

Building after bushfire

Bushfire Recovery Hotline 1800 316 500

Working with you

WSC.NSW.GOV.AU



SUPPORTING YOU TO GET BACK HOME

Wingecarribee Shire Council understands that it will take our community a long time to recover from the 2019/20 bushfires.

68 homes were destroyed in the fires and others have since been deemed uninhabitable by insurance companies upon closer inspection.

Our Certification and Planning teams are here to help you, whether you are planning to build another home, replace outbuildings and water tanks or repair onsite sewage management systems.

There will be a number of staff involved in the journey to recovery including:

- Customer Service Officers
- Duty Officer (Accredited Certifier) – rostered between the hours of 8:30am and 4:30pm week days to assist and respond to enquiries in relation to rebuilding.
- Accredited Certifiers – assigned and responsible for the assessment of your application once lodged with Council, they will visit the site to conduct a site inspection during the assessment.
- Environmental Health Officer (OSMS - Onsite Sewerage Management System) – tasked to review any wastewater reports lodged with the application and consider the adequacy of any existing onsite wastewater systems including a site inspection during the assessment.

Please look through this booklet and then call our dedicated Bushfire Recovery Hotline on 1800 316 500 to ensure you receive tailored assistance or send through an email to mail@wsc.nsw.gov.au.

Contents

INTERIM ARRANGEMENTS	2
Site Clean-up / Management	2
Fire Affected Tree Removal on Private Land	3
Bushfire damaged vegetation	3
Fire Affected Street Tree Removal	3
Pile Burns	3
Shipping Containers and Storage	4
Temporary Accommodation.....	4
Housing Assistance	5
Temporary repairs and non-structural permanent repairs	5
Temporary premises for bushfire affected businesses	5
REBUILDING AND PREPARATION OF APPLICATIONS	6
Outbuildings	6
Dwelling Applications	6
Complying Development	7
Bushfire Risk Assessment	7
Damaged Onsite Sewerage Management System (OSSM).....	8
Application Costs for Rebuild	9

INTERIM ARRANGEMENTS

Site Clean-up / Management

Both the New South Wales and Commonwealth Governments are jointly covering the clean-up costs of residential and eligible commercial properties that have been destroyed since 1 July 2019 in the NSW bushfires.

Laing O'Rourke Australia who is working with the Public Works Advisory (PWA), has been appointed as the managing contractor, responsible for managing the clean-up of destroyed and damaged buildings across NSW.

The primary focus of the clean-up program is on removing destroyed or damaged buildings and associated safety hazards and debris that could prevent or delay people rebuilding their homes or businesses (small businesses and primary producers).

This could include potentially hazardous material, like asbestos, dangerous trees near homes or commercial buildings and damaged driveways that could impact on the safety of the clean-up activities.

Qualified local contractors and suppliers will be engaged, where possible, to deliver clean-up services to ensure the operation maximises local knowledge and expertise and helps the local economy to recover.

These clean-up services mean impacted property owners will not have to pay for the removal and disposal of debris, including potentially hazardous materials.

Impacted property owners who would like their property cleared need to register at Service NSW or call 13 77 88.

Laing O'Rourke will contact registered property owners to discuss damage and assess eligibility.

It is anticipated most residential properties will be substantially cleared by mid-2020. It may take longer to clean up isolated properties in remote areas.

For more information please visit www.service.nsw.gov.au/transaction/register-opt-nsw-bushfire-clean

To assist in the clean-up, the NSW Department of Planning, Industry and Environment expanded the current exemptions to include the demolition of dwellings and outbuildings significantly damaged by bushfire, subject to the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as follows:

Specified development

The following, if it is not carried out on or in a heritage item or a draft heritage item or on or in a heritage conservation area or a draft heritage conservation area, is development specified for this code—

- a) *demolition of—*
 - i) *development specified as exempt development under this code, or*
 - ii) *a building, the structure of which is significantly damaged by a bush fire,*
- b) *partial demolition of a building damaged by a bush fire (where the structure of the building is not significantly damaged), only to the extent necessary to make the building safe.*

Development standards

The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, the demolition of structures.

