



Re-building and repairing buildings damaged by bush fires

FACT SHEET

This fact sheet assists people who have been affected by the recent bush fires.

First steps

- Only return to your home when you are advised by the appropriate authority that it is safe.
- Contact your insurance company as soon as possible to report the damage.
 - Be sure to ask your insurance company if they have a list of preferred contractors for the clean up and repairs.
- If you are uninsured, contact a licensed building contractor to assess the damage and provide a quote for the necessary repairs.
 - Uninsured residents and those who have limited income/assets may be eligible for a disaster relief grant (contact Disaster Welfare on 1800 018 444).

Asbestos

- All fire affected buildings are being assessed by a Public Works team who will be determining whether the building has asbestos contamination or not. Public Works will then report back to the landowner on the findings of the assessment.
- **For uninsured houses**, Public Works will be organising a cleanup by a registered asbestos removal contractor in consultation with the landholder at no cost.
- **For insured houses**, you should contact your insurance company for cleanup as part of your claim.
- After the cleanup and at the time of lodging your development application for your new home, you will need to provide us with:
 - Landfill disposal receipts for asbestos
 - Asbestos clearance certificate
- Our staff and private contractors are unable to access sites identified as having fire damaged asbestos containing materials until an asbestos clearance certificate has been provided.

Are Approvals Required?

- If damage to a lawful building is minor or non structural it is considered to be maintenance and/or repairs. Approval from us is not required provided a like for like replacement is undertaken.
- A licensed plumber is required to do repairs to damaged plastic septic tanks and associated pipework. A certificate of compliance (NSW Fair Trading format) for all replaced plumbing and drainage works should be obtained from the contractor and forwarded to us.
- Rebuilding and repairing of non habitable outbuildings will not need the approval in the majority of instances. Contact us for advice.
- The replacement/rebuilding of a dwelling or part of a dwelling is structural it will require development consent and a construction certificate. This must be obtained beforehand to ensure new work complies with current requirements particularly in regard to bushfire construction standards.
- We will fast track applications and provide you with a dedicated Building Surveyor to process your applications.
- Copies of previously issued approvals and plans will be available to landowners free of charge. - at the www.clarence.nsw.gov.au/accessstoinformation by contacting our Customer Service Centre.
- If no approval exist for a fire damaged rural dwelling, it may still be considered a lawful dwelling if it was erected prior to the introduction of building controls by the former Councils (generally in the late 1960's /early 1970's for most of the Local Government Area and 1989 in the former Copmanhurst Shire Council area). Approvals to re-build dwellings erected after those dates may still be possible through various formalisation processes and Council assessment staff will endeavor to investigate all available avenues to allow such replacement dwellings to be legally approved.

Supporting Documentation

When submitting an application to rebuild you will need:

- A completed Development Application (DA) and Construction Certificate (CC) form (download a rural dwelling DA pack from www.clarence.nsw.gov.au/DAPacks)
- A Basix certificate (available at <https://www.planningportal.nsw.gov.au/basix/>)
- A bushfire hazard assessment report (a simple single dwelling self assessment kit can be downloaded from www.clarence.nsw.gov.au/ruraldwellings and our Building Surveyor will do an on site inspection)
- Plans and specifications (it's OK to include specifications on the plans)
- A statement or appropriate document confirming the date of construction of the dwelling if it was originally constructed prior to the introduction of building controls.
- Visit www.clarence.nsw.gov.au/ruraldwellings for:
 - A Statement of Environmental Effects
 - Waste Management Plan
 - Erosion and Sediment Control Statement
 - On site Waste Water application - if a replacement septic system is required.

Clarence Valley Local Environmental Plan (LEP) Sunset Clause 2021 Implications

If you have a fire damaged dwelling that you intend to rebuild on an allotment that is affected by the Clarence Valley LEP Sunset Clause 23 December 2021 deadline and you are unsure of its legal status you are encouraged to contact Council for advice on options for retaining any existing dwelling eligibility that the allotment may have.

What application fees will be charged by Council?

Council has resolved to waive all development application and associated fees for the rebuilding of existing lawful dwellings that were damaged or destroyed during the bushfire disaster declared on 31 August 2019, if lodged prior to 23 December 2021. The NSW Government is also providing exemptions for payment of Long Service Levy and the Basix certificate fee as part of their bushfire recovery assistance. Further information from www.longservice.nsw.gov.au or the Basix bushfire recovery advice line on 1300 054 464

Exempt structures

Details on the structures and building work that can be erected without Council approval are available from the "Exempt development" page on our website.

Disclaimer:

This information is provided in good faith as a guide. The relevant legislation and planning documents take precedent over the information in this fact sheet.