

# Frequently Asked Questions

## Public Consultation: Draft State Planning Policy 3.7 Bushfire and Draft Planning for Bushfire Guidelines

This document provides answers to commonly asked questions about changes within the Draft State Planning Policy 3.7: Bushfire and Draft Planning for Bushfire Guidelines.

### What is a State Planning Policy and what are you seeking public comment on?

State Planning Policies provide the highest level of planning policy guidance in Western Australia. The State Government has undertaken an extensive review of the bushfire framework including the *State Planning Policy 3.7* – which guides managing bushfire risk in proposed development and land use activities across Western Australia.

Improvements have been made to the bushfire planning policy and associated guidelines and we are seeking public comment to help inform a final policy position to guide future development.

The current consultation process is an important opportunity for the community to have their say on the draft bushfire documents. Feedback we receive from this consultation will inform any refinements to elements of the policy.

### How can I have my say?

To have your say about the new policy framework, visit <https://consultation.dplh.wa.gov.au/>.

Comments close on **Monday 17 July 2023**.

### Why has the policy been reviewed?

The review of the current *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bush Fire Prone Areas* (the Guidelines) is part of the [Action Plan for the Bushfire Framework Review](#) (the Review) announced by the State Government in 2019.

The Action Plan aims to address some of the issues identified in the report [Bushfire Planning and Policy Review: A Review into the Western Australian Framework for Planning and Development in Bushfire Prone Areas](#).

The initiatives in the Action Plan include:

1. Stage 1a – Produce a new Map of Bush Fire Prone Areas for the Perth Central sub-region removing isolated pockets of vegetation less than four hectares.  
  
Stage 1b – Finalise mapping criteria for significantly built-up urban areas and apply them to produce a new Map of Bush Fire Prone Areas for the Perth Central sub-region.
2. Stage 2 – Produce a new mapping methodology and Map of Bush Fire Prone Areas for the rest of the State.
3. Stage 3 – Amend SPP 3.7, the Guidelines, relevant policy and regulatory instruments.

The Department of Planning, Lands and Heritage (DPLH), Department of Fire and Emergency Services (DFES) and the Department of Mines, Industry Regulation and Safety (DMIRS) have worked together to undertake the delivery of this multi-stage Action Plan to implement the Bushfire Framework Review, with Stage 3 now ready for public consultation.

## What are the key changes in draft SPP 3.7 and the Guidelines?

The existing policy documents have been renamed as draft *State Planning Policy 3.7: Bushfire* (draft SPP 3.7) and draft *Planning for Bushfire Guidelines* (the Guidelines).

Key improvements to the State's bushfire planning framework include:

- a stronger emphasis on considering bushfire requirements in early planning stages
- new policy provisions to apply to different categories on the Map of Bush Fire Prone Areas, which is being finalised and has been released to assist in discussions on the draft SPP 3.7 and Guidelines
- introduction of an assessment of the broader landscape surrounding a development site, as a means of identifying locations with an unacceptable level of bushfire risk
- an outcomes-based approach to facilitate improved flexibility and understanding by decision-makers
- clearer guidance and a more user-friendly format as the Guidelines are now divided into sections based on the planning stage.

## What consultation has taken place to inform the review?

The draft SPP 3.7 and Guidelines have been informed by extensive policy development, consultation and testing.

Comprehensive engagement with the development sector, local government and industry has helped to identify significant changes to the policy and supporting guidelines to incorporate a contemporary approach to planning in bushfire prone areas and address implementation issues experienced with the previous policy framework.

The revised policy improves the consideration of bushfire requirements early in the planning process and proposes a more measured response to development within bushfire prone areas in existing built-up urban areas.

## Can the draft SPP 3.7 and the Guidelines be considered in decision-making?

The draft SPP 3.7 and the Guidelines are labelled as “**draft – public consultation – not intended for decision making**”. This means the draft policy is being released to gather feedback to help inform the post-consultation process when elements of the policy will be refined. As such, the draft policy is not considered to be sufficiently advanced to be given weight in planning decision-making.

Both documents refer to Area 1 and Area 2 as shown on the Map of Bush Fire Prone Areas. The draft policy cannot be applied because the Map is being finalised and has not been gazetted by the Fire and Emergency Services Commissioner.

