



Part E General Controls – Environmental Controls

Chapter E16 Bush Fire Management

Contents

1. INTRODUCTION.....	2
2. WHAT IS BUSH FIRE PRONE LAND?	2
2.1 General.....	2
2.2 Category 1 Vegetation	2
2.3 Category 2 Vegetation	2
2.4 Category 3 Vegetation	3
3. DEVELOPMENT CONTROLS	4
4. INTEGRATED DEVELOPMENT	5
5. CLASS 5 – 8 BUILDINGS AND CLASS 10 BUILDINGS OF THE NATIONAL CONSTRUCTION CODE	5
6. CONSTRUCTION CERTIFICATE APPLICATIONS FOR DEVELOPMENTS WITHIN BUSH FIRE PRONE LAND.....	6
7. ASSET PROTECTION ZONES ON COUNCIL MANAGED LANDS	6
8. REFERENCE MATERIAL / DOCUMENTS.....	6

Figures

Figure 1 – Bush Fire Prone Land Map.....	3
Figure 2 – Vegetation Categories and Buffer Distances	4

DOCUMENT CONTROL

Rev No.	Adoption Date	In Force Date	Revision Details
1	26 August 2013	7 September 2013	Amendments to reflect Clause 21 Environmental Planning & Assessment Regulation 2000.
2	12 August 2024	19 August 2024	Amendments to reflect NSW Rural Fires Act 1997, including updated Planning for Bush Fire Protection 2019 and additional Vegetation Category 3.

1. INTRODUCTION

This chapter of the DCP provides guidance and controls for all development upon land classified as being bush fire prone within the City of Wollongong Local Government Area (LGA).

This chapter of the DCP should be read in conjunction with *Wollongong Local Environmental Plan 2009* (ie including the Bush Fire Prone Maps), the NSW Rural Fire Service document *Planning for Bush Fire Protection* and Addendum, and Australian Standard *AS3959 – 2018 Construction of Buildings in Bushfire-prone Areas*.

Additionally, any Development Application involving the erection of a detached dwelling-house, alterations and additions to an existing dwelling-house within bush fire prone land must also address the requirements contained in the NSW Rural Fire Service publication titled *Building in Bush Fire Prone Areas – Guidelines for Single Dwelling Development Applications*.

2. WHAT IS BUSH FIRE PRONE LAND?

2.1 General

Figure 1 illustrates the Bush Fire Prone Land map applying to the whole of the City of Wollongong LGA. This map can be viewed on Council's website.

Bush fire prone land is described as Category 1, Category 2 or Category 3 vegetation. Figure 2 depicts bush fire vegetation (Category 1, Category 2 and Category 3) and the associated buffer distances.

If either the mapped vegetation or the buffer intersects a property, then the property is considered to be bush fire prone land.

2.2 Category 1 Vegetation

Category 1 vegetation appears as red on the map and represents forests, woodlands, heathlands, pine plantations and forested wetlands. Land within 100 metres of this category (indicated by the light yellow buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bushfire attack.

2.3 Category 2 Vegetation

Category 2 vegetation appears as yellow on the map and represents rainforests, and lower risk vegetation parcels. Lower risk vegetation parcels consist of:

- Remnant vegetation;
- Land within ongoing land management practices that reduce bush fire risk. These areas must be subject to a plan of management or similar that demonstrates that the risk of bush fire is offset by strategies that reduce bush fire risk and include:
 - Discreet urban reserve/s;
 - Parcels that are isolated from larger uninterrupted tracts of vegetation and known firepaths;
 - Shapes and topographies which do not permit significant upslope fire runs towards development;
 - Suitable access and adequate infrastructure to support suppression by fire fighters;
 - Vegetation that supports a lower likelihood of ignition because the vegetation is surrounded by development such that ignition in any part of vegetation has a high likelihood of detection.

Land within 30 metres of this category (ie as indicated by the light yellow buffer on the map) is also

captured by the Bush Fire Prone Land Map due to the likelihood of bushfire attack.

2.4 Category 3 Vegetation

Category 3 vegetation appears as dark orange on the map and represents grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands

Land within 30 metres of this category (ie as indicated by the light yellow buffer on the map) is also captured by the Bush Fire Prone Land Map due to the likelihood of bushfire attack.