For more information please visit <https://legislation.nsw.gov.au/#/view/EPI/2008/572/part2/div1/subDiv13>



Fire Affected Tree Removal on Private Land

There are several ways to remove fire affected trees on private land.

If trees are in imminent danger of falling and causing damage to life or property, the State Emergency Service (SES) should be contacted on **132 500** or engage a qualified arborist.

Tree removal requests in Rural (RU) Zones identified under the [Wingecarribee Local Environmental Plan 2010](#) should be directed to the Local Lands Service (South East) - Moss Vale office - 4877 3211.

You can also check the RFS website by visiting www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing/tool and search with your address to see whether you can remove vegetation under State Government legislation, without approval from Council.

Properties located in all other Zones can be directed to Council for assessment. Resources have been allocated to deal with these applications quickly.

Landowners who are seeking to remove fire affected trees from their property, can request an exemption from the requirement to obtain formal approval from Council.

To satisfy this requirement, you must first request an exemption from Council's Tree and Vegetation Assessment Officer. Exemptions can be requested by completing the *Tree Removal Request for Exemption Form*, accompanied by a Site Plan and at least 2 colour photographs. No fee is associated with this request.

Download the form at www.wsc.nsw.gov.au/application-forms

Bushfire damaged vegetation

Vegetation that has been burnt by bushfire will regenerate over time. Being impacted by bushfire is not a reason to conduct clearing of the vegetation and requires the same approval process in-place prior to the bushfires.

Illegal clearing of vegetation is still an offence and allegations of clearing will be investigated by Council or the relevant governing body.

Fire Affected Street Tree Removal

Council's Arborist will be assessing trees on road verges and public land. Where trees are identified as unsafe or structurally compromised, they will be removed by Council or its contractor. Council is working its way through affected communities to protect public safety.

Pile Burns

Once approval or exemption has been provided, property owners may then remove the trees or consider a pile burn.

Individual properties that are 4000 square metres and above are eligible to burn, provided the property is not zoned medium density (R3) and all the burning conditions in the Urban Backyard Burning Policy are met.

In bushfire affected areas of Balmoral and Wingello, Council has also resolved to grant exemption to allow properties under 4000m² to carryout backyard pile burns during the 2020 non-bushfire period.

Burning must be in line with the [Rural Fire Services Standards for Pile Burning](#).

Search for your property using our online interactive map to see if backyard burning is allowed and the conditions that apply when planning for and undertaking backyard burning at www.wsc.nsw.gov.au/backyard-burning.

Shipping Containers and Storage

To assist in the clean-up and rebuild, the NSW Department of Planning, Industry and Environment expanded the current exemptions to include the installation of shipping containers for storage purposes, subject to the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as follows:

Specified development

The installation and temporary use of a shipping container for storage purposes on land in any zone is development specified for this code if the land—

- a) is part of a lot on which a building has been significantly damaged by a bush fire, and*
- b) is in an area declared by an order under section 33 of the State Emergency and Rescue Management Act 1989 to be an area where a state of emergency in respect of bush fires exists.*

Development standards

The standards specified for that development are that the development must—

- a) be carried out within 2 years of the declaration being made, and*
- b) be removed no more than 2 years after it is installed, and*
- c) not be used for a purpose other than storage, and*
- d) not result in more than—*
 - i) 1 shipping container on a lot in a residential zone or environmental zone, or*
 - ii) 2 shipping containers on a lot in a rural zone, business zone, industrial zone or special purpose zone, and*
- e) have appropriate foundations and structural support to ensure that it is safe and stable, and*
- f) have a maximum height of 3m, and*
- g) have a maximum length of 12.5m, and*
- h) have a maximum width of 2.5m, and*
- i) be at least 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and*
- j) not be installed over any easement, and*

- k) not be installed over drainage pipes or any house drainage pipelines unless access to the inspection openings is maintained at all times.*

For more information please visit

<https://legislation.nsw.gov.au/#/view/EPI/2008/572/part2/div1/subDiv36a>

Temporary Accommodation

On 5 February 2020 changes were made to allow people affected by the bushfires to establish temporary accommodation, like caravans, without the need for Council approval.

