

Explanatory note

ACTIVE

IN FORCE

State Planning Policy 3.7

Bushfire and the Planning for Bushfire Guidelines

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?

While the new approach for planning in bushfire prone areas (SPP 3.7 and the Guidelines) was published on 24 September 2024, it became operational on 18 November 2024.

If your property is newly identified as bushfire prone on the Map of Bush Fire Prone Areas, you will have an additional four months before the new provisions apply to you on 24 January 2025.

1.3 What is new in SPP 3.7 and Guidelines?

The SPP 3.7 and Guidelines introduce new approaches for planning in bushfire prone areas, including:

Broader Landscape Assessment

This assessment examines the area external to the planning proposal and provides a means of quantifying the characteristics and potential impacts of bushfire in the broader landscape when considering the suitability of a location for development, particularly at the strategic levels of land use planning.

The broader landscape assessment aims to ensure the resilience of communities to increased risk of bushfire due to climate change impacts, by directing population growth towards safer locations.

The methodology assesses the bushfire risk within the broader landscape to demonstrate whether a proposal can comply with Element 1: Location.

Figure 1 shows how this new approach to determining appropriate location will be applied.

The Broader Landscape Assessment categorises land into different types (A and B) and requires varying levels of assessment based on the potential risk of landscape scale bushfires.

Areas assessed as a Broader Landscape Type A have a lower risk of landscape scale bushfire because they are typically exposed to bushfire hazard(s) from one direction. In addition, the road pattern to suitable destinations makes evacuation easier.

However, areas assessed as a Broader Landscape Type B have a higher potential for large, destructive bushfires as they are often remote or completely surrounded by vast tracts of bushfire hazards. Such locations can present an unacceptable bushfire risk of a landscape-scale bushfire resulting in impacts to people, property and infrastructure.

Proposals in a Broader Landscape Type B may be able to demonstrate that the risks associated with such a location can be controlled or reduced, through an outcome-based approach.

Outcomes-based Approach

The new **outcomes-based approach** is a more flexible way of dealing with bushfire safety when building or developing in areas at risk of bushfires.

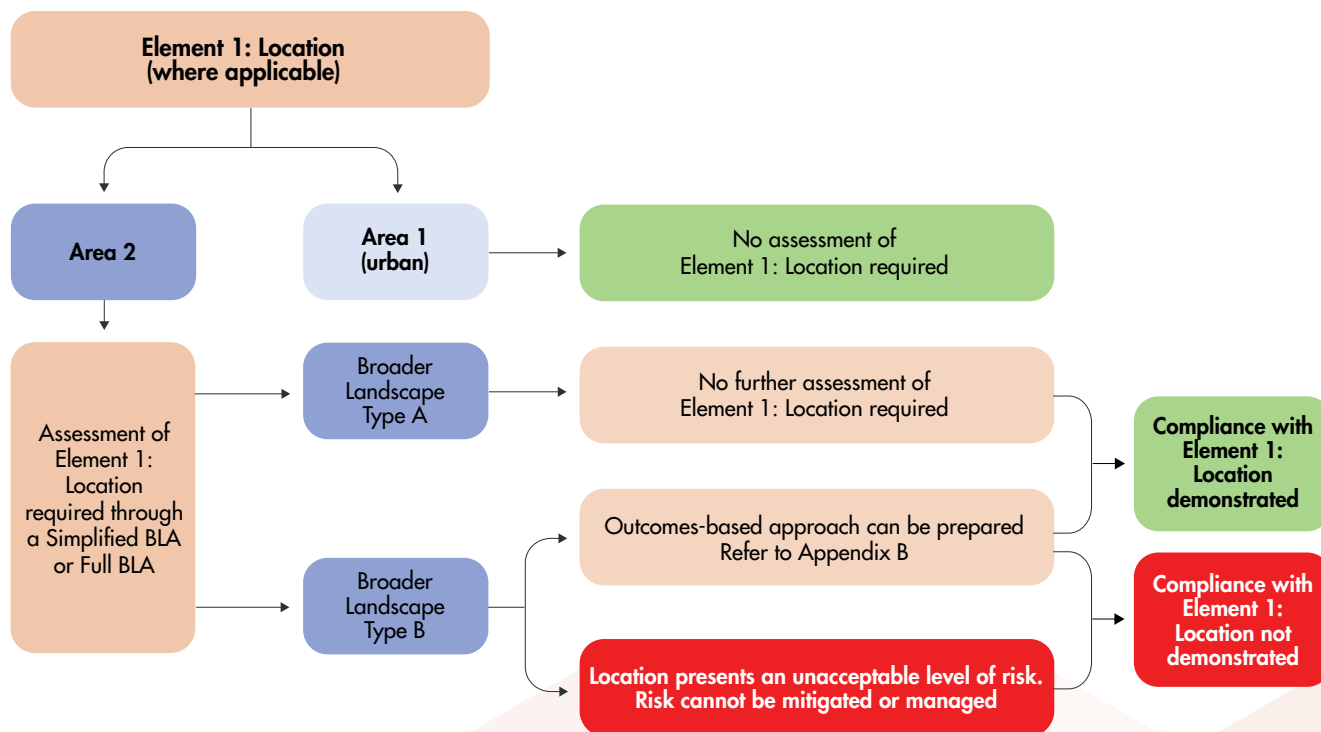
These outcomes-based solutions need to be developed by experts and should still achieve the outcomes of the policy.

