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## 1 Citation

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

## 2 Policy intent

The intent of this policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

## 3 Bushfire in Western Australia

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

Under certain weather conditions, bushfire incidents

## 5 Policy objectives

The objectives of this policy are to:

- 5.1 Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- 5.2 Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- 5.3 Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- 5.4 Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

## 6 Policy measures

### 6.1 Higher order strategic planning documents in bushfire prone areas

Higher order strategic planning documents such as frameworks, region schemes and sub-regional structure plans should include high level consideration of relevant bushfire hazards when identifying or investigating land for future development.

### 6.2 Strategic planning proposals, subdivision and development applications

- a) Strategic planning proposals, subdivision and development applications within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with these policy measures.
- b) Any strategic planning proposal, subdivision or development application in an area to which policy measure 6.2 applies that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with these policy measures.

This information can be provided in the form of a

**6.7.1 Minor development in areas where BAL-40 or BAL-FZ applies**

Minor development in areas where BAL-40 or BAL-FZ applies is to be assessed under the requirements of policy measure 6.5, with the addition of a statement against each of the following in the Bushfire Management Plan:



### 6.10 Bushfire conditions may be imposed

The decision-maker may impose detailed requirements, including modifications and/or conditions, on strategic planning proposals, subdivision and development applications to which this policy applies to address bushfire risk management implementation measures, as outlined in the Guidelines.

A 'notice on title' advising that the site is located in a bushfire prone area should be required as a condition of any subdivision or development approval. In addition, if a Bushfire Management Plan is required, a notification on title should also be required advising that the site is subject to a Bushfire Management Plan.

### 6.11 Precautionary principle

Where a landowner/proponent has not satisfactorily demonstrated that the relevant policy measures have been addressed, responsible decision-makers should<sup>1</sup> apply the precautionary principle to all strategic planning proposals, subdivision and development applications in designated bushfire prone areas. For example, if a landowner/proponent cannot satisfy the performance principles of the relevant policy measures through either the application of the acceptable solutions outlined in the Guidelines, or through the alternative solutions endorsed by the WAPC and State authority/relevant authority responsible for emergency services, the application may not be approved.

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<sup>1</sup> In this context, "should" is to be read as a strong recommendation. In relation to strategic planning proposals, subdivisions and development applications, this policy also recognises that each site is to be assessed on merit and that the determination of an application may involve the use of discretion in planning decision-making to support innovative bushfire risk management solutions.

## 7 Definitions

**BAL:** Bush re Attack Level (BAL) as set out in the *Australian Standard 3959: Construction of buildings in bush re-prone areas* (AS 3959), as referenced in the Building Code of Australia (as amended).

**BAL assessment:** An assessment prepared in a manner and form set out in AS 3959 to determine a BAL. It is strongly recommended that BAL assessments are prepared by accredited Level 1 BAL Assessor or Bush re Planning Practitioner, unless otherwise exempted in the Guidelines.

**BAL Contour Map:** A BAL Contour Map is a scale map of the subject lot/s illustrating the potential radiant heat impacts and associated indicative BAL ratings in reference to any classified vegetation remaining within 100 metres of the assessment area after the development is complete. The intent of the BAL Contour Map is to identify land suitable for development based on the indicative BAL. It is strongly recommended that BAL Contour Maps are prepared by an accredited Bush re Planning Practitioner.

**Bush re:** An unplanned re burning in vegetation. A generic term which includes grass res, forest res and scrub res both with and without a suppression objective.

**Bush re hazard:** The potential or existing ammability of vegetation that, in association with topography and slope, when ignited may cause harm to people and/or damage property and/or infrastructure.

**Bush re Hazard Level (BHL) assessment:**

A Bush re Hazard Level (BHL) assessment provides a measure of the likely intensity of a bush re and the likely level of bush re attack on a site determined by categorising and mapping land as having a low, moderate or extreme BHL in accordance with the methodology set out in the Guidelines. It is strongly recommended that BHL assessments are prepared by an accredited Bush re Planning Practitioner.

**Bush re Management Plan:** A document that sets out short, medium and long-term risk management strategies for the life of the development. It is strongly recommended that Bush re Management Plans are prepared by an accredited Bush re Planning Practitioner in accordance with the requirements set out in the Guidelines on behalf of the landowner/ proponent with the assistance of the responsible authority for emergency services where required.

**Bush re Planning Practitioner:** A person who holds, Level Two or Level Three accreditation under the Western Australian Bush re Accreditation Framework.

**Bush re prone area:** An area that has been designated by the Fire and Emergency Services Commissioner under s. 18P of the *Fire and Emergency Services Act 1998* (as amended) as an area that is subject, or likely to be subject, to bush res. Such areas are identi ed on the *Map of Bush Fire Prone Areas* and can be found on the Department of Fire and Emergency Services [ebsi.e](#).

**Bush re protection criteria:** A performance-based system of assessing bush re risk management measures contained in the Guidelines and applied (t )T0 -1.3 Td-5.5 (r 8 (i))

**Level 1 BAL Assessor:** A person who holds Level 1 BAL Assessor accreditation under the Western Australian Bushfire Accreditation Framework.

**Minor development:** Refers to applications in residential built-out areas at a scale which may not require full compliance with the relevant policy measures. Classes of development considered under this definition, with the exclusion of applications for unavoidable development, are:

- a single house on an existing lot 1,100m<sup>2</sup> or greater;
- an ancillary dwelling on a lot of 1,100m<sup>2</sup> or greater; and
- change to a vulnerable land use in an existing residential development.

**Precautionary principle:** The presumption against approving further strategic planning proposals, subdivision and development applications or intensification of land uses, where there is a lack of certainty that the potential for significant adverse impacts can be adequately reduced or managed in the opinion of the decision-maker.

**Strategic planning proposal:** Any strategic-level planning proposal including: region scheme amendments; district structure plans; local planning strategies; local planning schemes and amendments; and structure plans and master plans - but does not include subdivision or development applications.

**Unavoidable development:** Development that, in the opinion of the decision-maker, represents exceptional circumstances where full compliance with this policy would be unreasonable; no alternative location exists; it is not minor development; and is not contrary to the public interest. Examples of what constitutes unavoidable development are provided in the Guidelines.

**Vulnerable land use:** A land use where persons may be less able to respond in a bushfire emergency. Examples of what constitutes a vulnerable land use are provided in the Guidelines.

**WAPC:** Western Australian Planning Commission.