The Local Government Regulation permits the installation of a moveable dwelling, such as a caravan, on land for the purposes of accommodating a person who has been displaced because of the bushfires.

The moveable dwelling must be maintained in a healthy and safe condition, not negatively affect the amenity of adjoining properties and be removed within 2 years after it is installed.

For more information please visit

www.planning.nsw.gov.au/Policy-and-Legislation/Bushfires-recovery/Temporary-accommodation

Council will not permit the temporary occupation / habitation of sheds or garages, as they are defined by the Building Code of Australia (BCA) as non-habitable buildings and are unsuitable for occupation as a dwelling.

People seeking to convert an existing or proposed shed or garage to a dwelling, are required to seek development consent from Council for a change of building use. This will require the building to be upgraded to ensure compliance with the Building Code of Australia for a Class 1a dwelling and include a required wastewater disposal system, sanitary facilities, certification of structural adequacy and bushfire compliance etc.

Housing Assistance

The Bushfire Housing Assistance Service can provide help with:

- Emergency temporary accommodation
- A private rental bond and advance rent costs
- Sourcing accommodation options from the private rental and short-term housing sector
- Sourcing accommodation options in your local communities or areas where you have family or local networks.

You can access the service by calling the Disaster Welfare Assistance Line on 1800 018 444 or visiting a local Department of Communities and Justice Housing office

www.facs.nsw.gov.au/about/contact

Temporary premises for bushfire affected businesses

The new provisions for bushfire affected communities allow bushfire affected businesses in business, industrial and RU5 Rural Villages zones, to operate temporarily out of a shipping container and/or a portable office for up to two years.

These changes aim to help businesses trade in the short- to medium-term, while they plan for their permanent rebuild.

Development standards will ensure that the development is safe and low impact. Up to two shipping containers or two portable offices, or one of either is allowed on a property. **These rules only apply to businesses with a prior approval to operate.**

Other relevant legislation will continue to apply. For example, for food and drink businesses, the requirements of the *Food Act 2003* and associated regulations will continue to apply.

For more information please visit www.planning.nsw.gov.au/Policy-and-Legislation/Bushfires-recovery/Temporary-premises-for-bushfire-affected-businesses

Temporary repairs and non-structural permanent repairs

Temporary repairs and non-structural permanent repairs to damage caused by a state of emergency under the State Emergency and Rescue Management Act 1989 can be carried out as exempt development.

Temporary repairs can be undertaken to structural parts of a building, but only so far as is necessary to make the building safe.

Permanent repairs can be undertaken to non-structural parts of a building or structures such as fences.

The repair work must:

- Be carried out within two years of the declaration being made.
- Not change the configuration of the floor space of the building being repaired.
- Not increase the floor space of the building or structure being repaired.
- Be for the purposes of making the building or structure weatherproof and, if it is a dwelling, suitable for habitation.
- If the repairs are to a fence, gate or other barrier, the work undertaken is only necessary to repair or replace the structure to the same size, in the same location and with similar materials as the damaged structure.

For more information please visit www.planning.nsw.gov.au/Policy-and-Legislation/Bushfires-recovery/Temporary-rules-for-building-works

REBUILDING AND PREPARATION OF APPLICATIONS

Outbuildings

Some outbuildings, garages, carports, cabanas etc may not require approval.

Find out more in the [State Environmental Planning Policy for exempt development](#) or contact Councils Duty Certifier on 4868 0888 to find out if you need approval.

Dwelling Applications

Dwellings that were destroyed or significantly damaged by bushfire will require approval prior to commencement of the re-building works.

