

16 April 2019

Bushfire Review Team
Department of Planning; Lands; and Heritage
Locked Bag 2506
Perth WA 6001

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

To whom it may concern

Draft Element 3 - Vehicular Access: Guidelines for Planning in Bushfire Prone Areas

Thank you for the opportunity to provide feedback in relation to the above Consultation Paper. 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.

UDIA does not support the proposed amendments to Draft Element 3 - Vehicular Access: Guidelines for Planning in Bushfire Prone Areas for the following distinct reasons:

- The process for preparing the proposed amendments lacks transparency and has not included appropriate stakeholder consultation;
- An evidence-based approach has not been provided to justify the proposed amendments, as such the draft Element 3 is unreasonably biased towards bushfire response objectives only and it is not clear if the proposed reforms are effective;
- The proposed amendments are not practical and will have an unreasonable impact upon housing affordability;
- The draft Element 3 lacks clarity and is likely to result in inconsistent policy application.

To resolve these critical failings, before proceeding any further with the Draft Guidelines, the Institute requests that the Department engage with all stakeholders including UDIA and the development industry to ensure that the Guidelines provide practical solutions to vehicle access requirements in bushfire prone areas.

Lack of transparency and failure to undertake appropriate stakeholder consultation.

UDIA is extremely disappointed that the proposed amendments to the Guidelines have been undertaken without appropriate consultation with the development industry. The Institute is deeply concerned by the lack of transparency in the drafting process for Element 3 of the Guidelines, which

are not listed on the Department's consultation section of its website. Due to the extent of the changes proposed to the Guidelines and the significant impact that these will have upon housing affordability, it is concerning that UDIA and the development industry have not been consulted as part of the drafting process for Element 3.

UDIA strongly recommends that amendments to Element 3 of the Guidelines for Planning in Bushfire Prone Areas do not proceed without full and proper consultation with all stakeholders including the development industry.

Lack of evidence to justify the appropriacy of the proposed amendment

Adequate, evidence-based justifications for the proposed amendments have not been provided; neither has any guidance, examples of failings or unintended consequences in the application of the existing vehicular access requirements been set out. Further, no evidence is provided to confirm that the proposed amendments will be effective in mitigating bushfire hazards, nor has the likely cost of implementing the new requirements been provided.

In addition to these fundamental failings, the Institute is concerned that the draft amendments do not appropriately consider other valid land use planning objectives beyond bushfire response, such as: housing affordability, environmental, urban design and amenity considerations. It is evident that complying with the requirements of the policy will result in the loss of native vegetation and significantly alter the design of developments, however it is not clear whether the benefits of doing so outweigh the significant costs that the draft Guidelines bring.

Without a robust evidence base to guide the policy response, amendments to Element 3 should not be supported.

Unreasonable and unnecessary impact upon housing affordability

The introduction of a requirement for a perimeter road for developments with a minimum of four lots, together with the excessive vehicular access technical requirements of these roads, will add significant cost to development through both loss of development yield and additional construction costs.

The requirement for perimeter roads does not include any contextual or practical considerations. For example, the requirement to provide a perimeter road does not consider whether all, or only part of the site is within or adjacent to a bushfire prone area and the extent of the bushfire hazard level. Further, the technical requirements of the perimeter road mean these roads are often likely to be of a far superior standard than the roads surrounding the development.

Lack of Clarity

There is a lack of clarity regarding various acceptable solution details. For example, it is not clear what constitutes an 'all weather surface', as required by table 6. Acceptable solution A3.2 requires "two public road access", however the preference of Main Roads and local government is often to limit access to public roads. It is unclear how the conflict between agencies will be managed. Similarly, the requirement to provide access to two different locations, under all weather conditions needs to be clearly defined. For example, would access onto Caves Road, offering access north and south constitute two different destinations? Does 'all weather conditions' include at times of bushfire?



The requirement for local governments to satisfy vehicle access requirements of Table 6 also raises a number of questions, including: how will this be monitored and enforced? Will these requirements expose local government and state government agencies to legal liabilities should they fail to meet and enforce the requirements, and will these requirements also be extended to roads maintained by Main Roads WA?

In closing, UDIA reiterates its request that the Department work with all stakeholders including the development industry to ensure that Element 3 of the Guidelines for Planning in Bushfire Prone Areas provides practical vehicle access requirements. Should the Department require any assistance or further information regarding this matter, the UDIA would be delighted to assist. Please do not hesitate to contact Chris Green, Director Policy and Research at cgreen@udiawa.com.au or 9215 3400.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tanya Steinbeck', enclosed in a thin black rectangular border.

Tanya Steinbeck
Chief Executive Officer