

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART C.5 - BUSHFIRE

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On 1 August 2002, the *Environmental Planning and Assessment Act 1979* and the *Rural Fires Act 1997* were both amended to enhance bush fire protection through the development assessment process.

Under the new provisions, applications for development on bushfire prone land must be accompanied by a Bush Fire Assessment Report demonstrating compliance with the aims and objectives of *Planning for Bushfire Protection 2006*, as well as the specific performance criteria for the land use proposed.

The majority of the land in Dungog Shire is bushfire prone land and therefore most forms of development will require consent under the new provisions.

Section 4.14 of the EP&A Act prevents Council from granting approval for any development in a bushfire prone area unless the proposal complies with *Planning for Bushfire Protection 2006* or the Commissioner of the NSW Rural Fire Service (RFS) has been consulted on any non-compliance.

Section 100B of the *Rural Fires Act 1997* requires that the Commissioner of the RFS issue a Bush Fire Safety Authority (BSA) for residential, rural residential or rural subdivision and special fire protection purpose developments on bushfire prone land.

In this section special fire protection purpose means the purpose of the following:

- a) a school,
- b) a child care centre,
- c) a hospital (including a hospital for the mentally ill or mentally disordered),
- d) a hotel, motel or other tourist accommodation,
- e) a building wholly or principally used as a home or other establishment for mentally incapacitated persons,
- f) seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*,
- g) a group home within the meaning of *State Environmental Planning Policy No 9—Group Homes*,
- h) a retirement village,
- i) any other purpose prescribed by the regulations.

Development proposals requiring a BSA under section 100B of the *Rural Fires Act 1997* are classed as “integrated development” and will require referral to the RFS.

Prior to the preparation a Development Application, please contact Council's Planning Department in writing to ascertain if your property is bushfire prone and to establish the level of assessment required under the new requirements and whether referral to the RFS is required. Members of the public may also access information on Bushfire Constraint through Council's web site – www.dungog.nsw.gov.au.

Copies of the *Planning for Bushfire Protection 2006* are available on the NSW Rural Fire Service website - www.rfs.nsw.gov.au.