

Circular Details	20-04 / 21 February 2020 / A692152
Previous Circular	<i>If applicable</i>
Who should read this	Councillors / General Managers / Council Land Use Planning staff
Contact	Bushfire Response Advice Line on 13 77 88 or codes@planning.nsw.gov.au
Action required	Information

Land use planning changes to assist communities recover from NSW bushfires

What's new or changing

- Due to the recent bushfires and the number of homes and properties damaged and destroyed the NSW Government has introduced several changes to planning rules to make it easier for people to recover and rebuild.

What this will mean for your council

- The NSW Government is committed to managing timely rebuilding processes for councils and their communities.
- Changes to planning rules have been made to ensure more people impacted by the bushfires are able to clean up and make safe their property and allow bush fire affected people to establish temporary accommodation, without the need for council approval.
- From 4 February 2020, the applicable government planning fees – BASIX Certificate and the Planning Reform Fund fees – will be waived on all development applications related to homes damaged or destroyed in the recent bushfires.
- From 5 February 2020, councils have the flexibility to modify conditions applying to a primitive camping ground, provided the council is satisfied it is necessary for the purposes of accommodating people who have lost their homes in the bushfires.
- Council staff should ensure they are aware of the regulatory changes and ensure relevant guidance is updated as necessary.

Key points

- Amendments to the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 \(Codes SEPP\)](#) allow a range of low impact works to be carried out as exempt development. These works need to meet the relevant development standards in order to be carried out without council approval, including:
 - Temporary repairs and non-structural permanent repairs to damage caused by a declared state of emergency in relation to the bushfires can be carried out as exempt development. The repairs need to be carried out within two years of the state of emergency being declared
 - People will be able to temporarily put a shipping container on private land affected by the fires for storage purposes, where a state of

emergency, in relation to the bushfires, has been declared, for up to two years

- People impacted by bushfires will be able to demolish buildings that have been substantially damaged by bushfire. People will also be able to partially demolish buildings to make them safe.
- These changes commenced on 31 January 2020.
- Amendments to the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* assist in the provision of emergency accommodation for persons affected by bushfires. These changes include:
 - People who are unable to return to their homes as a result of a bushfire will be able to stay in a moveable dwelling, such as a caravan, in a caravan park or camping ground for an extended period of up to two years without the need for council approval
 - People whose homes have been badly damaged in a bushfire can install a moveable dwelling, such as a caravan, 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 will be needed.
- These changes commenced on the 5 February 2020.
- Affected property owners can contact the Department to arrange for a BASIX Certificate to be issued free of charge. Councils can refer applicants to the dedicated BASIX bushfire recovery hotline. The contact number is 1300 054 464.
- The NSW Government has been working in partnership with bushfire-affected councils on the new planning provisions.
- The NSW Government is continuing to work with councils and state agencies on what else is needed to support the recovery and rebuilding effort.

Where to go for further information

- Further information on the changes is available at <https://www.planning.nsw.gov.au/Policy-and-Legislation/Bushfires-recovery>



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