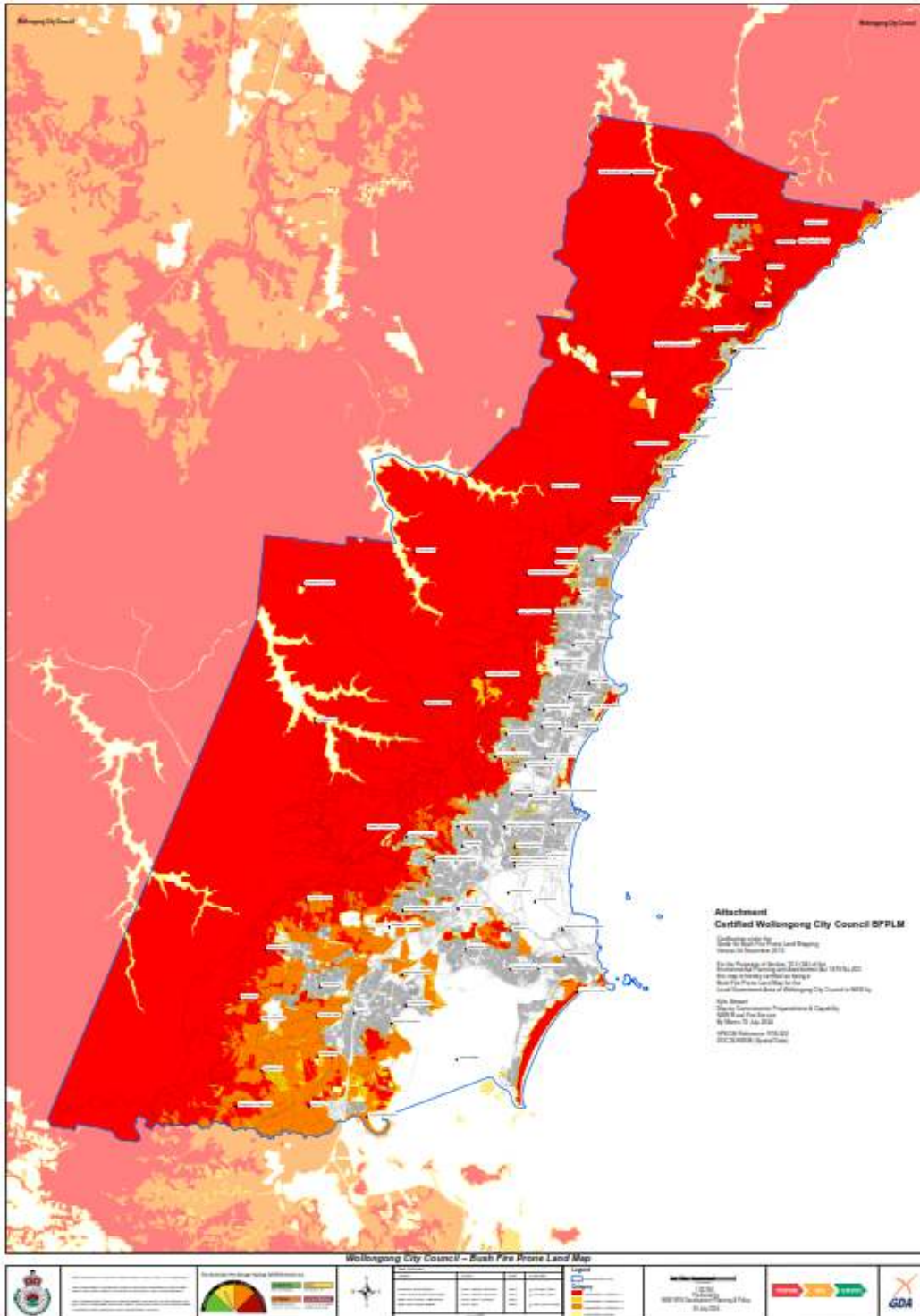


Figure 1 – Bush Fire Prone Land Map

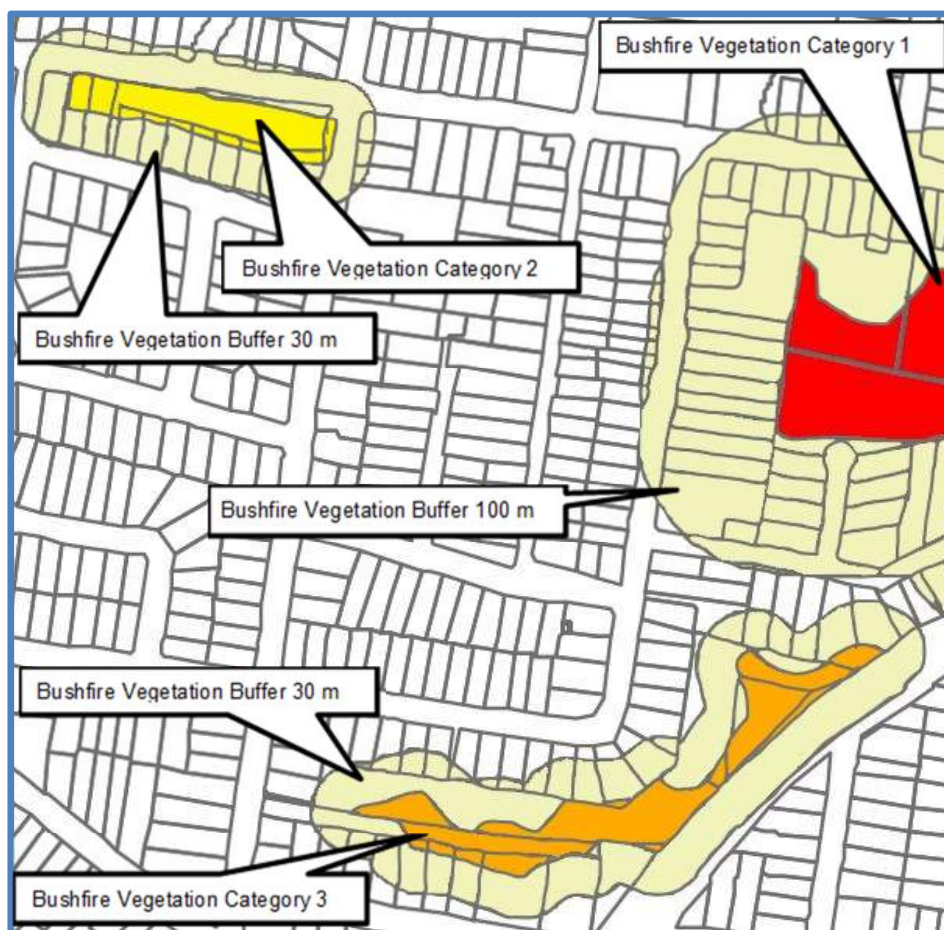


Figure 2 – Vegetation Categories and Buffer Distances

3. DEVELOPMENT CONTROLS

- 1) If any part of a proposed development falls within an area that has been mapped as bush fire prone (Category 1, 2, 3 or buffer), then the applicant must consider bush fire risk as part of the Development Application process.
- 2) The application must be accompanied by a Bush Fire Risk Assessment report.
- 3) The Bush Fire Risk Assessment report must be in accordance with the requirements of Appendix 2 of *Planning for Bush Fire Protection 2019*.
- 4) *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service publication *Building in Bush Fire Prone Areas – Guidelines for Single Dwellings Applications* should be used for any detached dwelling-house or alterations and additions to a dwelling-house.
- 5) Developments that meet the acceptable solutions of the *Planning for Bush Fire Protection 2019* can be determined by the consent authority (i.e. Council).
- 6) Applications should include buildings that are sited and designed to minimise the risk of bush fire attack which discourages the requirement to build at BAL–Flame Zone and BAL–40. If a performance based solution is proposed or the application can not comply with the *Planning for Bushfire Protection 2019*, the application will be referred to the NSW Rural Fire Service for comment prior to the determination of the application by Council.
