



# Building in a bush fire prone area

## Building in a bush fire prone area

Specific construction standards apply in designated bush fire prone areas in New South Wales. These bush fire construction requirements are aimed at improving bush fire protection measures for residential buildings.

### How to find out if my proposed or existing home is located on bush fire prone land?

Our [interactive maps](#) will help you see if your property is located on bush fire prone land. Alternatively, you can apply for a [Planning Certificate](#) for your property.

### Minimum construction standards

All developments on bush fire prone have a legal obligation to consider bush fires and meet the requirements of NSW Rural Fire Service, [Planning for Bush Fire Protection 2006, Addendum Appendix 3](#) and Australian Standard AS3959 Construction of Buildings in Bushfire Prone Areas.

A Bushfire Attack Level (BAL) is a way of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. There are six Bushfire Attack Levels:

- BAL-LOW
- BAL-12.5
- BAL-19
- BAL-29
- BAL-40
- BAL-FZ (Flame Zone)

### What to do if your property is in a bush fire prone area

You may need to submit additional information with your development application.

#### 1. Exempt Development

A development application is not required as long as the development meets the standards of exemption provided under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). The policy will contain provisions relating to bushfire prone land, if applicable. Standards may include use of non-combustible materials or hardwood.

No additional information is required to be submitted to Council.



#### 2. Complying Development

Complying development is not allowed on high risk bush fire prone land such as BAL-FZ or BAL-40. Complying development on land with a Bush Fire Attack Level of BAL-29, BAL-19, BAL-12.5 or BAL-LOW will require a Bushfire Attack Level Risk Assessment Certificate issued by Council or an accredited Bushfire Consultant.

The certificate will state the BAL that applies to your property and the proposed development, and should be included with your application.

#### 3. Development Application

Applications for a new dwelling, alterations and additions to an existing dwelling or a non-habitable structure within 10 metres of a dwelling on bushfire prone land are to include one of the following:

- self-assessment using the [NSW RFS Single Dwelling Application Kit](#), or
- Bush Fire Attack Level Risk Assessment Certificate, or
- report from an Accredited Bush Fire Consultant.

### When does Council refer applications to the NSW Rural Fire Service?

The following development applications will be referred to the NSW Rural Fire Service (RFS) for consideration as part of the assessment process:

- land that is Bush Fire Attack Levels BAL-40 and BAL-FZ (Flame Zone)

- applications that do not meet specific performance criteria in Planning for Bush Fire Protection 2006 and rely on variations for acceptable solutions
- integrated development.

### What is Integrated Development?

Integrated development, including the subdivision of bush fire prone land and development that is a Special Fire Protection Purpose must be accompanied by a report from an accredited bush fire consultant.

### What is a Special Fire Protection Purpose?

A special fire protection purpose development are buildings whose occupants are more vulnerable to bush fire attack. These include:

- a) schools, child care centres & any accommodation associated with an educational establishment
- b) hospitals & respite care centres
- c) tourist accommodation
- d) a building wholly or principally used as a home or other establishment for mentally incapacitated persons
- e) seniors housing, group homes & retirement villages
- f) manufactured home estates
- g) establishments solely for the purpose of employing persons with disabilities
- h) community bush fire refuges approved by the RFS Commissioner.

### Where can I find an accredited Bushfire Consultant?

The NSW Rural Fire Service recognises consultants within the following accreditation schemes:

[Fire Protection Association Australia, Bush Fire Planning & Design](#) – A and D Certified Practitioners

### Should I maintain the required bush fire construction levels provided when my dwelling was constructed?

If your dwelling was approved by a development consent, which required a certain level of construction, then you will be required to maintain the level of bush fire protection required by the development consent. Failure to do so, could cause your home insurance to be invalid. If the development consent also required Asset Protection Zones (APZ), you must maintain the APZ in accordance with the NSW Rural Fire Service Standards for [Asset Protection Zones](#).

### Need help?

If you have any questions, Council's Development Assessment staff are available for brief consultations and to provide general advice at Council's Customer Service counter between 8.45am and 11am Monday to Friday.

Appointments may be made outside these hours,

subject to availability. Council staff can only provide general advice and cannot help in the preparation of your application or the supporting documents.

### Disclaimer

This fact sheet is a summary of the requirements for building in a bush fire prone area. Not every situation can be anticipated and listed. If you wish to find out more about the requirements for building in a bush fire prone area. visit:

<https://www.rfs.nsw.gov.au/>

or call or email to make an appointment with Council to discuss.

This document is subject to change without notice.