevant certificate of compliance for the building.

### 3.2.2 AREAS THAT POSE A FUTURE HAZARD BUT ARE NOT YET DESIGNATED

Where a site is not yet identified as a designated bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, for example it incorporates the revegetation of wetlands or foreshores, then the decision-maker will need to inform the Office of Bushfire Risk Management to reconsider this area so it is reflected in the next revised version of the map, as per the review procedures outlined in the *Mapping Standard for Bush Fire Prone Areas*.

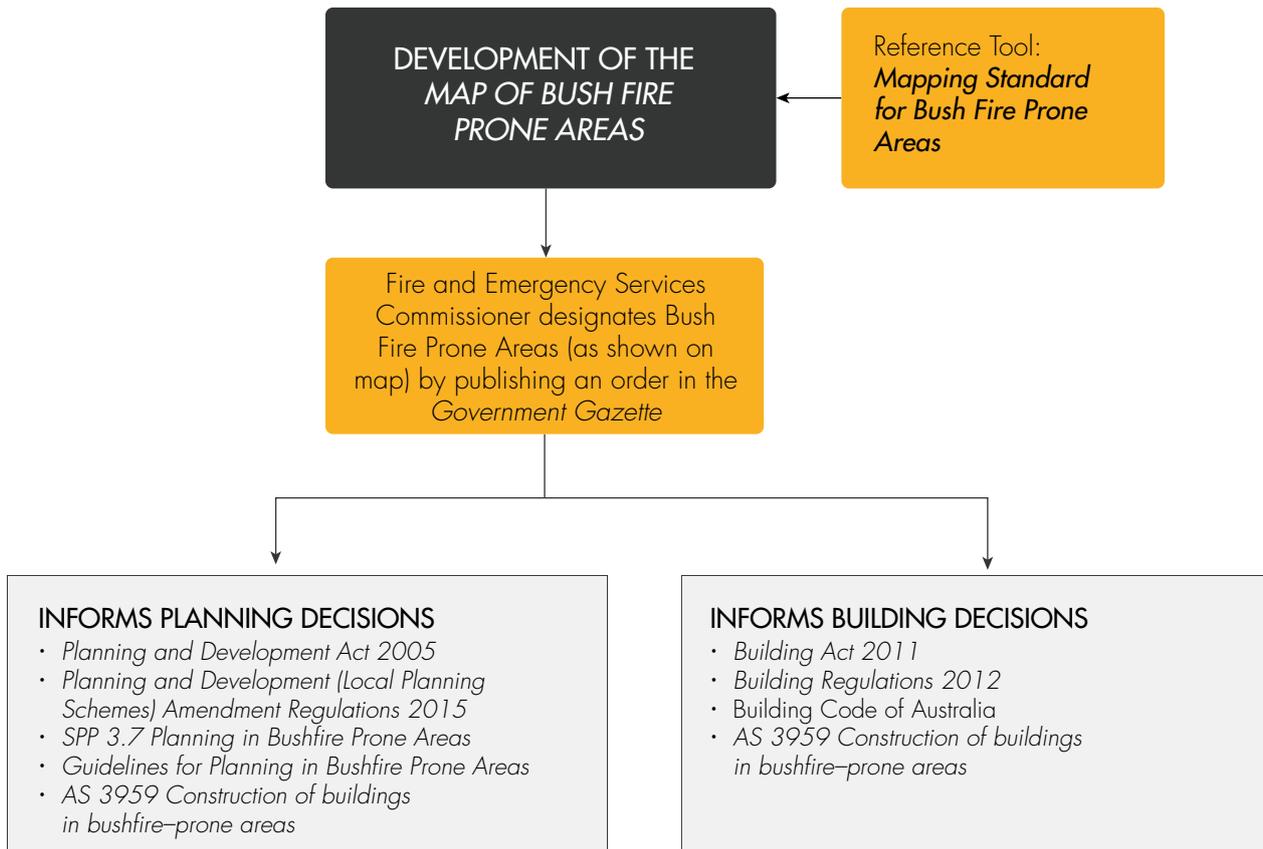
Any such planning approval should identify proposed new bushfire prone areas and address the hazard as if it currently existed. A Notification on Title to the effect that the land is within a bushfire prone area and may be subject to a Bushfire Management Plan should be a condition of approval. It should be noted that any future building permit applications in these areas will potentially have a higher BAL than when the planning approval was granted.

In this situation, as there is no formal designation in effect on the site, the relevant registered building surveyor is not required to assess the building for compliance with the Building Code of Australia's bushfire requirements. However, where planning approval is required, the landowner/proponent will need to demonstrate that they have complied, or are complying with, the requirements of their planning approval under the *Planning and Development Act 2005*, where relevant. In these circumstances, the voluntary application of bushfire construction standards is recommended to ensure the future bushfire risk is addressed.

<sup>2</sup> Sites where the surrounding area is consistent with the exclusions contained within AS 3959 at section 2.2.3.2 are not considered to contain bushfire prone vegetation.

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Figure 5: The Western Australian Bushfire Prone Areas statutory and policy framework flowchart



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## 4. ASSESSING BUSHFIRE RISK IN THE PLANNING CONTEXT

In SPP 3.7, 'bushfire risk' is defined as "the chance of a bushfire igniting, spreading and causing damage to people, property and infrastructure" and in this context, 'bushfire risk management' is "the application of the bushfire protection criteria contained in these Guidelines".

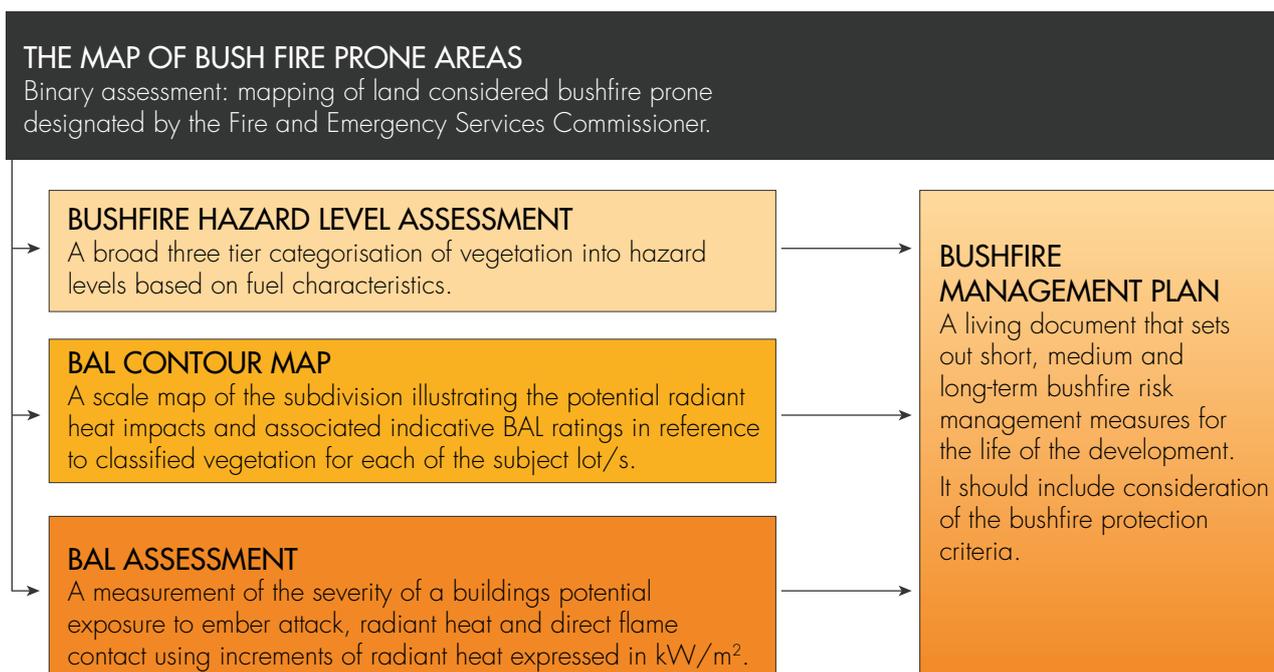
Before a strategic planning proposal, subdivision or development application can be considered, it is necessary to understand the extent of the bushfire hazard and its potential to affect people, property and infrastructure. An assessment of bushfire risk is a key component of deciding whether a strategic planning proposal, subdivision or development application should be approved in an area with potential bushfire threat. Planning for, and assessing bushfire risk, is most effective when properly addressed at the earliest stage in the planning process.

This section sets out the interrelationships between, and requirements for, various assessment tools used to assess bushfire risk in the planning context, as prescribed by SPP 3.7 (Figure 6):

- Bushfire Hazard Level assessment;
- Bushfire Attack Level (BAL) Contour Map;
- Bushfire Attack Level (BAL) assessment;
- Bushfire protection criteria; and
- Bushfire Management Plan.

The level of detail required as part of these assessments will depend on the planning stage for which it has been prepared. For example, for a strategic planning proposal, a Bushfire Management Plan would apply broad consideration of the bushfire protection criteria such as locating development nodes away from extreme areas. At the structure plan stage the Bushfire Management Plan would need to include more specific consideration to ensure Hazard Separation Zones and Asset Protection Zones can be established at subdivision and development. Information is successively more detailed at each planning stage.

Figure 6: Assessing bushfire risk in the planning context



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Additionally, the decision-maker has the discretion to consider site-specific conditions that may preclude the requirement for a full Bushfire Management Plan for an individual development. A simplified Plan may be acceptable in these isolated incidents. A Department of Planning fact sheet will provide further guidance as to when a simplified Plan would be appropriate and the level of detail required in such a Plan. If the documents are prepared by an individual accredited at the level appropriate to the work required, the decision-maker should have confidence that they are consistent with SPP 3.7 and these Guidelines. However, this does not prevent the decision-maker from querying the Bushfire Management Plan or assessment if it has reason to believe that it does not adequately address SPP 3.7 and these Guidelines.

All landowners/proponents, irrespective of tenure, will be responsible for the ongoing management of any bushfire risk.

## 4.1 BUSHFIRE HAZARD LEVEL ASSESSMENT

A Bushfire Hazard Level assessment provides a 'broad-brush' means of determining the potential intensity of a bushfire for a particular area. The Bushfire Hazard Level assessment assists in informing the suitability of land contained within strategic planning proposals for future subdivision and development.

The Bushfire Hazard Level assessment categorises land within a designated bushfire prone area as having a low, moderate or extreme bushfire hazard level (Appendix 2). Different hazard levels may be assigned to different parts of individual lots. Bushfire Hazard Level assessments are required to accompany all strategic planning proposals, including:

- region planning scheme amendments;
- local planning strategies;
- local planning schemes and amendments; and
- structure plans (district, local and activity centre scales) and master plans.

Bushfire Hazard Level assessments allow for early strategic consideration of bushfire risk which can then be used to inform the more detailed stages that follow, ensuring all

issues are considered, identified and properly addressed at the earliest possible time. When the design of the strategic planning proposal contains sufficient detail to determine the future lot layout, a BAL Contour Map will be more appropriate, as this is more useful in demonstrating the potential site risks.

Bushfire Hazard Level assessments may form part of a Bushfire Management Plan that includes consideration of how the bushfire protection criteria will be met at subsequent stages of the planning process. It is strongly recommended that both the Bushfire Hazard Level assessment and the Bushfire Management Plan are prepared by an accredited Bushfire Planning Practitioner on behalf of the landowner/proponent and should be provided upfront with all strategic planning proposals.

A Bushfire Hazard Level assessment may indicate that the site currently contains a moderate or extreme hazard level. In such instances, the proposal should contain information in the form of a Bushfire Management Plan as to how the hazard level will be initially reduced and maintained for the life of the development. This will enable the decision-maker to ensure that appropriate bushfire risk management measures are in place to achieve and maintain a low or moderate hazard level.

Where a site's hazard level cannot be reduced to a low or moderate level, the application should only be considered if it is to include 'unavoidable development' (refer section 5.7). Conversely, if the proposal seeks to create a site where the future hazard level would be low, then a Bushfire Management Plan may not be required.

Strategic planning proposals that are to be developed in a staged approach are to be considered using the current bushfire risk for each individual stage. This ensures that the bushfire risk is taken into account throughout the planning process, should subsequent stages not be completed or be affected by an amended plan.

**A landowner/proponent, including government agencies is strongly recommended to use an accredited Bushfire Planning Practitioner to undertake a Bushfire Hazard Level assessment. Decision-makers may have confidence that Bushfire Hazard Level assessments prepared by a Bushfire Planning Practitioner are consistent with the endorsed methodology of SPP 3.7 and these Guidelines.**

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## 4.2 BUSHFIRE ATTACK LEVEL (BAL) CONTOUR MAP

A Bushfire Attack Level (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 any vegetation remaining within 100 metres of the assessment area after subdivision works are complete. It is typically used for bushfire risk assessment at the subdivision stage of the planning process, but is also appropriate for strategic planning proposals where the lot layout of a proposal is already determined.

As with all assessments, where a strategic planning proposal or subdivision is proposed to be developed with a staged approach, a new BAL Contour Map should be prepared for each stage and the hazard addressed appropriately for each stage.

In accordance with SPP 3.7 and the LPS Amendment Regulations 2015, where a BAL Contour Map exists for a previous subdivision approval, the BAL Contour Map may be used in place of a site-specific BAL assessment at the development application stage. They may also be used at the building permit stage. Notwithstanding this, the decision-maker and/or registered building surveyor have the discretion to request a new BAL Contour Map or a site-specific BAL assessment if they are of the opinion the existing BAL Contour Map is inappropriate. This may include instances where there has been a significant time delay since the original assessment was done, the proposal design has altered, the site conditions have changed or where they consider there to be an error in the original BAL Contour Map.

A BAL rating needs to be allocated to all areas identified as being bushfire prone on the *Map of Bush Fire Prone Areas*. Where a BAL-LOWV applies, the decision-maker should notify the Office of Bushfire Risk Management of the requirement to update the Map as part of their annual review process, in accordance with the *Mapping Standard for Bush Fire Prone Areas*. Further guidance and a sample map are provided at Appendix 3. An accompanying Fact Sheet has been developed and will provide more detailed methodology. This can be found on the Department of Planning's website [www.planning.wa.gov.au/bushfire](http://www.planning.wa.gov.au/bushfire).

A landowner/proponent should engage a Bushfire Planning Practitioner to complete a compliance certificate or report for the BAL Contour Map relating to the

approved subdivision. This would generally occur after the subdivisions works have been completed and before the issuing of titles. A compliance certificate or report will allow any future decision-makers to have confidence that the BAL Contour Map, prepared prior to the approval of a subdivision application, is still valid for use at future development or building permit application stages. If the subdivision layout and design has been altered, the site conditions have changed or the Bushfire Planning Practitioner considers there was an error in the original BAL Contour Map, a new BAL Contour Map may be required before a compliance certificate or report will be issued.

**Landowners/proponents, including government agencies, are strongly recommended to use an accredited Bushfire Planning Practitioner to prepare a BAL Contour Map. Decision-makers may have confidence that BAL Contour Maps prepared by a Bushfire Planning Practitioner are consistent with the principles of AS 3959, SPP 3.7 and these Guidelines.**

## 4.3 BUSHFIRE ATTACK LEVEL (BAL) ASSESSMENT

A Bushfire Attack Level (BAL) assessment is the means of measuring the severity of a buildings' potential exposure to ember attack, radiant heat and direct flame contact using increments of radiant heat expressed in kW/ m<sup>2</sup>. They form the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

A BAL assessment classifies an area of land into one of six categories (Table 2 and Figure 7). BAL assessments are a point in time assessment and are used at the development application and building permit stage to determine whether a site will require additional bushfire risk management measures in order to respond to a potential bushfire hazard. For planning purposes, a BAL assessment is usually undertaken for land in a bushfire prone area after a Bushfire Hazard Level assessment or BAL Contour Map has been prepared and/or where the plans are at a scale where lots and building envelopes are identified. Land capability and suitability for development should already be determined through the strategic planning stage prior to a BAL assessment being prepared.

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The BAL descriptions and assessment methodologies are located in AS 3959, referenced in the Building Code of Australia and reprinted in Table 2. The BAL may be used to determine the construction standard required.

**Table 2:** BAL and corresponding descriptions of the predicted levels of exposure and heat flux exposure thresholds

BAL	DESCRIPTION (Source: AS 3959-2009, Appendix G)
BAL-LOW	The risk is considered to be VERY LOW. There is insufficient risk to warrant any specific construction requirements but there is still some risk.
BAL-12.5	The risk is considered to be LOW. There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5kW/m <sup>2</sup> .
BAL-19	The risk is considered to be MODERATE. There is a risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 19kW/m <sup>2</sup> .
BAL-29	The risk is considered to be HIGH. There is an increased risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to an increased level of radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 29kW/m <sup>2</sup> .
BAL-40	The risk is considered to be VERY HIGH. There is a much increased risk of ember attack and burning debris ignited by wind-borne embers, a likelihood of exposure to a high level of radiant heat and some likelihood of direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux not greater than 40kW/m <sup>2</sup> .
BAL-Flame Zone (FZ)	The risk is considered to be EXTREME. There is an extremely high risk of ember attack and burning debris ignited by wind-borne embers, and a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux greater than 40kW/m <sup>2</sup> .

**Figure 7:** BAL construction levels in context



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Landowners/proponents, including government agencies, are strongly recommended to use an accredited Level 1 BAL Assessor or an accredited Bushfire Planning Practitioner to undertake a BAL assessment. Decision-makers may have confidence that BAL assessments prepared by a Level 1 BAL Assessor or Bushfire Planning Practitioner are consistent with SPP 3.7 and these Guidelines.

A BAL assessment completed by an individual other than an accredited person in accordance with AS 3959, may be approved if the development is for a single house or ancillary dwelling on land that is located more than 50 kilometres from the boundary of a gazetted town site, as identified by the Department of Planning. A map showing the designated town sites is provided on the Department of Planning's website [www.planning.wa.gov.au/bushfire](http://www.planning.wa.gov.au/bushfire). The decision-maker will need to be satisfied that the BAL assessment is appropriate.

*AS 3959 Construction of Buildings in Bushfire-Prone Areas (2009, as amended)* is developed and maintained by Standards Australia. Copies of the standard can be obtained from the SAI Global website at: <https://www.saiglobal.com/Standards>

AS 3959 is not free of charge. In order to make it accessible to members of the community, the Building Commission has provided local governments a reference copy of AS 3959 for viewing by the public.

#### 4.4. BUSHFIRE ATTACK LEVEL (BAL) CONTOUR MAPS AND BAL ASSESSMENTS IN THE BUILDING CONTEXT

The Building Code of Australia contains bushfire construction requirements that are applied to most residential classes of buildings (being Class 1, 2 and 3 buildings and Class 10a buildings or decks associated with Class 1, 2 or 3 buildings) in designated bushfire prone areas. When lodging a building permit for these buildings in designated bushfire prone areas, a BAL assessment or existing BAL Contour Map should be lodged with the building permit application (refer to Section 5.8.1 of these Guidelines for more information).

Generally, a BAL assessment or BAL Contour Map prepared for planning purposes would be suitable for use as part of the building approval process, if prepared using the methodology set out in AS 3959. However, the registered building surveyor has the discretion to request a new BAL assessment if they are of the opinion that the site conditions have changed or where they consider there to be an error in the original BAL Contour Map or BAL assessment.

#### 4.5 BUSHFIRE PROTECTION CRITERIA

##### 4.5.1 HOW THE CRITERIA ARE TO BE READ

The bushfire protection criteria (Appendix Four) are a performance-based system of assessing bushfire risk management measures. An assessment against the criteria is to be undertaken for any strategic planning proposal, subdivision and development application for a site that has or will, on completion, have a bushfire hazard level above 'low' or a BAL rating above BAL-LOW.

The bushfire protection criteria consist of four elements:

- **Element 1:** Location
- **Element 2:** Siting and design of development
- **Element 3:** Vehicular access
- **Element 4:** Water

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Each element has the following components:

- an intent, which outlines the desired outcome for the element, and reflects identified planning and policy requirements in respect of each issue;
- acceptable solutions, which provide one way of meeting the element's intent. Examples are provided as potential solutions of acceptable design outcomes. Acceptable solutions contained within this document are intended to provide a straightforward pathway to assessment and approval. Compliance with the acceptable solutions contained within this document automatically achieves the intent of the relevant bushfire protection element; and
- a performance principle, which is a general statement of how best to achieve the intent of the relevant bushfire element. Performance principles provide landowners/proponents with an opportunity to develop a variety of design responses in the form of an alternative solution<sup>3</sup> to address each bushfire protection element outside those specified in the acceptable solutions contained within this document.

## 4.5.2 HOW TO APPLY THE CRITERIA

For a proposal to be considered compliant with SPP 3.7, each element must be satisfied. Demonstration of how a proposal meets the bushfire protection criteria can be in the form of a Bushfire Management Plan and must be provided upfront with any planning proposal that has, or will, on approval, have a bushfire hazard level above low or a BAL rating above BAL-LOW.

A landowner/proponent has the choice to select an assessment based on acceptable solutions, a performance-based assessment or use a combination of the two.

For all types of assessment, advice received from the Department of Fire and Emergency Services or other relevant authorities regarding bushfire risk management practices must be taken into consideration prior to the decision-making authority determining the proposal. The Department of Fire and Emergency Services advice will be sought where applicable under policy measure 6.8 of SPP 3.7 and section 6.5 of these Guidelines.

<sup>3</sup> Alternative solutions referred to in this document relate to how the bushfire protection criteria are met and are not to be confused with the Building Code of Australia alternative solutions.

### 4.5.2.1 ACCEPTABLE SOLUTIONS ASSESSMENT

If the landowner/proponent requests that a proposal be assessed against the acceptable solutions, then all relevant acceptable solutions must be satisfied to achieve the intent of each element of the bushfire protection criteria. It is strongly recommended that the Bushfire Management Plan outlining the application of the acceptable solutions be prepared by an accredited Level 2 Bushfire Planning Practitioner – Prescriptive or a Level 3 Bushfire Planning Practitioner – Performance.

### 4.5.2.2 PERFORMANCE PRINCIPLE ASSESSMENT

The performance principles have been designed so they may be used where it is not appropriate or desirable to comply with the acceptable solutions. They encourage flexibility and innovative solutions for bushfire risk management. If a proponent selects a performance principle assessment, i.e. through proposing an alternative to that set out in the acceptable solutions, then the proposal needs to demonstrate how the intent of each element is addressed and provide evidence to support the alternative.

A performance principle assessment requires discretion on the part of the decision-maker, informed by the advice of the Department of Fire and Emergency Services and any other relevant referral authorities, with compliance demonstrated in a Bushfire Management Plan. It is strongly recommended that a Bushfire Management Plan containing alternative solutions<sup>4</sup> be prepared by an accredited Level 3 Bushfire Planning Practitioner – Performance. The onus is on the landowner/proponent to demonstrate to the decision-maker's satisfaction that the proposal complies with the performance principles and the intent of each element (refer also to section 2.5: Discretionary decision-making in bushfire prone areas).

### 4.5.2.3 COMBINED ASSESSMENT

If a landowner/proponent seeks to have a proposal assessed against a combination of both the performance principles and the acceptable solutions within this document, then all relevant provisions must be addressed and satisfied. Proposals that contain features which do not comply with the acceptable solutions contained within this document should be discussed with the decision-maker and the Department of Fire and Emergency Services. In this type of combined assessment, it is strongly recommended that a Bushfire Management Plan be prepared by an accredited Level 3 Bushfire Planning Practitioner – Performance.

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### 4.5.3 LOCAL OR REGIONAL VARIATIONS TO BUSHFIRE PROTECTION CRITERIA

Local governments may seek to add to or modify the acceptable solutions to recognise special local or regional circumstances (e.g. topography/vegetation/climate) which reinforce the intent of a particular bushfire protection element and apply across a defined locality.

