

Bushfire Protection

1. Objectives

The objectives of these controls are to:

- outline the aim and objectives of the *NSW Rural Fire Service Planning for Bushfire Protection 2006*
- explain the statutory requirements of the *Environmental Planning and Assessment Act 1979* for the assessment of development applications on land that is identified as Bushfire Prone Land

2. Background

Applicants must determine whether their land is classified as “bush fire prone” land. This determination can be made by viewing the bush fire prone land maps held at the Council offices Loftus Street Temora. The assessment of development on bush fire prone land is governed by the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Rural Fires Act 1997*.

Section 63 of the *Rural Fires Act 1997* places a ‘duty of care’ on all land managers/owners to prevent a fire spreading on or from their land. This duty is related to future developments in that the provision and maintenance of appropriate setbacks and landscaping must be addressed at development application stage.

Section 100B of the *Rural Fires Act 1997* enables the Rural Fires Commissioner to issue a ‘bush fire safety authority’ for developments that comply with the bush fire protection guidelines approved by the Rural Fire Services (RFS). In assessing development applications on bush fire prone land the Rural Fire Service relies in part on the publication - “*Planning for Bush Fire Protection 2006*”, (PBP). It provides the necessary planning considerations when developing areas for residential use in residential, rural residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bush fire events.

Section 79BA of the *Environmental Planning and Assessment Act 1979* requires that a consent authority not grant approval to a Development Application for any purpose on bush fire prone land, unless it:

- a. is satisfied that the development conforms to the specifications and requirements of PBP, or
- b. consults with the RFS concerning measures to be taken to protect persons, property and the environment from danger that may arise from a bush fire.

Planning law in NSW requires new development on bush fire prone land to comply with the provisions of *Planning for Bush Fire Protection 2006*. The NSW Rural Fire Service provides a range of information to support assessment of bushfire protection for a range of types of development. It is recommended that applicants contact Council or access the Rural Fire Service web site for further information. (www.rfs.nsw.gov.au) In most cases development applications on bush fire prone land must be accompanied by a Bush Fire Assessment Report (BFAR) within the statement of environmental effects. There is a single dwelling application kit available from the NSW RFS website.

If the development requires submission of a BFAR this must include all the information listed in *Appendix 4 (A4.1)* of *Planning for Bush Fire Protection 2006*.

3. Relevant Section C - Development Controls

The following other parts of *Section C – Development Controls* relevant to Bushfire Protection include:

- *Bed and Breakfast Accommodation*
- *Commercial Development*
- *Development Applications*
- *Large Lot Residential Development*
- *Subdivision*
- *Village Development*