

FLYING MINUTE: DFES Bushfire Place of Last Resort Guideline Discussion Paper

By Sam Kennedy, Senior Policy Advisor – Emergency Management

WALGA RECOMMENDATION

That State Council endorse the submission to the *DFES Bushfire Place of Last Resort – Preliminary Stakeholder Engagement Discussion Paper*.

RESOLUTION 263.FM/2026

CARRIED

EXECUTIVE SUMMARY

- The Department of Fire and Emergency Services (DFES) is developing a Bushfire Place of Last Resort (BPLR) Guideline for Western Australia in response to Recommendation 12 of the *Reframing Rural Fire Management – Report of the Special Inquiry into the January 2016 Waroona Fire*.
- DFES invited feedback on the Preliminary Stakeholder Engagement Discussion Paper via email to all Local Government CEOs on 5 February 2026, with an original submission deadline of 9 March 2026 (extended to 30 March 2026).
- WALGA does not have a current Advocacy Position on BPLR.
- WALGA convened a workshop on 9 March 2026 with interested Local Governments to explore key issues including governance, liability, resourcing, public messaging, and land use planning interactions.
- WALGA's submission draws on workshop outcomes and relevant insights from the 2025 WALGA Local Government Emergency Management Survey to provide a sector-informed perspective.
- Overall, the submission emphasises that DFES has not made the case for the introduction of BPLRs in WA. The current proposal places significant responsibility, operational expectations, funding requirements, and potential liability on Local Governments, without sufficient information to assess the implications or determine whether BPLRs are appropriate or viable in their communities.
- The draft submission was endorsed by the Environment and People and Place Policy Teams at a joint meeting on 19 March 2026.

ATTACHMENTS

- Bushfire Place of Last Resort Guideline – Preliminary Stakeholder Engagement Discussion Paper
- Submission to the Bushfire Place of Last Resort Guideline – Preliminary Stakeholder Engagement Discussion Paper.

POLICY IMPLICATIONS

[Advocacy Positions](#) relating to this submission are:

- Position 8.1 Emergency Management Principles; and
- Position 8.2 State Emergency Management Framework.

BACKGROUND

The Department of Fire and Emergency Services (DFES) is developing a Bushfire Place of Last Resort (BPLR) Guideline for WA in response to Recommendation 12 of the Inquiry into the January 2016 Waroona–Yarloop bushfire. During this event, there were two instances

where places of last resort were used by community members to shelter from the fire: Preston Beach and the Yarloop Oval. The Inquiry concluded that communities at very high bushfire risk require additional safety measures where evacuation is not possible, with one option being a recognised refuge for residents unable to safely evacuate during an extreme bushfire event.

It has now been ten years since the Waroona–Yarloop bushfire and the tabling of the Ferguson Report. During this time, Western Australia’s bushfire planning and emergency management frameworks have evolved significantly. While BPLRs are widely recognised as a concept worth exploring, their practical implementation raises complex governance, operational, legal and resourcing questions. WALGA Members require further information and clarity from DFES on governance, liability, resourcing, community messaging and planning interactions.

The Environment and People and Place Policy Teams considered the draft submission at a joint meeting on 19 March 2026. The Policy Teams recommended the submission for endorsement by State Council, emphasising that an evidence-base for the implementation of BPLRs in WA was an essential prerequisite to any guideline development by DFES.

COMMENT

WALGA considers that DFES has not demonstrated a clear case for introducing BPLRs in WA, or for allocation of responsibility for BPLRs to Local Governments. The information provided does not enable Local Governments to assess whether BPLRs are appropriate or viable in their communities. The proposal, as currently outlined, places significant operational responsibilities, potential liability, and resource expectations on Local Governments.

Lessons can be drawn from Victoria, where BPLRs were introduced following the 2009 bushfires. In that jurisdiction, responsibilities for BPLRs are now largely legislated and rest with Local Governments, highlighting the level of commitment and risk that may be required if similar arrangements were applied in WA. WALGA’s submission emphasises the need for clear evidence, defined governance arrangements, dedicated resourcing, and risk-informed operational guidance before Local Governments can meaningfully engage with BPLR implementation.