These additional acceptable solutions are to be endorsed in writing by both the Western Australian Planning Commission and the Department of Fire and Emergency Services before they can be considered in planning assessments. Such requests will be assessed on a case-by-case basis and will need to be supported by a justification that clearly:

- explains the reasons why the modification is required; and
- demonstrates to the satisfaction of both the Western Australian Planning Commission and the Department of Fire and Emergency Services that the modifications comply with the corresponding performance principles.

Endorsed regional or local variations should form part of a planning instrument, such as a scheme amendment or special control area, as opposed to being included in a local planning policy or similar.

Regional and local variations to the bushfire protection criteria are to be used where a particular acceptable solution is required across a locality. Such variations are not the same as site-specific alternative solutions that may be approved by the decision-maker as part of considering a strategic planning proposal, subdivision or development application.

## 4.6 BUSHFIRE MANAGEMENT PLANS

### 4.6.1 PURPOSE OF A BUSHFIRE MANAGEMENT PLAN

A Bushfire Management Plan sets out short, medium and long term management strategies for bushfire hazards and generally accompanies strategic planning proposals, subdivision or development applications in bushfire prone areas. It represents an ongoing commitment by the landowner/proponent or responsible authority to undertake bushfire risk management measures for the life of the development. Typically, a Bushfire Management Plan will include the results of a Bushfire Hazard Level assessment, BAL Contour Map and/or BAL assessment to identify the extent of the bushfire risk for a particular area. It should also set out bushfire risk management measures that address each of the elements of the bushfire protection criteria. The Plan may also include references to fire breaks, fire fighting water supply, fire fighting access, easements and ongoing management responsibilities.

The term 'Bushfire Management Plan' replaces 'Fire Management Plan'. If a site has an existing Fire Management Plan that remains current, there is no need to replace it solely for the purpose of renaming.

### 4.6.2 WHEN SHOULD A BUSHFIRE MANAGEMENT PLAN BE PREPARED?

A Bushfire Management Plan is generally required in order to meet policy measures 6.3, 6.4, 6.5, 6.6 and 6.7 of SPP 3.7. It is required to accompany strategic planning proposals, subdivision and development applications<sup>4</sup> as a technical supporting document to inform planning assessment and, in doing so, form part of any subsequent approval. In extremely limited circumstances, a Bushfire Management Plan may be required as part of a conditional subdivision approval.

<sup>4</sup> Excluding development applications for single houses and ancillary dwellings on a lot or lots less than 1,100m<sup>2</sup>

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A Bushfire Management Plan should be prepared as early as possible in the planning process and progressively refined as the level of detail increases. Where no Bushfire Management Plan has been prepared at a previous planning stage, a new Bushfire Management Plan must accompany the current application rather than being dealt with as a condition of approval imposed by the decision-maker. This ensures that bushfire risk factors are considered at the earliest available stage in the planning process.

Assessment of bushfire issues and the preparation of a Bushfire Management Plan should not be deferred until the subdivision stage. By the time a proposal has been through regional, district and local structure planning processes, the issues should have been fundamentally addressed and should not require resolution at the subdivision stage.

**Where an area has fragmented land ownership, a coordinated approach by several landowners/proponents to employ an accredited Bushfire Planning Practitioner to undertake bushfire assessments or a collective Bushfire Management Plan may be more effective and efficient.**

#### 4.6.3 PREPARING A BUSHFIRE MANAGEMENT PLAN

A Bushfire Management Plan should be prepared by an accredited Bushfire Planning Practitioner on behalf of the landowner/proponent, including government agencies. Decision-makers may have confidence that Bushfire Management Plans prepared by the appropriate level Bushfire Planning Practitioner are consistent with SPP 3.7 and these Guidelines.

The landowner/proponent responsible for having the Bushfire Management Plan prepared should ensure anyone listed as having a responsibility under the Plan has endorsed it and is provided with a copy for their information (for example, future landowners/proponents where the Bushfire Management Plan was prepared as part of a subdivision application). This would typically include the landowners/proponents, local government and any other relevant authorities or referral agencies.

A Bushfire Management Plan checklist has been created to provide guidance on the type of information required to be included within a Plan (Appendix 5).

#### 4.6.4 IMPLEMENTING A BUSHFIRE MANAGEMENT PLAN

A Bushfire Management Plan is a technical supporting document and in this context, it does not require separate approval; however its endorsement will be prescribed through a statutory approval. Where a Bushfire Management Plan makes recommendations that affect the design of a planning proposal, plans should be amended prior to approval so that the recommendations are enshrined in the approval, rather than the Bushfire Management Plan.

Subdivision or development applications that are accompanied by a Bushfire Management Plan may be conditionally approved subject to the placement of a notification on the property's title advising that the land is in a designated bushfire prone area and may be subject to a Bushfire Management Plan. This ensures that potential purchasers are alerted to the Bushfire Management Plan when undertaking due diligence on the property they are looking to purchase, so that future landowners/proponents can continue to apply the management measures set out in the Bushfire Management Plan.

**Bushfire Management Plans prepared for development applications must consider the feasibility of implementing and maintaining bushfire protection measures for the life of the development as they will not be subject to subsequent planning approvals that would formally consider the bushfire risk.**

In all cases, the landowner/proponent is responsible for the ongoing review and implementation of the Bushfire Management Plan to ensure that the bushfire risk management measures remain effective. This also means that the landowner/proponent is responsible for implementing the relevant separation distances and ensuring adequate access is provided prior to the clearance of subdivision conditions.

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Section 33 of the *Bush Fires Act 1954* empowers local governments to issue notices that require owners and occupiers to manage their land in a manner that is not conducive to the outbreak, spread or extension of a bushfire. Local governments are responsible for ensuring ongoing compliance.

Local governments may also make local laws to require landowner/proponent compliance with a Bushfire Management Plan via a firebreak notice.

Local governments should keep a register or record of sites that have an existing Bushfire Management Plan to identify servicing and infrastructure gaps, and help inform district-level bushfire risk management planning. Local governments are also encouraged to publish all Bushfire Management Plans online.

Local governments should ensure that their annual Fire Break Notices (section 33 notice) reference the need for owners to comply with any existing Bushfire Management Plan on their land, not simply refer to the need to maintain a generic Asset Protection Zone, as this may not meet the requirements of the Bushfire Management Plan.

#### 4.6.5 REVIEWING AN EXISTING BUSHFIRE MANAGEMENT PLAN

When submitting a new application for a strategic planning proposal, subdivision or development application, a landowner/proponent may use an existing Bushfire Management Plan if it remains relevant and has been prepared within five years of the current proposal being lodged.

Bushfire Management Plans do not expire and should be seen as a 'living document'. They may require updating in certain circumstances, including (but not limited to) if site conditions change, if further details are required at subsequent stages of the planning process or to reflect new technologies or methodologies in best practice bushfire risk management. The assessment process is not meant to be continually repeated; rather it should be seen as an iterative process where existing information is

built on. This ensures that an appropriate level of detail is provided at the relevant planning stage to confirm the Bushfire Management Plan continues to be responsive to site conditions. The Bushfire Management Plan checklist (Appendix 5) is intended to be used as a basis to determine the level of information relevant to each individual proposal. This information should be added to as more detailed stages commence.

The decision-maker may request the landowner/proponent to update the bushfire assessment or Bushfire Management Plan within the five year period if it has reason to believe that the site conditions have substantially changed. For example, the vegetation has increased significantly, or land use or development changes have taken place in that time.

## 4.7 BUSHFIRE RISK MANAGEMENT PLANS

Bushfire Risk Management Plans are high-level documents prepared outside of the planning process for a particular local government, in collaboration with the Department of Fire and Emergency Services. Bushfire Risk Management Plans have a broader scope and are tenure-blind, providing an overview of the bushfire hazards and risk treatment strategies across a locality to determine wider impacts.

They differ from Bushfire Management Plans in that the latter provide more specific information relating to a particular precinct or lot under development. They are typically prepared by the landowner/proponent to support a planning proposal in a bushfire prone area.

Bushfire Risk Management Plans may be referred to as part of the preparation or review of strategic planning documents, with the intention of establishing synergies between planning proposals and known infrastructure gaps, such as improving road access or the location of evacuation centres through incentivising development in under-resourced areas.

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## 5. APPLYING STATE PLANNING POLICY 3.7

SPP 3.7 and the Guidelines are applicable to every stage of the planning process. It is intended that bushfire planning and management measures be addressed as early as possible in the planning process, with the level of information provided being progressively more detailed.

Table 1 in Section 2.2 provides an overview of how bushfire risk should be addressed at each stage of the planning process, which is addressed in further detail below. The process for developing in bushfire prone areas is outlined in Section 5.4-5.8.

### 5.1 HIGHER ORDER STRATEGIC PLANNING DOCUMENTS IN BUSHFIRE PRONE AREAS

Higher order strategic planning documents such as frameworks, region schemes, sub-regional strategies and sub-regional structure plans should include high level consideration of bushfire risk when identifying land for future investigation and/or potential development. A broad consideration of the potential bushfire risk is required in order to appropriately plan for future urban expansion and essential state infrastructure networks.

These documents are typically the Western Australian Planning Commission's highest level of strategic plans and prepared at a state or regional scale, often for the Perth metropolitan area and large urban centres. They provide a coordinated direction for application of land uses, reserves and infrastructure over more than one local government area in the medium to long term. They are also used as a guide for local planning scheme zones and reservations.

Consideration of bushfire at this level may include the identification of development nodes away from bushfire prone areas, the retention of significant vegetation for conservation purposes or rural areas not suitable for urban development. Such areas will require Bushfire Hazard Level assessments during future strategic planning proposal stages.

### 5.2 STRATEGIC PLANNING PROPOSALS IN BUSHFIRE PRONE AREAS

All bushfire prone areas that exist within the boundary of a strategic planning proposal should be identified to flag where further assessment of a bushfire hazard will be required and highlight the potential for land use conflicts. Existing and proposed land uses within bushfire prone areas, as well as surrounding areas, should also be considered as well as the provision of the appropriate separation distances to bushfire prone vegetation.

#### 5.2.1 REGION PLANNING SCHEME AMENDMENTS

Region schemes outline objectives for regional development and provide a statutory mechanism to assist strategic planning. They also set out broad land use zones. There are currently three region schemes in Western Australia.

When a region scheme is proposed to be amended, it is referred to the Environmental Protection Authority and undergoes public consultation. At this level, it provides one of the most effective means to prevent inappropriate development in unsuitable locations where extreme bushfire hazards exist. A Bushfire Hazard Level assessment is required at this stage to inform the suitability of the area for rezoning and the suitability of proposed future land uses.

Where the Bushfire Hazard Level assessment includes areas that are identified as extreme, the amendment should be referred to the Department of Fire and Emergency Services in relation to bushfire risk management measures. If vegetation removal is proposed to manage the threat, the advice of the Department of Environment Regulation, Department of Parks and Wildlife and the local government should also be sought.

If the planning for the proposed amendment area is advanced to the stage where the future lot layout has already been determined, a BAL Contour Map showing the indicative BAL ratings for each lot should be prepared instead of a Bushfire Hazard Level assessment. In this context a BAL Contour Map provides more detailed information with respect to the extent of the potential impacts on individual lots.

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The supporting documentation for the scheme amendment should identify any issues arising from the bushfire risk assessment/s and consider how compliance with the bushfire protection criteria (Appendix 4) can be achieved in subsequent planning stages. This can be in the form of a Bushfire Management Plan.

### 5.2.2 DISTRICT STRUCTURE PLANS

District structure plans are usually prepared over land that is either not yet zoned for urban land use or development, or on land that requires a guiding framework to ensure coordination is achieved in subsequent stages of the planning process.

A district structure plan shows a more detailed general pattern of development in a particular part of a sub-region. It may include the location of specific land uses such as activity centres, schools and regional or district open spaces as well as district water management requirements, movement networks, and the coordination of regional and district infrastructure provision.

At this level a Bushfire Hazard Level assessment provides the opportunity to prevent inappropriate development in areas where extreme bushfire hazards exist. The Bushfire Hazard Level assessment allows for the identification of potential areas of land use conflict, especially in relation to residential, vulnerable or high-risk land uses. It also identifies bushfire hazard areas which will require further investigation in subsequent planning stages. Where the future lot layout has already been determined, a BAL Contour Map showing the indicative BAL ratings should be prepared, instead of a Bushfire Hazard Level assessment, to provide more detailed information with respect to the extent of the potential impacts on individual lots.

With consideration given to how compliance with the bushfire protection criteria can be achieved in subsequent planning stages, the following issues should be specifically addressed (preferably within a Bushfire Management Plan) as part of the preparation of a district level structure plan that includes bushfire prone areas:

- the location of bushfire prone areas within and adjacent to the structure plan area and the need for further assessment of the risk in such areas;
- the avoidance of land use and development intensification in any areas likely to maintain or generate a hazard level of extreme;

- existing fire fighting infrastructure such as response or suppression capacity, water tanks, brigades etc.;
- the existing and proposed road network and its likely effectiveness in a bushfire emergency;
- biodiversity issues and their interrelationships with bushfire prone areas;
- means of protection for areas with high conservation values to accommodate biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores; and
- the location of any vulnerable or high-risk land uses within identified bushfire prone areas and whether such uses may require management strategies to be prepared.

### 5.2.3 LOCAL PLANNING STRATEGIES

Local planning strategies are required to be prepared under the LPS Regulations 2015 as part of the process of a local planning scheme review, and therefore influence land use and development controls. Local planning strategies link to frameworks, sub-regional structure plans and region planning schemes where they exist providing the foundation for land use decisions for a particular local government area, usually for a period of 10 to 15 years.

Local planning strategies provide the rationale for land use planning decisions at the local level by identifying development constraints and opportunities in a local government area, and balancing these with broader planning considerations as well as the aspirations of the local community.

Local planning strategies should assess bushfire risk alongside other relevant planning matters including environmental, economic and social considerations to holistically inform and shape future expansion, as a precursor to local planning scheme zoning and reservations.

When preparing or reviewing a local planning strategy, local government should refer to the *Map of Bush Fire Prone Areas* to help determine any areas of land use conflict. Where these exist, a Bushfire Hazard Level assessment should be undertaken to inform the suitability of the area for future development. Broad objectives for bushfire risk management should be identified with recommendations and actions to achieve these objectives.

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If a Bushfire Hazard Level assessment has already been prepared at a higher stage of planning, it may be used and updated with more locally specific content at this stage.

The Bushfire Hazard Level assessment should be used to allocate permissible land uses away from extreme hazard areas and flag where further assessment of the bushfire risk is required. Areas where a hazard level of extreme exists or is expected should generally not be identified for further development, intensification or rezoning. Should such an area be identified for development, it should be clearly stated that further bushfire risk management planning is required to reduce the hazard level before development, intensification or rezoning may be considered.

Where relevant, local planning strategies should identify areas where, due to the age and/or general nature of existing development, non-compliance with SPP 3.7 is expected if future development occurs. Enhanced bushfire risk management measures should be incorporated at future planning and development stages to provide improved community protection in the form of improved access, water infrastructure, emergency services and vegetation management.

With consideration given to how compliance with the bushfire protection criteria can be achieved in subsequent planning stages, a local planning strategy should specifically address the following issues:

- the location of bushfire prone areas and the need for further assessment of the hazard in such areas;
- the avoidance of land use and development intensification in any areas likely to maintain or generate a hazard level of extreme;
- fire fighting infrastructure;
- the existing and proposed road network, and its likely effectiveness in a bushfire emergency;
- biodiversity issues, their interrelationships with bushfire prone areas and means of protection for areas with high conservation values; and
- the location of any vulnerable or high-risk land uses within identified bushfire prone areas and whether such uses may require management strategies to be prepared.

## 5.2.4 LOCAL PLANNING SCHEMES AND AMENDMENTS

Local planning schemes provide a mechanism to prevent development in inappropriate locations through suitable zoning and land use permissibility controls, consistent with strategic-level planning documents.

All local planning schemes include the deemed provisions relating to bushfire risk management as set out in the LPS Amendment Regulations 2015 at Schedule 2, Part 10A, Clauses 61(3) 78A–78G. Where considered appropriate, local planning schemes may include additional subdivision and development requirements related to bushfire risk management in line with the policy measures in SPP 3.7 and Planning Bulletin 111/2015, as amended (WAPC 2015). Clause 78B (2) of the LPS Amendment Regulations 2015 specifically acknowledges that requirements relating to development in a bushfire prone area contained within a special control area will apply, in addition to the provisions contained within the LPS Amendment Regulations 2015.

When reviewing a local planning scheme, the zoning tables should be reviewed to ensure that the type of development permissible through the zoning table is compatible with the level of risk associated with any identified bushfire hazard in the local planning strategy. Vulnerable and high-risk land uses within bushfire prone areas should be given special consideration. The locations where these types of uses are not permitted may be listed in a schedule of the local planning scheme in order to establish strengthened bushfire risk management measures. These should form part of a special control area. Where a use is likely to have a hazard level of extreme that cannot be addressed through an amended planning proposal or approval conditions, there may be a need to establish it as a restricted use area.

New local planning schemes and scheme reviews containing bushfire prone areas are to be accompanied by a Bushfire Hazard Level assessment and, where there are areas identified as moderate or extreme, a Bushfire Management Plan. The scheme should be referred to the Department of Fire and Emergency Services for advice as well as the Department of Environment Regulation and the Department of Parks and Wildlife if any vegetation removal is proposed.

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#### 5.2.4.1 LOCAL SCHEME AMENDMENTS WITHIN BUSHFIRE PRONE AREAS

For scheme amendments proposing the rezoning of an area, consideration should be given to whether the rezoning will increase the bushfire risk in that area. Bushfire risk may be increased by introducing higher fuel loads or changing the land use intensity or vulnerability, particularly through increased residential development and settlement.

**Land use intensification in bushfire prone areas refers to proposals that would expose a greater number of individuals to a bushfire. Land use intensification in extreme bushfire hazard areas is strongly discouraged.**

A conservative approach should be taken in relation to any proposed local planning scheme or amendment which proposes to facilitate intensified settlement or development; in particular rural residential subdivisions within a bushfire prone area. All rezoning amendments in bushfire prone areas should be accompanied by a Bushfire Hazard Level assessment. The rezoning proposal should demonstrate that the land proposed to be rezoned has, or can be made to have, a low to moderate bushfire hazard level. For scheme amendments where the potential lot layout is already proposed, a BAL Contour Map showing the indicative BAL ratings is required, instead of a Bushfire Hazard Level assessment, to provide more detailed information with respect to the extent of the potential impacts on individual lots.

The supporting documentation for the scheme amendment should identify any issues arising from the bushfire risk assessment/s and consider how compliance with the bushfire protection criteria can be achieved in subsequent planning stages. This is to be in the form of a Bushfire Management Plan.

Where a local planning scheme amendment has been endorsed by the Western Australian Planning Commission prior to the publication of SPP 3.7 and does not contain bushfire risk management measures, discretion may be required for subsequent determinations based on the precautionary principle in such instances, as the SPP is not intended to be retrospectively applied.

#### 5.2.4.2 SPECIAL CONTROL AREAS WITHIN BUSHFIRE PRONE AREAS

Special control areas are a tool used by local government to identify areas which are significant for a particular reason and where special provisions may need to apply. They are shown on the scheme map in addition to the zones and reserves that apply to the land, essentially creating a layer that operates as an overlay to the scheme map. In this regard, a local planning scheme amendment may be initiated to create special control areas that provide for special consideration of bushfire-related issues within specific locations.

This might include the provision of:

- more detailed bushfire hazard mapping where it exists, to the extent it is consistent with the *Map of Bush Fire Prone Areas*; and/or
- additional requirements in relation to bushfire risk assessment and management, for instance, the provisions could require that all Bushfire Management Plans, Bushfire Hazard Level and BAL assessments are prepared by an accredited individual.

The special control area provisions should set out the purpose and objectives of the special control area, any specific development requirements, the process for referring applications to relevant agencies and matters to be taken into account in determining development proposals. Local governments proposing to initiate a special control area for bushfire purposes are encouraged to liaise with the Western Australian Planning Commission and the Department of Fire and Emergency Services prior to lodging their scheme amendment.

#### 5.2.4.3 USING LOCAL PLANNING POLICIES TO ADDRESS BUSHFIRE

Local planning policies are prepared by local governments to help inform and guide the preparation, assessment and discretionary decision-making of planning applications at the local government level. Local planning policies relating to bushfire risk management can complement a local planning scheme's bushfire provisions. This includes the deemed provisions relating to bushfire risk management and may be used as a means of clarifying the application of SPP 3.7 and the Department of Fire and Emergency Services requirements for a particular locality.

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Local planning policies do not form part of a local planning scheme and have no statutory weight. As such, they cannot be used to establish mandatory development requirements or override scheme provisions. However, they may be given 'due regard' in planning decision-making. Local governments may choose to adopt additional bushfire scheme provisions if they wish to impose mandatory development requirements to strengthen bushfire protection measures within their locality.

In a bushfire planning context it is recognised that carefully drafted local planning policies may be useful to provide additional guidance or locally specific acceptable solutions in addition to those contained in the bushfire protection criteria (Appendix 4). For example, they may include particular fuel loads and fire break requirements that are not appropriate for inclusion in a mandatory scheme provision.

Local governments are encouraged to refer their local planning policies that address bushfire issues to the Western Australian Planning Commission and the Department of Fire and Emergency Services for advice prior to being adopted and implemented. In finalising the draft local planning policy, the local government is to consider any advice received and incorporate it into the final document. If advice is not incorporated and the local planning policy is made inconsistent with SPP 3.7 or these Guidelines, then SPP 3.7 and these Guidelines will prevail in any areas of conflict or interpretation. In such instances, the local planning policy will be open to legal challenge in addition to any right of review as provided for under Part 14 of the *Planning and Development Act 2005*.

### 5.2.5 LOCAL STRUCTURE PLANS AND MASTER PLANS

Local structure plans are non-statutory documents that are to be given 'due regard' in decision-making. Structure plans are approved by the Western Australian Planning Commission. Any subdivision or development application is generally required to be in accordance with an approved structure plan.

Structure plans are to be accompanied by a Bushfire Management Plan, which includes a Bushfire Hazard Level assessment or BAL Contour Map. In most cases, as

the lot layout will be already determined, a BAL Contour Map showing the indicative BAL ratings will be more appropriate as this can provide more detailed information with respect to the extent of the potential impacts on individual lots. It is strongly recommended that the Bushfire Management Plan is prepared by an accredited Bushfire Planning Practitioner. It is important that structure plans consider the requirements of the bushfire protection criteria at this level, to ensure that Hazard Separation Zones and Asset Protection Zones can be established at a subsequent planning stage.

Specifically, the following issues should be addressed in the Bushfire Management Plan as part of the preparation of a structure plan that includes bushfire prone areas:

- location of bushfire prone areas within and adjacent to the structure plan area and the need for further assessment of the risk in such areas;
- avoidance of land use and development intensification in any areas likely to maintain or generate a hazard level of extreme;
- existing fire fighting infrastructure such as response or suppression capacity, water tanks, brigades etc.;
- existing and proposed road network, its' likely effectiveness in a bushfire emergency, and any gaps in the local access network from a bushfire safety perspective;
- biodiversity issues and their interrelationships with bushfire prone areas;
- means of protection for areas with high conservation values to accommodate biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores;
- accommodation of biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores; and
- location of any vulnerable or high-risk land uses within identified bushfire prone areas and whether such uses may require management strategies to be prepared.

Where staged development is proposed, structure plans should make provision for all bushfire protection criteria to be met during all stages of development. That is, bushfire risk management should not be conditional to a subsequent stage being developed. Any applicable staging plan, as well as local development plan, should ensure that development can be logically progressed and the overall bushfire risk managed. Specifically,

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the structure plan should identify and avoid pockets of development within unmanaged bushland, include the location of all access roads in and out of the development, and allow sufficient vegetation modification and/or clearing to ensure all lots within the approved stages are reasonably protected from bushfire hazards.

Where the opportunity arises, bushfire risk management measures could be established to enhance community resilience for surrounding development, such as the provision of an additional access road or increased water availability for fire fighting.

Where a structure plan has been endorsed by the Western Australian Planning Commission prior to the publication of SPP 3.7 and does not contain bushfire risk management measures, discretion may be required for subsequent approvals based on the precautionary principle. Where little or no subdivision has taken place and/or the majority of the area is yet to be developed, the local government are advised to work with the proponent to consider best practice in bushfire risk management and amend the designs to achieve outcomes that align with policy objectives of SPP 3.7 and these Guidelines where possible.

## 5.3 SUBDIVISION IN BUSHFIRE PRONE AREAS

A well-designed subdivision can greatly reduce the exposure of people, property and infrastructure to bushfire hazard areas and assist in bushfire risk management during a bushfire event.

Subdivision proposals should be used as an opportunity to consider the location, siting and design, and infrastructure available to the lots to achieve a combination of bushfire protection measures.

Subdivisions in bushfire prone areas should:

- be located within close proximity to existing settlements and/or within existing cleared areas;
- minimise the interface between the subdivision area and the bushfire hazard;
- avoid placing residential development on steep slopes;
- provide for at least two safe access routes;

- consider landscape plans to ensure public open space and reserves avoid increasing the threat of bushfire to new properties;
- carefully consider the creation of vegetation corridors where they may enable a passage of fire to enter the subdivision area;
- consider establishing or retaining recreational areas to have a dual purpose as public refuge areas and/or separation areas;
- have access to adequate water and infrastructure; and
- new development should be located in existing cleared areas wherever possible to minimise exposure to the bushfire hazard and avoid the need for further vegetation clearing.

### 5.3.1 APPLYING FOR SUBDIVISION

All subdivision applications in bushfire prone areas are to be lodged with a Western Australian Planning Commission Application Form 1A that ticks the box 'bushfire prone area' and is to be accompanied by a BAL Contour Map that indicates the likely BALs for the proposed lots. If a BAL Contour Map does not exist then a BAL assessment for each individual lot may be used on smaller scale subdivisions. A BAL assessment for smaller subdivisions may be more cost effective than producing a BAL Contour Map. If a Bushfire Hazard Level assessment was prepared at an earlier stage, this should also be included.

Bushfire hazard issues arising from the BAL Contour Map should be identified and an assessment undertaken against the bushfire protection criteria of these Guidelines. If all of the proposed lots have a BAL-LOW indicated, a Bushfire Management Plan is not required.

If the BAL Contour Map or BAL assessment indicates any lots will have a BAL-12.5 to BAL-29, a Bushfire Management Plan is required to be submitted with the subdivision application. The subdivision of lots where a BAL-40 or BAL-FZ will apply should only be considered if it meets the definition of unavoidable development. If a Bushfire Management Plan was prepared in a prior planning stage, it may be used if current (refer to section 4.6) and updated with the appropriate level of detail.

Lot layout should provide for adequate separation from existing or proposed buffers for wetlands, foreshores and other conservation areas. Where revegetation is

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required, consideration should be given to the bushfire threat implications of a fully vegetated area. Agreements between neighbouring landowners/proponents in order to meet a specific BAL rating are not supported, as approvals relate to the subject property and there is no legal basis for the decision-maker or any other public agency to enforce compliance by the adjoining landowner/proponent. However, exceptional circumstances will be considered where hazard separation areas are already in place (such as maintained parks and gardens or low threat vegetation as defined in AS 3959).

In a staged subdivision, at least two access routes (public roads) providing safe access or egress to two different destinations and all emergency access ways should be constructed in the first stage. Lots should either include a 100 metre buffer to bushfire prone vegetation or comply with the bushfire construction requirements of the Building Code of Australia appropriate to the current BAL rating (with the exception of BAL-40 or BAL-FZ which are not acceptable on planning grounds). This applies regardless of whether there are any stages to be constructed in the future, or if adjoining land is to be developed at a later time and that would result in a reduction in the current BAL rating of the existing lots. As long as the hazard exists, the bushfire construction requirements of the current BAL apply.

Where subdivision proposals contain features that do not comply with the acceptable solutions in the bushfire protection criteria (i.e. alternative solutions are proposed), the proposal should only be supported where the landowner/proponent provides written advice in support of the proposal from the relevant local government and the Department of Fire and Emergency Services. Subdivision applications that propose to create lots where construction levels of BAL-40 or BAL-FZ would be necessary are unlikely to be supported unless they meet the definition of unavoidable development.

When a subdivision has been designed in accordance with an endorsed structure plan that did not include consideration of bushfire risk, the decision-maker will need to apply the precautionary principle in determining the application, having regard to SPP 3.7 and the bushfire protection criteria contained in these Guidelines. There may be situations where information becomes available subsequent to the approval of structure plans which warrant planning measures being taken to address previously unidentified hazards. This may include refusal of subdivision deemed inappropriate on the grounds of bushfire risk.

### 5.3.2 BUSHFIRE SUBDIVISION CONDITIONS

Policy measure 6.10 refers to the Western Australian Planning Commission's ability to impose conditions relating to bushfire risk management on subdivision applications. The Western Australian Planning Commission has a set of model subdivision conditions and advice notes that are typically applied to subdivision approvals.

The following type of condition may be imposed:

- **prepare and implement an approved detailed plan demonstrating the location and capacity of fire emergency infrastructure.** This condition ensures the provision of fire emergency infrastructure in new streets.
- **that a notification on title be placed on proposed lots that are in a designated bushfire prone area and may be subject to a Bushfire Management Plan.** This condition ensures that landowners/proponents (and prospective purchasers) are aware that their lot is in a designated bushfire prone area. The notification on title is only required for new lots created where BAL-12.5 or above is indicated on the BAL Contour Map. If a Bushfire Management Plan was required as a condition of the subdivision or has accompanied a subdivision application, the notification on title may also include that the site is subject to a Bushfire Management Plan.
- **complete a compliance certificate/report for the BAL Contour Map relating to the approved subdivision, before the issuing of titles.** This condition allows any future decision-makers to have confidence that a BAL Contour Map, prepared prior to the approval of a subdivision application is still valid for use at future development or building permit application stages.

It should be noted that the Western Australian Planning Commission has the discretion to include additional bushfire risk management related conditions in addition to the types listed above.

### 5.3.3 CLEARING OF CONDITIONS FOR AN APPROVED SUBDIVISION

This stage of the planning process involves clearing subdivision conditions applied by the Western Australian Planning Commission. Local government plays an

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important role in this process as the clearing agency for the majority of subdivision conditions.

The local government or relevant decision-maker is responsible for contacting the Office of Bushfire Risk Management to advise of any changes to the *Map of Bush Fire Prone Areas* arising as a result of the development, as per the annual review procedures outlined in the *Mapping Standard for Bush Fire Prone Areas*.

## 5.4 DEVELOPMENT APPLICATIONS IN BUSHFIRE PRONE AREAS

All development applications<sup>5</sup> in bushfire prone areas are to be accompanied by a BAL assessment. Where a BAL Contour Map has been prepared for the subject site for a previous subdivision approval, this may be used in place of a BAL assessment providing it is at a scale that is appropriate for the development (refer to Appendix 3). BAL Contour Maps should be prepared by an accredited Bushfire Planning Practitioner, while BAL assessments should be completed by an accredited Level 1 BAL Assessor or an accredited Bushfire Planning Practitioner. A BAL assessment completed by an individual other than an accredited person in accordance with AS 3959, may be approved if the development is for a single house or ancillary dwelling on land that is located more than 50 kilometres from a gazetted town site or in accordance with section 3.2.1, at the discretion of the decision-maker.

The LPS Amendment Regulations 2015 and SPP 3.7 specifically exclude development applications for single houses and ancillary dwellings on a lot or lots less than 1,100m<sup>2</sup> from requiring further assessment. In these situations, planning can only play a limited role in reducing the bushfire risk to those properties. Where lots of less than 1,100m<sup>2</sup> have already been created, the application of the appropriate construction standard at the building permit stage is the instrument used to reduce the residual bushfire risk to those properties. In all instances, the assessment of future planning proposals will aim to ensure that lots are not created in areas that pose an unacceptable risk to property.

The development application is to include:

- a BAL Contour Map or a BAL assessment;
- the identification of any issues arising from the BAL Contour Map or BAL assessment; and
- an assessment against the bushfire protection criteria contained within these Guidelines demonstrating compliance within the boundary of the development application.

When assessing development applications in bushfire prone areas decision-makers are to consider:

- the existing requirements of the relevant scheme;
- the objectives and policy measures contained in SPP 3.7 and these Guidelines, including the bushfire protection criteria;
- any existing Bushfire Hazard Level assessment, BAL Contour Map, BAL assessment or similar existing document in relation to the subject site;
- any applicable or indicative BAL for the subject site;
- the vulnerability or high risk nature of the land use;
- the proximity of the site to existing settlement areas;
- the capacity of existing fire fighting infrastructure; and
- any existing local biodiversity strategy or conservation plan.

Where all bushfire protection criteria contained in these Guidelines have been met, the development application is considered to be compliant with the requirements of SPP 3.7. Compliance with the bushfire protection criteria will be required in all instances, unless the proposal is considered to be minor development or unavoidable development in accordance with policy measure 6.7.

### 5.4.1 MINOR DEVELOPMENT IN AREAS WHERE BAL-40 OR BAL-FZ APPLIES

Minor development<sup>6</sup> as outlined in policy measure 6.7.1 of SPP 3.7 refers to the development of land on an existing lot in a predominantly residential built-out area, that may or may not have been subject to consideration of bushfire threat in the past, and for which compliance with SPP 3.7 cannot be achieved. In most cases, this type

<sup>5</sup> Excluding development applications for single houses and ancillary dwellings on a lot or lots less than 1,100m<sup>2</sup>

<sup>6</sup> LPS Amendment Regulations 2015 exclude development applications for single houses and ancillary dwellings on a lot or lots less than 1,100m<sup>2</sup>.

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of development will be constrained by pre-existing lot layout and nearby existing land uses. Consequently, each proposal should be given a merit-based assessment based on the principles outlined in policy measure 6.7.1.

In addition to the requirements for development applications, an application should demonstrate to the fullest extent possible how the bushfire protection criteria have been addressed and provide justification for any criteria that cannot be fully met. It is not sufficient to simply state that the criteria cannot be met. The desire for views or privacy may also conflict with the objectives of SPP 3.7; however, the siting of buildings should always be optimised to reduce the impact of bushfire.

The precautionary principle remains applicable to minor development applications. It may be that some sites have poor access, inadequate water supply, are in a remote location or on sloping topography which would pose an unacceptable risk even if the development was constructed to AS 3959. In these instances, there is a strong argument for refusal of the proposal even when it meets the definition of minor development. However, each case will be assessed on its merit.

Over time, existing developments may be re-purposed to accommodate another land use. Applications for a change of land use in bushfire prone areas requires consideration of whether land use intensification will occur and therefore require upgrades to water infrastructure or access routes, and so on. The precautionary principle should be applied in such instances to ensure that a change of land use does not increase the risk of bushfire impacting on people or property.

## 5.5 PROPOSING A VULNERABLE LAND USE IN A BUSHFIRE PRONE AREA

Policy measure 6.6 of SPP 3.7 applies to vulnerable and high-risk land uses. Typically, vulnerable uses are those that are considered to have occupants with a lesser capacity to respond in the event of a bushfire and that may present evacuation challenges. Such uses include hospitals, nursing homes and retirement villages, tourist accommodation including camping grounds and eco-tourism, childcare centres, educational establishments, places of worship and corrective institutions. This definition may also encompass places of assembly, retail and

office premises as well as subsidiary uses of residential development, such as family day care centres or home businesses, and essential infrastructure such as energy, transport, telecommunications and other utilities.

SPP 3.7 requires assessment against the bushfire protection criteria as well as the creation of a Bushfire Management Plan, which includes an emergency evacuation plan for residents<sup>7</sup>. The intent of this policy measure is to recognise that such sites require special consideration when located in bushfire prone areas. This will ensure that bushfire risk management is sufficiently addressed in the planning assessment of these land uses. If a structure plan has already addressed the vulnerable or high-risk land use and applied risk treatment measures, the Bushfire Management Plan may be updated to reflect these.

