BUSHFIRE RISK MINIMISATION CODE

1 Purpose of the Code

The purpose of this code is to:

- ensure that there is an appropriate intensity of residential development in bushfire prone land; and
- provide direction in the design of development within bushfire prone land so as to minimise the number of people and properties subjected to a bushfire risk; and
- minimise costs to emergency services and to facilitate evacuation in the event of any bushfire; and
- ensure that development on bushfire prone land is compatible with the nature and level of the bushfire hazard; and
- ensure that development in locations identified as "High Severity Bushfire Hazard Areas" (refer to Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans) is planned and designed to minimise the risk to life and property and the cost to the community.

2 Application of the Code

For code assessable development, the code for assessment consists of the secondary code(s) listed below:

- Reconfiguring a Lot Code – where the development involves Reconfiguring a Lot.

3 Definitions

Bushfire:	As defined in section 3.8 of this planning scheme.
Bushfire Hazard Assessment	Means a Bushfire Hazard Assessment carried out in accordance with Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans.
Hazard Severity	Means the severity of bushfire hazard that land has in accordance with a Bushfire Hazard Assessment based on; • the vegetation type across the land, and • the slope of the land; and • the land's aspect As a result of a Bushfire Hazard Assessment, land is determined to have a Low, Medium or High bushfire hazard severity.
Hazardous materials in bulk	Means hazardous materials as defined in the *Dangerous Goods Safety Management Act 2001* (except radioactive and infectious substances managed by the *Radiation Safety Act 1999* or the Office of Gene Technology) in quantities that;

- would be equivalent to or exceed the minimum quantities set out to determine a Large Dangerous Goods Location in the *Dangerous Goods Safety Management Regulation*; or
- would require a license for a magazine for the storage of an explosive under the *Explosives Regulation 1955*.

Hazardous Vegetation: comprises vegetation communities with a hazard score of 6 or more in Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans.

Through Roads: As defined in section 3.8 of this planning scheme.

4 Explanation

This code is used for the assessment of development on bushfire prone land that will increase the number of people living and/or working in bushfire prone land, or where evacuating people from community infrastructure nay be difficult or where development involves the manufacture or storage of hazardous materials in bulk and sets out standards that apply in new development to minimise the risk of loss of life and loss of property from bushfire.

The definition of Bush Fire Prone Land in this planning scheme corresponds to and is a "*Bush Fire Prone Area*" under section 55 of the *Standard Building Regulation 1993* in some circumstances. In essence, not all building works on Bush Fire Prone Land as defined in this planning scheme needs to comply with section 55(3) of the *Standard Building Regulation 1993*. More accurately, while development may be assessable against this code, the requirement to comply with section 55(3) of the *Standard Building Regulation 1993* is determined by;

(a) The Hazard Severity of the site determined in accordance with Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans; and
(b) an assessment of the proposal against section 5 of this code.

Building works in accordance with section 55(3) of the *Standard Building Regulation 1993* is listed as an Acceptable Solution in some instances as a response to Performance Criteria within this code that have been set and the development must comply with. It is in responding to those Performance Criteria, based on clauses (a) and (b) above, that finally determines whether compliance with section 55(3) of the *Standard Building Regulation 1993* is required.

In some instances, the Acceptable Solutions within this code require compliance with the bushfire protection provisions of the *Building Code of Australia,* which refers to and is based upon *AS3959 – Construction of buildings in bushfire prone areas*. When compliance with such an Acceptable Solution is chosen, compliance with the bushfire protection

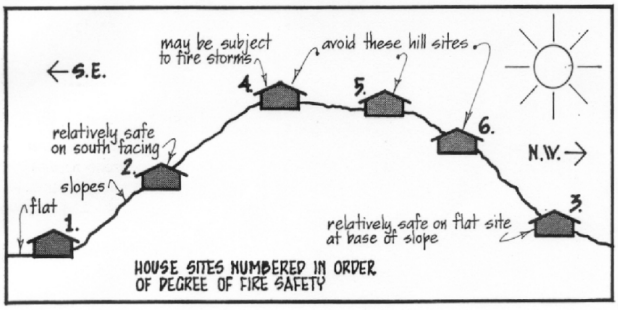
provisions is mandatory and will need to be confirmed prior to use of the building for its intended purpose.