Insights from the 2025 WALGA Local Government Emergency Management Survey, conducted in partnership with the ECU Survey Research Centre, further support this perspective. Of the 100 Local Governments that participated (over 70% of the sector), 51% indicated BPLRs are “not currently needed,” 31% were “unsure,” and only 17% expressed interest, with just 12 Local Governments able to identify specific community locations where a BPLR may be required. This indicates that demand across the sector is limited and reinforces that any BPLR implementation should be risk-based, targeted to high-need areas, and informed by robust evidence, rather than applied universally.

Taken together, these findings underscore that Local Governments require comprehensive information, clear guidance, and sector-wide consultation before considering the adoption of BPLRs. Without robust evidence, defined responsibilities, and targeted resourcing, Local Governments cannot meaningfully assess the appropriateness, safety, or operational implications of BPLRs in their communities.

FLYING MINUTE OUTCOME

Poll created: 23/03/2026 at 12:00

Poll closed: 30/03/2026 at 17:00

Name	Completed Date
Chris Antonio	24/03/2025 18:30
Phillip Blight	26/03/2026 6:18
Laurene Bonza	30/03/2026 17:05
Donelle Buegge	30/03/2026 15:44
Scott Crosby	26/03/2026 18:27
Patrick Hall	23/03/2026 17:51
Cate McCullough	30/03/2026 12:54
Lewis Hutton	No response
Paul Kelly	23/03/2026 20:57
Terresa Lynes	28/03/2026 20:28
Paige McNeil	30/03/2026 12:19
Chris Mitchell	30/03/2026 14:21
Matthew Niikkula	No response
Les Price	24/03/2026 5:58
Helen Sadler	30/03/2026 13:51
Robert Schmidt	30/03/2026 00:09
Eman Seif	29/03/2026 23:30
Audra Smith	30/03/2026 14:37
Stephen Strange	30/03/2026 13:46
Liz Sudlow	No response
Mike Walmsley	30/03/2026 14:34
Karen Wheatland	28/03/2026 6:07
Barry Winmar	25/03/2026 22:16

The submission was endorsed.

Following State Council feedback, amendments were made to the following sections:

- *Interaction with Land Use Planning and Land Tenure; and*
- *Conclusion.*

WALGA Submission
Bushfire Place of Last Resort
Guideline - Preliminary
Stakeholder Engagement
Discussion Paper - Department of
Fire and Emergency Services

30 March 2026

About WALGA

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector.

Our membership includes all 139 Local Governments in the State. WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities.

We advocate to all levels of Government on behalf of our Members, and provide expert advice, services and support to Local Governments. WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

Acknowledgement of Country

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Nyoongar People, where WALGA is located and we acknowledge and pay respect to Elders past and present.

Introduction

WALGA appreciates the opportunity to comment on the Department of Fire and Emergency Services' (DFES) *Bushfire Places of Last Resort Guideline – Preliminary Stakeholder Engagement Discussion Paper*.

Local Governments have significant statutory responsibilities for bushfire prevention, preparedness and response under the *Bush Fires Act 1954* and the *Emergency Management Act 2005*. These include establishing and supporting volunteer bush fire brigades, appointing Bush Fire Control Officers, implementing fire prevention measures, and supporting bushfire suppression operations within their districts. In many areas, Local Government brigades undertake frontline bushfire response and may assume the role of Controlling Agency for bushfire incidents outside gazetted fire districts. Any proposal introducing new infrastructure, operational responsibilities, or community expectations at the local level must be carefully considered within this statutory context.

The *Reframing Rural Fire Management: Report of the Special Inquiry into the January 2016 Waroona Fire* by Euan Ferguson examined evacuation and shelter arrangements during the January 2016 Waroona–Yarloop bushfire. During this event, there were two instances where places of last resort were used by community members to shelter from the fire: Preston Beach and the Yarloop Oval. The inquiry found that while emergency policy emphasises early evacuation, many residents delay leaving or choose to defend their properties, often creating unsafe evacuation situations. The report concluded that communities at very high bushfire risk require additional safety measures where evacuation is not possible. One option identified was a recognised refuge for residents who cannot safely evacuate during an extreme bushfire event.

