



Hon John Carey MLA
Minister for Planning; Lands; Housing; Homelessness

Our Ref: 72-44073
Your Ref: A1023601; Petition No. 082

Hon Peter Foster MLC
Chair
Standing Committee on Environment and Public Affairs
env@parliament.wa.gov.au

Dear Mr Foster

PETITION NO. 082 – RECOMMENDATION 5 OF THE INDEPENDENT REVIEW INTO THE 2001 WOOROLOO FIRE

Thank you for your letter of 22 May 2023 to the former Minister for Planning regarding the above matter.

The petition relates to a request for the State Government to fully implement Recommendation 5 of the February 2021 AFAC Independent Operational Review of the Wooroloo fire. Specifically, this would require planning and development decision-makers to uphold recommendations made by the Department of Fire and Emergency Services (DFES) in its role as Hazard Management Agency (Fire).

The State Government noted Recommendation 5 in its response to the inquiry. Since this time, there has been considerable work undertaken to further progress the general intent of the recommendation. The Department of Planning, Lands and Heritage (DPLH), DFES and the Department of Mines, Industry Regulation and Safety have been working closely together to improve the State's planning and building bushfire framework as part of the 2019 Bushfire Framework Review.

The Western Australian Planning Commission has recently released a new draft State Planning Policy 3.7: Bushfire (SPP 3.7) and associated guidelines for public consultation following an extensive review process. SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development in relation to bushfire. The review of SPP 3.7 was informed by recommendations from the State's Action Plan for Bushfire Framework Review and considered the Independent Wooroloo Review, the Royal Commission into the National Natural Disaster Arrangements, and other relevant inquiries.

DPLH has worked closely with DFES to ensure appropriate consideration of bushfire matters have been incorporated into SPP 3.7 given their expertise as the State's Hazard Management Agency for bushfire. DFES is also undertaking a review of the Map of Bushfire Prone Areas to support the policy framework.

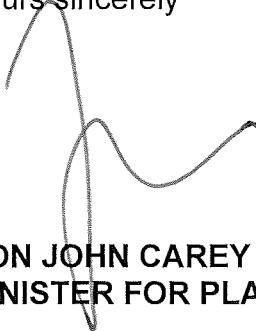
The map provides the trigger to apply planning and building requirements relating to bushfire. In the case where planning approval is required, SPP 3.7 is used by decision-makers to guide their assessment of a planning proposal.

The land use planning system relies heavily on advice provided by referral agencies on a range of matters to inform decision-making. Referral advice from DFES is confined to areas of expertise available within DFES and does not have to consider broader issues such as social, environmental or economic matters. Land use planning decision-makers are required to give the advice provided by DFES "due regard". While bushfire risk is an important consideration in planning decisions, it is one of many factors that a planning decision-maker must consider. It is the responsibility of the planning decision-maker to make a robust assessment against all relevant considerations and to make a balanced, reasonable, and well-informed recommendation informed by advice from a range of referral agencies.

Complex legislative reform would need to be enacted to require decision-makers to be bound by DFES' advice. There is significant risk in undertaking legislative amendments that regulate the primacy of a singular planning issue above others. The land use planning system needs to consider a large range of matters (environmental, social, economic), including multiple matters that have direct implications for human health and safety such as the protection of drinking water sources, consideration of flood risk and proximity to sources of air pollution. The current land use planning framework provides the appropriate degree of regulation and policy to ensure the necessary protections and flexibility can be applied to each decision to effectively balance a range of matters including bushfire risk.

DPLH continues to work collaboratively with DFES to ensure bushfire risk is appropriately considered at all levels of land use planning. Given the robust nature of the current state planning framework and its ability to adequately consider and balance a range of important issues, I remain committed to the Government's current approach to dealing with this important matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Carey', written over a vertical line that extends from the 'Yours sincerely' text.

**HON JOHN CAREY MLA
MINISTER FOR PLANNING**