This means that planning applications within designated bushfire prone areas should be assessed under the existing bushfire policy framework. The [Policy Document Labels Fact Sheet](#) provides guidance on the definition and status of planning policies.

## Where will the draft SPP 3.7 and Guidelines apply?

The draft SPP 3.7 and the Guidelines are proposed to apply to designated bushfire prone areas across Western Australia.

The preparation and assessment of higher order strategic planning proposals (regional and sub-regional frameworks, sub regional strategies, region schemes, district structure plans and local planning strategies), strategic planning proposals (local planning schemes, scheme amendments and structure plans where the lot layout and internal road network are yet to be determined), subdivision and development applications would require application of the draft SPP 3.7 and the Guidelines where the proposal:

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

This policy also applies 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 the Guidelines.

Application of the bushfire protection criteria and preparation of a bushfire management plan will depend on the designation of the property within the Map of Bush Fire Prone Areas, that is, whether the property is within Area 1 or Area 2 and the type of planning proposal.

## What are the main differences between the existing policy and guidelines and the draft documents?

The main differences in the draft documents include:

- an outcomes-based approach (section 3.2.3) to facilitate improved flexibility and ease of satisfying requirements where acceptable solutions cannot be achieved
- a stronger emphasis on considering bushfire early in the planning stages
- introduction of a methodology to assess the bushfire risk (Guidelines appendix B.1) presented by the broader landscape, as a means of satisfying Element 1: Location
- providing succinct guidance and an easier format for users, as the Guidelines are now divided into sections based on the planning stage
- clearer guidance on the preparation of bushfire management plan (Appendix C – a guide to preparing a BMP)
- new policy provisions to apply to different categories on the Map of Bush Fire Prone Areas.

The key changes are summarised on the Explanatory Note that can be found on our website.

## When will the draft SPP 3.7 and the Guidelines come into effect?

Following the close of the consultation period, all comments will be reviewed, considered and, where appropriate, incorporated into a revised version. It is anticipated draft SPP 3.7 and the Guidelines will be presented for final approval to the Western Australian Planning Commission in December 2023 or the first quarter of 2024. SPP 3.7 and the Guidelines will come into effect once a notice is published in the Government Gazette. There will be a four-month transition period to assist stakeholders in implementing the new policy and to reflect the transition period for the new Map of Bush Fire Prone Areas.

## What is Area 1 and Area 2 on the Map of Bush Fire Prone Areas?

Area 1 of the Map applies to the urban built-up areas of the Perth Swan Coastal Plain and Mandurah, and some areas covered by the Bunbury Region Scheme. These areas have been designated as presenting a lower risk to life, property and infrastructure.

Area 2 covers the rest of the State.

Feedback on the Map will be sought by DFES in the second half of 2023.

## Why has the draft SPP 3.7 and Guidelines introduced an outcomes-based approach?

The draft documents recognise a preference for the acceptable solutions as these standards have been tried and tested across Australia and are an accepted pathway for compliance. However, the draft documents also recognise innovative bushfire management solutions may be necessary for some sites, particularly those identified for development prior to the introduction of SPP 3.7 (2015), because they include complex site and/or environmental constraints that do not fully comply with the acceptable solutions.

The outcomes-based approach replaces the performance principle-based pathway in SPP 3.7 (2015) and Guidelines version 1.4 (2020), as the latter was limited in application and did not provide a suitable methodology for complex decisions on bushfire and the environment.

An outcomes-based approach (Guidelines section 3.2.3) can be used where compliance with the acceptable solutions cannot be achieved and where the bushfire planning practitioner is of the expert opinion that the policy outcomes can still be demonstrated. The outcomes are reflected in draft SPP 3.7, which provides a clear pathway to demonstrate both the outcomes and the objectives of the policy.