When proposing a vulnerable land use in a bushfire prone area, a suitably qualified Fire Engineer and an accredited Level 3 Bushfire Planning Practitioner – Performance should collaborate to design an appropriate planning proposal and Bushfire Management Plan. The Department of Fire and Emergency Services should endorse their approach.

Local governments should consider strengthening existing scheme provisions and zoning table permissibilities for vulnerable land uses within bushfire prone areas. For example, such uses could be listed in a schedule that forms part of a special control area in order to prescribe additional bushfire risk management requirements. The Department of Fire and Emergency Services advice should be sought during the development of this process.

## 5.6 PROPOSING A HIGH-RISK LAND USE IN A BUSHFIRE PRONE AREA

SPP 3.7 recognises that vegetation is not necessarily the only fuel in a bushfire event and that certain land uses may potentially ignite a bushfire, prolong its duration, or increase its intensity. Such uses may also expose the community, fire fighters and the environment to dangerous, uncontrolled substances during a bushfire event. High-

<sup>7</sup> Evacuation Planning Handbook 4, 3rd Edition (2013), produced by the Australian Emergency Management Institute of the Commonwealth Attorney Generals Department may be a useful reference in this regard.

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risk land uses may include, but are not limited to: service stations, landfill sites, bulk storage of hazardous materials, fuel depots and certain heavy industries as well as military bases, power generating land uses, saw-mills, highways and railways, among other uses meeting the definition.

Proposals for non-residential, high-risk land uses in bushfire prone areas are to comply with policy measure 6.6 which requires a Bushfire Management Plan jointly endorsed by the local government and the Department of Fire and Emergency Services. This may include establishing an appropriate Asset Protection Zone or Hazard Separation Zone, and should be supported by a risk management plan that addresses bushfire risk management measures for any flammable on-site hazards. It may determine that a reduction in on-site flammable material or appropriate storage of such material, would be required to reduce the threat, among other considerations.

Local governments should consider identifying high-risk land uses as restricted uses in a schedule of a special control area in order to establish strengthened bushfire risk management measures for such uses.

The bushfire construction requirements of the Building Code of Australia only apply to certain types of residential buildings (being Class 1, 2 or 3 buildings and/or Class 10a buildings or decks associated with a Class 1, 2 or 3 building) in designated bushfire prone areas. As such, AS 3959 does not apply to all buildings. Only vulnerable or high-risk land uses that fall within the relevant classes of buildings as set out in the Building Code of Australia will be required to comply with the bushfire construction requirements of the Building Code of Australia. As such, the planning process focuses on the location and siting of vulnerable and high risk land uses rather than the application of bushfire construction requirements.

## 5.7 UNAVOIDABLE DEVELOPMENT IN A BUSHFIRE PRONE AREA

SPP 3.7 policy measure 6.7.2 states there is a presumption against approving any strategic planning proposal, subdivision or development application<sup>8</sup> that will result in the introduction or intensification of development or land use in an area that has or will, on completion, have an extreme bushfire hazard level and/or where BAL-40 or BAL-FZ applies unless it meets the definition of unavoidable development.

For the purposes of this policy, unavoidable development is defined as *“development that in the opinion of the decision-maker represents exceptional circumstances where full compliance with SPP 3.7 would be unreasonable as no alternative location exists and it can be proven that it is not contrary to the public interest”*. In all instances, the intent of the bushfire protection criteria, as outlined in these Guidelines, should be met.

There would be an extremely limited number of proposals deemed unavoidable development. For example, proposals for intensification of development or land uses, such as rural-residential development or an increase in residential densities would not be considered unavoidable development.

Unavoidable development may include critical State infrastructure such as railway lines, telecommunication facilities, electricity infrastructure and associated development, development associated with the preservation of historical or cultural sites, or emergency services such as evacuation centres, fire stations/brigades, police or ambulance facilities.

Applications for unavoidable development will only be supported where they meet the policy requirements of SPP3.7. It is the landowner/proponent’s responsibility to justify why their proposal should be considered as unavoidable development. In such cases the proponent must also identify how significant reductions in the bushfire risk level to the community can be achieved. In addition, provide a clear indication of the benefits and how these outweigh the costs to adjacent landowners/proponents, government and the general community. The application must also be accompanied by a Bushfire Management Plan jointly endorsed by the relevant local government and the Department of Fire and Emergency Services. In

<sup>8</sup> Excluding development applications for single houses and ancillary dwellings on a lot or lots less than 1,100m<sup>2</sup>

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the absence of sufficient justification the proposal will not be supported.

## 5.8 PLANNING APPROVALS AND BUILDING PERMITS IN WESTERN AUSTRALIA

Given the strong relationship between planning and building to development in bushfire prone areas, this section identifies the operational stages of the planning process as it relates to development applications on individual lots. Specific enquiries on the building permit stage should be directed towards the relevant local government's building department.

Under the *Building Act 2011* and its associated *Building Regulations 2012*, the majority of development in Western Australia requires a building permit before construction can commence. This process typically occurs after the planning process. The building legislation also adopts the Building Code of Australia as the minimum technical requirements for the design and construction of buildings and certain other structures in Western Australia. The Building Code references a number of other documents, such as Australian Standards, as ways of demonstrating compliance with the mandatory performance requirements.

### 5.8.1 HABITABLE BUILDINGS AND SPECIFIED BUILDINGS

The LPS Amendment Regulations 2015 specifically require development involving single houses or ancillary dwellings on sites of 1,100m<sup>2</sup> or greater, and any other habitable and specified buildings regardless of lot size, to undertake a BAL assessment where a BAL Contour Map does not exist. Development approval is required where the BAL is BAL-40 or BAL-FZ (Figures 8 and 9). This applies regardless of whether any existing exemptions under the scheme exist. If planning approval is required it should be obtained prior to submitting the building permit application.

The LPS Amendment Regulations 2015 specifically exempt alterations, extensions and additions from requiring planning approval.

### 5.8.2 RESIDENTIAL BUILDINGS (CLASS 1, 2 OR 3 BUILDINGS AND ASSOCIATED CLASS 10A BUILDINGS AND DECKS) IN BUSHFIRE PRONE AREAS

The Building Code of Australia contains bushfire construction requirements that are applied to residential classes of development, being Class 1, 2, 3 buildings in designated bushfire prone areas, or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in designated bushfire prone areas. In general, the Building Code requires these buildings to be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the potential for ignition from burning embers, radiant heat and flame, and the intensity of the bushfire attack on the building.

The Building Code of Australia references AS 3959 as a deemed to satisfy solution that provides one way of demonstrating compliance with the Building Code's bushfire performance requirements. AS 3959 provides specific construction requirements for buildings in bushfire prone areas to improve resistance to bushfire attack setting out:

- the process of assessing and determining a BAL; and
- applicable construction requirements for a building, based on the assigned BAL.

The bushfire construction requirements of the Building Code of Australia are only triggered for applicable classes of buildings when those buildings are located in a bushfire prone area designated under law (refer to Part 3: Identifying bushfire prone areas). Once an area is identified as being a designated bushfire prone area, the person responsible for building works (i.e. the builder named on the building permit) is responsible for ensuring that the building complies with the bushfire construction requirements of the Building Code. The local government has the necessary statutory power to enforce these requirements.

The registered building surveyor for a Class 1, 2 or 3 building in designated bushfire prone area, or 10a building or deck associated with Class 1, 2 or 3 building in designated bushfire prone area, may require the preparation of a BAL assessment under the requirements of the Building Code of Australia to determine relevant construction provisions as part of the building approval process. Where a BAL Contour Map exists for a previous subdivision approval, this may be used in place of a site-

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specific BAL assessment at the discretion of the registered building surveyor.

An accredited Level 1 BAL Assessor or Bushfire Planning Practitioner may only provide general advice on the bushfire construction requirements contained in AS 3959. Specific queries regarding bushfire construction requirements should be directed to a registered building surveyor, who is required to certify compliance with the Building Code of Australia, including any bushfire construction requirements. The relevant local government's building department or the Building Commission may be contacted for general information on the application of AS 3959.

For development of Class 1, 2 or 3 buildings or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in a bushfire prone area, the bushfire construction requirements of the Building Code of Australia will be applied at the building permit stage irrespective of the planning assessment process.

### 5.8.3 ALL OTHER BUILDINGS (CLASS 4 TO CLASS 9 BUILDINGS)

In the local planning scheme, Class 4 to Class 9 buildings usually require planning approval. The planning process will apply the bushfire protection criteria to ensure that the optimal outcome is achieved for bushfire protection, such as appropriate siting of the building on the lots/s, the provision of water tanks and passing bays, and so on.

The bushfire construction provisions of the Building Code of Australia do not apply to Class 4 to Class 9 buildings. In these instances the applicant has the discretion to utilise any or all of the elements of AS 3959 in the construction of the building that they deem appropriate.

### 5.8.4 SHEDS AND DECKS (CLASS 10A)

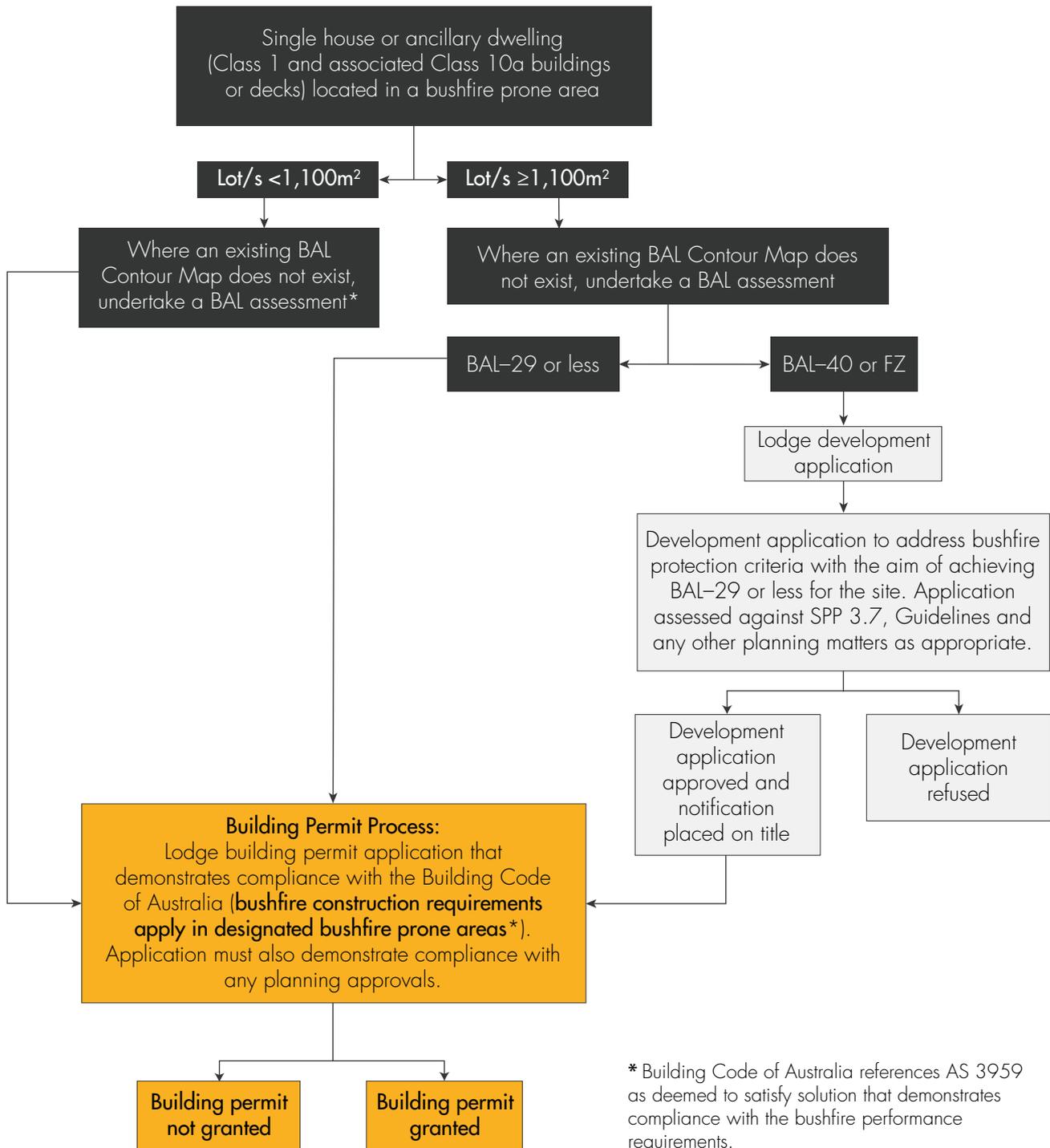
Under the LPS Amendment Regulations 2015, unless a shed is a specified building or is used for a habitable purpose, planning approval in BAL-40 or BAL-FZ is not required.

