

Planning changes for bush fire affected areas



Planning &
Environment

Frequently Asked Questions

May 2014

WHAT CHANGES HAVE BEEN MADE TO BUSHFIRE PLANNING AND MAPPING?

- Changes have been made to streamline bushfire assessment in urban release areas, making it cheaper and faster to build homes.
- Assessing bushfire planning at the subdivision stage can eliminate the need to do a second assessment of bushfire risk when you lodge a development application.
- Bushfire prone land maps can be updated more often so if land is no longer bushfire prone, this will also eliminate assessments.
- The Commissioner of the Rural Fire Service (RFS) can now amend bushfire prone land maps if an application shows that the bushfire risk on that land has changed. For example: if land has already been cleared for development.
- The changes have been developed and implemented in partnership with the Rural Fire Service (RFS).

WILL THE CHANGES IMPACT ON THE SAFETY OF RESIDENTS IN BUSHFIRE-PRONE AREAS?

- There will be no change in the risk to life or property as a result of the reforms.
- There is no change to the level of assessment or building requirements for development on bushfire prone land. All developments must continue to meet current bushfire guidelines and standards.
- The NSW Government's priority is, and always has been, safety first.

HOW WILL THESE CHANGES BENEFIT PROPERTY OWNERS AND INDUSTRY?

- The changes will reduce red tape by avoiding duplicate, or unnecessary (if land is no longer bushfire prone), bushfire assessments.
- Previously, those building homes on bushfire prone subdivisions had to undertake an assessment even if the RFS had already given their subdivision the tick of approval, which cost approximately \$800.
- The changes allow landowners to apply to the RFS to update a bushfire prone land maps where there has been a change to the bushfire risk.

WHERE DO THE CHANGES APPLY?

- The changes apply to certain urban release areas in 40 local government areas in New South Wales.
- These areas will be identified on bushfire planning urban release area maps. They will generally consist of land zoned for residential use in high growth areas, where a new subdivision or greenfield development is planned. This includes land in the Sydney metropolitan area (including Western Sydney), Illawarra, the Hunter and other high growth areas.

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- Bushfire planning urban release area maps are being finalised and will be available shortly. Once finalised, they will be available at: www.planning.nsw.gov.au/bushfire-protection
- The changes do not apply to development in existing subdivisions or urban areas. Development on bushfire prone land in developed areas/approved subdivisions must still be assessed in accordance with the existing rules and regulations.

WILL THE CHANGES APPLY TO ALL DEVELOPMENT ON BUSHFIRE PRONE LAND IN AN URBAN RELEASE AREA?

- No. The changes will only apply to residential housing that is not on land with a *high* bushfire risk, that is – land classified as Bushfire Attack Level-40 (BAL-40) or in the 'Flame Zone'.
- Development on BAL-40 or Flame Zone land will still require assessment at the development application stage.

WHAT CHANGES HAVE BEEN MADE TO LEGISLATION?

- The Environmental Planning & Assessment Act (EP&A Act) was amended in 2013 to streamline bushfire assessment in urban release areas.
- The supporting regulations which commenced on 23 May 2014 now give legal effect to the 2013 changes to the EP&A Act.

ARE THE CHANGES MANDATORY?

- The changes are not mandatory. You are not legally required to do an assessment of bushfire risk at subdivision stage, nor do you have to apply to update a bushfire prone land map for your land.
- If bushfire risk is not assessed at the subdivision stage, an assessment at the development application stage will still be required.

WHAT CONSULTATION HAS THERE BEEN ON THE CHANGES?

- Workshops were held with local government, including representatives from Local Government NSW.
- We consulted with the industry through the Urban Development Institute of Australia (UDIA), as well as bushfire planning practitioners.
- A working group with representatives from the department, the RFS, Landcom (now Urban Growth NSW), the Department of Finance and Services (Land and Housing Corporation), and the Department of Trade and Investment was established to identify options and solutions to bushfire planning issues.
- Information sessions for local councils and industry people were held in August 2013 in Sydney, the Illawarra and the Hunter regions.

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HOW DO THE CHANGES RELATE TO OTHER NSW GOVERNMENT BUSHFIRE REFORMS?

- On 13 November 2013, the NSW Government announced moves to further protect emergency workers and homeowners from bushfire threat.
- The changes explained in this document are different to the changes announced 13 November 2013. However, both reforms share the same principle of streamlining processes whilst putting safety first.

WHERE CAN I GET MORE INFORMATION?

- For more information on the bushfire planning changes you can:
 - go online to www.planning.nsw.gov.au/bushfire-protection
 - email: information@planning.nsw.gov.au
 - call the department's Information Centre on 1300 305 695.