

Explanatory note

State Planning Policy 3.7

Bushfire and the Planning for Bushfire Guidelines

ACTIVE
IN FORCE

Explanatory note provides an overview of the Bushfire Framework review and addresses queries raised on the key changes

1 INTRODUCTION

Bushfires pose a serious risk in Western Australia and this is being exacerbated by the impact of climate change.

Hotter, drier conditions are leading to longer bushfire seasons and more intense and frequent fires. Changing rainfall patterns are resulting in more dry fuel in the landscape. Dry lightning storms, which can ignite bushfires, are happening more often. The combination of such changes is increasing the risk of dangerous fires and making them harder to extinguish.

Careful planning in bushfire prone areas can avoid new development in locations with unacceptable current and future risk. It can also identify solutions to reduce bushfire risk and improve community safety based on the site and circumstances.

1.1 Why has the policy been reviewed?

The review of the *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas* was part of the State Government's [Action Plan](#) for the Bushfire Framework Review announced in 2019.

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

The Bushfire Framework Review sought to resolve implementation issues within the previous policy framework and establish a more measured response about where and how the policy applies.

The new policy prioritises bushfire requirements early in the planning process and seeks to ensure future housing delivery appropriately balances bushfire risk mitigation and environmental conservation measures.

1.2 When did it become operational?

SPP 3.7 and the Guidelines became operational on 18 November 2024.

1.3 What is new in SPP 3.7 and Guidelines?

SPP 3.7 and the Guidelines have introduced new approaches for planning in bushfire prone areas, including:

Broader Landscape Assessment

Following the introduction of the broader landscape assessment (BLA) methodology, stakeholder feedback has been received on the use and application of this approach. The following information provides further clarification on how to apply the BLA methodology.

When is a BLA required?

Page 3 of the Guidelines outlines when a BLA is required. As outlined in clause 1.3.1 there may be situations where the decision-maker considers a BLA unnecessary. For instance, if a site is identified for further subdivision in a local planning strategy and is appropriately zoned under a local planning scheme approved after 2015, a BLA may not be needed.

Applicants and consultants are advised to contact the relevant local government and/or the DPLH Land Use Planning team to confirm whether a BLA assessment is required.

1.3.1 Approvals issued prior to SPP 3.7 (2024)

Where a strategic planning proposal, subdivision or development application was approved prior to 2015 and was not assessed against SPP 3.7 (2015) or the Guidelines, the subsequent stage of the planning process, or modification or addition to the development approval, should demonstrate compliance with SPP 3.7 (2024) and these Guidelines, including the new methodology for Element 1: Location (if required).

Where a strategic planning proposal, subdivision or development application was assessed against SPP 3.7 (2015) and the Guidelines, the subsequent stage(s) of the planning process, or modification or addition to the development approval, should demonstrate compliance with SPP 3.7 (2024) and these Guidelines, with the exception of the new methodology for Element 1: Location (if required).

What information do I need for a simplified BLA?

A simplified BLA should be just that – simple. The simplified BLA is used to determine if a full BLA is required.

As outlined on page 63 of the Guidelines, as a minimum, an aerial map showing the subject site and a 2-kilometre radius is generally required to visually address four key considerations:

1. Proximity to a suitable destination
2. Surrounding road network
3. Presence of classifiable vegetation
4. Exposure to bushfire hazards

If these are clearly met and can be simply described in text, mapping these considerations may not be necessary. However, if the answers are uncertain, representation spatially is required to assist the decision-maker in determining whether a full BLA is required.

What is a 'suitable destination'?

In SPP 3.7 a **Suitable destination** is defined as - *an area that is not designated as bushfire prone on the Map of Bush Fire Prone Areas or is greater than 100 metres from classified vegetation, or 50 metres from Class G Grassland, as per AS 3959 and can provide protection during and after a bushfire event. A suitable destination is located within an urban area, townsite or similar. This also includes any evacuation centre, dedicated by the local government, for use during a bushfire event*

For clarification, this definition excludes small settlements or hamlets, which are common in parts of Western Australia, as they are generally too small to provide adequate separation from classified vegetation and a suitable area that provides protection.

While it is preferable for a suitable destination to include an evacuation centre (as defined in SPP 3.7), this is not mandatory.

In cases where the subject site is large enough, it may be acceptable to identify a suitable destination within the site itself, if it meets the definition under SPP 3.7. Importantly, to be considered as a suitable destination, the subject site should be located within, or form part of, an urban area, townsite or similar. If this approach is taken, the BLA and BMP should clearly address the staging of the development and specify at what stage the site would become a suitable destination.

How does the BLA consider vegetation within the subject site?

Vegetation to be retained within a subject site post-development, which is classifiable under AS3959, should inform the analysis of the potential bushfire scenarios and impacts on the subject site, originating from the broader landscape

How does the BLA consider rural living precincts?