- 7) Any proposed modification to a development consent granted for a development upon bush fire prone land must comply with the requirements of the *Planning for Bush Fire Protection 2019* and Australian Standards *AS3959 – 2018 Construction of Buildings in Bushfire-prone Areas*.

- 8) Any landscape plan must be prepared in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service publication *Standards for Asset Protection Zones*.
- 9) The landscape plan must identify the following:
 - a) Location and species type of all existing and proposed trees and shrubs within the proposed asset protection zone(s).
 - b) Proposed trees and shrubs to be removed as part of the asset protection zone (APZ).
 - c) Proposed trees and shrubs to be retained as part of the asset protection zone (APZ).

4. INTEGRATED DEVELOPMENT

- 1) Bush Fire Safety Authority from the NSW Rural Fire Service, under Section 100B of the *Rural Fires Act 1997* (NSW) is required for the following types of development:
 - a) Subdivision of land that could be used for residential or rural residential purposes.
 - b) Development of bush fire prone land for a special fire protection purpose as identified under Section 100B(6) of the *NSW Rural Fires Act 1997*, Clause 47 of the *NSW Rural Fires Regulation 2022* and Section 6 of *Planning for Bush Fire Protection 2019* (e.g. educational establishments, senior living self-care or residential care facilities etc.).
- 2) Any Integrated Development Application must be accompanied by a Bush Fire Risk Assessment report prepared by a suitably qualified bush fire consultant.
- 3) The Bush Fire Risk Assessment report must be in accordance with the requirements of Appendix 2 of *Planning for Bush Fire Protection 2019*.

