



Bush Fire Protection & Land-use Planning Regulation in Australia – What's it All About (Perspectives)?

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Of course... the 'obligatory' fire pics



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Setting the Stage

Productivity Increases & Proportionate Bushfire Planning: A Smarter Path to Productivity - 05 May 25 By : Lew Short, Blackash Bushfire Consulting

A Government Focus on Productivity Improvements

In light of the recent Federal election win by Labour, Treasurer Jim Chalmers has placed increasing emphasis on “productivity improvements” as a way to strengthen Australia’s economy, lift wages, and make growth more sustainable.

While often framed in terms of technology, infrastructure, or workforce skills, productivity gains can and should also be found in how we regulate land use and assess development, especially in high-risk settings like bushfire-prone areas

Too often, productivity is misunderstood as doing more work or cutting corners.

*But in planning and development, productivity means **working smarter**: improving outcomes while reducing unnecessary time, cost, and effort.*

One of the clearest opportunities for this lies in how we assess and approve new development in areas exposed to bushfire risk



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The Problem: One-Size-Fits-All Approaches to Risk - 05

May 25 By : Lew Short, Blackash Bushfire Consulting

In many jurisdictions, development in bushfire-prone areas is subject to complex and sometimes rigid planning controls.

Regardless of the actual level of bushfire threat, applicants may face multiple assessments, detailed reports, and significant delays, even for low-risk sites with existing access and defensible space.

This can create a regulatory bottleneck that:

- Slows housing delivery*
- Increases costs for applicants, developers, governments and councils*
- Ties up expert resources where they may not be needed, and*
- Erodes public trust in the system.*



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A Smarter Way Forward - 05 May 25 By : Lew Short, Blackash Bushfire Consulting

- *Treasurer Chalmers has argued that productivity is the key to unlocking long-term prosperity.*
- *In planning and bushfire resilience, that means **designing systems that work efficiently, fairly, and proportionately.***
- *By embracing smarter, risk-based pathways in bushfire-prone areas, we can deliver safer communities, reduce unnecessary burdens, and contribute meaningfully to Australia's broader productivity agenda.*

Please note: the above content in the previous slides has been taken directly from a blog by Mr. Lew Short dated 05 May 2025, but has been re-formatted for this presentation. The above is not the entire blog – for the blog in its entirety I would encourage going to <https://blackash.com.au/productivity-increases-proportionate-bushfire-planning-a-smarter-path-to-productivity/> .



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Introduction / Background – National or NSW

Building Bush Fire Protection and Land-use Planning Regulation in Australia

- **Purpose of this session:**
 - Explore **history, current state, challenges, and future directions**
 - Gather **practical perspectives** from consultants, regulators, and engineers.
 - **Regulation introduced nationally circa 2002:**
 - Led to **codes, standards, and assessment techniques** saving lives and property.
 - **Catastrophe-driven.**
 - **Impact on development and affordability:**
 - Increased building costs and development constraints, even in **low-risk suburban areas**.
 - **Practical challenges:**
 - **Conflicts** between protection (e.g., clearing for Asset Protection Zones) and **environmental preservation**.
 - **Financial risks, approval uncertainties, and lengthy assessment timeframes**.
- Disconnect with broader code reforms:**
- Unlike the **performance-based** Building Code of Australia reforms (1990s),
 - Bushfire protection evolved mainly through **planning-based**, often **rigid, prescriptive** pathways.



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Development Approvals vs Building Approvals – Are We Mixing Them Up?

Development Approvals (Planning Focus):

- ◆ Is the site *appropriate* for development given bushfire exposure?
- ◆ Focus: **Risk context, access, defendability, strategic planning outcomes.**

Building Approvals (Building Code Focus):

- ◆ How should buildings be *designed and constructed* to manage specific hazards?
- ◆ Focus: **Material resistance, system performance, fire protection strategies.**

Observed Issues:

- ◆ Conditions at development stage sometimes pre-empt detailed **building design** solutions.
- ◆ Holding up planning approvals based on **building construction** debates (e.g., external wall fire resistance levels).
- ◆ Particularly impacts **low-risk suburban fringe sites with manageable hazard exposures.**



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Discussion?

- *Where have you seen building/fire engineering issues "creep" into development approvals?*
- *When is this appropriate - and when is it not?*
- *Examples where the approvals process crossed into building code issues too early, and what impact that had?"*
- *How best to deal with these?*



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Planners and Building Code Professionals often approach bushfire risk regulation from different perspectives - can influence how compliance and approvals are driven in practice

- **Planners' Perspective:**
- **Focus: Strategic Planning and Broader Context.**
- **Key Interests:**
 - **Land suitability and risk management** at a **community or district level**.
 - Planning for **defensible space, evacuation, and access routes** for **firefighting**.
 - **Zoning** that restricts development in areas with high bushfire risk and ensures **environmental considerations** (e.g., vegetation management, biodiversity).
 - **Impact on broader urban growth:** Ensuring that **urban sprawl** without regard doesn't place **residents** or **emergency services** at risk in bushfire-prone areas.
- **Challenges:**
 - **Balancing land protection** (e.g., maintaining ecological values) with development needs.
 - Managing **complex interfaces** between **urban planning** and **natural hazard management**.
 - Perceptions that **planning restrictions** can **limit development potential** or lead to **affordability issues**.



