



### 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 bush fire prone land will 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 *bush fire prone land*, but importantly maintains a rigorous assessment regime for managing bush fire risk.

Clause 1.19 of the Codes SEPP has been amended so that land identified as being bush fire 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 bush fire prone land.

The development standards have been designed to ensure that:

- complying development is not allowed on high risk bush fire prone land (i.e. BAL (Bushfire Attack Level) 40 or BAL Flame Zone);
- only a *suitably qualified consultant* (refer to RFS Fast Fact 5/10 *Recognised/suitably qualified consultants*), the local council or RFS (until 25 February 2012) can endorse the BAL under the *Planning for Bushfire Protection Guidelines 2006*
- once the BAL assessment certificate is issued, the council or accredited certifier must certify that the proposal complies with AS 3959-2009 *Construction of buildings in bush fire prone land* and other applicable development standards.

These changes mean that complying development under the Codes SEPP can be undertaken on low risk bush fire prone land where the relevant development standards for bush fire 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 the RFS the following process should be followed. If you choose to utilise a suitably qualified consultant or Council then you should check their specific lodgement requirements.



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### Step 1 - Is the land Bush Fire Prone?

To determine whether your property is identified as being bush fire prone you should check council's Bush Fire Prone Land Map or a s149 Planning Certificate for your property which can be obtained from Council.

You should check with your local Council to ensure the Bush Fire Prone Land Map and 149 Certificate that you are working from are the most recently certified/issued.

### Step 2 - Check for compliance against applicable Development Standards for Bush Fire Prone Land

If your proposed development falls under the provisions of Codes SEPP and your land is identified as being bush fire 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 your local 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:

Residential	Rural
a. The development conforms to the specifications and requirements of the following that are relevant to the development: <ul style="list-style-type: none"> <li>i. <i>Planning for Bush Fire Protection</i> (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006;</li> <li>ii. <i>Addendum: Appendix 3</i> (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),</li> <li>iii. If another document is prescribed by the regulations for the purposes of section 79BA of the <i>Environmental Planning and Assessment Act 1979</i>.</li> </ul>	a. The development conforms to the specifications and requirements of the following that are relevant to the development: <ul style="list-style-type: none"> <li>i. <i>Planning for Bush Fire Protection</i> (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,</li> <li>ii. <i>Addendum: Appendix 3</i> (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),</li> <li>iii. If another document is prescribed by the regulations for the purposes of section 79BA of the <i>Environmental Planning and Assessment Act 1979</i> – that document, and</li> </ul>
b. The part of the lot on which the development is to be carried out is not in Bush Fire Attack Level-40 (BAL 40) or the Flame Zone (BAL-FZ), and	b. The part of the lot on which the development is to be carried out and any associated access way is not in Bush Fire Attack Level-40 (BAL 40) or the Flame Zone (BAL-FZ), and





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c. The lot has direct access to a public road or a road vested in or maintained by the Council;	c. The lot has direct access to a public road or a road vested in or maintained by the council, and
d. A reticulated water supply is connected to the lot;	d. The development is located within 200m of that road, and
e. A fire hydrant is located less than 60 metres from the location of the lot of the proposed development	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
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, <i>The storage and handling of LP Gas</i> 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, <i>The Storage and handling of LP Gas</i> 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"> <li>i. have the release valves directed away from the dwelling house, and</li> <li>ii. are enclosed on the hazard side of the installation, and</li> <li>iii. have metal connections to and from the cylinders, and</li> </ul>	h. All fixed gas cylinders on the lot that are within 10m of a dwelling house: <ul style="list-style-type: none"> <li>i. have the release valves directed away from the dwelling house, and</li> <li>ii. have metal connections to and from the cylinders, and</li> </ul>
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.
<b>Note:</b> The requirements of AS3959-2009, <i>Construction of buildings in bushfire-prone areas</i> set out in the <i>Building Code of Australia</i> also apply.	



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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 DA with your local council.

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

With this in mind, the RFS has developed a practical guide for those living in bush fire prone areas outlining recommendations in relation to upgrading their existing building to increase its resilience from bush fire 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](http://www.rfs.nsw.gov.au).

### Step 3 - Bush Fire Assessor Tool

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

### Step 4 - Bush Fire 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 chose not to use the RFS or council, a [list](#) of suitably qualified consultants can be found from the 'Where can I get Help?' link on the RFS website. A transitional arrangement is in place for the first 12 months from 25 February 2011 until 25 February 2012 in which the RFS will also certify BALs.

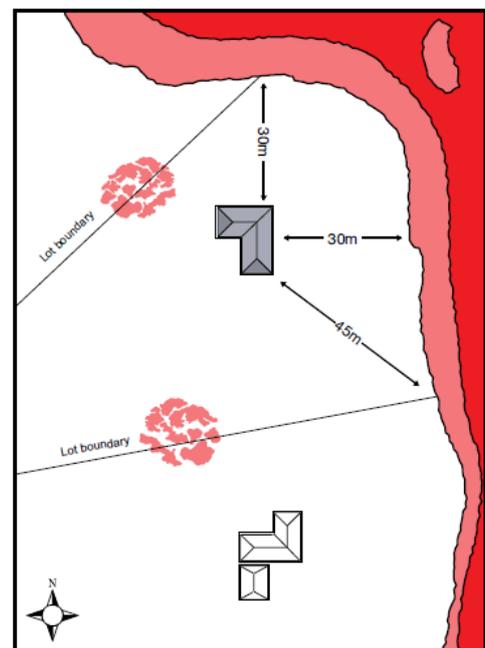


Figure 1: Example of a simple layout sketch with distances noted to vegetation



### Step 5 - Documentation for submission of BAL Risk Assessment to RFS

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

- RFS [BAL Risk Assessment Application Kit](#) (including tear-out Application Form).
  - Statement of proposed development;
  - A site plan with (reference number and dated) drawn to scale that indicates where relevant:
    - site area (m<sup>2</sup>);
    - 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.
    - If using the RFS to certify your BAL Risk, a fee is required. Please contact the RFS in order to determine the appropriate fee payable for your development.
  - Site photographs.

### Step 6 - Submission of documents

Submit all required documents to RFS for issue of your BAL Risk Assessment Certificate. Documents should be sent to:

NSW Rural Fire Service - Development Assessment & Planning  
Locked Bag 17,  
Granville NSW 2142

### Step 7 - Issue of BAL Risk Assessment Certificate

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

The RFS will then issue your BAL Risk Assessment Certificate.

It is important to note, the RFS will not be undertaking an assessment of compliance with the other applicable development standards relating to bush fire. This will need to be undertaken by your appointed accredited Certifier.



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Below is a summary of the BAL Risk Assessment Certificate process:

