

11 May 2018

Ms Jackie Holm
Bushfire Policy Team
Department of Planning; Lands; and Heritage
Locked Bag 2506
Perth WA 6001

Via email: bushfirereview@dplh.wa.gov.au

Dear Jackie

Planning for Bushfire Prone Areas Fact Sheet Local Planning Strategy Bushfire Assessment Requirements

Thank you for the opportunity to provide feedback in relation to the above fact sheet. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia. UDIA is a membership organisation with members drawn from the residential, commercial and industrial property development sectors. UDIA members include both private and public sector organisations. Our industry represents approximately 12.3% of Western Australia's Gross State Product, contributing \$30.45 billion annually to the Western Australian economy and \$251.7 billion nationally. As well as helping to create sustainable and liveable communities, the industry employs a total of 228,500 Western Australians and over 2 million Australians across the country.

Fact Sheet Status and Purpose

UDIA welcomes the release of the draft fact sheet and supports attempts to provide greater clarity regarding the local planning strategy preparation requirements within bushfire prone areas. UDIA supports this initiative and suggests that it should be expanded to include bushfire assessments for structure plans, subdivision and development proposals. However, it is important that the fact sheet and any future fact sheets are fully consistent with the statutory requirements set out in the State Planning Policy and local planning scheme regulations.

The Institute notes that local governments, generally have a poor record in maintaining up to date local planning strategies and schemes. Therefore, any additional local planning strategy requirements, particularly those which are complex and costly to undertake, such as the bushfire assessment requirements set out in the fact sheet, will likely further jeopardise local governments' ability to maintain up to date planning strategies. As such, it is important that the fact sheet offers greater context and clarity as to the level of its application and bushfire assessment requirements in bushfire prone areas.

Similarly, the statutory status of the fact sheet and its relationship to SPP3.7 and its accompanying guidelines is not clear and it notable that 'fact sheet' is not identified in SPP1 State Planning Framework. The title 'fact sheet' implies that it provides additional guidance, confirming the requirements of SPP3.7 and its accompanying guidelines. However, the fact sheet introduces two different types of 'bushfire assessments' that are not included in either the SPP or guidelines. This adds confusion to local planning strategy requirements rather than providing clarity. As such, the level of statutory regard or 'due regard' that local governments must afford the fact sheet when preparing is unclear.

Whilst no aims or objectives are given, or indeed is any reference given the objectives of SPP3.7, it appears as though the purpose of the fact sheet, as expressed by its recommendation is to compare different 'development investigation areas' with regard given solely to bush fire risk. However, the primary purpose of planning as set out in the Planning and Development Act is "*promote the sustainable use and development of land*". Therefore land should be assessed against its suitability for development, not simply how it compares to other land. Land is likely to be suitable, or not, for a number of different purposes. For example, a local planning strategy may identify industrial and residential DIAs, simply comparing the bush fire risk will not enable decision-makers to evaluate the 'appropriateness' of each. Therefore, although the fact sheet acknowledges that bushfire is one consideration and states that "*decision-makers may need to consider broader land use planning issue*" UDIA suggests that this should be amended to state "*decision-makers will need to consider all relevant land use planning consideration*".

As a further result of the lack of clarity regarding the purpose of the fact sheet, the intent of the bushfire assessment 2 is unclear. The fact sheet states that the purpose of these assessments is to "*reduce or better manage existing development in areas that have a medium or extreme bushfire risk.*" However, given that in these areas development has already occurred, it is unclear how strategic land use planning documents and any resulting statutory development controls can be used to effectively reduce bushfire risks. In areas where development has already occurred, more effective and appropriate tools, such as local government emergency management plans should be used to manage and reduce bush fire risks, rather the land planning controls which are most effective in managing future development. Further, the stated requirement for undertaking 'bushfire assessment 2' implies that there are shortcomings with the provisions of SPP3.7 and its accompanying guidelines to manage development in bushfire prone areas. Any shortcomings within the SPP should be directly addressed, not delegated to individual local governments to resolve.

Recommendation

- The statutory status of the fact sheet is clearly explained and greater clarity provided regarding its application in bush fire prone areas.
- As well as being made consistent with the provisions of the Planning and Development Act and SPP3.7, the purpose and objectives of the fact sheet be clearly set out.
- The Institute recommends that the 'bushfire assessment 2' be removed from the fact sheet unless adequate justification is provided regarding the need and purpose of these assessments.



Limitation of Bushfire Hazard Level Assessment

Whilst the draft fact sheet emphasises the use of Bushfire Hazard Level (BHL) assessments, these assessments do not enable the accurate consideration of development proposals against the four bushfire protection criteria elements. For example, the designation of hazard levels does not enable information about setback distances to be determined, which is vital for considering compliance with element 2 of the criteria and determining whether development is able to achieve BAL-29 or less.

Recommendation

- The assessment of DIA's BHL ratings against the bushfire protection criteria be clarified.

Inconsistency Use of Terminology

To ensure clarity, it is important that the terms used within the fact sheet are consistent with that used in SPP3.7 and its supporting guidance. However, the fact sheet consistently refers to 'medium' bushfire risk, whilst the SPP uses 'moderate' risk. Similarly, the fact sheet incorrectly states that a BHL assessment, "*must be prepared by an accredited Bushfire Planning practitioner*" whilst SPP 3.7 states that these assessment 'should' be prepared by an accredited practitioner.

Recommendation

- The terminology contained within the fact sheet and its requirements are made consistent with that contained in SPP3.7 and the guidelines.

UDIA trusts that these comments will assist in the finalisation of the factsheet. Should the Department require any further information regarding these comments, please contact Chris Green, Director of Policy and Research at cgreen@udiawa.com.au or 9215 3400.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Allison Hailes', is written over a light blue horizontal line.

Allison Hailes

Chief Executive Officer