

49. ECO-INFO

BUSHFIRE PRONE LANDS MAP

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Introduction:

The **Bushfire Prone Lands Map for Wyong Shire** has recently been signed by the NSW Rural Fire Service Commissioner, Phil Koperburg. The map identifies by colour categories lands which are potentially bushfire prone, however, makes no reference to any level of 'bushfire risk'. The format of the map defines 'vegetation categories', as opposed to the previous system of 'risk categories', i.e., the Map displays:

- Vegetation Category 1 (Orange);
- Vegetation Category 2 (Yellow);
- Vegetation Buffer – 100m and 30m (Red); and
- Lands not considered to be Bushfire Prone (White).

The Vegetation Category triggers a detailed site assessment for any proposal for a Class 1, 2 or 3 (habitable) structure as defined under the Building Code of Australia and for developments under SEPP No. 5 – Housing for Older People or People with a Disability. The site assessment is to be conducted in accordance with the NSW Rural Fire Service's document "Planning for Bushfire Protection", December, 2001, in order to determine the required construction standards and bushfire protection measures.

The required site assessment addresses issues such as vegetation type, separation distances, and slope in order to determine whether the site and proposal fall within a low, medium, high or extreme Bushfire Attack Category (BAC), or if the development is immediately within the Flame Zone. Determination of the BAC then defines the applicable 'Level' of construction required for habitable structures under the relevant Australian Standard (AS3959 – 1999).

Basically, this is as follows:

- Low (BAC)– no requirements;
- Medium (BAC) – Level 1, AS3959 – 1999;
- High (BAC) - Level 2, AS3959 – 1999;
- Extreme (BAC) – Level 3, AS3959 – 1999; and
- Flame Zone – beyond the scope of AS3959 – 1999.

Exempt and Complying Development – Interpretation and Future Action:

Council's Exempt and Complying Development, Development Control Plans (DCPs 85 & 86) are constructed so as to exclude certain developments or sites on the basis of the physical characteristics of the site or the development proposed. These DCPs will be required to be amended to delete the current reference in s.1.6: Nominated Exclusion Areas to: *'is identified in Council's records as subject to Medium or High Bush Fire Risk'*. **The Bushfire Prone Lands Map makes no reference to any level of 'bushfire risk' and therefore Council's records provide no basis upon which to exclude potential Exempt or Complying Developments from sites.**

However applicants should be aware that the other exclusion matters nominated or mandated in s.1.6 of the DCPs may still exclude the proposal, e.g: the site:

- Is identified in Council's records as land being below the level of the "Designated Flood";
- Is identified as subject to slope instability or is land with a slope greater than 18°;
- Contains trees (as defined in Council's Development Control Plan No 14 – Tree Management) which will be removed or damaged as a result of the development or any ancillary works including driveways, drainage and service installation unless prior approval has been granted by Council for removal or work to be carried out;

- Is identified as having an existing on – site sewage management system operating and the provision of additional habitable rooms could impact upon the system;
- Is identified as having Class H or P sites as classified in AS 2870; or
- The development is 'Integrated' or 'Designated' development, as defined under the Environmental Planning and Assessment Act 1979.

It should be noted that the majority of developments enabled by Council's Exempt Development DCP No. 85 are minor and non - habitable structures and would therefore be unaffected in any event by the change in the system of classification. Those provisions which relate to habitable structures, relate to modifications to existing structures only.

The future review of the Development Control Plans will also need to ensure that only those developments which fall within, e.g., the 'Low' Bushfire Attack Category are retained within these DCPs.

Enquiries:

Enquiries regarding the application of the provisions of the DCPs and the Bushfire Prone Lands Map and it's implementation can be directed to Council's Customer Service Centre on 4350 5555.