Recommendation 12 from the Ferguson Report stated:

"The Department of Fire and Emergency Services to work with the Department of Planning and Local Governments to adopt a policy which enables Local Governments to identify, register and communicate 'Places of Bushfire Last Resort' in settlements and townsites where the life risk from bushfire is very high or greater."

It has now been ten years since the Waroona–Yarloop bushfire and the tabling of the Ferguson Report. During this time, Western Australia's bushfire planning and emergency management frameworks have evolved significantly. The limited progress on this recommendation likely reflects the complexity of integrating BPLRs within these systems. Emergency management policy has also shifted toward an all-hazards approach that recognises multi-hazard and cascading emergency events. **The role and design of BPLRs should be considered within this broader framework to ensure facilities, governance arrangements, and community messaging are consistent with contemporary emergency management principles.**

While BPLRs are widely recognised as a concept worth exploring, their practical implementation raises complex governance, operational, legal and resourcing questions. **WALGA does not support the development of a BPLR Guideline by the Department of Fire and Emergency Services (DFES) in the absence of a comprehensive evidence base that demonstrates net community safety benefits, and without clear articulation of the associated legal and liability implications for WA Local Governments.** The consultation feedback below addresses these matters from a Local Government perspective.

Context

This Submission aligns to the following WALGA advocacy position:

- **8.1 Emergency Management Principles**
 - The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.
 - The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.
 - The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities.
- **8.2 State Emergency Management Framework**, which emphasises that the State Emergency Management Framework should:
 - Support Local Governments to undertake their responsibilities;
 - Clearly outline roles, responsibilities and accountabilities for Local Government and other stakeholders; and

- Be simple, streamlined, scalable and adaptable to Local Government capability and capacity.

This submission draws on WALGA policy analysis, findings from the 2025 WALGA Local Government Emergency Management Survey, and a workshop held on 9 March 2025 with representatives from 14 Local Governments (see Appendix 1).

Submission Recommendations

Recommendation 1 – Pre-Requisite

*Before progressing any further with guideline development or associated policy work, DFES should **first** develop a comprehensive, evidence-based foundation for BPLRs, including predictive modelling, analysis of operational and safety outcomes, and lessons from Australian and international jurisdictions. Using this information, DFES should then undertake **formal consultation with Local Government** to determine whether BPLRs would deliver a net safety benefit for WA communities.*

Recommendation 2 – Pre-Requisite

*DFES should lead a detailed legal and liability risk analysis on the implications of BPLRs—including for Local Governments—addressing duty of care, liability exposure, PCBU obligations under the Work Health and Safety Act 2020, and the application of relevant Western Australian legislation. DFES should then undertake **formal consultation with Local Government on this analysis** to assess the implications and liabilities of potential governance models, **before** progressing any further with guideline development or associated policy work. Models where State Government bears primary responsibility for BPLR should be addressed in this analysis.*

Recommendation 3

Should BPLRs be introduced in Western Australia, the State Government must fully fund their establishment, operation and ongoing maintenance, including site assessments, vegetation management, signage, community education, inspections and asset renewal.

Recommendation 4

In developing a BPLR model for Western Australia, DFES should assume responsibility for technical assessment, certification and ongoing renewal of BPLR sites; provide expert criteria, documentation standards and decommissioning processes; and ensure statewide consistency and safety.

Consideration should also be given to legislating the role of the Hazard Management Agency and supporting agencies to ensure formal clarity, accountability and statewide consistency.

Recommendation 5

Should BPLRs be introduced in Western Australia, DFES should develop a coordinated communication framework for BPLRs that integrates with Emergency WA, the Australian Warning System and other emergency information channels, and provides clear guidance to Local Governments on public messaging and community education. This framework

should be informed by analysis led by DFES' Public Information Team and include evidence-based approaches to clearly differentiate BPLRs from evacuation centres and refuges and effectively reach culturally and linguistically diverse (CALD) and transient populations.

