
Development Assessment & Planning

BAL Risk Assessment Guide

INTRODUCTION

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) has been amended to significantly expand the range of exempt and complying development across the State and increase the number of properties to which the Codes SEPP applies.

The Codes SEPP is an important policy initiative put in place by the NSW Government to remove red tape for low risk and low impact development, and directly results in significant time and cost savings for home owners and small businesses.

As of February 2011, low risk bushfire prone land is no longer be excluded from the Codes SEPP.

The NSW Department of Planning (DoP) and the Rural Fire Service (RFS) have worked together to introduce a new system which allows complying development on some bushfire prone land, but importantly maintains a rigorous assessment regime for managing bushfire risk.

Clause 1.19 of the Codes SEPP has been amended so that land identified as being bushfire prone is no longer listed as a land exemption and is no longer excluded from the application of one or more codes. Instead, specified development requirements and development standards have been added to the General Housing Code and the Rural Housing Code that apply to new development undertaken on low risk bushfire prone land.

The development standards have been designed to ensure that:

- complying development is not allowed on high risk bushfire prone land (i.e. BAL (Bushfire Attack Level) 40 or BAL Flame Zone);
- only a suitably qualified consultant, Council or the RFS (until 25 February 2012) can endorse the BAL under the *Planning for Bushfire Protection Guidelines 2006*
- once the BAL assessment certificate is issued, Council or the accredited certifier must certify that the proposal complies with *AS3959-2009* Construction of buildings in bushfire prone land and other applicable development standards.

These changes mean that complying development under the Codes SEPP can be undertaken on low risk bushfire prone land where the relevant development standards for bushfire prone land and all other relevant development standards have been met.

WHAT IS THE PROCESS FOR OBTAINING A BAL RISK ASSESSMENT CERTIFICATE?

To obtain a BAL Risk Assessment Certificate from Council the following process should be followed. If you choose to utilise a suitably qualified consultant or the RFS then you should check their specific lodgement requirements.

Step 1. Is the land Bushfire Prone?

To determine whether your property is identified as being bushfire prone you should check Council's Bushfire Prone Land Map or obtain a s149 Planning Certificate for your property from Council.

You should check with Council to ensure the Bushfire Prone Land Map and s149 Certificate that you are working from are the most recently certified/issued.

Step 2. Check for compliance against applicable Development Standards for Bushfire Prone Land

If your proposed development falls under the provisions of Codes SEPP and your land is identified as being bushfire prone, complying development can be carried out provided that development standards for development on residential or rural residential land can be met (refer below). You should check Council's zoning maps or your s149 Planning Certificate to determine your zoning and ascertain which development standards apply to your property.

The development standards are:

R1 – General Residential, R3 – Medium Density Residential, or RU5 - Village	RU1 – Primary Production, RU3 – Forestry, RU2 – Rural Landscape, RU4 – Rural Small Holdings, or R5 – Large Lot Residential
<p>a. The development conforms to the specifications and requirements of the following that are relevant to the development:</p> <p>i. <i>Planning for Bush Fire Protection</i> (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006;</p> <p>ii. Addendum: Appendix 3 (ISBN 0 9751033 2 6, published by NSW Rural Fire Service in 2010) to <i>Planning for Bush Fire Protection</i> (ISBN 0 9751033 2 6),</p> <p>iii. If another document is prescribed by the regulations for the purposes of section 79BA of the Environmental Planning and Assessment Act 1979.</p>	<p>a. The development conforms to the specifications and requirements of the following that are relevant to the development:</p> <p>i. <i>Planning for Bush Fire Protection</i> (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,</p> <p>ii. Addendum: Appendix 3 (ISBN 0 9751033 2 6, published by the NSW Rural Fire Service in 2010) to <i>Planning for Bush Fire Protection</i> (ISBN 0 9751033 2 6),</p> <p>iii. If another document is prescribed by the regulations for the purposes of section 79BA of the Environmental Planning and Assessment Act 1979 – that document, and</p>
<p>b. The part of the lot on which the development is to be carried out is not in Bushfire Attack Level-40 (BAL 40) or the Flame Zone (BAL-FZ), and</p>	<p>b. The part of the lot on which the development is to be carried out and any associated access way is not in Bushfire Attack Level-40 (BAL 40) or the Flame Zone (BAL-FZ), and</p>
<p>c. The lot has direct access to a public road or a road vested in or maintained by Council;</p>	<p>c. The lot has direct access to a public road or a road vested in or maintained by Council, and</p>
<p>d. A reticulated water supply is connected to the lot;</p>	<p>d. The development is located within 200m of that road, and</p>
<p>e. A fire hydrant is located less than 60 metres from the location of the lot of the proposed development</p>	<p>e. There is sufficient access designed in accordance with the acceptable solutions identified in clause 4.1.3 (2) of <i>Planning for Bush Fire Protection</i> (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, and</p>