Typically, when a shed is associated with a dwelling it may be classed as a Class 10a structure under the Building Code of Australia. This requires the bushfire construction requirements of the Building Code to be applied through the building permit process.

For a non-habitable shed not associated with a dwelling, no planning approval is required unless the scheme requires it. Similarly, the bushfire construction requirements under the Building Code of Australia do not apply if the shed is not associated with the main dwelling. Therefore, an Asset Protection Zone is not required in these instances.

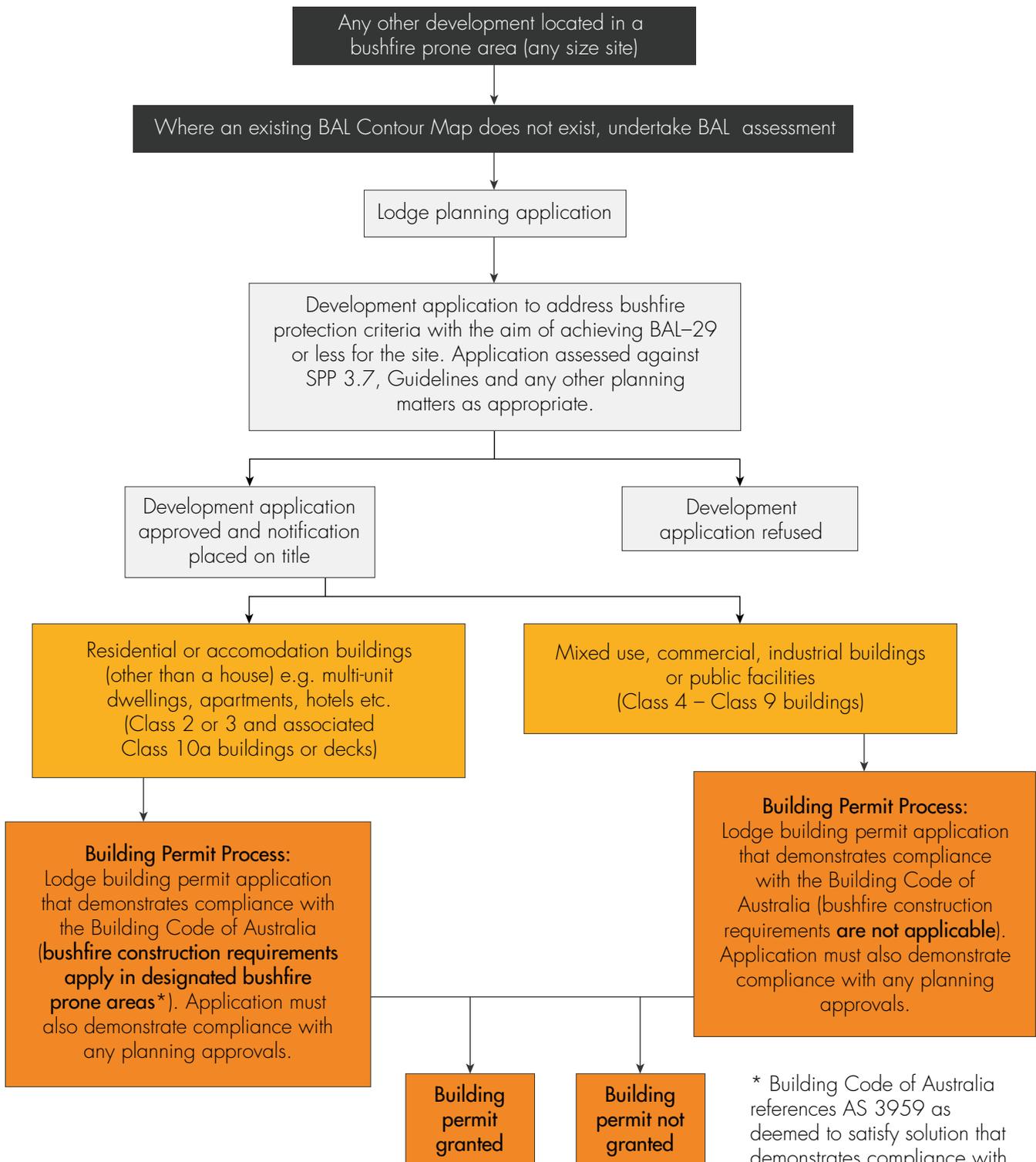
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Figure 8: Application process for single houses and ancillary dwellings in designated bushfire prone areas



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Figure 9: Application processes for all other buildings in designated bushfire prone areas



\* Building Code of Australia references AS 3959 as deemed to satisfy solution that demonstrates compliance with the bushfire performance requirements.

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## 5.9 OTHER BUSHFIRE PROTECTION MEASURES NOT COVERED IN THE BUSHFIRE PROTECTION CRITERIA

### 5.9.1 PRIVATE BUSHFIRE SHELTERS (BUSHFIRE BUNKERS)

The installation of a well-designed and constructed private bushfire shelter has the potential to provide a level of protection from a bushfire while the fire front passes. However, private bushfire shelters are not a stand-alone solution and they will not guarantee elimination of the risk of serious injury or fatality, and their use should be considered with extreme caution. The existence of a private bushfire shelter does not remove the need for the policy objectives and measures of SPP 3.7, these Guidelines or building construction standards to be applied to the site.

The 2009 Victorian Bushfires Royal Commission stated that *“extreme caution should be taken in the use of bushfire bunkers as part of a household’s fire plan. While a well-designed and constructed bunker may provide a temporary place of refuge during the passage of the fire front, bunkers are not a panacea. Misplaced reliance on a bunker can be life threatening”*.

Currently, the Building Code of Australia classifies private bushfire shelters as a non-habitable Class 10c structure. The Building Code contains performance requirements that apply to the construction of private bushfire shelters. Where a private bushfire shelter is installed, it must comply with the requirements of the Building Code of Australia. The construction of a private bushfire shelter would generally require the granting of a building permit.

### 5.9.2 ADDITIONAL MITIGATION MEASURES

Some landowners/proponents may wish to consider additional mitigation measures. Such systems may reduce the chances of ignition of the building during a bushfire. If a landowner/proponent chooses to consider additional mitigation measures, they should be manufactured and installed in accordance with appropriate standards. These measures are not considered to be an alternative solution on their own and would be in addition to the requirements set out in SPP 3.7 and these Guidelines.

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## 6. ROLES AND RESPONSIBILITIES

The management of bushfire related risk is the shared responsibility of landowners/proponents, government, industry and the community. This section summarises the key responsible authorities and stakeholders, and their respective responsibilities in implementing SPP 3.7. It also outlines the functions that professionals accredited under the Western Australia Bushfire Accreditation Framework may undertake.

### 6.1 LANDOWNERS/PROponents

Landowners/proponents prepare planning and building applications and provide information to support their application. They may be landowners/proponents or consultants acting on behalf of a landowner/proponent, such as a planning consultant, accredited Bushfire Planning Practitioner or property developer. Landowners/proponents should consult closely with the decision-making authority during all stages of the planning process in bushfire prone areas to minimise the risk to an acceptable level in line with SPP 3.7, these Guidelines and any other applicable bushfire related requirements. Landowners/proponents' responsibilities in addressing SPP 3.7 and these Guidelines include:

- being aware of the bushfire risk potentially affecting their property, with an understanding that bushfire threat can never be fully removed;
- seeking to prepare a Bushfire Hazard Level assessment, BAL Contour Map and/or BAL assessment to support their application where required. These should be prepared by an accredited Level 1 BAL Assessor or accredited Bushfire Planning Practitioner;
- providing applications that are supported by sufficient technical analysis of the site's bushfire risk in the form of a Bushfire Management Plan prepared by an accredited Bushfire Planning Practitioner, where required;
- consulting with the Department of Fire and Emergency Services in relation to any elements of their proposal that do not conform to the acceptable solutions in the bushfire protection criteria or where a performance-based assessment is proposed;

- consulting with the Department of Environment Regulation in relation to any clearing permit requirements ahead of lodging a planning application;
- consulting with the Department of Parks and Wildlife in relation to potential Environmentally Sensitive Areas or areas with significant environmental conservation values;
- consulting with local government in relation to locally significant native vegetation and other planning requirements;
- consulting with the Department of Water for proposals abutting waterways or which have other water resources implications;
- ensuring the ongoing implementation of any Bushfire Management Plan applying to their property;
- preparing and implementing contingency measures in the event a bushfire should occur onsite; and
- responding to and complying with fire protection or hazard management notices issued by the local government.

### 6.2 LOCAL GOVERNMENTS

Local governments have the following responsibilities in relation to the implementation of SPP 3.7 and these Guidelines:

- ensuring local planning instruments, including strategies, schemes, scheme amendments and structure plans consider and address areas identified on the *Map of Bush Fire Prone Areas*;
- advising the Office of Bushfire Risk Management of amendments required to the *Map of Bush Fire Prone Areas* in accordance with the *Mapping Standard for Bush Fire Prone Areas* where:
  - there is no apparent bushfire prone vegetation;
  - there are inconsistencies between the *Map of Bush Fire Prone Areas* and local government mapping, and/or;
  - where an area is proposed to be developed in a way that introduces a bushfire hazard, for example it incorporates the revegetation of wetlands or foreshores;
- administering development controls in accordance with the local planning scheme, with due regard to SPP 3.7 and other policies and publications outlined in these Guidelines;

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- applying the precautionary principle to development in areas with extreme bushfire hazard levels;
- seeking Western Australian Planning Commission and the Department of Fire and Emergency Services comments and advice in relation to bushfire local planning policies;
- ensuring related documents, such as biodiversity strategies, address and respond to the bushfire provisions of the local planning scheme;
- ensuring Bushfire Management Plans lodged to support strategic planning proposals, subdivision and development applications align with the objectives and measures of SPP 3.7 and these Guidelines, in consultation with the Department of Fire and Emergency Services in situations outlined in section 6.5 in these Guidelines;
- where land subject to a planning proposal is vested in the control of the local government, ensuring Bushfire Hazard Level assessments, BAL Contour Maps, BAL assessments and/or Bushfire Management Plans are prepared in accordance with SPP 3.7 and these Guidelines. These should be prepared by an accredited Level 1 BAL Assessor or accredited Bushfire Planning Practitioner, as appropriate;
- for proposals that do not comply with the acceptable solutions of the bushfire protection criteria, the local government request a performance-based assessment, liaising with the Department of Fire and Emergency Services for advice;
- referring proposals that have significant environmental implications to the Environmental Protection Authority, and proposals abutting Department of Parks and Wildlife managed land to the Department of Parks and Wildlife, and proposals abutting waterways or which have other water resource implications to the Department of Water;
- providing advice where the clearing of locally significant vegetation is proposed;
- seeking compliance with Bushfire Management Plans, including the annual issuing of Firebreak Notices under section 33 of the *Bush Fires Act 1954*;
- issuing of building permits (where they are the permit authority); and
- certifying uncertified building permit applications.

