

Staged Development

This Fast Fact provides advice to Council and applicants regarding the NSW Rural Fire Service (RFS) position for development proposals involving two or more stages.

Asset Protection Zones (APZs) are essential through the staging of a development and throughout the entire construction period. The RFS recognizes that an indefinite time lag can occur between one or more stages of development and this can result in persons and property being unprotected in the event of a bush fire.

Consequently, the provisions of *Planning for Bush Fire Protection* (PBP) are to be applied throughout all stages of development. A development site that is vegetated and is to be developed and sold in stages may still require the creation of APZs. These APZs must also be maintained in the interim until the final phase of development is completed.

Development Applications (DAs) submitted to the RFS, whether it is one DA or sequential DAs, should provide information as to the staging of development and outline how the provisions of PBP will be satisfied for each stage. This is to ensure that APZs will be provided at all stages of development.

The RFS also requires that all identified APZ's must:

1. Be contained wholly within each stage and be managed by the developer until each individual allotment is sold, at which time the new owner will be legally responsible for the management of that allotment; or

2. where an APZ is proposed outside the current stage (off site) then the management of the APZ is to be secured through a legally binding instrument (i.e. section 88B of the *Conveyancing Act, 1919*) which identifies the management outcomes and the party responsible for the management.

The RFS does not require a duly registered 88B instrument to accompany the development application. However the RFS requires, at the time of lodgment with Council, a signed statement from the adjoining property owner agreeing to an easement on his/her property solely for the management of vegetation as an APZ. The RFS will then recommend to Council that an 88B instrument be applied as a consent requirement.

This instrument can be extinguished upon commencement of subsequent stages/development. However, it is to be noted that the removal of the APZ is only to occur where succeeding development removes the potential hazard to the existing development; eliminating the need for the APZ.

In addition, development applications must identify any potential bush fire impacts to each stage of a development. Special attention must be given to the provision of emergency access/egress and the construction of reticulated services, particularly water.

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