The following approvals are typically required for the construction of a dwelling:

- **Development Application (DA)** –a planning application for consent under Part 4 of the *Environmental Planning and Assessment Act* to carry out development. It is usually made to the local Council and consists of standard forms, detailed plan drawings and a number of detailed documents (called ‘submission requirements’).
- **Construction Certificate (CC)** - a certificate to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the *Building Code of Australia and Act and Regulations*.
- **Section 68 Approval (S68)** –an approval under the *Local Government Act* to undertake works on the water supply, sewerage / sanitary drainage, stormwater drainage and onsite wastewater disposal systems.

Forms for approvals listed above can be found at www.wsc.nsw.gov.au/application-forms

Council has developed a *Development Application Checklist for small scale residential developments*, that will assist in preparing the documentation needed to lodge your application. Download it at www.wsc.nsw.gov.au/application-forms

Dedicated assessment officers have been put in place to fast track all applications for the rebuilding of fire affected properties.

In general, the timeframe for processing a Development Application is approximately one month (dependant on whether additional information or referral to an external agency is required).

We recommend you engage a building designer, architect or draftsman to prepare your updated house plans for you. Using a qualified professional who is familiar with the approval process and documentation will assist in ensuring a smooth process.

To find out more:

- Contact Council on 4868 0888 and request to speak with the Duty Certifier,
- Visit the Department of Planning’s Website; www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Your-guide-to-the-DA-process/Development-assessment-and-construction-approval-processes

Architects Assist is providing relief to those who have limited or no funds to re-build, by providing disaster recovery architecture and design pro bono services. For further details visit www.architectsassist.com.au

Planning Institute of Australia has a "Find a Planner" tool to search for planners who can help with the re-build of your home. More info at www.planning.org.au/consultantdirectory

Complying Development

Complying development is a form of planning and building approval, that can be issued by an Accredited Certifier, or Council, in the form of a Complying Development Certificate (CDC).

This certificate combines approval for use of the land and the building construction works. In other words, it combines the functions of a Development Application (DA) and a Construction Certificate (CC), and is a simpler and quicker approval process than submitting a DA. In most cases, approval under this system is issued within 20 days.

Please note however that any replacement dwellings in un-sewered areas are unable to be approved as Complying Development.

A CDC can only be issued if the proposed development complies with the specific requirements and criteria for complying development, as outlined in the 'Codes SEPP'.

The development also needs to comply with the Building Code of Australia (BCA) and the Environmental Planning & Assessment Act 1979.

An Accredited Certifier or Council can issue a Complying Development Certificate. You can find an Accredited Certifier on the NSW Government's Fair Trading website.



Bushfire Risk Assessment

In many instances, dwellings were built many years ago and had therefore not been subject to today's requirements for building in bushfire locations.

If your land is bushfire prone you will need an up-to-date Bushfire Report and Bushfire Attack Level (BAL) assessment.

Bushfire Assessment Reports should be completed by an Accredited Bushfire Planning and Design (BPAD) practitioner. Find a practitioner at www.fpaa.com.au/bpad.aspx

The bushfire assessment will need to demonstrate how the development will comply with *Planning for Bushfire Protection 2019* including:

- Construction Standards / Bushfire Attack Level (BAL),
- Access,
- Water Supplies,
- Asset Protection Zones (APZ); and
- Landscaping.

The plans submitted with the application/s will need to demonstrate how the proposal will comply with recommendations in the Bushfire Report.

Some development applications, depending on the level of risk, may be referred to the NSW RFS for their consideration. This process may extend the assessment time required in order to determine the application.

Find out more:

- Read about your level of bushfire risk and what it means on the NSW RFS website www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/building-after-bush-fire
- Find an Accredited Bushfire Planning and Design (BPAD) practitioner at www.fpaa.com.au/bpad.aspx
- Contact Council on 4868 0888 and request to speak with the Duty Certifier.

Damaged Onsite Sewage Management System (OSMS)

Depending on the extent of damage to your system, it may not be suitable for use until it is repaired or replaced. Damaged systems should be inspected by a licensed plumber or authorised technician to determine the extent of any damage.

If the tank/s presents a trip or fall hazard, ensure the area around the tank is made safe, e.g. cover the tank and use a temporary fence or barrier.