Recommendation 6

DFES to clarify that BPLRs would be an emergency management tool (not part of the planning and development approvals process), address land tenure, approval and maintenance responsibilities (including in gazetted fire districts and cross-agency activations), and explicitly prevent BPLRs being used to justify development intensification.

Recommendation 7

Any implementation of BPLRs in Western Australia should be risk-driven, targeted to high-need locations, and informed by DFES mapping that identifies priority areas based on hazard, access, land tenure, and community vulnerability.

Recommendation 8

Should BPLRs be introduced in Western Australia, DFES should ensure the approach is aligned with the review of the Community Evacuation Guideline, and overseen by SBAC/SEMC, to provide consistent policy direction on evacuation, sheltering and last-resort safety measures.

Areas of Consultation Feedback

Evidence Base, Modelling, and Lessons from Other Jurisdictions

Local Governments emphasised the need for robust evidence—including predictive modelling—to clarify the risks, benefits and legal implications of BPLRs. Notwithstanding the recommendations of the 2016 Waroona–Yarloop inquiry, a comprehensive business case supported by empirical data, including lessons from eastern Australian jurisdictions, has not yet been presented by DFES.

Critical questions remain, such as how frequently BPLRs have been used during actual emergencies, their effectiveness in improving safety outcomes, operational and resourcing challenges, and any unintended consequences related to governance, planning, or community behaviour. Additionally, lessons on the integration of BPLRs with the Australian Warning System and broader emergency communication frameworks are essential to ensure clarity and timeliness of public messaging.

The proposal to progress a BPLR Guideline should be based clear evidence and modelling demonstrating that BPLRs offer a tangible safety advantage over sheltering in place.

Recommendation 1 – Pre-Requisite

***Before** progressing any further with guideline development or associated policy work, DFES should **first** develop a comprehensive, evidence-based foundation for BPLRs, including predictive modelling, analysis of operational and safety outcomes, and lessons from Australian and international jurisdictions. Using this information, DFES should then undertake **formal consultation with Local Government** to determine whether BPLRs would deliver a net safety benefit for WA communities.*

Liability, Risk Exposure, and Legal Considerations

Community and responder safety must remain the primary consideration when assessing the introduction of BPLRs. These facilities are intended only for situations where all other evacuation options have failed, and they do not guarantee survival.

Evidence examined through the 2009 Victorian Bushfires Royal Commission highlighted that a significant number of people who died on Black Saturday were killed **while evacuating in vehicles**, often because they left too late, underscoring the need for clear risk communication, informed community decision-making, and well-defined operational controls for activation of a BPLR vs shelter in place.

Experience from other jurisdictions, particularly Victoria, demonstrates that Local Governments can carry significant liability for injuries or fatalities occurring at, or while travelling to, BPLRs. Similar exposures may arise in Western Australia. Where employees or volunteers—including Bush Fire Brigade members—are involved in BPLR operations, Local Governments may also be considered Persons Conducting a Business or Undertaking (PCBUs) under the *Work Health and Safety Act*, with obligations to ensure a safe operational environment. These matters require detailed examination, including whether a BPLR could be interpreted as a workplace and therefore attract additional WHS responsibilities and liabilities for Local Governments.

Advice from LGIS indicates Local Governments do not currently have sufficient information to assess their potential liability exposure under a BPLR framework. Key unresolved liability and insurance issues include:

- Negligent designation risks, where Local Governments are made solely responsible for identifying, selecting and certifying sites—unlike Victoria, where these functions are led by the CFA as the hazard agency.
- Land tenure and occupier’s liability concerns, especially where BPLRs are located on Crown or private land, requiring deeds of consent or licences that may transfer tortious or contractual liability to Local Governments.
- Misrepresentation risks, particularly where public messaging or signage implies a level of safety that cannot be guaranteed during all fire conditions.
- Access and egress liabilities, including responsibility for foreseeable travel hazards such as blocked roads or inadequate signage.
- Inconsistent assessment approaches, without clear, expert-informed criteria or documentation standards to support defensible decision-making, including the decommissioning of sites.