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Planners and Building Code Professionals - bushfire risk regulation from different perspectives - can influence how compliance and approvals are driven in practice

Building Code Professionals' Perspective (e.g., Fire Engineers):

Focus: Individual Building Design and Performance Under Fire Conditions.

Key Interests:

- Ensuring **fire resistance** and **occupant safety** during a bushfire event.
- Designing buildings to resist **fire spread** (e.g., fire-resistant materials, fire separation distances, ember protection).
- **Compliance with the *Building Code of Australia (BCA)*** and specific **Bushfire Attack Level (BAL)** requirements.
- **Risk mitigation** at the **building level**, focusing on **safety** and **fire protection systems** (e.g., sprinkler systems, fire breaks, fire-rated walls).

Challenges:

- Working within the **rigid regulatory framework** (i.e., the **planning approvals system**).
- **Perceived disconnect** between the **BCA's focus on individual buildings** and the **broader planning context** of bushfire protection.
- Managing **costs and feasibility** of implementing **fire protection strategies** within **low-risk** suburban or urban settings.



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Erosion of Professional Roles and Expertise

Outcome: If planners overly control the regulatory space without proper consultation with **fire safety engineers** or **bushfire consultants**, this may diminish the role of **specialized professionals** who are critical to providing detailed, risk-based assessments of fire hazards.

Impact:

- **Consultants and engineers** may find their input marginalized, leading to less optimal solutions based solely on **generalised planning rules** instead of **tailored risk assessments**.
- Potential **disconnects** in ensuring the most effective and efficient fire safety strategies are implemented across different developments.
- Reduced **credibility** for fire safety professionals if their **expert opinions** are sidelined by rigid **planning authority control**.



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Case Study: *Specification 43* Adoption in NCC 2022?

- Institutional/traditional focus of bush fire in land-use planning stages of assessment & approvals.
- Bush fire requirements now dumped into *Building Code*.
- ‘Institutional’ approach tends to be prescriptively focussed/biased.
- Building Code performance-based philosophy & framework since 1997.
- Fire & life safety performance-based compliance historically the work of fire safety engineering vis a vis *Performance Solutions* (previously known as *Alternative Solutions*).
- Real potential for disconnects, overlaps, & confusion in terms of design, assessments, certification, and approvals.
- Above from technical, process, and professional practise perspectives.
- Recent work in the FPA Australia Technical Advisory Committee on Bushfire (TAC/20) highlighted need to address roles & responsibilities for Bushfire Consultants, especially in terms of *Specification 43* work.



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Case Study: Low-risk Bushfire Exposure - Planning or Building Approvals Problem?

Scenario:

- Proposed large **warehouse** in a **commercial-industrial fringe area**.
- **Bushfire hazard on one boundary**.
- **Building footprint perpendicular to boundary in question - approximately 30m out of 200m building exposed to BAL-12.5.**
- **Most of building BAL-LOW, typical warehouse construction (concrete tilt-up, ESFR fire sprinklers, etc).**
- **Small portion BAL-12.5.**
- **Separated** by retaining wall, hazard approximately 15-20m lower than warehouse).
- **Access and egress routes lead into development complex** then urban/suburban areas.
- **Issue - Development Consent required BAL-12.5 and non-combustible external materials for entire building.**
- **Impossible to address/resolve** outside of DA/Planning Approvals process/context



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Discussion?

✓ *Has the site been demonstrated appropriate for development from a bushfire risk perspective?*

? *Should building construction details (e.g., fire-resisting walls, roofing) **delay or condition** development consent?*

? *When should these issues properly be addressed - **at planning or at building approval?***



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Discussion?

◆ On Blurred Lines (Development vs Building Approvals):

- *Has anyone experienced a situation where bushfire protection measures became a sticking point after a site was shown to be appropriate?*
- *Do you think it's always necessary to settle construction details at the planning stage?*
- *When might it be better left to the building approval phase?*

◆ On Low-risk Suburban Settings:

- *Are our current planning controls proportionate to the actual fire risk exposure in suburban fringe areas?*
- *In low-risk bushfire areas, is the regulatory burden we're placing on developers and consultants justified?*



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Looking Ahead – Key Questions for Us All:

◆ Balancing Risk and Practicality:

- *How do we better match **regulatory effort** to **actual bushfire risk**, especially in low-exposure areas?*

◆ Clarifying Roles:

- *How can we improve the **separation between development approvals and building approvals without losing either**?*

◆ Performance vs Prescription:

- *Should we move into a true **performance-based mindset** in bushfire protection design?*

◆ Policy Evolution:

- *How do we make sure bushfire policy adapts to **changing risk profiles** (e.g., climate change) without creating unnecessary barriers?*

◆ Your Role:

- *What can consultants, regulators, and fire engineers do **today** to help make the system better?*



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In one sentence - what's one thing you'd change if you could?



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Thank You

Special thanks - you all for being here 🌻 🔥

Again to - Mr. Lew Short, Director, Blackash Bushfire Consulting

Post-session conversations are welcomed anytime

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