## 6.3 WESTERN AUSTRALIAN PLANNING COMMISSION

The Western Australian Planning Commission has responsibilities including the following in relation to the implementation of SPP 3.7 and these Guidelines:

- assessing and determining strategic planning proposals, subdivision and development applications in accordance with SPP 3.7 and these Guidelines;
- applying the precautionary principle to rezoning, subdivision or development in areas with extreme bushfire hazard levels;
- ensuring higher order strategic planning documents and strategic planning proposals identify bushfire prone areas and establish controls that can be implemented through the local planning scheme;
- assessing proposed local government supplementary provisions to the deemed provisions relating to bushfire risk management contained in the LPS Amendment Regulations 2015 in consultation with the Department of Fire and Emergency Services, if required;
- advising the Office of Bushfire Risk Management of amendments required to the *Map of Bush Fire Prone Areas* in accordance with the *Mapping Standard for Bush Fire Prone Areas* including where an area is proposed to be developed in a way that introduces a bushfire hazard, for example, it incorporates the revegetation of wetlands or foreshores;
- ensuring a Bushfire Planning Practitioner undertakes Bushfire Hazard Level assessments, BAL Contour Mapping and/or BAL assessments where land subject to a planning proposal is vested in the control of the Western Australian Planning Commission; and
- monitoring the implementation and effectiveness of SPP 3.7 and these Guidelines.

## 6.4 DEPARTMENT OF PLANNING

The Department of Planning has the following responsibilities in relation to the implementation of SPP 3.7 and these Guidelines:

- ensuring regional planning instruments determined or developed under delegated authority, including strategies, schemes and scheme amendments and structure plans consider and address areas identified on the *Map of Bush Fire Prone Areas*;

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- advising the Office of Bushfire Risk Management of amendments required to the *Map of Bush Fire Prone Areas* in accordance with the *Mapping Standard for Bush Fire Prone Areas* where an area is proposed to be developed in a way that introduces a bushfire hazard, for example, it incorporates the revegetation of wetlands or foreshores;
- assessing and recommending strategic planning proposals, subdivision and development applications under delegated authority in accordance with SPP 3.7 and these Guidelines;
- seeking the Department of Fire and Emergency Services comments and advice in relation to bushfire local planning policies;
- ensuring Bushfire Management Plans lodged to support strategic planning proposals, subdivision and development applications align with the objectives and measures of SPP 3.7 and these Guidelines, in consultation with the Department of Fire and Emergency Services in situations outlined in section 6.4 in these Guidelines;
- for proposals that do not comply with the acceptable solutions of the bushfire protection criteria, the local government request a performance-based assessment, liaising with the Department of Fire and Emergency Services for advice;
- referring proposals that have significant environmental implications to the Environmental Protection Authority, and proposals abutting Department of Parks and Wildlife managed land to Department of Parks and Wildlife, and proposals abutting waterways or which have other water resource implications to the Department of Water;
- applying the precautionary principle to rezoning, subdivision or development in areas with extreme bushfire hazard levels under delegated authority;
- ensuring sub-regional structure plans and local planning strategies identify bushfire prone areas and establish controls that can be implemented through the local planning scheme;
- assessing proposed local government supplementary provisions to the deemed provisions relating to bushfire risk management contained in the LPS Amendment Regulations 2015 in consultation with the Department of Fire and Emergency Services, if required; and
- monitoring the implementation and effectiveness of SPP 3.7 and these Guidelines.

## 6.5 DEPARTMENT OF FIRE AND EMERGENCY SERVICES

The Fire and Emergency Services Commissioner is responsible for designating bushfire prone areas for the purpose of triggering planning and building requirements under the *Fire and Emergency Services Act 1998* (as amended). The Department of Fire and Emergency Services is responsible for fire management across the State. Decision-makers are reliant on the Department of Fire and Emergency Services to provide formal, technical fire-related advice used to help guide decision-making on planning proposals and development applications. It is responsible for providing formal advice to the decision-maker where:

- a bushfire hazard assessment has been prepared in support of a sub-regional structure plan or local planning strategy, district level structure plan or the like;
- additional/alternative measures to comply with bushfire protection criteria are proposed;
- a proposal contains unavoidable development, or a vulnerable or high-risk land use as specified in SPP 3.7;
- local government seek to make local variations to the bushfire protection criteria;
- the Western Australian Planning Commission has received from local government a proposed Local Planning Scheme amendment containing supplementary provisions in addition to the deemed provisions relating to bushfire risk management contained in the LPS Amendment Regulations 2015;
- the Western Australian Planning Commission has received a draft bushfire local planning policy;
- technical assessment of bushfire related issues associated with Bushfire Management Plans that apply alternative solutions that apply;
- there is a conflict of opinion between local government/ Western Australian Planning Commission and/ or the landowner/proponent concerning a Bushfire Management Plan;
- technical notes in relation to peripheral issues affecting the implementation of these Guidelines are required;
- expert technical advice to decision-makers in cases where refusal of the planning application is recommended;
- expert technical evidence is required for the State Administrative Tribunal on bushfire risk and its consequences to planning decisions; and

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- on other occasions where a bushfire safety point of view is required to support planning decision-making.

If an application meets all the acceptable solutions and does not otherwise trigger a referral as listed above, the advice of Department of Fire and Emergency Services is not required.

## 6.6 OFFICE OF BUSHFIRE RISK MANAGEMENT

The Office of Bushfire Risk Management is an independent office within the Department of Fire and Emergency Services that reports to the Fire and Emergency Services Commissioner and is responsible for:

- setting standards addressing bushfire risk management, including the development of the *Map of Bush Fire Prone Areas* and the *Mapping Standard for Bush Fire Prone Areas*;
- reviewing the *Map of Bush Fire Prone Areas* and associated standards; and
- facilitating the coordination of key authorities concerning the management, auditing and reporting of bushfire-related risk matters.

## 6.7 DEPARTMENT OF COMMERCE (BUILDING COMMISSION)

The Building Commission is responsible for:

- administering the *Building Act 2011* and *Building Regulations 2012* that set out the building approval process for Western Australia, including the requirement to obtain a building permit to carry out building work;
- administering and applying the Building Code of Australia in Western Australia;
- responding to general enquiries in relation to the application of the Building Code of Australia;
- registering builders and building surveyors;
- carrying out auditing of building work and registered practitioners (such as builders and building surveyors); and
- providing a dispute resolution process for complaints about registered practitioners.

## 6.8 DEPARTMENT OF ENVIRONMENT (AUSTRALIAN GOVERNMENT)

The Australian Government Department of Environment administers the *Environmental Protection and Biodiversity Conservation Act 1999*. Under the Act, a proposal requires referral to the Department of Environment for assessment if it has, or is likely to have, a significant impact on matters of national environmental significance, being nationally and internationally important flora, fauna, ecological communities and heritage places.

## 6.9 DEPARTMENT OF ENVIRONMENT REGULATION

The Department of Environment Regulation is responsible for assessing vegetation clearing proposals associated with land development. Clearing of native vegetation in Western Australia is an offence under Part V, Division 2 of the *Environmental Protection Act 1986* unless the clearing is done in accordance with a clearing permit, or an exemption applies. Exemptions are contained in Schedule 6 of that Act or are prescribed in the *Environmental Protection Regulations 1987*. The exemptions under regulations do not apply in environmentally sensitive areas. Clearing for permanent hazard reduction may not be exempt, and a clearing permit may be required. Clearing permit enquiries should be directed to the Department of Environment Regulation.

## 6.10 DEPARTMENT OF PARKS AND WILDLIFE

The Department of Parks and Wildlife is responsible for providing referral advice on applications abutting reserves and land under its management, including State land that is managed by agreement with the Department of Lands. Department of Parks and Wildlife considers biodiversity, flora and fauna, wetlands and ecological communities as well as nature conservation covenants on freehold land and fire management issues in relation to adjoining reserves. General conservation enquiries should be directed to Department of Parks and Wildlife.

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## 6.11 DEPARTMENT OF WATER

The Department of Water is responsible for providing referral advice on the management of water resources in accordance with *Better Urban Water Management* (WAPC 2008) and water resource management legislation, policies and guidelines. Referral to the Department of Water should be undertaken for existing or proposed bushfire prone areas which affect water resources, including waterways and their foreshore reserves.

## 6.12 OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

The Office of the Environmental Protection Authority is responsible for determining whether to assess schemes, scheme amendments and development proposals in order to protect the environment. The Environmental Protection Authority provides advice to help prevent, control and abate environmental harm.

## 6.13 STATE ADMINISTRATIVE TRIBUNAL

The State Administrative Tribunal is a body that reviews decisions made by government where it is empowered to do so by State legislation. The *Planning and Development Act 2005* and local planning schemes give power to State Administrative Tribunal to review decisions made pursuant to the Act, local and regional planning schemes and the *Metropolitan Redevelopment Authority Act 2011*.

## 6.14 WESTERN AUSTRALIAN BUSHFIRE ACCREDITATION FRAMEWORK

The Western Australian Bushfire Accreditation Framework (the Framework) has been established by the Western Australian government to enable effective, professional and consistent advice for land use planning and building decision processes. It aims to improve bushfire risk management measures being applied to land uses and development.

The Framework will provide individuals with a professional standing and expertise at three different levels to ultimately improve the safety of local communities and strengthen community resilience to bushfire events. The establishment of a recognised professional industry will provide developers, landowners/proponents and decision-makers, such as local government and State government agencies, with the confidence that the service provider has met certain professional standards and has the skills and knowledge to provide consistent and professional services. Further information on the different levels of accreditation is located in the *Guidelines for organisations seeking to become accrediting bodies in Western Australia: Level 1 Bushfire Attack Level Assessor, Level 2 Bushfire Planning Practitioner – Prescriptive and Level 3 Bushfire Planning Practitioner – Performance* (Department of Planning 2015).

Government approved accrediting bodies are required to maintain a list of all individuals accredited under the Framework.

### 6.14.1 LEVEL 1 BAL ASSESSOR

Level 1 BAL Assessors are accredited to provide services limited to:

- determining the appropriate BAL using Method 1 (simplified method) of AS 3959 as referenced by the Building Code of Australia; and
- providing general advice on the design and construction requirements of AS 3959.

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### 6.1.4.2 LEVEL 2 BUSHFIRE PLANNING PRACTITIONER – PRESCRIPTIVE

Level 2 Bushfire Planning Practitioners – Prescriptive are accredited to provide services limited to:

- Bushfire Hazard Level assessments for strategic planning proposals according to these Guidelines;
- developing BAL Contour Maps where the lot layout is known for strategic planning proposals and subdivision applications according to these Guidelines and relevant practice notes issued by the Department of Planning and the Building Commission;
- application of bushfire protection criteria to develop acceptable solutions for planning designs according to these Guidelines;
- development of Bushfire Management Plans according to these Guidelines but **excluding** those for 'vulnerable land use', 'high-risk land use', 'unavoidable development' and 'minor development in areas where BAL-40 or BAL-FZ' applies;
- provision of advice for planning proposals and development applications;
- the activities described for an Accredited Level 1 BAL Assessor, which includes determining the appropriate BAL using only Method 1 (simplified method) of AS3959; and
- other limited activities prescribed in practice notes issued by the Department of Planning from time to time.

### 6.1.4.3 LEVEL 3 BUSHFIRE PLANNING PRACTITIONER – PERFORMANCE

Level 3 Bushfire Practitioners – Performance are accredited to provide services limited to:

- determining the appropriate BAL using Method 2 (detailed method) of AS 3959, as referenced by the Building Code of Australia;
- application of the bushfire protection criteria to develop designs that are outside of those specified in the acceptable solutions<sup>9</sup> within these guidelines;
- development of Bushfire Management Plans for planning proposals and development applications that involve 'vulnerable land use', 'high-risk land use', 'unavoidable development' and 'minor development in areas where BAL-40 or BAL-FZ' in accordance with SPP 3.7 and these Guidelines;
- development of Bushfire Management Plans and provision of advice for 'unavoidable development' applications in accordance with SPP 3.7 and these Guidelines;
- where required, provision of advice for Bushfire Risk Management Plans; and
- the activities described for a Level 1 BAL Assessor and Level 2 Bushfire Planning Practitioner – Prescriptive.

<sup>9</sup> Note this reference to 'alternative solutions' is not a reference to those developed under the Building Code of Australia.

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APPENDICES ARE IN A SEPARATE FILE.