LGIS has advised that DFES certification, technical assessment and ongoing renewal of BPLRs would be essential. In addition, the discussion paper does not sufficiently address the statutory powers, responsibilities or protections available under relevant Western Australian legislation—including the *Bush Fires Act 1954*, the *Emergency Services Act 2005*, the *Civil Liability Act 2002*, and the *Work Health and Safety Act 2020*. A comparative analysis of statutory protections or immunities in other jurisdictions, alongside a matrix of practical experience across WA, would materially assist the sector in understanding risk exposure and responsibility.

Collectively, these matters illustrate that substantial WHS, legal, governance and insurance issues remain unresolved. Further detailed work is required before Local Governments can meaningfully assess the feasibility, appropriateness or safety implications of establishing BPLRs in their communities.

Recommendation 2 – Pre-Requisite

*DFES should lead a detailed legal and liability risk analysis on the implications of BPLRs—including for Local Governments—addressing duty of care, liability exposure, PCBU obligations under the Work Health and Safety Act 2020, and the application of relevant Western Australian legislation. DFES should then undertake **formal consultation with Local Government on this analysis** to assess the implications and liabilities of potential governance models, **before** progressing any further with guideline development or associated policy work. Models where State Government bears primary responsibility for BPLR should be addressed in this analysis.*

Capital and Recurrent Resourcing

Local Government has expressed significant concern regarding the financial implications of establishing and maintaining BPLRs. Potential cost components include site assessment and technical evaluation, vegetation management and asset modifications, construction or upgrading of facilities, signage installation and maintenance, development of community educational materials, and ongoing inspections, maintenance, and asset renewal. For example, creating the required separation distance from surrounding vegetation to meet bushfire hazard guidance may necessitate extensive clearing, which incurs additional costs and may trigger environmental clearance obligations.

Findings from the 2025 WALGA Local Government Emergency Management Survey show a widening resourcing gap across the sector. More than half of Local Governments (54%) reported insufficient staffing to meet emergency management obligations, and 83% noted significant cost shifting from the State. Despite constrained budgets, most councils have had to maintain or increase their emergency management spending, often by diverting funds from other essential services. Financial pressures are escalating, and any new unfunded responsibilities - such as may arise from BPLR implementation - will inevitably undermine critical Local Government functions.

While the discussion paper references potential funding through programs such as the Disaster Ready Fund, the Mitigation Activity Fund (MAF), and AWARE, eligibility, adequacy, and access processes remain unclear, and these funds are already oversubscribed and insufficient. Grant funding is at best uncertain, and application and acquittal processes are time-consuming and resource-intensive. Without dedicated resourcing, BPLRs risk becoming an unfunded mandate, particularly in regional or high-risk areas where multiple sites may be required.

Should the State Government progress BPLRs, Local Governments will further require dedicated training and capability support to safely and effectively implement, operate, and maintain sites. This may include training on site assessment, activation procedures, and operational management of BPLRs, along with including BPLRs in emergency exercising.

Recommendation 3

Should BPLRs be introduced in Western Australia, the State Government must fully fund their establishment, operation and ongoing maintenance, including site assessments, vegetation management, signage, community education, inspections and asset renewal.

Governance and Implementation Framework

A key issue emerging from workshop discussions was the question of who should hold primary responsibility for identifying and funding BPLRs in Western Australia. Given DFES' role as the Hazard Management Agency for bushfire under the State Emergency Management Framework, the case for assigning primary BPLR responsibilities to Local Governments has not been established. Unlike Victoria, where the Ferguson Report originated and responsibilities are legislated under the CFA Act, Western Australia's legal framework places the central hazard leadership role with DFES. Local input remains essential, and Local Governments should be formally consulted in any decision-making process, but responsibility for site identification, technical assessment, and funding should appropriately rest with the HMA. Within this context, workshop feedback also highlighted the importance of assessing the most suitable communication methods for BPLRs.