The ultimate goal is to demonstrate that the risk of bushfire impact is reduced to an acceptable level, even if the acceptable solutions outlined in the guidelines cannot be used.

Departure from the acceptable solutions is not encouraged. However, there may be circumstances where innovative approaches are required and can still achieve the objectives and outcomes of SPP 3.7.

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

Figure 1: Assessment process for Element 1



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 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.

1.6 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](#).

Map of Bush Fire Prone Areas



View the map to see all of the bushfire prone areas in WA (marked in pink). Sites that have been in a designated bushfire prone area for less than four months may not be required to comply with building or planning requirements.

[View map](#)

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

Figure 2 shows how the new SPP 3.7 and Guidelines will apply.

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

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

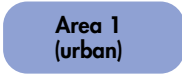







Applications lodged on or after 18 November 2024 should be assessed under the 2024 policy framework.

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

Figure 2: Application types

Strategic planning		Do not require a bushfire assessment
Strategic planning		Undertake a bushfire assessment, with a focus on demonstrating compliance with Element 1: location
Structure plan and subdivision		Subdivision, that has or will have a Bushfire Attack Level (BAL) rating above BAL-LOW
Change of use to hosted or unhosted accommodation		SPP does not apply
Single house or ancillary dwelling under 1,100m ²		SPP does not apply
Single house or ancillary dwelling over 1,100m ²		Development application required for BAL – 40 and above (construction only)
		If no reticulated water, development application required for above BAL LOW (construction only)
Commercial and industrial habitable buildings and specified buildings		Development application required for BAL – 40 and above (construction only)
		If no reticulated water, development application required for above BAL LOW (construction only)
Vulnerable habitable buildings and vulnerable land uses & Caravan and camping grounds (with or without habitable buildings)		Development application for above BAL – LOW (construction or use, or construction and use)

2.2 What types of developments need to provide a bushfire management plan?

Figure 3 (next page) shows a simple outline of when a bushfire management plan in a bushfire prone area is required.

