



# Designation of bushfire prone areas

**Please note the 1 May 2015 start date in this bulletin no longer applies.** A revised start date will be determined by the passing of the Fire and Emergency Services Amendment Bill 2014 through Parliament and the Gazettal of designated bushfire prone areas by the FES Commissioner. A four month transition will apply from the date of Gazettal. For further information, please view the [Construction in designated bushfire-prone areas – update](#) announcement on the Building Commission website.

## The State Government will take responsibility for mapping and designating bushfire prone areas across the State from 1 May 2015.

This initiative, announced on 2 May 2014, is a whole of government approach to address recommendations made by the Keelty Report into the Perth Hills bushfire of 2011. Key measures include:

- the creation of maps, endorsed by the Fire and Emergency Services Commissioner, that identify and designate bushfire prone areas across the State; and
- new planning regulations to amend all local planning schemes in order to implement additional planning requirements for some types of development in designated bushfire prone areas.

Designation as a bushfire prone area triggers the bushfire construction requirements of the Building Code of Australia (BCA).

These BCA requirements are not new. The BCA has contained bushfire construction requirements for designated bushfire prone areas since 1996. The provisions were updated in 2011 to reflect recommendations made by the Victorian Royal Commission into the Black Saturday bushfires.

In Western Australia, the designation of bushfire prone areas has been the responsibility of local government. While some local governments have made the decision to designate bushfire prone areas, most have not. From 1 May 2015, the State Government will take on this responsibility to ensure uniform and consistent designation of bushfire prone areas across the State.

Industry should note that current bushfire construction requirements have applied in WA since 2011. This means the transitional provisions that allow a building to be certified against the current or previous year's edition of the BCA will not defer the application of the bushfire construction requirements.

Industry is therefore encouraged to make use of this period in the lead up to 1 May 2015 to consider the design of buildings in areas subject to, or likely to be subject to, bushfires.

The government is also considering amendments to the Building Regulations 2012 to clarify the building approval process for residential buildings located in designated bushfire prone areas. This may result in a number of changes to the approved forms under the *Building Act 2011*.

Further information on the proposed changes will be provided in coming months.

**Disclaimer:** The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

August 2014