## Why do the draft Guidelines look different to version 1.4?

The draft addresses different planning stages to improve useability. Sections 4 – 9 are specific to a planning stage, that is, a strategic planning proposal, subdivision or development application, and provide information on:

- design considerations specific to the planning stage;
- environment considerations specific to the planning stage;
- details to support the strategic planning proposal, subdivision or development application;
- bushfire assessment tools – broader landscape, Bushfire Hazard Level (BHL), Bushfire Attack Level (BAL) contour and BAL assessment;
- bushfire protection criteria – specific to the application type – for Element 1: Location, Element 2: Siting and design, Element 3: Vehicular access and Element 4: Water supply;
- bushfire management plan and bushfire emergency plan (when required).

## What is a Broader Landscape Assessment (BLA) for Element 1: Location?

The draft Guidelines introduce a methodology to assess the bushfire risk (Guidelines appendix B1) within the broader landscape to demonstrate compliance with Element 1: Location. The BLA examines the area external to the strategic planning proposal, subdivision or development application extending beyond the 150m BHL or BAL Contour Map assessment area and includes an assessment of the bushfire hazards (vegetation extent and slope), the broader road network, proximity to urban areas and suitable destinations for evacuation.

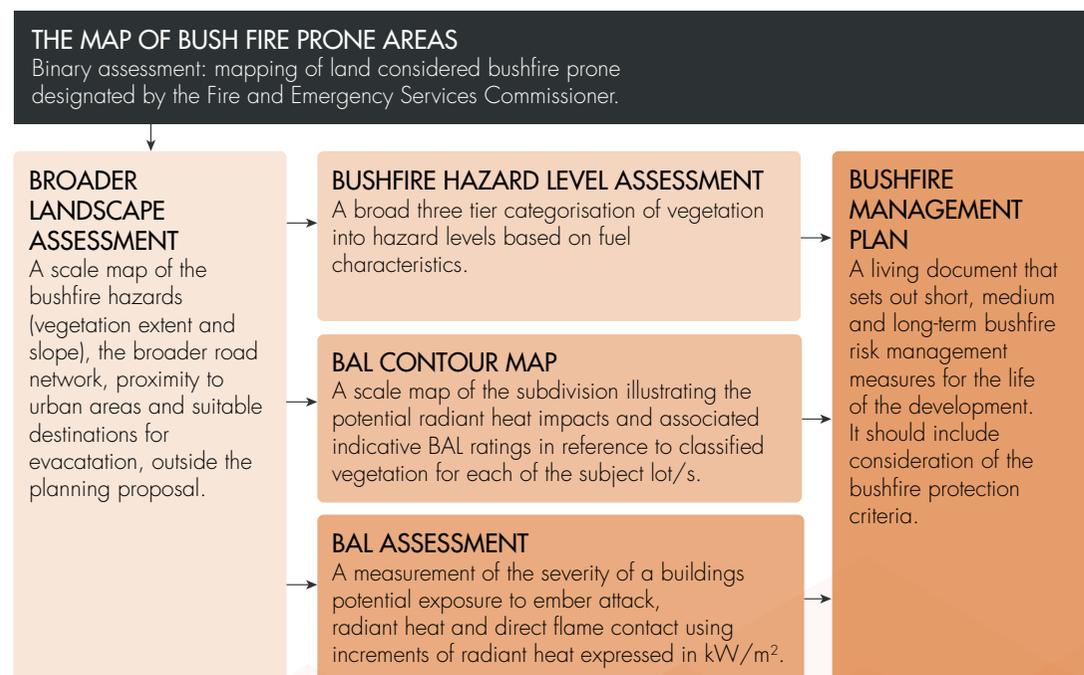
A BLA is required for all strategic planning proposals, structure plans, vulnerable commercial or community developments located within areas designated as Area 2 on the Map of Bush Fire Prone Areas. Vulnerable tourism land uses that trigger an outcomes-based approach will also require assessment of the broader landscape. A BLA is not required for applications within Area 1 on the Map of Bush Fire Prone Areas.

The BLA responds to the increasing severity of recent landscape-scale bushfires in Western Australia and the eastern states. It recognises bushfire protection criteria may not be sufficient to manage the impacts of a bushfire in some locations and further development should be avoided.

The BLA should demonstrate that:

- the risks presented by the broader landscape can be mitigated to an acceptable level, using the bushfire protection criteria contained in Elements 2 – 4 or any additional mitigation measures
- the planning proposal maintains or improves the evacuation capacity of the road network in the event of a bushfire and does not make the current situation worse
- evacuation to a suitable destination in the event of a bushfire can be achieved.