5. CLASS 5 – 8 BUILDINGS AND CLASS 10 BUILDINGS OF THE NATIONAL CONSTRUCTION CODE

- 1) The National Construction Code (NCC) does not provide any bush fire specific performance requirements and hence, AS3959 and National Association of Steel-Framed Housing (NASH) Standard does not apply as a set of 'deemed to satisfy' provisions, however compliance with AS3959 and the NASH Standard must be considered when meeting the aims and objectives of *Planning for Bush Fire Protection*.

Whilst bush fire is not captured in the NCC for Class 5-8 buildings, the aim and objectives of *Planning for Bush Fire Protection 2019* guidelines apply in relation to other matters such as access, water and services and emergency and evacuation planning.

- 2) Under Section 8 of the *Planning for Bush Fire Protection 2019*, the following classes of buildings in the BCA are subject to compliance with the requirements of the *Planning for Bush Fire Protection 2019*:
 - a) Class 5 – 8 buildings (i.e. offices, factories, warehouses, public car parks and other commercial or industrial facilities)
 - b) Class 10a Buildings (i.e. sheds)
 - c) Class 10b Buildings (i.e. fences, retaining or free-standing walls, masts, antennae, swimming pools or the like); and
 - d) Class 10c Buildings (i.e. private bush fire shelter).
- 3) Where a Class 10a building is constructed in proximity to another residential class of building, the Class 10a building must meet the requirements of that class or be located no less than 6 metres away from a dwelling.

- 4) Class 10b buildings such as fences should be made on hardwood or non-combustible material, however in circumstances where the fence is within 6m of a building or in areas of BAL-29 or greater the fence should be made of non-combustible material only. Where an aboveground swimming pool is erected, it should not adjoin or be attached directly onto a wall of a building of Class 1 – 4 of SFPP Class 9.
- 5) In this respect, any Development Application for a Class 5 – 8 Building must be accompanied by a Bush Fire Risk Assessment report. This report must be prepared by a suitably qualified and experienced bush fire consultant.
- 6) Any Development Application for a Class 10 Building must be supported by a Bush Fire Risk Assessment report. This report is recommended to be prepared by a suitably qualified and experienced bush fire consultant, rather than the property owner.

6. CONSTRUCTION CERTIFICATE APPLICATIONS FOR DEVELOPMENTS WITHIN BUSH FIRE PRONE LAND

- 1) Construction Certificate applications for development upon land classified as bush fire prone land are assessed in accordance with *AS3959 – 2018 Construction of Buildings in Bushfire-prone Areas*. Therefore, an applicant must provide a schedule of compliance with the applicable construction standards in accordance with Section 3 of AS3959. This schedule will form part of the approval documentation and the applicant will be required to comply with it during the course of construction.

7. ASSET PROTECTION ZONES ON COUNCIL MANAGED LANDS

- 1) Generally APZs proposed on lands to be dedicated to Council will not be accepted. Where a Development Application proposes an APZ on land to be dedicated to Council, it will be assessed on a case-by-case basis and must have regards for/to:
 - a) Accessibility of land
 - b) Minimisation of ongoing maintenance
 - c) Identification of the responsible party for the identified maintenance e.g. use of positive covenants on adjoining properties
 - d) The intended use/purpose of dedicated land. This will have bearing on acceptability of the proposal e.g. APZ on sporting fields which are maintained by Council for general public use. Natural creek lines and bushland reserves are not appropriate
 - e) Council's preferred management option for APZs in new subdivisions is a perimeter road networks with the balance/additional APZ components within private land.

8. REFERENCE MATERIAL / DOCUMENTS

The NSW Rural Fire Service *Planning for Bush Fire Protection 2019* guidelines and the NSW Rural Fire Service publication *Building in Bush Fire Areas – Guidelines for Single Dwelling Applications* can be viewed on the NSW Rural Fire Service website under the heading *Single Dwelling Application Kit* via the following link: <https://www.rfs.nsw.gov.au/resources/publications/building-in-a-bush-fire-area> and <https://www.rfs.nsw.gov.au/resources/publications/building-in-a-bush-fire-area/general/single-dwelling-application-kit>.

The NSW Rural Fire Service publication *Standards for Asset Protection Zones* can be viewed on the NSW Rural Fire Service website via the following link: https://www.rfs.nsw.gov.au/data/assets/pdf_file/0010/13321/Standards-for-Asset-Protection-Zones.pdf.

The Australian Standard *AS3959 – 2018 Construction of Buildings in Bushfire-prone Areas* may be obtained from the Standards Australia website at www.standards.org.au.