

## REQUIREMENTS

On 1st August, 2002 the **NSW State Government** introduced legislation to provide for bushfire protection. Changes to the Environmental Planning and Assessment Act now require Councils to:

- map bushfire prone land
- indicate bush fire prone land on zoning certificates
- assess all development on bushfire prone land under the provisions of *Planning for Bushfire Protection 2006 (PBP)*. (This is a joint publication prepared by NSW Planning and the Rural Fire Service)
- refer certain types of development to the Rural Fire Service for approval

### ***Development on Bushfire Prone Land***

Is your land bushfire prone?

- No – usual development application and assessment process
- Yes - your development must comply with the provisions of *Planning for Bushfire Protection 2006*. If the proposal does not comply, Council must refer your proposal to the Rural Fire Service for consideration.

### ***Development for a Special Fire Protection Purpose***

Is your land bushfire prone?

- No – usual development application and assessment process.
- Yes. If so, does your development proposal involve one or more of the following:
- a school
  - a child care centre
  - a hospital (including a hospital for the mentally ill or mentally disordered)
  - a hotel, motel or other tourist accommodation
  - a building wholly or principally used as a home or other establishment for mentally incapacitated persons
  - housing for older people or people with disabilities within the meaning of State Environmental Planning Policy No 5 - Housing for Older People or People with a Disability (now State Environmental Planning Policy (Seniors Living))

- a group home within the meaning of State Environment Planning Policy No 9 - Group Homes
- a retirement village
- any other purpose prescribed by the regulations (Section 100B (6) of the RF Act).

## EXPLANATORY NOTES

*In June 2004, the Commissioner of the NSW Rural Fire Service re-certified a Bushfire Prone Land Map for the Shoalhaven. This map has been prepared in accordance with the legislation which requires that any land within 100 metres of a high or medium bush fire hazard or 30 metres of a low bushfire hazard be identified as bushfire prone land.*

*To find out how your land is affected you will need to check with Council. Your land is most likely to be bushfire prone if it is within 100 metres of any natural bushland.*

*Where access to the internet is available, a search of Council's internet web site can be made at [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) to view a map showing those properties that are either wholly, or in part, bushfire prone. (See under "on-line maps").*

*A copy of "Planning for Bushfire Protection" can be found at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) or telephone the Rural Fire Service on 1800 679 737.*

*The legislation has identified certain types of development as being more vulnerable to bushfire attack and, therefore, requiring protection. Generally, these are the types of development where overnight accommodation is provided, ie housing and tourist accommodation and certain types of institutions, such as hospitals and those where young children will congregate, like schools.*

*These developments will require a more detailed assessment process and the approval of the NSW Rural Fire Service before development consent can be issued by Council.*

***If your proposal involves development for a Special Fire Protection Purpose, your development application must be accompanied by a cheque made payable to the NSW Rural Fire Service.***

***An additional fee is also payable to Council.***

## ***Submission Requirements for DAs on bush fire prone land***

### ***For general development applications to be considered under section 79BA of the EP&A Act***

Development applications on bush fire prone land must be accompanied by a Bush Fire Assessment Report within the Statement of Environment Effects demonstrating compliance with the aim and objectives of Planning for Bushfire Protection and the specific objectives and performance criteria for the land use proposed. In particular, the following matters must be addressed.

- i. a statement that the site is bush fire prone land, where applicable
- ii. the location, extent and vegetation formation of any bushland on or within 100 metres of the site
- iii. the slope and aspect of the site and of any bush fire prone land within 100 metres of the site, which may determine the likely path of any bush fires
- iv. any features on or adjoining the site that may mitigate the impact of a high intensity bush fire on the proposed development
- v. a statement assessing the likely environmental impact of any proposed bush fire protection measures, and
- vi. whether any building is capable of complying with AS 3959/1999 in relation to the construction level for bush fire protection.

For most smaller applications this can be done relatively simply and can be accompanied by a diagram showing the required features with approximate distances. The Rural Fire Service (RFS) has also produced guidelines for lodging of information for single dwellings. These can be downloaded from the RFS website at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