Figure 3: Assessing bushfire risk in the planning context



## Will development be acceptable in BAL-40/BAL-FZ?

Development sites and habitable buildings within 40kW/m<sup>2</sup> (BAL-40) or BAL-Flame Zone (FZ) are likely to have direct exposure to flame contact, as well as radiant heat impact exceeding 40kW/m<sup>2</sup> and be subject to ember attack. Bushfire research has found that the separation distance between a structure and classified vegetation is a good indicator of the likelihood of damage by fire, with a trend towards greater total loss as the separation distance decreases between vegetation and building. The research found house loss was still occurring even where houses have been constructed to flame zone construction standards.

There are occasions where a lot (or lots) has been created prior to implementation of SPP 3.7 (2015) and the Guidelines version 1.4 and, due to site and/or environmental constraints, a habitable building cannot be located within an area of BAL-29 or below.

The draft SPP 3.7 and Guidelines recognise the expectation to build a habitable building on a lot zoned for this purpose and provide a pathway for proposals within areas subject to BAL-40 or BAL-FZ to be considered in exceptional circumstances.

To facilitate an increase in density in locations designated as Area 1 on the Map of Bush Fire Prone Areas, the draft SPP 3.7 and Guidelines also provide a pathway to consider the creation of up to, and including, three residential lots (or three residential lots and one common property access lot), within a development site(s) with a radiant heat impact of 40kW/m<sup>2</sup> or above.

Approving development within areas subject to BAL-40 and above does not remove the need to construct to the appropriate BAL construction standard in accordance with Australian Standard 3959.

## Why do the draft Guidelines include new provisions for commercial, industrial, and community uses?

There are currently no bushfire construction standards for most commercial, industrial and community purpose buildings. However, the 2022 edition of the Building Code of Australia (BCA) will introduce bushfire construction requirements for certain types of Class 9 buildings in a designated bushfire prone area, including:

- Class 9a health-care buildings
- Class 9b early childhood centres and primary or secondary schools
- Class 9c residential care buildings
- Class 10a building or deck immediately adjacent or connected to one of the buildings listed above.

The new section also relates to vulnerable land uses, such as schools, hospitals, prisons and large restaurants.

It is expected the buildings will need to address bushfire construction requirements when the 2022 edition of the BCA takes effect in Western Australia. Further information, including amendments to the Guidelines, will be provided when that occurs.

The Guidelines version 1.4 were also silent on extensions or modifications to existing habitable buildings approved prior to SPP 3.7 (2015), especially vulnerable land uses. Section 8.1.3 of the draft Guidelines includes direction on these applications.

## What is proposed for tourism land uses in bushfire prone areas?

Section 9 of the draft Guidelines provides criteria and guidance for the development of vulnerable tourism land uses, which involve visitors who are unfamiliar with the surroundings and/or where there are evacuation challenges.

The bushfire protection criteria contained within the Guidelines version 1.4 have been refined to address various issues. Key changes include:

- merging of the various land uses to simplify the assessment process and to ensure consistency
- introducing a BLA, in lieu of a risk assessment, for applications that cannot comply with the acceptable solutions for vehicular access and/or cannot propose a shelter on-site for more than 50 persons; and/or the bushfire practitioner is of the view that an on-site shelter is not necessary
- a new section on design considerations, including construction standards and vehicular access
- a new section on outdoor events such as music festivals or sporting events.

## What is proposed for 'holiday homes' in bushfire prone areas?

A draft WAPC Tourism Position Statement was released for public consultation in 2022 and a final Position Statement is expected to be considered by the WAPC in mid-2023.

The final Tourism Position Statement and any required amendments to the Planning and Development (Local Planning Scheme) Regulations 2015 will inform the final draft SPP 3.7 and Guidelines. This will ensure a consistent approach when considering an application for short-term rental accommodation within a bushfire prone area.

For further information, please see the current short-term rental accommodation information on the Department's [website](#), or contact the Department of Planning Lands and Heritage on [tourism@dplh.wa.gov.au](mailto:tourism@dplh.wa.gov.au).