Simply issuing guidelines and referring Local Governments to regional DFES offices is unlikely to ensure consistent or safe implementation across the State. Clear delineation of roles, responsibilities, and support mechanisms is essential to ensure obligations are manageable, appropriately resourced, and effectively implemented. Consideration should also be given to legislating the role of the HMA—and supporting agencies—in the BPLR process, as has occurred in other jurisdictions, to provide formal clarity and accountability and to ensure alignment with DFES' PPRR responsibilities.

While the discussion paper describes BPLRs as an "opt-in, non-mandatory" measure, the presence of a guideline is likely to create an expectation for some Local Governments to establish a BPLR. Further, guidance issued by DFES as the HMA can effectively create a standard that is expected to be met over time. Guidance may be interpreted as best practice, or expert advice, particularly during post-incident inquiries, audits, or operational reviews, with potential liability implications for Local Governments, including those that do and those that do not implement a BPLR. This underscores the need for DFES to carefully consider operational implications, evidence, and risk before developing a BPLR Guideline, rather than assuming that "opt-in" status absolves Local Governments of potential liability or resource expectations.

LGIS has advised that DFES certification, technical assessment and ongoing renewal of BPLRs would be essential. In addition, the discussion paper does not sufficiently address the statutory powers, responsibilities or protections available under relevant Western Australian legislation—including the *Bush Fires Act 1954*, the *Emergency Services Act 2005*, the *Civil Liability Act 2002*, and the *Work Health and Safety Act 2020*. A comparative analysis of statutory protections or immunities in other jurisdictions, alongside a matrix of practical experience across WA, would materially assist the sector in understanding risk exposure and responsibility.

As a more minor point, the DFES discussion paper refers to the role of LEMCs in advising Local Government on BPLR identification - advice from workshop attendees is that the

Bush Fire Advisory Committee (BFAC) would be better placed to discuss local risks, and provide ongoing guidance on operational matters, noting that the role of the BFAC would be advisory, rather than decision-making. The LEMA Improvement Program, delivered in partnership between WALGA and DFES, and DFES' work on the 2025 State Preparedness Report, have identified a number of challenges affecting LEMC effectiveness, including unclear approval processes, limited resourcing, competing priorities, inconsistent State agency engagement and Local Government staff turnover. In addition, LEMCs may not have the operational bushfire expertise required to consider the detailed planning and risk assessment associated with BPLRs.

Recommendation 4

In developing a BPLR model for Western Australia, DFES should assume responsibility for technical assessment, certification and ongoing renewal of BPLR sites; provide expert criteria, documentation standards and decommissioning processes; and ensure statewide consistency and safety.

Consideration should also be given to legislating the role of the Hazard Management Agency and supporting agencies to ensure formal clarity, accountability and statewide consistency.

Community Messaging and Public Expectations

BPLRs introduce additional complexity to public messaging during bushfire emergencies. Evidence from past bushfire events highlights that a significant proportion of fatalities occur while people are in transit, often attempting to evacuate too late. This underscores the critical importance of clear, accurate, and context-specific messaging when considering BPLRs as part of the risk management framework, as in some cases the safest option will be to shelter in place rather than travelling to the BPLR.

Risks associated with public messaging for BPLRs include:

- Confusion between BPLRs, evacuation centres, refuges, and bunkers, particularly in communities unfamiliar with these distinctions.
- Misperception that BPLRs guarantee safety, when suitability may depend on fire direction, weather conditions, or access constraints.
- The static nature of BPLRs may make them unsuitable in some emergencies, potentially leading to unintended risk-taking by community members.
- Perverse incentives, such as increased “stay and defend” behaviours, arising from the presence of BPLRs, or a decision to go to the BPLR instead of leaving to avoid being prevented from returning home due to a road closure.

Effective community education and messaging are essential to ensure that BPLRs are understood as last-resort options, not substitutes for early evacuation or other established safety measures. Messaging should be consistent, culturally appropriate—including for culturally and linguistically diverse (CALD) populations—and aligned with the roles and responsibilities of HMAs. While static signage may be appropriate in some regional contexts, digital platforms and stakeholder-based communications are likely more effective in high-tourism or transient population areas. Messaging must also be carefully

integrated with early warning systems and “too late to leave” advisories to manage expectations and support safe decision-making.