f. Mains electricity is connected to the lot;	f. A 20,000L water supply with 65mm metal Storz outlet with a gate or ball valve is provided for fire fighting purposes on the lot (the gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction), and
g. Reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, The storage and handling of LP Gas and the requirements of relevant authorities (metal piping must be used), and	g. Reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, The Storage and handling of LP Gas and the requirements of relevant authorities (metal piping must be used), and
h. Any gas cylinders on the lot that are within 10m of a dwelling house: <ul style="list-style-type: none"> a. have the release valves directed away from the dwelling house, and b. are enclosed on the hazard side of the installation, and c. have metal connections to and from the cylinders, and 	h. All fixed gas cylinders on the lot that are within 10m of a dwelling house: <ul style="list-style-type: none"> i. have the release valves directed away from the dwelling house, and ii. have metal connections to and from the cylinders, and
i. There are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling;	i. All fixed gas cylinders on the lot are located at least 10m from flammable materials and are enclosed on the hazard side of the installation, and
	j. There are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling.
Note: The requirements of AS3959-2009, Construction of buildings in bushfire-prone areas set out in the Building Code of Australia also apply.	

If your BAL is certified as BAL-Low, BAL-12.5, BAL-19 or BAL-29 you may be able to continue with the Complying Development process. If your BAL is certified as BAL-40 or BAL-FZ then you will not be eligible to be considered complying development and will need to lodge a Development Application with Council.

Importantly, the majority of buildings in bushfire prone areas pre-date the current bushfire regulations, meaning that most existing houses are at an increased risk of damage or loss from a bushfire.

With this in mind, the RFS has developed a practical guide for those living in bushfire prone areas outlining recommendations in relation to upgrading their existing building to increase its resilience from bushfire attack.

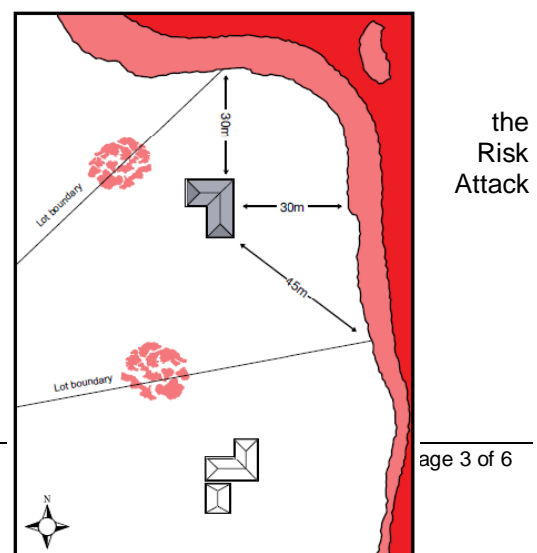
The guide provides advice on recommended minimum protection measures such as basic ember proofing and establishment of Asset Protection Zones (APZs), through to more substantial protection measures such as the replacement and upgrade of building construction materials.

This information can be accessed on the RFS website www.rfs.nsw.gov.au.

Step 3. Bushfire Assessor Tool

It is recommended that you undertake a self-assessment of the bushfire risk. To assist in determining the BAL of the land in the vicinity of proposal before lodging an application for a BAL Assessment Certificate, the RFS has a Bush Fire Assessor tool available online. To use this effectively, you need to locate the development proposal relative to the hazard.

Step 4. Bushfire Consultants



If your self-assessment determines that the development is BAL-Low to 29 and satisfies the other development standards, then you can proceed to obtain a BAL Risk Assessment Certificate.

If you choose not to use the RFS or Council, a list of suitably qualified consultants can be found from 'Where can I get Help?' link on the RFS website.

Step 5. Documentation for submission of BAL Risk Assessment to Council

In order to apply for a BAL Risk Assessment Certificate you are required to provide specific documentation. Council requires the following documentation to be submitted as detailed within the BAL Risk Assessment Application Kit:

- Council BAL Risk Assessment Application Kit
 - Statement of proposed development;
 - A site plan with (reference number and dated) drawn to scale that indicates where relevant:
 - site area (m²);
 - existing buildings and their uses on site;
 - the proposed scope of works;
 - distance from the vegetation slope of the hazard;
 - existing levels of the land in relation to buildings on site;
 - any changes to the levels of the land; and
 - fire resistance and safety measures (if any).
 - BAL Risk Assessment fee.
 - Please contact Council in order to determine the appropriate fee payable for your development – The fee for a BAL Assessment is \$450.00
 - Site photographs.

