

10b Bush fire risk

Explanatory outline

Section 10b outlines assessment criteria relating to the management of bush fire risk.

10b Bush fire risk

10b.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

Column 1: Type of development	Column 2: Applicable land
<p>Any development as specified in <i>Planning for Bush Fire Protection</i> (NSW Rural Fire Service) which includes (but is not limited to):</p> <ul style="list-style-type: none"> • subdivision of land for residential or rural residential purposes • residential accommodation and residential infill development (including home occupations and home based child care) • special fire protection purpose developments, including but not limited to schools, hospitals, nursing homes and tourist accommodation • other development including commercial uses, industrial uses, infrastructure, wind and solar farms, hazardous development • development which involves large numbers of people, including increasing residential densities, multi-storey residential development, public assembly buildings and outdoor events 	<p>Land identified as bush fire prone land on the bush fire prone land map.</p> <p><i>Note: To determine whether land is affected by this section, refer to the most recent Upper Hunter Shire Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service. This map is available for inspection at the office of the Council, and can be viewed on the Council's web site at https://maps.upperhunter.nsw.gov.au/connect/analyst/mobile/#/main?mapcfg=Public%20-%20Planning (in the 'Bushfire' folder).</i></p>

10b.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *Rural Fires Act 1997*

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

10b.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local*



10b Bush fire risk

Environmental Plan 2013, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part, including the following:

- bush fire hazard reduction work
- bush fire prone land map
- bush fire prone land
- bush fire risk management plan

10b.4 Objectives

The objectives of this section are:

1. to ensure development is designed, constructed and managed to minimise risks of bush fire
2. to comply with the requirements of the *Rural Fires Act 1997*
3. to apply the guidelines in the current version of *Planning for Bush Fire Protection*.

10b.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Bush Fire Assessment Report and Bush Fire Management Plan	Applications that relate to Bush Fire Prone Land	<p>Prepare a <i>Bush Fire Assessment Report</i>, <i>Bush Fire Management Plan</i> and other required documentation in accordance with the current version of <i>Planning for Bush Fire Protection</i>.</p> <p>For smaller proposals, this can be done relatively simply using the NSW RFS <i>Single Dwelling Application Kit</i>, available on the NSW Rural Fire Service website www.rfs.nsw.gov.au and is to be accompanied by a diagram identifying the requirements detailed above.</p> <p>For more complex applications or performance based solutions, a recognised consultant must be engaged to prepare a <i>Bush Fire Assessment Report</i> and a <i>Bush Fire Management Plan</i>. For performance based solutions, a <i>Bush Fire Design Brief</i> will also be required</p> <p>The NSW Rural Fire Service provides a pre-DA advice service as a means for proponents of development to seek information and obtain clarity about the NSW RFS position on a proposal before a formal DA is lodged with Council. The pre-DA advice service is intended for more complex proposals which raise issues in relation to compliance with this document. This may involve instances where a performance based solution is proposed or where bush fire protection issues are raised in strategic or rezoning planning processes. Further information on the pre-DA advice service can be found online at NSW RFS</p>



Item	When required	Plans or information to be provided
C. Vegetation (including trees) reports	<p>Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees).</p> <p>Note that this includes any clearing, removal or disturbance of trees for an Asset Protection Zone.</p>	<p>website www.rfs.nsw.gov.au - https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area</p> <p>Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees). Depending on the site circumstances, these may include:</p> <ul style="list-style-type: none"> • written description and plans • arborist's report • ecological report • heritage report • safety or biosecurity risk report <p>These plans/reports must be consistent with other elements of the development application, including Site plans, Bush Fire Assessment Report and Landscaping plans.</p>
D. Biodiversity and native vegetation reports, plans or assessments	<p>Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation)</p> <p>These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species.</p>	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> • Native vegetation clearing threshold report, and/or • Biodiversity (flora & fauna) assessment report, and/or • Biodiversity development assessment report (BDAR), and/or • Biodiversity management plan, and/or • Biodiversity offset information, strategy or plan <p>These report(s) must be consistent with other elements of the development application, including Site plans, Bush Fire Assessment Report and Landscaping plans.</p>

10b.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

Outcomes to be achieved	Design guidelines
A. Planning for bush fire protection	
<ul style="list-style-type: none"> ■ Development must comply with the provisions of the current version of <i>Planning for Bush Fire Protection</i>. 	



Outcomes to be achieved

- Bush fire risk is managed while recognising and protecting the ecological and natural values of the site and adjoining land.

Design guidelines

- Bush Fire Assessment Reports must identify bush fire risks, mitigating measures, and detail compliance with the current version of *Planning for Bush Fire Protection*.
- Biodiversity and ecological values of the land should be identified and protected, as provided for in section **11b Biodiversity conservation**.
- Clearing for the purpose of bushfire risk management must be consistent with current version of *Planning for Bush Fire Protection*.
- Fire resistant plant species and landscaping should be provided for development on Bush Fire Prone Land, in accordance with the requirements of the current version of *Planning for Bush Fire Protection*.

10b.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- NSW Rural Fire Service, *Planning for Bush Fire Protection*, available at <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection>
- Upper Hunter Shire Bushfire Prone Land Map available at <https://maps.upperhunter.nsw.gov.au/connect/analyst/mobile/#/main?mapcfg=Public%20-%20Planning> (in the 'Bushfire' folder).