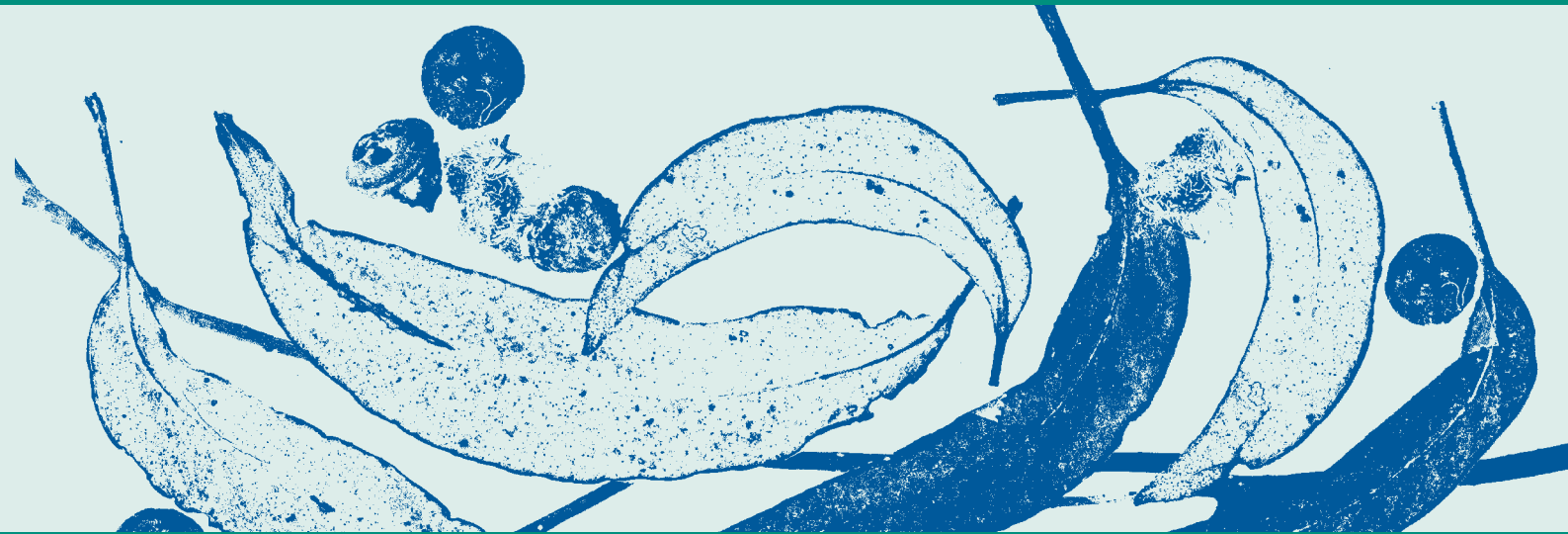


Building in a Bushfire Prone Area



The Christmas 2001 bushfires highlighted the need to ensure more appropriate development in areas that may be subjected to the effect of bushfires. With the application of sensible planning precautions and appropriate design features, it is possible to significantly reduce the impact that a bushfire will have on residential properties.

The Government introduced legislation to bring about a more sensible development regime in areas of high bushfire risk. The new legislation will ensure that residential and other developments are not unduly exposed to risk from high intensity bushfires.

The changes are not confined to residential property but also affect developments such as aged care facilities, child minding facilities, educational institutions, hospitals, nursing homes and subdivisions that are planned in bush fire prone areas.

Planning for Bushfire Protection 2001 is a guide for the designing and building in bush fire prone areas, produced by the NSW Rural Fire Service (RFS) and PlanningNSW. *Planning for Bushfire Protection 2001* assists all those involved in the development process in helping to reduce bushfire risk. The changes to planning laws will ensure that these guidelines are taken into consideration in the approval process for all future developments in bush fire prone areas.



The Hon Bob Debus MP
Attorney General
Minister for the Environment
Minister for Emergency Services
Minister Assisting the Premier on Arts

Building in a Bushfire Prone Area



What is bush fire prone land?

Bush fire prone lands are generally those forest or grasslands that, by virtue of their bushfire hazard and proximity to existing and proposed development, hold a significant risk to property in the event of a bushfire.

