

## Bushfire access and water supply easements

### Fact sheet

#### Bushfire access and water supply easements

Under State Planning Policy 1/03 (SPP1/03) *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*, councils may require developments in medium to high risk bushfire areas to include easements to provide:

- » adequate road access for fire fighting or other emergency vehicles
- » safe evacuation routes in the event of an emergency
- » in some circumstances, an adequate and accessible water supply for fire fighting purposes.

Queensland Fire and Rescue Services (QFRS) accesses land via these easements when exercising its power and functions under the *Fire and Rescue Services Act 1990*.

#### What is a Bushfire Easement?

To assist QFRS with meeting its purpose of community safety, the Department of Community Safety has developed standard conditions for Bushfire Access and Water Supply Easements (Bushfire Easements).

A Bushfire Easement is an easement in gross<sup>1</sup> in favour of the QFRS required under state and local planning schemes. A Bushfire Easement will be in the name

of the "State of Queensland represented by the Department of Community Safety" (QFRS is a division within the Department of Community Safety).

Registering a Bushfire Easement over affected lots will meet the minimum requirements of SPP1/03. The conditions of a Bushfire Easement will minimise the impact on the normal use of land, and ensure that the legal obligation to maintain an area for fire-fighting and evacuation purposes is clear and binding on subsequent owners of the land.

#### What are the benefits of using standard conditions for Bushfire Easements?

Using Bushfire Easements with standard conditions will provide certainty for developers, planners, local and state government when preparing and assessing easements for fire-fighting and evacuation purposes. This will save time and money by reducing any potential delays that these parties may have previously encountered when negotiating satisfactory easement conditions.

A Bushfire Easement will not include a physical description of the location or dimensions of the easement - this will instead appear on the registered survey plan to which the easement applies. It will be the responsibility of the land

owner, the local council and QFRS to negotiate the location or dimension of the easement.

#### Can the conditions of a Bushfire Easement be amended?

Developers may seek amendments to the standard conditions where there are special circumstances, provided there is no impact to ongoing emergency access, evacuation routes and statutory protections from liabilities for QFRS.

#### Where can I obtain a copy of a Bushfire Easement?

Local government will determine whether a bushfire easement is required in relation to a development application.

You can obtain a copy of a Bushfire Easement for a nominal fee from the Titles Registry<sup>2</sup>. Please quote the easement number (712851620).

It is recommended that you seek independent legal advice if you have any questions in relation to the terms of the bushfire easement.

#### Further Information

For further information on bushfire access and water supply easements, please contact the Legal Services Unit, Strategic Policy Division of the Department of Community Safety on (07) 3247 8742.

<sup>1</sup> An easement in gross is created in favour of the Crown or a public or local authority constituted by an Act of Parliament. The right to release, vary or modify the easement is vested in the creating authority (in this instance the Department of Community Safety).

<sup>2</sup> The standard fee charged by the Titles Registry \$26.70 (1 March 2010).

Titles Registry contact details are available at [www.derm.qld.gov.au/contactus/property.html](http://www.derm.qld.gov.au/contactus/property.html)

