

Key bushfire management measures for Western Australian landowners and occupiers

23 November 2021

3 min. read

Worthwhile read for: Landowner, land occupier, town planner, property developer

[Planning and environment / bushfires / climate change / fire protection / Wooroloo](#)

Despite the unseasonably wet start to November, the Australian summer is approaching and with it comes increased risk of bushfires. Bushfires can be deadly — in the catastrophic Australian 2019-2020 Black Summer bushfire season, 33 people died, 3 billion animals died or were displaced and approximately 3000 homes were destroyed.

Landowners and occupiers need to and are in fact required to ensure they have taken adequate precautions to manage the risk of bushfires. It is well known that the severity of any bushfire can be affected by weather conditions, fuel loads and the surrounding terrain. However, with climate change, the reduction in rainfall and increased fuel loads, more can be done to save lives and property.

Below, we provide an overview of the key measures landowners and occupiers may need to consider with regards to bushfire management.

Maintain firebreaks

Each year, local governments issue notices to landowners and occupiers to clear and maintain firebreaks on their properties, pursuant to section 33 of the *Bushfires Act 1954*.

A failure by a landowner or occupier to comply with the directions in the notice may result in prosecution proceedings being commenced against the landowner or occupier by the local government.

Fire protection measures for new developments and buildings

The Deemed Provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* do have some in-built fire protection measures for new developments.

The Deemed Provisions provide that development approval is required, where it would not otherwise be required, for the construction of a single house, ancillary dwelling, habitable building or specified building which is to be located in a bushfire prone area calculated at BAL 40, BAL Flame Zone or where, because of the terrain, the bushfire attack level is not possible to assess.

The requirement for development approval in these situations offers some comfort to landowners that the structure subsequently constructed is constructed with bushfire concerns in mind.

Underground bushfire bunkers as a last resort

An additional protection measure may be the installation of an underground bushfire bunker. In the Eastern States, underground bushfire bunkers are gaining traction as an additional, albeit last resort, in bushfire survival. Victoria has taken the lead, with people being able to purchase shelters which are pre-approved and accredited as meeting the requirements of the Victorian Building Regulations Advisory Committee.

In Western Australia, it is likely that the requirement for such structures to obtain building and planning approvals, in addition to their cost, will be seen as deterrents to landowners who would otherwise be willing to install an underground bushfire bunker. This is an unfortunate outcome, particularly in areas that are already identified as bushfire prone or have a high BAL rating.

Inquiry into the Wooroloo bushfires underway

At the beginning of 2021, the Western Australian Wooroloo bushfires saw at least 86 houses destroyed. Currently, there is an Inquiry underway to examine the circumstances surrounding the Wooroloo bushfire and to determine whether improvements can be made in response to bushfires.

Although the period for public comment has closed, we await its findings with interest and hope it addresses the relatively short time currently allowed by most local governments to landowners for burning off. Often the couple of months during the wet part of winter allowed for a clean up and burn off are insufficient to allow for the lowering of fuel loads

23 November 2021

[Planning and environment / bushfires / climate change / fire protection / Wooroloo](#)

[Previous article](#) [Next article](#)