The area that is designated as bush fire prone also includes a buffer zone that extends beyond areas that may be directly affected by a bushfire to account for factors such as ember attack and exposure to radiant heat. However, no development further than 100 metres from the bushland interface requires any specific bushfire protection measures.

Bush fire prone areas are identified on a map prepared by each local council in collaboration with the NSW Rural Fire Service.

How do I know whether or not my land is in a bush fire prone area?

Bush fire prone area maps for all local government areas are to be made available for inspection at council offices.

Under the transitional arrangements, councils have up to 12 months from 1 August 2002 to prepare maps indicating which lands within their precincts are bushfire prone. These maps, prepared in consultation with the NSW Rural Fire Service, will need to be endorsed by the Commissioner of the NSW Rural Fire Service.

Additionally, Section 149 Certificates (a certificate that identifies relevant town planning factors that apply to a parcel of land) issued by local councils will identify whether or not the land for which the Certificate is issued is in a bush fire prone area.

If the land on which I want to build a house is in a bush fire prone area, will I be able to develop the land as I had proposed?

The guidelines in *Planning for Bushfire Protection - 2001* require certain protective measures to render a building less susceptible to damage or destruction from bushfires.

If the siting and nature of the building being proposed does not meet the minimum requirements as contained in the guidelines, councils need to refer the application to the NSW Rural Fire Service for advice.

Clearly, it is not the intention of the new measures to prevent the development of land in bush fire prone locations. However, in order to provide adequate protection from bushfires, it may be necessary to modify the style, construction material or siting of a building.

Any modification required to ensure a structure meets the necessary standards will be the subject of negotiation between the developer and the relevant authorities.

Is the NSW Rural Fire Service the ultimate consent authority for residential development?

Infill development such as the construction of a single residential dwelling amongst existing structures will only need to be referred to the NSW Rural Fire Service if the planning criteria are not met. The NSW Rural Fire Service will provide advice to local councils about the measures that might be taken to render the development acceptable. Councils remain as the consent authority for these types of developments.

Where integrated development such as large residential estates and other facilities such as aged care, schools and hospitals are intended, the NSW Rural Fire Service is required to provide a Bush Fire Safety Authority.

In any event, all proponents of development have the right of appeal to the NSW Land and Environment Court.

Is it mandatory for me to include an assessment of the bushfire risk in my development application?

While it may be a requirement of individual councils it is not a requirement for every application. Your local council and the NSW Rural Fire Service will provide you with information and guidelines relating to your particular property and what measures need to be taken to enable your development to proceed.

Building in a Bushfire Prone Area

If my council requires my development application to include a bushfire report, how will I go about providing it?

The local council or the NSW Rural Fire Service will have a list of consultants who can be engaged to prepare bushfire assessment reports.

Will these new requirements delay the processing of development applications?

Even where the development application has been referred to the NSW Rural Fire Service, the Service will generally process it within 14 days.

If I want to extend my house, make external modifications or sub-divide the block to accommodate a new residential dwelling, how will the new provisions affect me?

If your property falls within a designated bush fire prone area, such proposals will generally be subject to the new planning provisions.

If I want to sell my existing dwelling, will its sale be affected by the new legislation?

There will be no restriction placed upon the sale or purchase of a property; however, the Section 149 Certificate issued by the council may identify the property as being in a bush fire prone area. As a consequence, future alterations, renovations or additions to the property will be subject to the new planning provisions.

How do I know that a property I am interested in developing is in a bush fire prone area?

Bush fire prone areas are identified on a map prepared by each local council in collaboration with the NSW Rural Fire Service. These maps are developed by analysing factors such as vegetation type, patterns of existing development and other relevant considerations.

The area that is designated as “bush fire prone” also includes a buffer zone that extends beyond areas that may be directly affected by a bushfire to account for factors such as ember-attack and radiant heat exposure that may cause those properties to be indirectly affected by bushfires. However, no development further than 100 metres from the bushland interface requires any specific bush fire protection measures.

These maps will be available for inspection at your local council offices.