5 Performance Criteria and Acceptable Solutions[1]

Performance Criteria	Acceptable Solutions
General	
P1 Development does not put the safety and lives of people, and property seriously "at-risk" from bushfire.	**A1.1** A site-specific bushfire hazard assessment[2] demonstrates that the development will not be; (i) in an area of High or Medium bushfire hazard severity; or (ii) within 100 linear metres of an area that has a High bushfire hazard severity; or (iii) within 50 linear metres of an area that has a Medium bushfire hazard severity. **A1.2** **OR** A site-specific bushfire hazard assessment[2] demonstrates that the development is; (i) in an area of High or Medium bushfire hazard severity; or (ii) within 100 linear metres of an area that has a High bushfire hazard severity; or (iii) within 50 linear metres of an area that has a Medium bushfire hazard severity. but the development will; (1) not result in anincrease in the number of people living, working or congregating at the site or in the area; and (2) not involve any new building work other than a minor extension (≤20 m^2 Gross Floor Area) to an existing building when no previous extension has been made in the previous 2 years, and (3) not increase the number of lots within an area of High or Medium bushfire hazard severity. **A1.3** **OR** The development is; (i) in an area of High or Medium bushfire hazard severity; or (ii) within 100 linear metres of an area that has a High bushfire hazard severity; or (iii) within 50 linear metres of an area that has a Medium bushfire hazard severity. Identified in a site-specific bushfire hazard assessment[2] and complies with all other Performance Criteria in this code as it applies to the particular development.

[1] The majority of these Performance Criteria and Acceptable Solutions are based on the *State Planing Policy Guideline 1/03 for Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* – Appendix 5, or for P1, Appendix 3.

[2] Carried out by the applicant in accordance with **Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans**

Performance Criteria	Acceptable Solutions
Development in Areas of High or Medium Bushfire Hazard Severity or within 100m and 50m respectively of such an area	
Applicable to all development	
P2 Buildings are sited or able to be sited: (a) in areas where the environmental impacts are minimal; and (b) on land which is the least prone to bushfire risk having regard to aspect, elevation, slope and vegetation type.	**A2.1** Buildings and structures are sited: (i) in a location with the lowest level of hazard[3]; and (ii) not on the tops of ridgelines and not on north west to west facing vegetated slopes *(see Figure 1)*.  Figure 1[4] **A2.2** **AND** Buildings and structures: (i) have as a minimum setback from the closest hazardous vegetation, the greater of either of the following: (1) 1.5 times the predominant mature canopy tree height of the hazardous vegetation; or (2) 10m; and (ii) have a minimum setback of 10 metres from any retained vegetation strips or small areas of vegetation; and (iii) are sited so that less susceptible elements of the development are sited closest to the bushfire hazard.
P3 An adequate and accessible water supply is provided for bushfire fighting purposes.	**A3.1** The development is provided with a reticulated water supply that has sufficient flow and pressure characteristics for bushfire fighting purposes at all times, specifically the minimum pressure and flow is 10 litres a second at 200 kPa. **A3.2** **OR** Development has for; (i) each existing or proposed building with a Gross Floor Area of 50m^2 or more proposed to be used; or

[3] Depending on location, this may be an area already cleared of vegetation.

[4] From *State Planing Policy Guideline 1/03 for Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* – Appendix 7. House sites are numbered in order of degree of Fire Safety with 1 being the safest and 6 being the most hazardous.

Performance Criteria		Acceptable Solutions	
			(ii) each allotment proposed to be created; an on-site water storage[5] of not less than 5000 litres where the water storage is any one or more of the following; (1) an in-ground swimming pool; or (2) a concrete tank with fire brigade tank fittings, or (3) a dam fed by a permanent water source.
P4	Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials in bulk stored or manufactured on the site[6].	**A4**	The development does not involve any hazardous materials in bulk.
P5	If the proposal is for community infrastructure, it is able to function effectively during and immediately after bushfire events.	**A5.1**	The community infrastructure is not located on land identified as having a High or Medium bushfire hazard severity in a site-specific bushfire hazard assessment[2].
		A5.2	**OR** The community infrastructure will not involve any new building work other than a minor extension (<20m^2 Gross Floor Area) to an existing building.
		A5.3	**OR** The community infrastructure is designed to function effectively during and immediately after bushfire events[7].
Applicable only to development that will result in multiple buildings or allotments.			
P6	Firebreaks are provided with development; (a) to ensure that adequate access is provided for fire-fighting and other emergency vehicles; and (b) to ensure that there are proper setbacks between assets and hazardous	**A6.1**	The development is provided with a side (or perimeter) road that; (i) is located between the boundary of the lots and the hazard; and (ii) has a minimum cleared width of 20 metres; and (iii) has a constructed road width and weather standard that complies with the **Reconfiguring a Lot Code** regardless of whether it is new road reserve or an existing road reserve.
		A6.2	**OR** Where it is not practicable to comply with A6.1[8],

[5] To be easily accessible having regard to pedestrian and vehicular requirements.

[6] In making any assessment against this Performance Criterion, an application must include a comprehensive Bushfire Management Plan prepared in accordance with **Planning Scheme Policy No. 12 – Assessment of Bushfire Hazard and Preparation of Bushfire Management Plans**, submitted to and approved by the Council prior to or in conjunction with the development application.