### ***For integrated development applications under section 100B of the RF Act and section 91 of the EP&A Act***

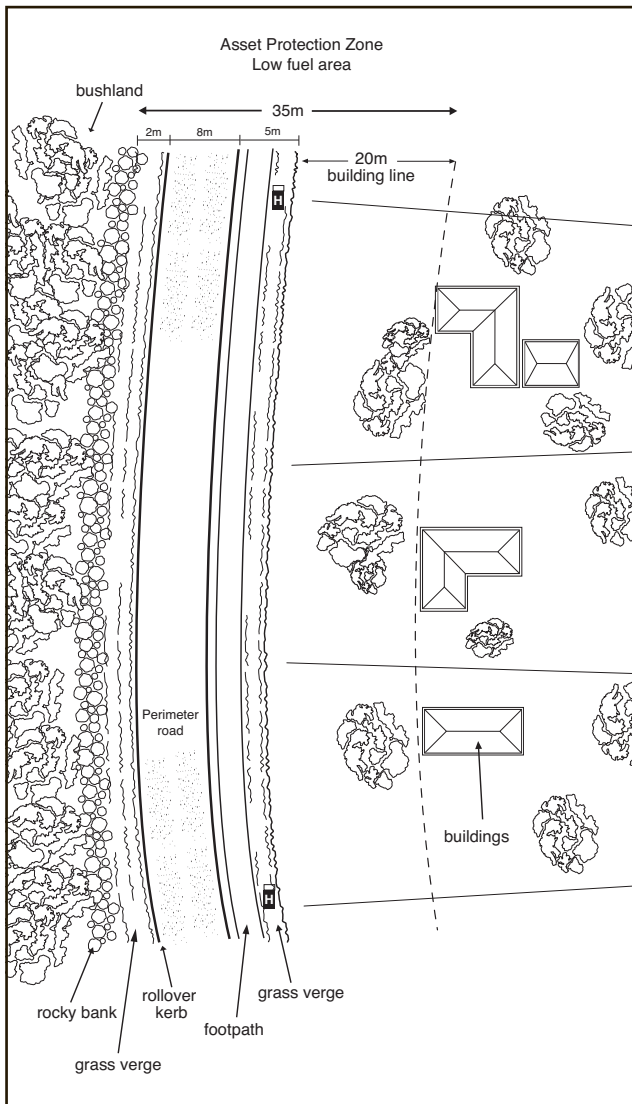
The detailed information to be contained within a Bush Fire Assessment Report submitted to the RFS under Clause 46 of the RF Reg is:

- a description of the property
  - provide Lot No, DP of subject land
  - street address with locality map
  - zoning of subject land and any adjoining lands
  - staging issues, if relevant, and description of the whole proposal
  - aerial or ground photographs of subject land including contours and existing and proposed cadastre.

- the classification of vegetation out to 140 metres from the development
  - provide a structural description consistent with the identification key in Keith D (2004) and PBP
  - identify any past disturbance factors and any future intended land uses that could alter the vegetation classification in the future.
- an assessment of the effective slope to a distance of 100 metres
  - usually 5m contours will suffice for subdivisions, 10 metres should be used only if there has not been a survey undertaken by a registered land surveyor
  - the effective slope is the slope under the vegetation assessed as being a hazard in relation to the development and not the slope within the asset protection zone.
- identification of any significant environmental features - these could include the presence of:
  - riparian corridors
  - SEPP 14 - Coastal Wetlands
  - SEPP 26 - Littoral rainforests
  - SEPP 44 - Koala Habitat
  - areas of geological interest
  - environmental protection zones or steep lands (>18°)
  - land slip or flood prone areas
  - national parks estate or various other reserves.
- details of threatened species, populations, endangered ecological communities and critical habitat known to the applicant
  - details of some threatened species can be found on the web ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au))
  - past studies or surveys for the area (eg local environment studies)
  - documentation supplied to council in relation to flora and fauna
- details of Aboriginal heritage known to the applicant
  - past surveys and information held by the DEC. (application fees may apply)
- a bush fire assessment that addresses -
  - asset protection zones (including any management arrangements, any easements including those contained on adjoining lands)
  - siting and adequacy of water (in relation to reticulation rates or where dedicated water storage will be required)
  - capacity of public roads (especially perimeter roads and traffic management treatments)
  - whether public roads link to fire trails and have two way access
  - adequacy of access and egress
  - adequacy of maintenance plans (eg landscaping) and emergency procedures (especially SFPP developments)
  - construction standards to be used (where non-conformity to the deemed-to-satisfy arrangement is envisaged, which aspects are not intended to conform)

- adequacy of sprinkler systems (only as an adjunct to other passive controls).
- an assessment of how the development complies with the acceptable solutions, performance requirements and relevant specific objectives within Chapter 4 of PBP.

APZs should be identified on plans for interface allotments by either a building line or building footprint. In some cases building envelopes are identified which include other building constraints. Unless otherwise specified, a building envelope will be taken as the building footprint. Where an applicant proposes not to follow the acceptable solutions for particular bush fire protection measures, detailed evidence must be provided demonstrating compliance with performance criteria and intent of the measures proposed. For alternate solutions under the BCA, the applicant must demonstrate how the product, design or material can meet the performance requirements of the BCA (see clause A0.8 in Volume 1 of the BCA).



Example of information supplied on a plan with a bush fire threat assessment.

*If your development is for a Special Fire Protection Purpose, then your proposal is **Integrated Development** and will require a bushfire safety authority from the Rural Fire Service.*

*With respect to threatened species and aboriginal relics, the Rural Fire Service requires only that you provide this information if it is known to you. However, this does not necessarily mean that Council will not require more detailed assessment of these issues as part of the usual development assessment process.*

*You may need to engage a consultant experienced in the field of bushfire assessment in order to satisfy the Rural Fire Service in relation to the bushfire assessment matters. If an inadequate submission is provided, it could lead to additional delays.*