Build Back Better
Bushfire Rebuilding Planning FAQs

My home was destroyed/damaged by fire. I’m not ready to rebuild but I want to stay on my property in the short term. What are my options?

The NSW Government has made amendments to legislation so that people whose homes have been badly damaged in a bushfire can install a moveable dwelling, such as a caravan or unregistrable moveable dwelling (UMD), on land without Council approval for up to two years. If a person wishes to stay in the moveable dwelling beyond two years, Council approval is needed.

For more information, visit www.planning.nsw.gov.au/Policy-and-Legislation/Bushfires-recovery/Temporary-accommodation

My home was destroyed/damaged by fire and I want to rebuild. What approvals do I need?

We recommend that you contact Council’s Development Hub, phone 02 6499 2209, to be guided through the process. To get things started, we will give you with a paper copy of your current building plans or a scanned copy on a USB.

You will then need to have the plans revised (or a new design developed) to show your Building Sustainability Index (BASIX) commitments, bushfire construction requirements and any changes you would like to make to the design.

We recommend you engage a building designer or draftsperson to prepare your updated house plans. Using a qualified professional who is familiar with the approval process and documentation required will ensure a smooth assessment process.

When you are ready to lodge your plans, you or your building designer will need to complete a combined Development Application/Construction Certificate (DA/CC) form.

How do I know that I have a dwelling entitlement to rebuild?

Most properties will have a dwelling entitlement, which will enable a dwelling to be rebuilt once the appropriate approvals are in place.

However, there may be fire-affected properties with unauthorised dwellings and/or structures. In some cases, that land may not have a dwelling entitlement under today’s planning legislation. Council is working with the NSW Government to explore options available to landowners in this situation.

Council officers are currently researching all affected properties to clarify whether dwelling entitlements exist. It’s very important for us to make sure that everyone who has been affected by the fires is able to receive support through the Recovery Centre, so please register your details as soon as you can.

What supporting information needs to be submitted with my application to rebuild my home and/or buildings?

You will need to provide Council with the following supporting information. You can get help with this from the officer on duty at the Bega Recovery Centre or contact Council’s Development Hub (6499 2209, developmenthub@begavalley.nsw.gov.au or in person at Council’s Zingel Place office). You may prefer to ask your building designer or draftsperson to do this on your behalf.

- A completed Development Application (DA)/Construction Certificate (CC) form or Complying Development Certificate (CDC) form.
- An up-to-date BASIX certificate (go to the BASIX website to generate this certificate [www.planningportal.nsw.gov.au/planning-tools/basix](http://www.planningportal.nsw.gov.au/planning-tools/basix)).
- Up-to-date Engineers Structural Details from a registered, practising structural engineer. Note, that if you are proposing to reuse existing fire damaged slabs or footings you will also need to get your engineer to certify that they are suitable for use.

Do I have to get a report from a bushfire consultant to lodge with my development application?

If your land is mapped Vegetation Category 2 and Category 3 (Grasslands) or Buffer, you will need to undertake a Self Assessment in the first instance (go to [https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0017/4355/Guidelines-for-Single-Dwelling-Development-Applications.pdf](https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0017/4355/Guidelines-for-Single-Dwelling-Development-Applications.pdf) for details). Council’s Building Inspector will then verify your proposal will meet the ‘deeming provisions’ of Planning for Bushfire Protection and work with you to ensure your proposal complies with the relevant standards.

For properties mapped within Vegetation Category 1 (forest), a BAL Certificate from an experienced design professional Bush Fire Planning and Design (BPAD) Accredited Practitioner or a Bushfire Assessment Report from a suitably qualified person needs to be submitted with your application. If your rebuild proposal includes a flame zone (FZ) aspect or you are requiring a performance solution (usually because the dwelling is more the 200m from a Council maintained road) you must use a BPAD practitioner. To determine the Vegetation Category of your land, please speak with the officer on duty at the Bega Recovery Centre or contact Council’s Development Hub (6499 2209, developmenthub@begavalley.nsw.gov.au or in person at Council’s Zingel Place office). You may prefer to ask your building designer or draftsperson to do this on your behalf.

My insurance company has asked me what BAL rating my fire-affected property previously had? How can I find this information?

Council’s Development Hub can research the Bushfire Attack Level (or equivalent) that was applied to your previous building, if this information is available on Council’s records. This will vary depending on the age of the building and the legislation and bushfire mapping in place at the time it was constructed.

How do I know my land is mapped for bushfire assessment purposes?

If you are not sure how your land is mapped, contact Council’s Development Hub for advice (6499 2209 or visit Council’s Zingel Place office in Bega) or go to the NSW Planning Portal Spatial Viewer [https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address](https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address).

If you are proposing to use the Complying Development pathway you must use a BPAD practitioner to undertake your Bushfire Assessment Report. This is the reason Council recommends using the Development Application pathway in the Bega Valley, as access to BPAD Practitioners in regional areas is limited.

Will my house plans be notified to my neighbours as part of the approval process?

