

Your details

Title

Mr

First name

Peter

Last name

Bache

Submission details

I am making this submission as

Other

Submission type

I am making a personal submission

Consent to make submission public

I give my consent for this submission to be made public

Share your experience or tell your story

Your story

We purchased a newly (July 2015) subdivided land in January 2016 for the purpose of building a family home. As the 149 certificate clearly stated the land was in a fire prone area we carried out careful due diligence prior to purchase including identifying key documents in Councils file such as a fire report and Notice of Determination under section 109C -Subdivision Certificate. We also met with Councils building inspector to ensure our preliminary plans were viable at this site.

After the purchase we moved forward with planning and design through one of the local builders. During this process it was identified that an APZ would have to be installed on the neighbouring land to enable construction at BAL 40. We contacted the neighbours to seek their consent to have an APZ set in a Section 88 instrument on the title of their land. They indicated that they would not object to the proposal, but needed to understand what it would look like and how big an area was needed.

We then engaged a fire consultant to write the fire report needed to support our building application and establishment of the APZ on the neighbouring land. This report found that no part of our land is outside Flame Zone

and that no APZ can be installed on any of the surrounding land due to the steepness of the slopes. On getting this information we then scrutinised the original fire report from the Council files and Planning for Bushfire Protection 2001 and 2006. This more detailed investigation indicated that the original fire report had significant erroneous information relating to the surrounding slopes, vegetation and access arrangements. The statements are:

- "No part of the proposed APZ is > 18 degrees."

The fire report we commissioned for the establishment of the APZ indicate that most of the area is in fact in excess of 18 degrees.

- "Existing access is via Merimbula Drive, a RFS standard 8m wide right of carriageway with an all – weather road."

This road is in fact only 4.5m to 5m wide and does not meet the conditions of consent of a 6.4m wide formation with 6m wide seal.

This erroneous information was relied upon by Council and then forwarded to the RFS for the Section 100B Bush Fire Safety Authority.

We have raised our findings with Council, but they do not see there has been any wrong doing by Council. The fact is that the discrepancies during the DA process is not protecting the community and first responders as the planning legislation and instruments intend.

It is pure luck that the 2019-20 fire event did not impact this little subdivision as it would appear not to be able to be protected safely.

Terms of Reference (optional)

The Inquiry welcomes submissions that address the particular matters identified in its [Terms of Reference](#).

1.2 Preparation and planning

I am hoping that this inquiry will have the opportunity to look into Councils planning and development application process in areas known as bushfire prone land as there would seem to be a lack of understanding of the importance that the Planning for Bushfire Protection process is followed.

Supporting documents or images