SPP 2.5 Rural Planning includes the following definition:

Rural living An umbrella term used to describe a range of zones that provide for low density residential uses in an estate or precinct, generally characterised by a grouping of lots in the order of one to 40 hectares. Rural living zones include those named rural living, rural retreat, rural residential, special rural, rural smallholdings, rural conservation and landscape protection.

Although primary production land uses may occur within some rural living zones, they must be incidental to and compatible with the primary rural living intent and purposes of the zone.

As outlined in the Guidelines (**Step A** on page 65) the mapping of unmanaged grassland, low threat vegetation, and all other classified vegetation is required. These classifications should be based on a desktop assessment and should reflect AS3959 classifications. This map may differ from the 'predominant vegetation' map, particularly for 'rural living' lots, which can vary widely in size and vegetation extent.

For this step, 'rural living' lots are unlikely to be low threat vegetation and should be mapped as unmanaged grassland or, where they contain classifiable vegetation, they should be mapped as all other classified vegetation, in accordance with AS3959.

Assessment of the predominant vegetation is outlined in **Step C** of the Guidelines (page 67). The assessment should include identification of cleared vegetation, mosaic vegetation (including Class G Grassland and vegetation within rural living precincts), and large tracts of classified vegetation (e.g. contiguous vegetation within reserves or national parks).

Rural living estates, developed prior to SPP 3.7 (2015), often do not include asset protection zones (APZs) and contain large tracts of classified contiguous vegetation. These lots have the potential to sustain and carry a landscape scale bushfire and should be mapped as classified vegetation.

What happens if my property is Broader Landscape Type B?

Broader Landscape Type B should not be considered as an automatic refusal.

More information could demonstrate that the broader landscape risk to people, property and infrastructure is acceptable, through the preparation of an outcomes-based approach. It is suggested that consultants engage with local government and/or DPLH, Land Use Planning team, to discuss the results of their initial assessment and to agree on what additional information is appropriate for the situation.

The following information could assist in these discussions:

- Key issues identified through the BLA e.g. vehicular access, distance to suitable destinations and/or vegetation within and/or external to the subject site.
- Additional assessment options available, for example:
 - further analysis on the existing and future proposed roads, including identification of the road classifications
 - further analysis on the patches of classified vegetation both within and external to the subject site, including slope analysis and AS3959 vegetation classification
 - bushfire behavior modelling based on slope and AS3959 classifications, and development of design fires and bushfire scenarios.

- Identification of any mitigation measures, over and above the bushfire protection measures, which would mitigate bushfire risk or impacts.

Further information is provided in Appendix B.1 of the Guidelines on the outcomes-based approach.

Outcomes-based Approach

In accordance with SPP 3.7 and associated Guidelines, a Bushfire Management Plan (BMP) demonstrates compliance with the relevant bushfire protection criteria (BPC). The BPC are achieved through either the acceptable solutions, an outcomes-based approach or a combination of both.

Compliance with the relevant acceptable solutions meets the policy outcomes and requirements of SPP 3.7. Accordingly, the landowner/proponent and bushfire planning practitioner are strongly encouraged to utilise the acceptable solutions as the preferred approach, in the first instance.

Where the acceptable solutions cannot be fully met due to complex site characteristics and/or environmental values, an outcomes-based approach can be used to demonstrate how the policy outcomes will be achieved through alternative bushfire risk management measures. An outcome-based approach is not intended to be used as a rationale for departing from an acceptable solution, it is provided to guide potential development on complex sites where the acceptable solutions cannot be fully met.

Where an outcomes-based approach is proposed, the BMP should fully address all the criteria contained in SPP 3.7 (policy measure 7.5 ii.) and the Guidelines (section 2.2.1 b) and outline how the policy outcomes are achieved.

This may require consideration of all Elements within the Guidelines and acceptable solutions, in combination. The outcome-based approach should demonstrate the additional/alternative bushfire management/mitigation measures proposed, are equal to or better than that of the acceptable solution.

In instances where a fire engineering solution(s) is proposed, it is suggested that a fire engineer certify the measure(s), to provide confidence that the measure(s) can be achieved at the Building Permit stage.

In accordance with the [Requirements for Bushfire Planning and Building Industry Accreditation Bodies \(2024\)](#) an outcomes-based approach should be prepared by a level 3 bushfire planning practitioner, given their advanced qualifications and experience in assessing complex bushfire risk scenarios and developing appropriate mitigation strategies.

The landowner/proponent and bushfire planning practitioner are encouraged to consult early with the Department of Planning, Lands and Heritage and Department of Fire and Emergency Services where an acceptable solution cannot be complied with, and an outcomes-based approach is being considered.

