



**Minister for Emergency Services; Innovation and the Digital Economy;
Medical Research; Volunteering;
Deputy Leader of the Government in the Legislative Council**

Our Ref: 62-33683
Your Ref: AI023605 Petition No. 082

Hon Peter Foster MLC
Chair of Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

env@parliament.wa.gov.au

Dear Mr ^{Peter}~~Foster~~

Thank you for your letter dated 22 May 2023 regarding Petition No. 82, relating to Recommendation 5 of the AFAC Independent Operational Review of the Wooroloo fire of February 2021.

The petition relates to a request for government to fully implement Recommendation 5, specifically to require planning and development decision makers to uphold recommendations made by the Department of Fire and Emergency Services (DFES) via the Fire and Emergency Service Commissioner' role as Hazard Management Agency (Fire).

While the State Government response to Recommendation 5 was by way of "noting", significant effort has been undertaken to achieve the intent of the recommendation. This work has focused on optimising DFES' role under the current framework to ensure that DFES comments are given appropriate weight in planning and development decision making.

DFES provides expert knowledge in planning and development decisions as a referral agency and advisory body. Under the current framework, comments provided are related to areas of expertise available within DFES and not fettered by the need to consider more broad implications across social, environmental, or economic matters. While not bound by DFES' recommendations, decision makers are obliged to give comments "due regard". While bushfire risk is an incredibly important consideration in planning decisions, it is only one factor, and it is the responsibility of the planning decision makers to make a robust assessment against all relevant considerations and to make a balanced, reasonable and well-informed recommendation.

Complex legislative reform would need to be enacted to require decision makers to adhere to DFES' recommendations given the broad span of the planning and development framework and its interaction with other regulatory frameworks, such as those dealing with environmental and cultural heritage matters. Furthermore, triggers for referral would need to be re-focused and risk becoming overly complicated given the wide range of planning processes and stages inherent in the framework.

DFES is committed to continuing to provide input into all levels of planning and development decisions, from the highest level of policy development, through to strategic spatial planning, subdivisions and development applications.

The Department of Planning, Lands and Heritage (DPLH) is currently undertaking a comprehensive review of *State Planning Policy 3.7: Planning in Bushfire Prone Areas* and the associated Guidelines, which are the primary policy documents for the bushfire planning framework. This work is framed by the ongoing state government planning reform and informed by recommendations from the State's Action Plan for Bushfire Framework Review and informed by findings from the Independent Wooroloo Review, the Royal Commission into the National Natural Disaster Arrangements, and other relevant inquiries. DFES is working closely with DPLH to assist and influence this policy framework and will be conducting a review of the Map of Bushfire Prone Areas in due course, which will further support this work.

Given the robust nature of the current planning and development framework in Western Australia, the commitment by DFES to continue enhancing the quality of work it does in this space in conjunction with the review of the bushfire planning framework, I remain committed to Government's current approach to dealing with this important matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stephen Dawson', with a long horizontal flourish extending to the right.

Hon Stephen Dawson MLC
MINISTER FOR EMERGENCY SERVICES

cc – Minister for Planning, Hon Rita Saffioti MLA