2.3 Can I build on my existing property?

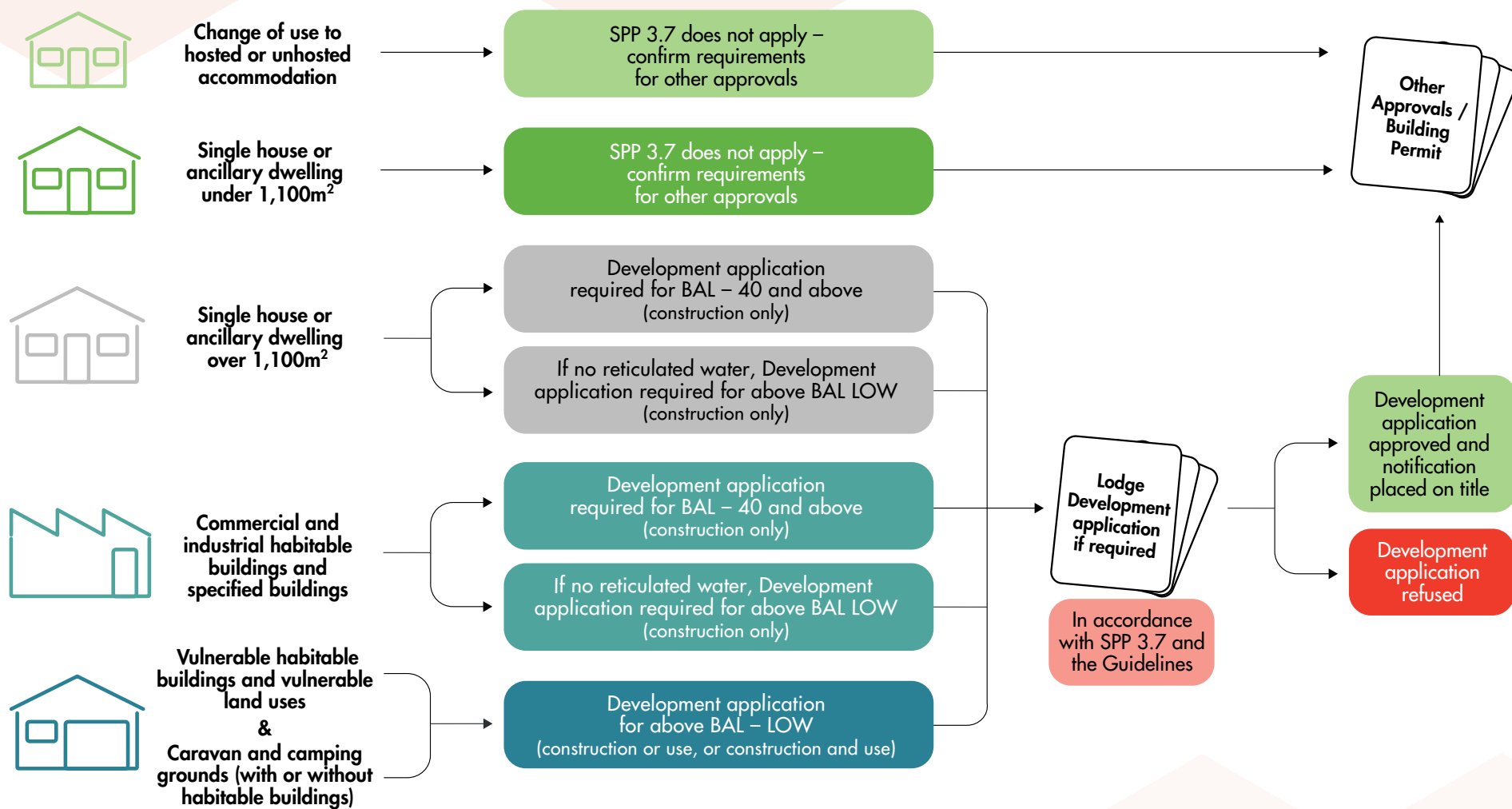
Older properties, especially those created before 2015, may be located in areas with a high risk of bushfire impact (BAL-40 or BAL-FZ). In the past, it may have been difficult to get permission to build a new house.

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.

Figure 3: Development Application process in designated bushfire prone areas



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

<https://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 Energy, Mines, Industry Regulation and Safety

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

[Department of Mines, Industry Regulation and Safety website](http://www.demirs.wa.gov.au)

or email BCinfo@dmirs.wa.gov.au

or call 1300 489 099