



Department of **Planning,  
Lands and Heritage**



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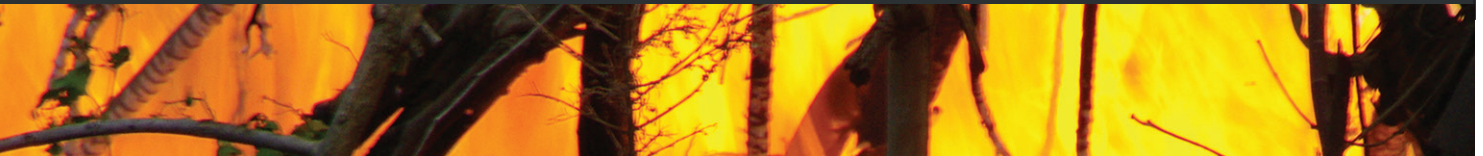
**INACTIVE**

REPEALED

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# PLANNING IN BUSHFIRE PRONE AREAS

## BUSHFIRE POLICY FRAMEWORK



**SPP 3.7**  
Planning in  
**Bushfire  
Prone Areas**

**Guidelines** for  
Planning in  
**Bushfire  
Prone Areas**

## FACTSHEET

October 2021

### BUSHFIRE AND VEGETATION

Environmental considerations for bushfire mitigation and environmental asset protection



### DISCLAIMER

This document is intended as a guide only and does not provide comprehensive details on bushfire and vegetation management. Please refer to the relevant legislation or department where noted and seek professional advice for specific circumstances

This fact sheet provides an overview and general advice to landowners, developers, bushfire planning practitioners and decision-makers for bushfire mitigation measures that involve vegetation modification or removal, in accordance with [State Planning Policy 3.7 Planning in Bushfire Prone Areas](#). Particular focus is given to implementing the vegetation management measures set out in Schedule 1 of the [Guidelines for Planning in Bushfire Prone Areas](#).

This fact sheet includes information about relevant legislative and policy requirements that influence and control vegetation clearing.

## VEGETATION MANAGEMENT MEASURES

### PRIVATE LAND

The modification or removal of vegetation is an effective way to reduce a bushfire hazard that surrounds any development, particularly for asset protection zones (APZs) on private landholdings on the rural/urban interface and peri-urban development fronts.

Considering the environmental priorities for a site – such as vegetation retention, biodiversity, and wildlife habitat – as early as possible in the planning process can avoid excessive or unnecessary modification or clearing of ecosystems.

A vegetation survey of the site may be needed to determine if threatened or protected vegetation and fauna habitats are present, and to inform the siting and design of future development. A bushfire planning practitioner or the relevant local government can advise if an onsite vegetation survey is required.

The results of a vegetation survey should be used to inform any vegetation management identified in a bushfire management plan (BMP). This will help understand potential clearing requirements for a site and define the areas that can be cleared. The survey may also support a proponent's ability to prioritise vegetation modification or removal in areas that will provide the greatest reduction of bushfire risk to the subject site, if that vegetation is able to be cleared.

The BMP should identify vegetation or environmental features such as riparian zones, foreshores and wetlands, and any relevant buffer requirements or areas intended to be revegetated or retained.

**More information:** Schedule 1 – Standards for Asset Protection Zones of the [Guidelines for Planning in Bushfire Prone Areas](#)

### RURAL LOTS

Vegetation management for bushfire on rural lots may be subject to additional local government bushfire requirements such as compliance with section 33 firebreak notices and Harvest and Vehicle Movement Bans. It is recommended to check with the relevant local government and the Department of Fire and Emergency Services (DFES) before undertaking any bushfire risk reduction measures.

### BUSH FIRE RISK TREATMENT STANDARDS

The [Bush Fire Risk Treatment Standards 2020](#) allows landowners to manage vegetation within a 20-metre radius of a habitable building on their property or adjoining landowners, with the consent of that landowner.

Landowners looking to reduce the bushfire risk of an existing development cannot clear vegetation to create an APZ unless the Bush Fire Risk Treatment Standards 2020 applies, or it is:

- prescribed under a local government's section 33 firebreak notice, or
- part of a proposed extension to the existing habitable building, or
- the APZ is as per a development approval.

It is a voluntary standard for existing buildings constructed prior to 2015 where there may have been no previous bushfire consideration.

The Standards do not have any legal weight and compliance cannot be enforced. As such, they are not used as a consideration in bushfire attack level (BAL) assessments or in BMP's.