Workshop feedback emphasised the importance of assessing the most suitable communication methods for BPLRs. In high-tourism or transient areas, static signage may create confusion or imply a level of safety that may not apply in all fire conditions. Local Governments suggested that digital, stakeholder-based and social-media messaging may offer more effective and adaptive ways to communicate the purpose and limitations of BPLRs and minimise misinterpretation.

Recommendation 5

Should BPLRs be introduced in Western Australia, DFES should develop a coordinated communication framework for BPLRs that integrates with Emergency WA, the Australian Warning System and other emergency information channels, and provides clear guidance to Local Governments on public messaging and community education. This framework should be informed by analysis led by DFES' Public Information Team and include evidence-based approaches to clearly differentiate BPLRs from evacuation centres and refuges and effectively reach culturally and linguistically diverse (CALD) and transient populations.

Interaction with Land Use Planning and Land Tenure

Local Governments consistently emphasised that BPLRs should be an emergency management tool, rather than part of the planning and development process. Local Governments emphasised that BPLR identification and approval must remain under the control of public agencies and should not be delegated to private landowners or developers.

Land tenure and controlling agency responsibilities add further complexity, particularly when sites are located on Crown land, Department of Biodiversity, Conservation and Attractions (DBCA) land, Defence properties, or private land. Clear guidance is required on who is responsible for site maintenance, approvals, and liability in these contexts to avoid imposing undue operational or legal burdens on Local Governments. Specific questions include:

- When a non-Local Government Incident Controller recommends use of a BPLR (e.g., DBCA or DFES), does the Local Government retain responsibility or liability for that site, and how does land tenure / management impact responsibilities?
- In areas dominated by gazetted fire districts, such as metropolitan and fringe metropolitan regions where DFES is the controlling agency, how are responsibilities for site identification, approval, funding, and maintenance allocated? It may be more appropriate for DFES to hold responsibility for BPLRs in these contexts.

A key concern raised by South West Local Governments with high tourism activity is the potential for developers to use the existence of BPLRs to justify intensified development, particularly for tourism proposals. Any BPLR framework should explicitly prevent its use within the planning approvals process, ensuring that BPLRs remain strictly an emergency management measure.

The SP34 North Stoneville SAT appeal provides a current test case, where a proponent has proposed a Place of Last Resort within an urban Structure Plan, contrary to SPP 3.7 and

established 'leave early' messaging, and opposed in principle by DFES. This example highlights unresolved issues of governance, ongoing site management, and liability, and reinforces that BPLR are also not appropriate in urban development settings.

Recommendation 6

DFES to clarify that BPLRs would be an emergency management tool (not part of the planning and development approvals process), address land tenure, approval and maintenance responsibilities (including in gazetted fire districts and cross-agency activations), and explicitly prevent BPLRs being used to justify development intensification.

Context-Specific Application

Local Governments emphasised the need for a targeted, risk-based approach rather than a one-size-fits-all model to BPLRs. Recent data from WALGA's Local Government Emergency Management Survey 2025 supports this perspective. Of the 73 Local Governments surveyed:

- 51% indicated that BPLRs are not currently needed;
- 31% were unsure; and
- Only 17% expressed interest, with just 12 Local Governments able to identify specific community locations where BPLRs may be required.

Several Local Governments also recommended that DFES consider developing state-level mapping, similar to the Bushfire Prone Areas mapping, to identify where BPLRs are most likely to be needed or appropriate.

Recommendation 7

Any implementation of BPLRs in Western Australia should be risk-driven, targeted to high-need locations, and informed by DFES mapping that identifies priority areas based on hazard, access, land tenure, and community vulnerability.

General Comment

BPLRs, by design, are last-resort options for people who cannot safely evacuate. Implementing them effectively asks community members to remain within the fire-affected area—essentially the “hot zone”—when all other evacuation options have failed. This inherently amplifies risk for residents and visitors, as well as for first responders and volunteer personnel tasked with site operations. It underscores the importance of robust evidence, predictive modelling, and clear operational procedures to ensure that any net safety benefit can be demonstrated before guidelines are developed and Local Governments commit to establishing BPLRs. The elevated risk environment reinforces the need for careful guidance on activation protocols, access management, and the safety of both the public and operational personnel.