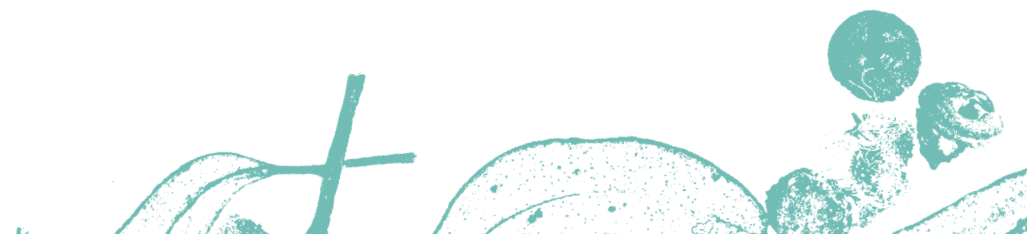
What are the bushfire protection requirements that need to be addressed in a development?

Factors that will be considered by the NSW Rural Fire Service when providing advice to councils on developments in bush fire prone areas will include:

- access to and from the property for evacuation and firefighting
- the provision of an adequate water supply for firefighting
- building setbacks, including the provision of “Asset Protection Zones”, and
- construction standards.

Asset Protection Zones provide a buffer around residential properties by requiring that bushfire fuels be progressively reduced as they get closer to the dwelling. Asset Protection Zones are therefore made up of sections described as inner and outer protection areas. These areas allow significant flexibility in the design and construction standards that might apply.

These requirements are set out in full within *Planning for Bushfire Protection 2001*.



Building in a Bushfire Prone Area

As a developer, how is the approval system different to before?

Councils, when considering a development application, are required to consider factors under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. These matters now include bushfire protection measures.

The new provisions require councils to consider the development in the light of the *Planning for Bushfire Protection 2001* guidelines within designated bush fire prone areas.

Where a development application is submitted that does not comply with *Planning for Bushfire Protection 2001*, councils are required to refer the development to the NSW Rural Fire Service for advice. This is designed to ensure that infill and other common developments can benefit from expert bushfire safety advice as part of the development approval process.

I am a property developer and I want to build a motel on land in a bush fire prone area. How will these changes affect me?

Tourism development is classed as a "special fire protection purpose" under the provisions of the legislation and the application must be referred to the NSW Rural Fire Service as an "integrated development". Your application should comply with the provisions of *Planning for Bushfire Protection 2001*, particularly with regard to setback requirements for Asset Protection Zones for Special Protection Developments. The major focus for motels will be for development designs that include provisions for evacuation and ensuring the safety of occupants. Construction standards will need to be consistent with the requirements in the Australian Standard for Construction of Buildings in Bush Fire Prone Areas AS-3959.

I am the owner / operator of a childcare centre in a bush fire prone area. Are there any additional requirements that I should meet if I want to extend the centre?

You must consider the provisions of *Planning For Bushfire Protection 2001* particularly in relation to Special Protection Developments. The major focus for a childcare centre will include the size of Asset Protection Zones, provisions for evacuation from the site, refuge areas and other arrangements that are available for the care of children. Construction standards will need to be consistent with the requirements in the Australian Standard for Construction of Buildings in Bush Fire Prone Areas AS-3959.

I own a parcel of land that I want to subdivide. How does the new legislation affect me?

If the land is within a bush fire prone area and is being subdivided for residential (including rural residential) purposes, the development is classed as integrated development and must be referred to the NSW Rural Fire Service for assessment. The NSW Rural Fire Service will assess the proposal against the performance criteria of *Planning for Bushfire Protection 2001*.

Design of the development should also consider the following points:

- provide refuges for evacuation
- avoid isolated developments
- promote subdivision patterns with good access
- expand subdivisions from existing developments
- avoid ridge tops and steep slopes
- ensure the provision of water for firefighting
- include adequate asset protection zones within property boundaries
- use level ground where possible
- locate habitable building near access/egress points
- locate services underground

Where can I get more information?

You can download a copy of *Planning for Bushfire Protection 2001* at the NSW Rural Fire Service website (www.rfs.nsw.gov.au) or can be purchased from PlanningNSW if you do not have access to the Internet. You may contact your local NSW Rural Fire Service office or local council for further assistance.

NSW RURAL FIRE SERVICE
...for our community