**More information:** [Guide for applying the Bush Fire Risk Treatment Standards](#)

### CLEARING OF VEGETATION

To clear vegetation on private land outside of the above circumstances, the landowner will need to comply with any relevant vegetation clearing legislation and processes, such as clearing permits.

It is important to check that the appropriate clearing approvals are in place, to avoid unauthorised removal or modification of vegetation.

## PUBLIC LAND

Greenfield and urban infill proposals should identify vegetation of significance to be retained at the earliest possible planning stage, and plan to retain it within areas of public open space.

Where vegetation removal causes conflict with the landscape or environmental objectives of other state planning policies or a local planning framework, the redesign of a development, structure plan or subdivision, including a reduction in lot yield, is preferred.

Management of these areas can also consider careful plant selection as outlined in the APZ explanatory notes in the [Guidelines for Planning in Bushfire Prone Areas](#).

Where public open space is maintained to a parkland standard, as per the low threat vegetation exclusions in cl.2.2.3.2 of AS 3959, it may be able to be classified as low threat vegetation in a BMP. Written evidence should be provided that the future land manager (for example, the local government or State Government department) agrees to maintain the public open space in a low threat state, in perpetuity.

Land managers are encouraged to consider the bushfire risk of reserves adjacent to development as part of any vegetation management plans or strategies. There may be opportunities to consider the bushfire risk of degraded reserves that are adjacent to existing development, where vegetation management techniques can have a dual purpose of mitigating bushfire risk and improving the quality of native vegetation. For example, the removal of weeds and invasive species and careful revegetation strategies can potentially reduce the bushfire fuel load.

## ENVIRONMENTAL APPROVALS AND EXEMPTIONS

It is important to understand the environmental approval requirements for a site before clearing vegetation or identifying vegetation to be modified or removed within a BMP. At both the Commonwealth and State level, modifying or removing vegetation to reduce bushfire risk is subject to approval processes and/or exemptions under various legislation across both jurisdictions.

**It should be assumed that vegetation modification or removal will require additional approval.**

Proponents, bushfire planning practitioners and decision-makers should clarify approval requirements with the Department of Water and Environmental Regulation (DWER), the Department of Biodiversity Conservation and Attractions (DBCAs), an environmental consultant or the relevant local government.

## ENVIRONMENTAL LEGISLATION (WESTERN AUSTRALIA)

'Clearing' of vegetation is defined under the [Environmental Protection Act 1986](#) (EP Act) as causing substantial damage to some or all of the native vegetation in an area, including through:

- the killing or destruction of native vegetation
- removal of native vegetation
- the severing or ringbarking of trunks or stems
- the draining or flooding of land
- the burning of vegetation
- the grazing of stock, or
- any other activity that kills or damages native vegetation.

Therefore, both 'clearing' and 'modification' of vegetation to reduce bushfire risk is considered 'clearing' under the EP Act, and requires a clearing permit under the [Environmental Protection \(Clearing of Native Vegetation\) Regulations 2004](#) (Clearing Regulations) unless considered exempt, as explained below.

DWER is responsible for issuing clearing permits and the [framework for the regulation of clearing](#).

## EXEMPTIONS

Removal or modification of native vegetation must be authorised by a clearing permit under Part V, Division 2 of the EP Act, unless the clearing is exempt as prescribed in the Clearing Regulations, or set out in Schedule 6 of the Act.

The most common Schedule 6 exemptions from the need to obtain a clearing permit to reduce bushfire risk to development on private land, are:

- clearing of native vegetation by the landowner in accordance with a notice issued by a local government under section 33 of the [Bush Fires Act 1954](#).
- clearing that is fire hazard reduction burning, provided it occurs outside prohibited or restricted burning times declared under the [Bush Fires Act 1954](#) and is done in a way that minimises long term damage to the environmental values of the vegetation.
- clearing associated with a subdivision or development approval when it is required to satisfy approval conditions, or is in accordance with an approval. Examples may include:
  - construction of roads or common property accessways
  - connection to water, sewer, or electricity services

- where earthworks such as filling or draining the land are required
- clearing within any building envelope described in the approved plan or diagram
- clearing associated with an APZ, identified within a BMP, linked to development or subdivision approval, through a condition of approval.