It is also essential that the development of a BPLR Guideline is closely aligned with the review of DFES' Community Evacuation Guideline. Both guidelines relate to community safety during bushfire events and will influence Local Government emergency management planning, operational decisions, and community messaging. Ensuring consistency between these documents will prevent conflicting advice, reduce confusion for Local Governments and the community, and support an integrated, risk-based approach

to evacuation and last-resort safety measures. Oversight by a common entity, the State Bushfire Advisory Committee or State Emergency Management Committee, should ensure that both guidelines are complementary, clearly delineate roles and responsibilities, and provide a coherent framework for bushfire preparedness, response, and community education across Western Australia.

Recommendation 8

Should BPLRs be introduced in Western Australia, DFES should ensure the approach is aligned with the review of the Community Evacuation Guideline, and that both are overseen by SBAC/SEMC, to provide consistent policy direction on evacuation, sheltering and last-resort safety measures.

Conclusion

WALGA emphasises that the case for BPLRs in Western Australia has not yet been established. DFES has presented a proposal that places significant responsibility, risk and operational expectation on Local Governments, yet the information provided is not sufficient for Local Governments to understand the implications of these responsibilities or to assess whether BPLRs are an appropriate or viable measure in their communities. For Local Governments to participate meaningfully in decision-making, DFES must first provide clear evidence of net safety benefit, detailed governance arrangements, statutory and liability analysis, and realistic resourcing requirements. Only with this level of information can the sector properly consider the merits and consequences of introducing a BPLR Guideline. **Until these pre-requisites are fulfilled, and a case for BPLRs is demonstrated, WALGA members do not support the development of a BPLR Guideline.**

Any future approach must be risk based, targeted, and proportionate, and must take into account the capacity constraints of individual regional and remote Local Governments, avoiding a one size fits all approach across the sector.

The sector looks forward to continued engagement with DFES to ensure that any future BPLR framework strengthens community safety while respecting the practical, legal and resource constraints faced by Local Governments across the State.

For enquiries on this Submission please contact Sam Kennedy, Senior Policy Advisor Emergency Management, at Samantha.Kennedy@walga.asn.au.

This submission was endorsed by WALGA State Council by Flying Minute on 30 March 2026 - 263.FM/2026.

Attendee List

Director Land Use Planning Rural Fire Division	Department of Fire and Emergency Services
Principal Land Use Planning Officer	Department of Fire and Emergency Services
Planning Policy Manager Strategy and Engagement	Department of Planning, Lands and Heritage
Planning Policy Team	Department of Planning, Lands and Heritage
Portfolio Manager, Liability, Property and Fleet	LGIS
Acting Policy Manager Planning and Building	WALGA
Policy Advisor Emergency Management	WALGA
Senior Policy Advisor Emergency Management	WALGA
Policy Manager Emergency Management	WALGA
Executive Manager Policy	WALGA

Role

Local Government

A/Coordinator Community Safety	City of Kalamunda
CEO	Shire of Gnowangerup
Coordinator Emergency Services	Shire of Serpentine Jarrahdale
Director, City Development and Sustainability	City of Kwinana
Emergency Services Coordinator	City of Kwinana
CEO	Shire of Waroona

Online

Director Community Planning	City of Busselton
Manager Planning & Development	City of Busselton
Manager Community Safety	City of Busselton
CEO	Shire of Brookton
Manager Community and Emergency Services	Shire of Exmouth
Safety & Emergency Coordinator	Shire of Gnowangerup
Manager Planning Services	Shire of Manjimup
Community Emergency Services Manager	Shire of Manjimup
Emergency Services Officer	Shire of Manjimup
Coordinator Emergency Liaison	City of Rockingham
CEO	Shire of Kent
Community Emergency Services Manager	Shire of Augusta Margaret River
A/Fire and Emergency Management Manager	City of Cockburn
CEO	Shire of Kondinin
Community Emergency Services Manager	Shire of Gnowangerup