Replacement

If you are replacing the system as part of the development application to re-build, the application must be accompanied by a Site Plan detailing the location and size of the tank/s and associated effluent disposal field as well as a Wastewater Assessment Report prepared by an appropriately qualified environmental or geotechnical consultant.

Keep Existing System

If you are proposing to retain or keep the existing system as part of the application to re-build, the application must be accompanied by:

- A Site Plan detailing the location and size of the tank/s and associated effluent disposal field; and
- Certification from a qualified environmental or geotechnical consultant, licensed plumber or authorised service technician confirming that the system is operating effectively.

Repairs

If you are proposing to undertake minor repairs on an existing damaged system, the work must be completed by a licensed plumber in accordance with the Plumbing Code of Australia. On completion of the works the responsible plumber shall provide Council and the owner with a Certificate of Compliance.

Modifications

If you wish to modify the type or location of the system, an application under Section 68 of the *Local Government Act* is required to be lodged and approved by Council prior to works commencing.

The application must be accompanied by a Site Plan detailing the location and size of the tank/s and associated effluent disposal field; and a Wastewater Assessment Report prepared by an appropriately qualified environmental or geotechnical consultant.

Find out more:

- NSW Health fact sheet *Bushfires and on-site wastewater systems* at www.health.nsw.gov.au/environment/factsheets/Pages/bushfires-onsite-wastewater-systems.aspx
- Phone the local NSW Health Public Health Unit on 1300 066 055
- Council Fact Sheet – *Onsite Wastewater Assessment* at www.wsc.nsw.gov.au/onsite-sewage-management
- Phone Council and request to speak with an Environmental Health Officer (OSSM) 4868 0888

Application Costs for Rebuild

Insurance companies will generally provide cover for the costs associated with the preparation of applications associated with insurance claims. Please contact your insurer to discuss further.

Development Application and Associated Fees

Wingecarribee Shire Council resolved at the Extraordinary Meeting of 6 February 2020 to waive the Council fees and charges associated with applications for the rebuilding of lost and damaged buildings, as a direct result of the bushfires.

Landowners seeking to build something additional to what has been destroyed, will be required to pay the relevant application fees.

BASIX and Planning Reform fees

The NSW Government has announced it will waive or refund all BASIX Certificate and Planning Reform fees on Development Applications related to homes damaged or destroyed in the recent bushfires.

Affected property owners can contact the Department to arrange for a BASIX Certificate to be issued free of charge on 1300 054 464.

Long Service Levy

The *Building and Construction Industry Long Service Payments Regulation 2017*, allows for full or partial exemptions specifically for the NSW bushfires of 2019/2020.

Exemptions are for the replacement or repair of buildings that were destroyed or damaged (other than the erection of a building on behalf of a government body) as a result of the NSW bushfires in the period starting 1 July 2019 and ending 2 March 2020.

A Long Service Levy on these builds is not payable in respect of the first \$1,000,000 (incl of GST) of the costs of erecting a building.

Applications must be submitted to the Corporation prior to 2 March 2023 by visiting www.longservice.nsw.gov.au/bci/levy/paying-the-levy/exemptions-bushfire-recovery.

Red Cross Grants

The cash grants are available from the Red Cross including:

- [Primary residence repair grant](#) for home owners whose homes have been structurally damaged. This includes destruction or damage to critical private water, septic and/or power infrastructure. Open until 30 June 2020.
- [Re-establishment grant](#) to help people who lost their primary place of residence – house, caravan etc, whether owned or rented – to have somewhere safe to live.

Learn more at www.redcross.org.au/get-help/emergencies/recovering-from-emergencies/grants#reestablishment.

Got some questions about building after bushfire?

Call our dedicated Bushfire Recovery Hotline on 1800 316 500 to ensure you receive tailored assistance or send through an email to mail@wsc.nsw.gov.au.



Bushfire Recovery Information

For detailed information about the assistance available for bushfire affected people visit yoursaywingecarribee.com.au/bushfire-recovery