Decision-makers should monitor the use of outcomes-based approaches, for appropriateness, consistency and transparency.

1.4 Will the Local Planning Schemes Regulations be updated?

State Planning Policy 3.7 Bushfire provides broad objectives and high-level guidance for how planning proposals and development applications

within bushfire prone areas should be considered. Implementation is supported by more detailed instructions within the *Planning for Bushfire Guidelines*.

Neither the SPP or the Guidelines 'trigger' the requirement for the lodgement of a strategic planning proposal, structure plan or development application. These 'triggers' are established through legislation, including the *Planning and Development Act 2005* and the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

Amendments are proposed to the LPS Regulations, for greater alignment between local planning scheme requirements and the expectations outlined within SPP 3.7.

Until the amendments are progressed, there may be some inconsistencies between messaging within the SPP 3.7 and Guidelines and the LPS Regulations.

Of particular note is the reference to development that is not connected to reticulated water, where the Bushfire Attack Level (BAL) is above BAL-LOW. This is a reference to the future intention for the LPS Regulations. SPP 3.7 does not over-ride the current LPS Regulations. The SPP does not trigger the need for a development application for developments without a connection to reticulated water.

In the interim, where a development application is lodged for a habitable building without access to a reticulated water supply in a bushfire prone area, the decision-maker should apply SPP 3.7 and the Guidelines as they deem necessary.

For developments below BAL-29, where no Asset Protection Zone (APZ) is required, it may be sufficient to condition the approval for the installation of a water tank and a driveway and turnaround area in accordance with the Guidelines.

Where the pre-development BAL is above BAL-29, a bushfire management plan should be prepared and address the relevant requirements of the SPP and Guidelines including ongoing management of an APZ

1.5 How do the National Construction Code provisions for Class 9 buildings interact with SPP 3.7?

Bushfire construction requirements were expanded in the 2022 edition of the *National Construction Code 2022* (NCC 2022), to incorporate new provisions for certain Class 9 buildings located in areas designated as bushfire prone on the *Map of Bush Fire Prone Areas*. NCC 2022 became mandatory in Western Australia for building permit applications submitted from 1 May 2025.

A bushfire management plan, to accompany the development application, should be prepared in accordance with the Guidelines, and address the bushfire protection measures. Information that specifically relates to the NCC 2022 provisions, which are relevant to the development application, can be included as an addendum to the BMP.

These new requirements are found in the [NCC 2022 Part G5 Construction in bushfire prone areas](#) with deemed to satisfy provisions under [Specification 43 Bushfire protection for certain Class 9 buildings](#), and have implications at the development application stage.

Western Australia's *Building Regulations 2012*, however, provide for an extended transitional period from 1 May 2025 to 30 April 2028 for Class 9b – i) early childhood centre and (ii) primary or secondary school; and any Class 10a building or deck immediately adjacent or connected to a building of these types.

This extended transitional arrangement does not apply to a Class 9a health-care building, a Class 9c residential care building, and any Class 10a building or deck immediately adjacent or connected to such buildings.

You can contact the [Department of Local Government, Commerce, Industry Regulation and Safety](#) (previously DEMIRS) for general enquiries about the NCC 2022 bushfire construction requirements. The decision-maker should contact the relevant building surveyor for specific NCC 2022 information relating to the building(s) that is the subject of the application.

Specification 43 of the NCC provides deemed to satisfy bushfire construction requirements for Class 9 buildings rated BAL-LOW or BAL-12.5, which are likely to translate easily at the development application stage. However, for higher BAL ratings it is likely the NCC 2022 compliance would need to be considered under a building performance solution, which could include complex building engineering solutions.

This pathway is likely to impact on siting and design, including but not limited to, building separation from classifiable vegetation. These are elements that need to initially be assessed at the development application stage and will typically require an assessment by an appropriately qualified person such as a registered building surveyor to ensure the proposal aligns with the relevant NCC 2022 provisions.

It is important that the proposal at the development application stage provides the decision-maker the confidence that approval will not create a situation whereby a Building Permit is not able to be issued due to non-compliance with the NCC 2022.

1.6 Does SPP 3.7 apply to high risk land uses?

References to high risk land uses have been removed from SPP 3.7 Bushfire. High-risk land uses generally involve activities that are already subject to regulatory requirements under other legislation, including:

- *Environmental Protection Act 1986*
- *Dangerous Goods Safety Act 2004*
- *Energy Coordination Act 1994* and related Acts and Regulations
- *Building Act 2011*

More information regarding licences, permits and other requirements can be requested from Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) or Department of Water and Environmental Regulation (DWER).

A decision-maker with concerns about risks not addressed by those other regulatory requirements, may consider bushfire risk and safety as matters listed for consideration within Clauses 67q and 67r of the Deemed Provisions.

