

April 13th 2023.

**Submission by the Principal Petitioner, Dwayne Scook, in relation to Petition No 082:
Recommendation 5 of the independent review into the 2021 Wooroloo fire.**

Petition 082 has 458 signatures (electronic version dated 13 March 2023) and 2,004 signatures (paper version dated 21st April 2023) from across Perth and the Hills' regions, fundamentally highlighting the critical need for a review of DFES's 'opinion' role in planning decisions in Western Australia relating to Extreme Bushfire Risks.

Every bushfire teaches us new lessons, and their resulting inquiries serve to inform our Governments at local, State and National levels around the now-global challenges of planning and building in communities that we know pose significant bushfire risks to people.

Recommendation No 5 from the independent Wooroloo Bushfire Inquiry states:

- *Any determination that the Fire and Emergency Services Commissioner as the Hazard Management Authority (Bushfire) makes in respect of construction standards or subdivision developments, regarding requirements such as Asset Protection Zones, Bushfire Attack Levels etc. should be upheld by the consent authority.*

The recommendation is preceded, in Point 4.56, with acknowledgement that:

- *It is also critical that the FES Commissioner advice is adopted wherever possible. **This advice reflects the highest level of expertise in bushfire risk assessment.***

In late 2019/early 2020 Australia experienced the '**Black Summer Bushfires**'- **More than 24 million hectares of land burnt, 33 lives lost, 3,000 homes destroyed and nearly 3 billion animals killed.**

The report from the Royal Commission into National Disasters Arrangements concluded that:

- *"Extreme weather has already become more frequent and intense because of climate change; further global warming over the next 20 to 30 years is inevitable. The likelihood of increases in the severity and frequency of natural hazards should be taken into account in land-use planning and building decisions".*

Barely a year later, in February 2021, the Perth Hills experienced its worst-ever bushfire disaster- the **catastrophic Wooroloo Bushfire**. This bushfire began 45 kilometres northeast of Perth but within had destroyed several houses, and within days, threatened Perth's urban fringe, requiring an unprecedented **69 Perth suburbs and Hills' regions to be issued with 489 bushfire alerts, including inner Local Govt regions such as Cities of Stirling, Joondalup and Wanneroo**. Conservatively those 69 regions represent, approximately, 300,000 people.

- 87 homes and two fire trucks were destroyed (300+ people homeless); 80% of all homes in Tilden Park - a semi-urbanised area of Gidgegannup, were destroyed. It's important to note that - **Several of these homes were built to Australian Standard AS3959 - the highest for bushfire protection.**
- in total 11,000 hectares were burnt;
- 800+ emergency personnel were required to battle the 140km bushfire perimeter.

The independent Wooroloo Bushfire (Review <https://www.wa.gov.au/government/government-initiatives-and-projects/independent-review-of-the-2021-wooroloo-bushfire>) was released on 29 March 2022 with recommendations to enhance prevention, preparedness, response and recovery to bushfire in WA. The WA Government directed the Department of Fire and Emergency Services (DFES) to lead the response to the 13 recommendations.

From the report:

4.52 ... It was noted that of the 86 properties destroyed by the Wooroloo Bushfire, **some were constructed to the (HIGHEST) AS3959 requirements.** ... further investigation needed to be conducted to ascertain the impact of the fire on these properties and any changes that may need to be applied to the current Standard as a result.

4.53 The Western Australian Local Government Association (WALGA) - WALGA State Council supports state-wide, minimum bushfire mitigation standards, specifically to:

- **Give legislative effect to bushfire guidelines**
- **Improve guidance on design of subdivision and buildings**
- **Provide policy guidance, model subdivision and development conditions**

4.56..... The Wooroloo bushfire highlighted the risks that are present for people living in areas where fuel and fire conditions create a real threat to both life and property. **Thorough assessment is needed for any future developments to ensure that all necessary plans and provisions adequately consider community safety. It is also critical that the FES Commissioner advice is adopted wherever possible. This advice reflects the highest level of expertise in bushfire risk assessment.**

Sue Davies, Community representative on the Wooroloo Bushfire Inquiry 2021, has written a supporting letter for this petition (Attachment 1). In summary:

- *'In the opinion of the review panel it is vital that the recommendations of the Emergency Services Dept be implemented when any subdivision is submitted for approval. These are the people who have to defend this area in the event of any sort of emergency especially fire.'*

The Wooroloo Bushfire was described by fire-fighters attending the catastrophic incident as Perth's first Climate-induced bushfire . This was followed a year later by bushfires in the wheatbelt and southern regions, which DFES Commissioner Klemm described as 'climate-change driven' given the absence of cooling and less windy conditions overnight to gain advantage of the fire front.

Due to climate change, we are facing an era of increased risk of catastrophic bushfires in bushfire prone areas. We are experiencing longer bushfire seasons, a decrease in rainfall, drier hotter summers, and more frequent and extreme weather events. Australia experienced its hottest year on record in 2019. The average maximum temperature was 2.09°C above the baseline, a full 0.5°C higher than the previous record.

