

This document is prepared as a guide to advise applicants of Council's requirements for the development of residential buildings and associated outbuildings in areas defined as Bushfire Prone Land. It should not be relied upon to ensure that an application complies with the *Environmental Planning and Assessment Act 1979, Planning for Bushfire Protection 2006* or the AS3959-1999 and in no way relieves the applicant of their statutory obligations.

IS MY PROPERTY BUSHFIRE PRONE?

Wollongong City Council can identify if your property is classified as being bushfire prone using maps approved by the NSW Rural Fire Service.

A Section 149 Planning Certificate will identify if your property is bushfire prone.

Council may also determine the property as being affected by bushfire where significant vegetation is present within 100 metres of the development.

Factors that determine the level of bushfire threat include elevation, slope, orientation, the distance to and type of vegetation on or around the site.

SUBMISSION REQUIREMENTS FOR DAs ON BUSHFIRE PRONE LAND (excerpt from Planning for Bushfire Protection 2006)

For general development applications to be considered under section 79BA of the EP&A Act.

Development applications on bushfire prone land must be accompanied by a Bushfire Assessment Report within the Statement of Environmental Effects demonstrating compliance with the aim and objectives of Planning for Bushfire Protection 2006 and the specific objectives and performance criteria for the land use proposed. In particular, the following matters must be addressed.

- i. A statement that the site is bushfire prone land, where applicable,*
- ii. The location, extent and vegetation formation of any bushland on or within 100 metres of the site,*
- iii. The slope and aspect of the site and of any bushfire prone land within 100 metres of*

the site, which may determine the likely path of any bush fires,

- iv. Any features on or adjoining the site that may mitigate the impact of a high intensity bush fire on the proposed development, and*
- v. A statement assessing the likely environmental impact of any proposed bushfire protection measures,*
- vi. Whether any building is capable of complying with AS3959/1999 in relation to the construction level for bushfire protection*

For most smaller applications this can be done relatively simply and can be accompanied by a diagram showing the required features with approximate distances. The NSW Rural Fire Service has also produced guidelines for lodging of information for single dwellings. These can be downloaded from the RFS website at www.rfs.nsw.gov.au.

THE ROLE OF RURAL FIRE SERVICE

Where a bushfire report proposes alternative solutions or provides recommendations outside the scope of Planning for Bushfire Protection 2006 or the AS3959-1999 "Construction of buildings in bushfire prone land", Council will forward the application to the NSW Rural Fire Service Bushfire Service for concurrence.

WHAT IS A BUSHFIRE RISK ASSESSMENT REPORT?

A Bushfire Risk Assessment provides assessment of individual sites to determine the level of potential bushfire threat. The Bushfire Risk Assessment Report will identify standards and provide recommendations, which may affect the siting of the building, the building design, the building materials and landscaping.

BUILDINGS OF CLASS 5 TO 8 AND 10 OF THE BCA (excerpt from Planning for Bushfire Protection 2006)

The definition of Class 5 – 8 and 10 buildings of the BCA can be found in Appendix 1 of Planning for Bushfire Protection 2006. These classes of buildings include offices, factories, warehouses, public car parks and other commercial or industrial facilities.

The BCA does not provide for any bushfire specific performance requirements and as such AS 3959 does not apply as a set of 'deemed to satisfy' provisions. The general fire safety construction provisions are taken as acceptable solutions, but the aim and objectives of Planning for Bushfire Protection 2006 apply in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management.

In circumstances where the aim and objectives of Planning for Bushfire Protection 2006 (section 1.1) are not met, then the construction requirements for bushfire protection will need to be considered on a case-by-case basis.

In many instances, these types of developments will require on-site parking and loading areas. In such cases, it is prudent to place these facilities in the most appropriate location in order to establish defensible space for fire fighting purposes.

Class 10b buildings include a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.

At the planning level, class 10b buildings in bushfire prone areas (e.g. fencing) should be non-combustible and where an above ground swimming pool is erected it should not adjoin or be attached directly onto a wall of a building of class 1-4 or SFPP Class 9.

Where a Class 10a building (eg shed) is constructed in proximity to another residential class of building the Class 10a should meet the requirements of that Class or be located > 10 metres away from the main building.

LANDSCAPE PLAN

Where a landscape plan is required by a Development Control Plan, the principles in appendix 5 of Planning for Bushfire Protection 2006 are to be applied. Asset Protection Zones are to be shown on the landscape plan as well as any tree removal or pruning to existing trees.

SUBMITTING A CONSTRUCTION CERTIFICATE APPLICATION IN BUSHFIRE PRONE LAND

Construction certificates are assessed in accordance with AS 3959-1999. The applicant must provide a schedule of the applicable construction standards in accordance with Section 3 of AS 3959. This schedule will form part of the approval documentation and the applicant will be required to comply with it during the course of construction.

An amended drawing may be required to be submitted if it is determined the approved development application plans are in conflict with the schedule provided.

Wollongong City Council can provide you with details of the materials to be used to achieve the appropriate level of construction required by the Australian Standard.

REFERENCES

The following websites and documents can provide further information regarding developments in Bushfire Prone Areas. If you do not have access to the internet, Wollongong City Library can provide assistance.

- www.rfs.nsw.gov.au → NSW Rural Fire Service → Building in Bushfire Prone Areas → Planning for Bush Fire Protection
- AS3959 – Construction in Bushfire Prone Areas
- The Building Code of Australia

Disclaimers

This information was believed to be correct at the date of its publication.

This information is for general information purposes only and should not be relied upon for legal advice.