Where relevant, the acceptable solutions listed in A2.4 of the Planning for Bushfire Guidelines (storage of hazardous, flammable and/or combustible materials), may be considered during assessment or inform conditions of development approval.

1.7 What is new on the Map of Bush Fire Prone Areas?

The Fire and Emergency Services Commissioner published the [Map of Bush Fire Prone Areas](#) on 24 September 2024. A four-month transition period will apply to areas newly designated as bushfire prone on the Map.

There is a new Area 1 (Urban) and Area 2 shown on the Map.

Area 1 (Urban) 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 due to their urban location. Area 2 covers the rest of the state.

It is important to know and understand the risks for each Area. 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](#).

2. APPLYING SPP 3.7 BUSHFIRE AND THE PLANNING FOR BUSHFIRE GUIDELINES

2.1 What if I already have a planning application in progress?

SPP 3.7 and the Guidelines became operational on 18 November 2024.

Applications lodged on or after 18 November 2024 should be assessed under the 2024 policy framework.

If an application was lodged prior to 18 November 2024, and where the bushfire management plan was prepared under the 2015 policy framework, requiring a full revised BMP may not be necessary or reasonable.

A decision-maker should determine if relevant assessment requirements have changed and whether additional information is necessary to make a decision.

Depending on the timing, location and complexity of the application, a decision-maker may accept an addendum to a previously prepared plan.

2.2 Can I build on my existing property?

Older properties, especially those created before 2015, may be located in areas with a high risk of bushfire impact (BAL-40 or BAL-FZ). In the past, it may have been difficult to get permission to build a new house.

However, SPP 3.7 introduces new provisions that make it possible to build even in these areas, with the following conditions:

- your lot must have been created before December 2015; and

- it needs to be demonstrated that you aren't able to build in a safer location due to natural features of the land or the need to protect important environmental, biodiversity or conservation features; and
- it is impractical to make the house safer by redesigning it or making it smaller.

Importantly, if you get development approval for your house, you will also need to build to the correct bushfire construction standards.

3. HOW DOES THE NEW SPP 3.7 AND GUIDELINES CONSIDER TOURISM LAND USES?

Tourism land uses: The broader landscape assessment is not required for tourism land uses, recognising that many are remote and nature-based.

On-site shelter: The existing 100-person threshold for on-site shelter as an acceptable solution is retained in SPP 3.7. Shelters for more than 100 persons will be assessed through an outcomes-based pathway.

Tourism day uses: Specific bushfire protection criteria for day uses (such as wineries) have been introduced. This acknowledges the lesser risk and increased opportunities for businesses approved for development to close on days with an extreme or catastrophic fire danger rating.

Government-managed land: Acknowledging that if land is actively managed by the Department of Biodiversity, Conservation and Attractions, these management practices should form part of the consideration when determining tourism development.

Short-term rental accommodation: Broader reforms to regulation of short-term rental accommodation (previously termed 'holiday homes') are reflected in SPP 3.7 and the Guidelines.

Where a 'change of use' of an existing dwelling to short-term rental accommodation (STRA) is proposed, SPP 3.7 does not apply and there are no provisions within the Guidelines which automatically apply.

New definitions for hosted and unhosted short-term rental accommodation are included in the *Planning and Development (Local Planning Scheme) Regulations 2015*. Under these same regulations, development approval is not required for the undertaking of hosted short-term rental accommodation (applies statewide).

However, local governments are able to amend local planning schemes to designate where unhosted short-term rental accommodation, outside of metropolitan areas, should be permitted, discretionary or prohibited uses.

A local government may specify bushfire risk as a matter to be addressed as part of a development application. A related local planning policy may also be adopted that may specify use of various elements of the *Planning for Bushfire Guidelines* or other informing documents.

The Guidelines may also inform voluntary preparation of bushfire related plans for the safety of guests, as outlined in the STRA registration process.

4. WHO TO CONTACT FOR FURTHER INFORMATION

Department of Planning, Lands and Heritage

Information on the new State Planning Policy and Guidelines

www.wa.gov.au/bushfire

or email bushfire@dplh.wa.gov.au

or call 08 6551 8002

Information on short-term rental accommodation.

www.wa.gov.au

or email tourism@dplh.wa.gov.au

Department of Fire and Emergency Services

Information on the Map of Bushfire Prone Areas

www.dfes.wa.gov.au/hazard-information/bushfire/bushfire-prone-areas

or email obrm@dfes.wa.gov.au

or call 08 9395 9300

Department of Local Government, Industry Regulation and Safety

Information on the Building Regulations and Building Construction Standards, Energy Safety or Dangerous Goods

www.lgirs.wa.gov.au

or email be.info@lgirs.wa.gov.au

or call 1300 489 099