## Why have 'high-risk land uses' been removed from the draft Guidelines?

Specific provisions for 'high-risk land uses' are now covered by other standards and licences through legislation administered by DMIRS and DFES.

Where a proposed land use will include the storage of hazardous materials, which would increase the intensity of a bushfire, as part of its day-to-day operations, the hazardous materials must be stored in an area that:

1. achieves a radiant heat impact of 29kW/m<sup>2</sup> (BAL-29) or below; and
2. shields the material from the radiant heat of the bushfire hazard.

## Why has 'minor development' been removed from the draft SPP 3.7 and Guidelines?

The term is confusing and is not being consistently applied.

Applications that would have been considered as minor development can now be assessed under Section 7 of the draft Guidelines – Residential Development, which includes discussion on where it may be acceptable to allow development within BAL-40 or BAL-FZ. Also, the bushfire protection criteria include acceptable solutions to allow for development within BAL-40 or BAL-FZ in limited situations, particularly where the lot was created prior to SPP 3.7 (2015) and there are environmental and/or site constraints that do not allow for development within BAL-29.

## Why has 'unavoidable development' been removed from the draft SPP 3.7 and Guidelines?

The term is confusing and is not being consistently applied.

Unavoidable development is currently being applied as a default for non-compliant development proposed within BAL-40 or BAL-FZ, whereas the intent was to apply this in limited situations.

The intent of the use of unavoidable development was reconsidered and its scope was considered to be limited, as often the site and/or environmental constraints would limit the application of the SPP.

The bushfire protection criteria, including the acceptable solutions, have been expanded to provide a pathway for residential, commercial and industrial development in areas of BAL-40 or BAL-FZ, where there are demonstrated site and/or environmental constraints and where the lot was created prior to SPP 3.7 (2015). This pathway is not available to vulnerable land uses.

## How were Area 1 locations identified for the Map of Bush Fire Prone Areas?

Area 1 suburbs generally have the following characteristics:

- established and developed urban areas, including residential, commercial, industrial, community/public purposes;
- minimal bushfire prone vegetation;
- not adjoining a suburb with significant areas of bushfire prone vegetation.

Suburbs with the following characteristics could not be included in Area 1:

- significant vegetation;
- significant vegetation within the adjacent suburb;
- undeveloped areas with future development potential.

## **If a property is no longer shown as a bushfire prone area on the map, does this mean it will not be affected by a bushfire?**

Changes to the Map and SPP 3.7 take a more nuanced response to development within areas of bushfire risk. Not designating a property or suburb as bushfire prone does not mean it will not be affected by a bushfire.

Development within designated bushfire prone areas consistent with planning policy and building controls, including SPP 3.7 bushfire protection criteria, does not eliminate the bushfire risk to people, property and infrastructure.

It is important to know and understand the risks. A bushfire plan can help keep people and property safe – more information on preparing a plan can be found at [My Bushfire Plan WA: Prepare for an Emergency - DFES](#).

## **Does the Map include bushfire history?**

Bushfire history has not been included as it does not reflect the current state of vegetation; it only determines where bushfires have travelled and how far they spread at a certain point in time. The Map uses current data to determine the fire spread model.

## **When will the Map take effect?**

Once the Fire and Emergency Services Commissioner publishes the Map, there will be a four-month transition period before it takes effect to allow stakeholders to implement the new policy.

## **Who to contact?**

The Map of Bush Fire Prone Areas, which is being finalised, has been released to assist in the discussions on the draft Policy and Guidelines and will be subject to separate consultation in order to inform a final Map.

DFES will separately be seeking formal feedback on the Map following the closure of the consultation on draft SPP 3.7 and the Guidelines.

If you require more information regarding the Map and the future DFES consultation process, please visit [www.dfes.wa.gov.au/hazard-information/bushfire/bushfire-prone-areas](http://www.dfes.wa.gov.au/hazard-information/bushfire/bushfire-prone-areas).

Further information on Building Regulations and the application of Building Construction Standards in bushfire prone areas is available on the [Department of Mines, Industry Regulation and Safety website](#), via email [be.info@dmirs.wa.gov.au](mailto:be.info@dmirs.wa.gov.au), or phone 1300 489 099.