If an APZ is not identified within a BMP, with evidence that it can be implemented through a local government's firebreak notice and tied to a subdivision or development approval by an approval condition, then any proposed clearing associated with an APZ may not be exempt from the State clearing permit requirements.

Schedule 6 also provides local governments with an exemption from the requirement for a permit to clear vegetation within reserves and road reserves, provided the reserves are vested with the local government and the clearing is to prevent the occurrence or spread of bushfire. This exemption has limitations, and excessive clearing beyond that deemed necessary for bushfire mitigation purposes will require a permit, for which approval is not guaranteed.

## **OTHER LEGISLATIVE AND STATUTORY PLANNING REQUIREMENTS**

### **ENVIRONMENTALLY SENSITIVE AREAS**

Exemptions for prescribed clearing under the Clearing Regulations noted above, do not apply in **Environmentally Sensitive Areas** declared under section 51B of the EP Act. However, exemptions under Schedule 6 of the EP Act can be used within these areas.

Environmentally Sensitive Areas include, but are not limited to:

- a defined wetland and the area within 50 metres of the wetland (e.g. Ramsar, conservation category and nationally important wetlands)
- a continuous extent of vegetation within 50 metres of rare (threatened) flora
- an area containing a threatened ecological community (TEC)
- a Bush Forever site as identified in **State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region and Bush Forever Volume 1**
- National and World Heritage areas.

**More information:** DWER **Clearing Permit System Map Viewer** to search if a property contains an Environmentally Sensitive Area.

### **BUSH FOREVER AND LOCALLY SIGNIFICANT CONSERVATION AREAS**

Relevant local planning schemes and the **Perth Metropolitan Region Scheme** identify Bush Forever areas and other locally significant conservation areas. There may also be instances where particular species are identified for protection in local planning frameworks such as a local planning policy or local biodiversity strategy, due to their conservation or heritage values.

### **DECLARED WATER CATCHMENT AREAS**

Clearing of vegetation within land covered by the **Country Areas Water Supply Act 1947**, which applies to certain declared water catchment areas, is not exempt from the requirement to obtain a clearing permit. If clearing is proposed within a **Country Areas Water Supply Act 1947**-controlled catchment, or if compensation has previously been paid to retain the subject vegetation, a **Country Areas Water Supply Act 1947** clearing licence is required to be obtained from the Department of Water and Environmental Regulation.

**More information:** DWER **Map of Clearing Controlled Catchments** to search the location and extent of controlled catchment areas.

### **OTHER APPROVALS**

Approvals under other legislation may also be required depending on the type of flora or fauna present on the subject land.

- An environmental survey will determine the presence of any threatened species, threatened ecological communities, environmentally sensitive areas or matters of national environmental significance (MNES) on the land.
- Additional authorisation to modify threatened ecological communities is required under the **Biodiversity Conservation Act 2016** and the **Biodiversity Conservation Regulations 2018**, which are **administered at a State level** by the Department of Biodiversity, Conservation and Attractions.
- Approval to develop land and impact on MNES pursuant to Environment Protection and **Biodiversity Conservation Act 1999** may also be required. The Act is administered by the Commonwealth Department of Agriculture, Water and the Environment and includes **information specific to bushfire management**.

- Further state planning policies and publications that may need to be considered when vegetation management or clearing is proposed or when designing an APZ, include:
  - [SPP 2 Environment and Natural Resources Policy](#)
  - [SPP 2.6 State Coastal Planning Policy](#)
  - [SPP 2.8 Bushland Policy for the Perth Metropolitan Region](#)
  - [SPP 2.9 Water Resources](#) and [draft SPP 2.9 Planning for Water](#)
  - [Visual Landscape Planning in Western Australia](#).

## FURTHER RESOURCES

- [Bushfire Resilient Building Guidance](#) (QLD Reconstruction Authority)
- [Landscaping for Bushfire: Garden Design and Plant Selection](#) (Country Fire Authority, Victoria)
- [Landscaping for Bushfire: Garden Design and Plant Selection – Plant Selection Key](#) (Country Fire Authority, Victoria)
- [LP Gas cylinder safety in bushfire prone areas](#) (Energy Safety)
- [Visual Fuel Load Guides](#) (Department of Fire and Emergency Services)
- [Visual Guide for Bushfire Risk Assessment in Western Australia](#) (Department of Planning, Lands and Heritage)
- [A guide to the exemptions and regulations for clearing native vegetation](#) (Department of Water and Environmental Regulation)

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