Step 6. Submission of documents

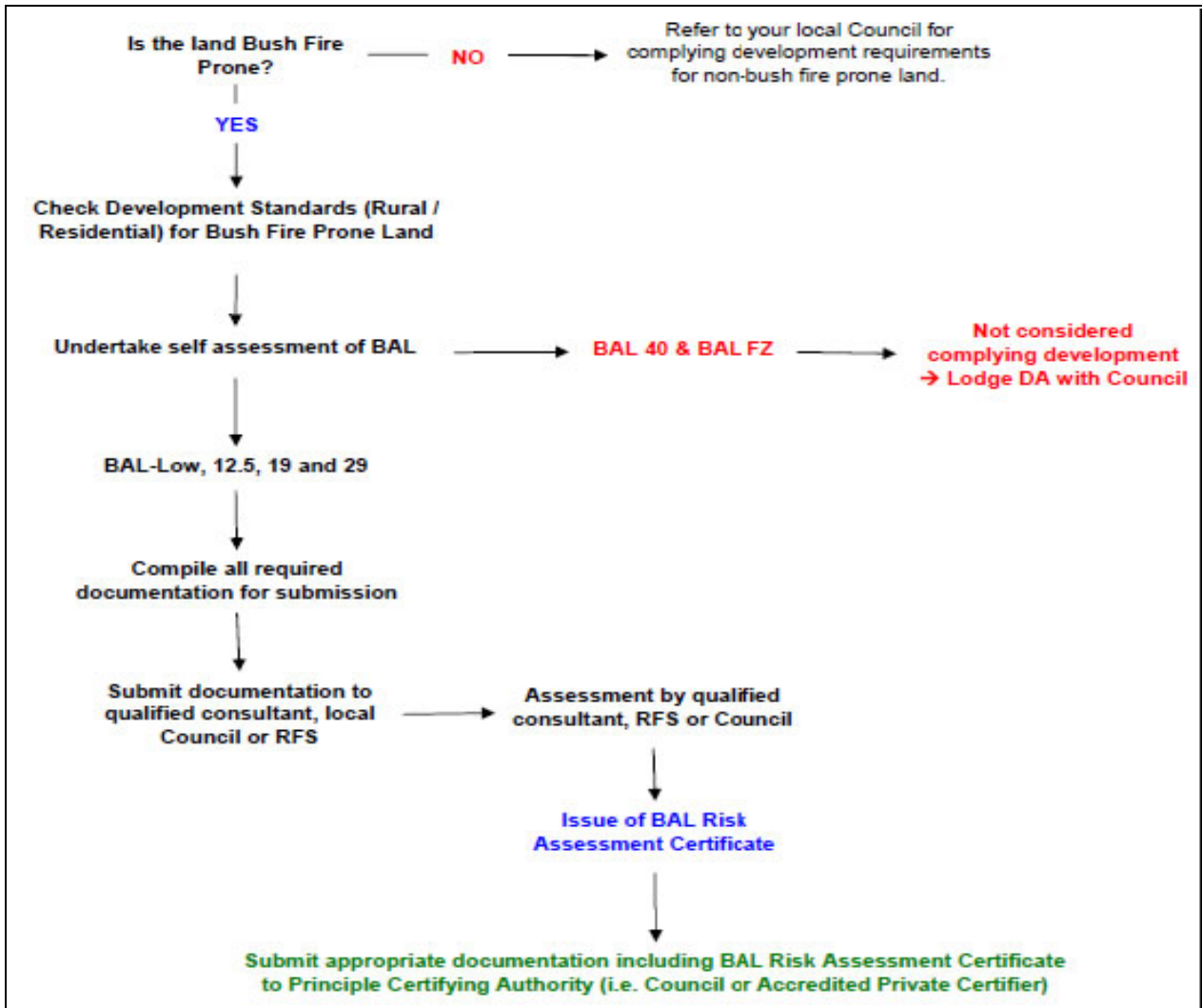
Submit all required documents to Council for issue of your BAL Risk Assessment Certificate.

Step 7. Issue of BAL Risk Assessment Certificate

Once all required information has been submitted, Council will proceed with the assessment of the BAL risk.

Council will then issue your BAL Risk Assessment Certificate.

Below is a summary of the BAL Risk Assessment Certificate Process



Council Details:

Wagga Wagga City Council
Cnr Baylis & Morrow St Wagga Wagga
P O BOX 20 WAGGA WAGGA NSW 2650

Website: www.wagga.nsw.gov.au

Email: council@wagga.nsw.gov.au

Telephone: 1300 2 92442 / 1300 2 WAGGA

	Fax:	0269 269 199
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