[7] Any proposal in this instance is expected to include and demonstrate compliance with a comprehensive Bushfire Management Plan prepared in accordance with *State Planing Policy Guideline 1/03 for Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* – Appendix 8.

Performance Criteria	Acceptable Solutions
vegetation; and (c) are secure in tenure and maintained.	the development incorporates fire maintenance trails located as close as possible to the boundaries of each allotment and the adjoining bushland, and the fire maintenance trails; (i) have a minimum cleared width of 6 metres; and (ii) have a minimum formed width of 4 metres and maximum gradient of 1 in 6 (16%); and (iii) are installed with sediment and erosion control devices in accordance with **Planning Scheme Policy No. 2 - Erosion and Sediment Control Plans**; and (iv) have vehicular access at each end; and (v) provide areas for vehicles to pass or turn around at least every 400 metres; and (vi) are either located on public land or within an access easement granted in favour of the Rockhampton Regional Council, fire brigades and other emergency services and where applicable, relevant state government departments (e.g. Environment Protection Agency when adjoining a National Park); and (vii) use existing trails wherever possible to reduce environmental impacts.

[8] Fire maintenance trails will only be accepted if it is not practicable to provide the firebreak in the form of a perimeter road due to topographic or vegetation constraints, or because access to the proposed lots can be provided from an existing road and it would be unreasonable to require the construction of a new road.

Performance Criteria		Acceptable Solutions	
P7	Where development involves reconfiguring a lot and opening a new road, the road layout, location and design provides; (a) easy, effective and safe movement away from any encroaching fire for the evacuation of residents and/or emergency vehicles; and (b) an alternative safe access routes should access in one location be blocked in the event of a bushfire; and (c) for the safe and effective operational use of fire-fighting vehicles.	**A7.1.1** **A7.1.2** **A7.2**	The road layout uses through roads only and does not include cul-de-sac and "dead end" roads, except where a perimeter road extending around the development area isolates the development from the hazard, or, an alternative emergency vehicle access linking the cul-de-sac to other through roads is provided. **OR** Where the use of a single entry road is unavoidable because of topographical constraints, a properly established and maintained fire trail is incorporated into the layout to allow for safe emergency access in an alternative location, and if possible, direction to the road. **AND** Road gradients are not more than 12.5%.
P8	Allotments created as a result of development for Reconfiguring a Lot are designed to; (a) mitigate bushfire hazard; and (b) provide safe sites for Houses or other intended uses of the allotment; and (c) prevent the fragmentation of land with a high bushfire hazard severity.	**A8.1** **A8.2** **A8.3**	Allotments are located in parts of the site with the lowest bushfire hazard severity in accordance with the principles of *Protecting your home against bushfire attack*, Department of Local Government and Planning (DLGP) 2000. **AND** The size and shape of allotments facilitates emergency access to buildings and fire-fighting appliances by avoiding long narrow allotments with long access driveways to buildings or future building sites[9]. **AND** New allotments (or parts of new allotments) are not created; (i) in areas that have a high bushfire hazard severity; or (ii) within 100 linear metres of an area that has a high bushfire hazard severity. *Note: Land with a high bushfire hazard severity*

[9] Building Location Envelopes should be specified at the time when Reconfiguring a Lot occurs and tied to the allotment by way of a covenant or an alternative mechanism to control the future siting of buildings.

Performance Criteria		Acceptable Solutions	
			should be fragmented into as few allotments as possible.
Development in Areas of High Bushfire Hazard Severity or within 100m of such an area			
Applicable to all development.			
P9	Buildings are constructed to provide protection in the event of a bushfire to reduce the risk of ignition by embers until the fire front passes.	**A9.1**	Buildings are constructed in accordance with section 55(3) of the *Standard Building Regulation 1993*. **OR**
		A9.2	There are no buildings proposed with the development.
P10	Fences must be designed and constructed of materials that will avoid fuelling a fire and making it more hazardous.	**A10**	Masonry, stone wall or wire fencing is used instead of timber fencing.
P11	Development that materially intensifies the use of High bushfire hazard areas incorporates effective siting, design and management measures to minimise bushfire hazard[6].	**A11**	The development does not increase the number of people living, working or congregating in the High bushfire hazard area.
P12	New residents are informed about the nature of the bushfire hazard and mitigation measures.	**A12**	Allotments, dwelling units or the like and the Rockhampton Regional Council are provided with detailed information including: (i) the nature of the bushfire hazard present on the land; and (ii) responsibilities for fire management (including fuel in vegetated areas, maintenance of open areas and buildings, separation of assets); and (iii) measures available for ongoing fire hazard mitigation (including planting of fire-resistant species, use of non-flammable fencing and screens, separation of assets from hazards); and (iv) the intended management of retained internal vegetated strips and public areas.