

17 July 2023

Strategy and Engagement
Department of Planning, Lands and Heritage
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SPP 3.7 – Planning in bushfire prone areas

Thank you for the opportunity to provide feedback on the draft SPP 3.7 – Planning in bushfire prone areas.

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia, and is a membership organisation with members from the residential, commercial and industrial property development sectors. UDIA WA members include both private and public sector organisations.

UDIA WA is comfortable with the direction of the proposed SPP 3.7 and associated Guidelines and we hope that these changes will bring ongoing consistency to the bushfire planning requirements once the implementation is completed and any initial teething issues have been rectified.

Whilst we look forward to the opportunity to reviewing a final version of Areas 1 and 2 on the map of bushfire prone areas prior to release, we support the acknowledgement that areas of the Perth metropolitan region as well as certain regional centres are of a significantly lower risk of bushfire simply due to urban buildup and the natural environment within a given region and, as such, should be considered differently when planning for bushfire risk.

We have some minor comments and questions that we would like to be considered when finalising the draft Policy and Guidelines.

SPP 3.7

- Policy Objective 5.1 – Further guidance should be provided to eliminate potential confusion between developers and decision makers.
- Section 7.2.1 – This refers to ‘proposed lots’ however in the context of local scheme amendment/MRS, this will not be the case, instead this language should refer to land to keep the context appropriate for the phase of planning.
- Section 7.2.2 – The policy should be clearer that it is in reference to the development of structures, not the lot itself. We note that this is merely an issue of clarity, but if a simple additional point is included indicating that if a lot of adequate size is created so as to allow development to occur beyond a BAL-40 impact zone, this would minimise confusion.
- Section 7.4 – We are supportive of the outcomes-based approach however, this should be made clear it is not a free for all, it is a method to assess proposals that don’t fit neatly in the box. Making sure that it is clear that there is an expected level of competence in a practitioner providing the services and in turn, local government authorities should accept and assess

against an alternative assessment pathway rather than deferring to the easiest to assessment method.

- Section 8.1 – With regard to the reference to ‘environmentally sensitive areas’, these are broad areas that encompass environmental values but also buffers which may not be relevant to development. In addition, this term is a term in Western Australian legislation but not Commonwealth, there are however ‘Matters of National Environmental Significance’ in Commonwealth legislation.
- Section 8.1 – Could the role of environmental consultants be explained in this context? Is a referral to the Government agencies still required if a proponent seeks the advice of an environmental consultant?
- Section 8.1(ii) – In regard to the clearing of native vegetation, why is a referral to Government agencies required? As a process for assessment of clearing already exists under both the State Environmental Protection Act and Commonwealth Environmental Protection and Biodiversity Conservation Act as well as exemptions, this should be altered to require advice from the environmental agencies or suitably qualified consultant.

Guidelines

- Guideline 1.2 – With regard to paragraph 3 and the reference to partial application of SPP 3.7 and the Guidelines, we hold some concerns as to how this may be interpreted and used in practice given the broadness of the wording, it may open up potential development delays when the risk is considered minor. At a minimum, we suggest very tight wording and bounds placed on this with specific examples however, removal of this section would be preferable to reduce any potential issues.
- Guideline 3.1 – Refer to comments above at Policy Objective 5.1.
- Guideline 3.2.3 – The term ‘worst-case bushfire risk’ is very broad and will likely lead to a mismatch in views between DFES and consultants/proponents. Our view is that if a term such as this is to be used then it should be defined.
 - The term itself may not be wholly necessary given that, at this stage, referencing proper vegetation categorisation, topography, development outcomes and then setting out the response should be what this is in reference to.
- Guideline 5 BPC 5 A2.1 – With reference to the phrase ‘The areas of the subject site(s) identified for intensification’, we suggest rewording this to include the terms ‘residential lots and/or buildings’, to avoid a mismatch in views with decisions makers/referral agencies about POS areas having to be in areas with a BHL of moderate or low.
- Guideline 6.2 – We disagree with proponents requiring written support from the manager of public land including open space and urban water management areas for an exclusion to be applied to these areas in a BAL assessment. This is unlikely to be consistently possible, and even if it is, significant delays in project timeframes may ensue. There are areas which clearly are well managed and AS 3959 allows for exclusions to be applied without written acknowledgement, provided the bushfire consultant can justify why an exclusion is applied.
 - One purpose of a structure plan is to allocate the appropriate reservation of retained land with POS typically vested to the local authority. Sometimes decisions are made contrary to the desires of a local authority, but the WAPC does so for a balanced planning outcome. To require the (future) managing authority to provide written support could be viewed as fetter to the WAPC decision on a structure plan.



- Guideline 8 – Vulnerable industrial land uses are not defined nor have any associated examples. For consistency with the remainder of Guideline 8, a definition and examples should be included.
- Appendix B Broader Landscape Assessment – The Guidelines should explain where the data that spatially depicts approved structure plans and subdivisions for the purposes of a BLA is to be found as this is important to the overall process. This is a positive initiative to allow exclusions of approved development from classification for this scale of assessment, however, the data is needed to do this.
- Appendix B Broader Landscape Assessment – Within Step 3 – Assess and map aspects, demonstration that the proposal maintains or improves the evacuation capacity of the road network is required. If this is through a traffic assessment, time and cost will be added to the process and this will need to be incorporated into these steps to ensure clarity on the matter, if this is not how this will be determined then please clarify this matter.

Thank you again for your engagement with UDIA WA and the opportunity to provide feedback on the draft SPP 3.7 and Guidelines. Should you require further information or wish to discuss this please contact Sarah Macaulay, Executive Director – Strategy and Policy at smacaulay@udiawa.com.au or 9215 3404.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tanya Steinbeck', is positioned above the typed name.

Tanya Steinbeck
Chief Executive Officer