The WA Planning Commission (WAPC) as statutory authority decides to approve or refuse a structure plan based on the Department of Planning (DPLH) review of the proposal, and its compliance to relevant State Planning Policy and the Planning Act. The DPLH in turn relies on DFES' comments and recommendations with respect to compliance or non-compliance of the development proposal in relation to the State Planning Policy SPP3.7 'Planning in Bushfire Prone Areas'.

DFES reviews compliance of the developer's Bushfire Management Plan (BMP) against SPP3.7. This BMP is prepared and paid for by the developer and therefore is simply a compliance exercise. It does not require the report to account for cumulative effects (e.g. regional impacts of climate change), or perform any uncertainty analysis.

The consultants indemnify their reports with regards data quality, data omissions, and the report authors conclusions. This leaves the WAPC, holding sole responsibility under their Statutory Authority 'Duty of Care' to safeguard the community against foreseeable and preventable harm.

To do so the WAPC must ensure their decisions are fully informed and that:

- 1) DFES have been given sufficient time, sufficient resources, and expertise in the field under review to thoroughly peer review every BMP. If the WAPC are not satisfied that DFES has the

required resources and/or expertise available, then it must delay the decision until such a time that DFES has the resources or engages independent experts working for DFES to thoroughly and objectively peer review the BMP.

- 2) DFES and the commissioners adequately consider any impending bushfire reforms to SPP 3.7 policy and guidelines. The current reforms to SPP 3.7 will be released in late 2023 / early 2024. These reforms importantly reinforce the protection of human life as the primary focus of WA's bushfire framework and recognise climate change and the importance of locational context (surrounding landscape risk), and associated risk.
- 3) When DFES recommend refusal of a Structure Plan, accepting DFES provides the **highest level of expertise in bushfire risk assessment, their recommendation must be adopted.**

In conclusion, the community is petitioning for the Legislative Council to recommend urgently to the Government, to **investigate implementing Recommendation 5 of the Wooroloo Bushfire Inquiry.**

This will ensure that decisions by the WAPC, as the Statutory Authority, in relation to Community bushfire safety, uphold DFES' qualified recommendation, and if required, have legislative effect.

These actions will help mitigate the potential for future catastrophic outcomes, better safeguard the community, heighten a sense of community reassurance, demonstrate important procedural transparency, and ensure that our policy and decision makers have sufficient time to fully assimilate the latest scientific evidence on climate change and the increasing risks to bushfire prone communities.

Above all, we can all be reassured that the highest risk proposals are considered – and decided, by WA's '**highest level of expertise in bushfire risk assessment.**'

Your sincerely



Dwayne Scook
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Letter of support for Dwayne Scook Petition No 82 to the Standing Committee on Environment and Public Affairs

I was the community representative on the Wooroloo Bushfire Review panel of 2021.

I would direct you to the No 5 recommendation of this Report.

Any determination that the Fire and Emergency Services as the Hazard Management Authority (Bushfire) makes in respect of construction standards or subdivision developments, regarding requirements such as Asset Protection Zones, Bushfire Attack levels etc should be upheld by the consent Authority.

I am aware that the government was not willing to implement this recommendation as it meant changing several laws to accomplish this aim.

It is noted that the WALGA in their submission were asking for legislation to effect Bushfire guidelines

Improve guidelines on the design of subdivision and buildings

Provide policy guidelines on model subdivision and development conditions.

Establish an accreditation system for BAL assessments

Establish a training and education program for Bushfire Planning and Design practitioners.

All the same it does not detract from the fact that the panel was concerned about subdivisions that did not allow adequate fire protection areas. That is small size blocks small access roads and narrow cul-de-sac where fire trucks cannot turn. The practise of having single access into and out of these developments is a recipe for disaster as was evidenced in Tilden Park. If this access is blocked for whatever reason Emergency services cannot get in to help residents and residents cannot get out. The development at Shady Hills in Bullsbrook has the same problem. There were 2 entry/exit points in the original plan but the 2nd exit was never built. Several bushfires later and many close encounters the residents are still waiting for that road to be built.

We were also concerned about lack of regulatory requirements or governance regarding the qualifications or experience held by bushfire and mitigation consultants. Practitioners must be able to demonstrate relevant training skills and experience to undertake reviews of these subdivision proposals. This was a concern of the WALGA as mentioned above. It is also relevant to take the views of the local Shire into consideration as they are the ones governing the development. Not bypass the Shire and direct everything to the planning association or JDAP

In the opinion of the review panel it is vital that the recommendations of the Emergency Services Dept be implemented when any subdivision is submitted for approval. These are the people who have to defend this area in the event of any sort of emergency especially fire. Personally I would be concerned about the possibility of legal action if these recommendations were not implemented.

Previous major fires in the hills area have proven difficult to manage and access is a major problem. We should be maintaining an area that allows for open space. Reference the reviews of 2011 fires Red Hill Kelmscott and Roleystone fires. 2014 Parkerville Stoneville Mt Helena bushfire.

I would support the Save Perth Hills group in their petition to have this development in Stoneville denied.

Sue Davies

Community representative member on the Wooroloo Bushfire Enquiry 2021