If you are rebuilding a house or structure of a similar size, dimensions and location to the one destroyed/damaged by fire, your application will be fast tracked and will not need to be notified to adjoining and adjacent landowners.

If you are building a larger home (for example, your original house was single storey and you are now building a two-storey house), we may notify the plans to neighbours for a period of 14 days.

Are there any fees and charges payable for my approvals?

All Council fees associated with the lodgement of a development application, including any pre-lodgement advice, construction certificates and other certificates for current owners to rebuild their lost or damaged buildings or subsequent inspections have been waived.
Also from 4 February 2020, the NSW Government fees for BASIX Certificates and the Planning Reform Fund fees have also been waived on all development applications related to homes damaged or destroyed in the recent bushfires.

Affected property owners can contact the Department of Planning to arrange for a BASIX Certificate to be issued free of charge. Call the dedicated BASIX Bushfire Recovery Hotline 1300 054 464 for more information.

Long Service Levy (which is not a Council fee) is still applicable and must be paid prior to the commencement of works.

**How long will it take to process my application?**

Dedicated assessment officers will fast track all applications for rebuilding of fire affected properties.

**I have an existing Development Consent and I want to re-build the same structure. What extra approvals do I need?**

Because development controls change over time, you may not be able to rebuild the exact same structure on your land. If your development was approved after 2015, you may be able to apply for a new Construction Certificate to rebuild the structure however please note that the construction certificate plans will still likely need updating. We recommend that you discuss your proposal with the Duty Building Inspector at the Recovery Centre or visit Council’s Development Hub at Council’s Zingel Place office in Bega.

If your development consent is older than that, a fresh Development Application and Construction Certificate will be required. This is because there are new development standards that apply since your original approval, and you will need to ensure your re-build meets those requirements (for example, Bushfire Attack Level, BASIX, building sustainability and building codes). Standards Australia and the Commonwealth Government are making bush fire standards information available at no cost until June 2021. The cost is normally $250.

**Do I have to get my approval from Council?**

No, if your building plans can fit into a Complying Development category under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, any Accredited Certifier can issue the Complying Development Certificate.


**I previously had a Complying Development Certificate issued for my development. Do I need a new CDC for my re-build?**

Yes, a new Complying Development application will be required. Requirements for Complying Development are different to the Development Application process described above. Please note that if your property is mapped as bushfire prone land, you will need a BAL Certificate issued by an accredited BPAD Practitioner. You can find an accredited BPAD practitioner online at: [http://www.fpaa.com.au/bpad/practitioners.aspx](http://www.fpaa.com.au/bpad/practitioners.aspx)

**My property has been identified as containing asbestos. Is there any additional paperwork that I will need before I can start my re-build?**

Once the site has been cleaned by either the NSW Government’s appointed contractor, your insurer’s contractor or your self-appointed contractor, you will need to ask for the Occupational Hygienist’s Clearance Certificate. Council (or your Private Certifier) will need to sight a copy of that Certificate prior to the issue of a Construction Certificate. Please note that clean-up undertaken by your insurer or yourself may not be eligible for reimbursement through the NSW Government’s clean-up program.
Once the site has been cleaned by either the NSW Government’s appointed contractor or your self-appointed contractor, you will need to ask for the Occupational Hygienist’s Clearance Certificate. Council (or your Private Certifier) will need to sight a copy of that Certificate prior to the issue of a Construction Certificate.

**My fire affected property has a heritage listing or it is located in a Heritage Conservation Area. What do I need to do prior to clean up?**

A: If your fire affected property has a heritage listing or is located in a Heritage Conservation Area, demolition requires approval by Council. We have a process in place for demolition applications for fire affected heritage properties, under Council’s Heritage Minor Works policy. If your property is subject to heritage listing, please submit a Heritage Minor Works application and Council’s planners will undertake an assessment of the extent of demolition works required. Feel free to call Council’s Development Hub on 6499 2209 to discuss your situation.

**How do we ensure that new buildings are in keeping with the heritage character of the Cobargo main street?**

The fires have had a significant impact on the historic village of Cobargo, including the main street heritage conservation area. Council is aware of the importance of the local village character to residents and business owners in the area and is working with the NSW Heritage Office and Department of Planning, Industry and Environment to identify what resources are available to provide assistance and guidance about rebuilding in the Cobargo heritage conservation area. No decisions for rebuilding in this area have been made yet, but the existing heritage conservation area, which covers most of the main street and part of the Bermagui-Cobargo Road has been in effect since 2013. Existing development controls require all new developments to complement the heritage character of the village. Council is planning to work with affected land owners through the planning and re-building process.

**What happens to the heritage listing of my property now my house/shop is gone?**

Council is working through all known fire damaged and destroyed heritage listed properties to assess the impact on their heritage values. In the cases where the heritage values no longer exist Council is considering requesting the removal of the heritage listing in consultation with the owners of the properties. At this stage no changes to existing heritage conservation areas are planned.

If you have further questions or concerns around accessing your property, contact the Recovery Centre on (02) 6499 2345. *We are here to help!*