

Submission to NSW RFS on *Draft Planning for Bushfire Protection: A Guide for Councils, Planners, Fire Authorities and Developers*

July 2017

Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general-purpose councils and associate members including special-purpose county councils. LGNSW facilitates the development of an effective community based system of local government in the State.

LGNSW thanks the Rural Fire Service (RFS) for the opportunity to respond to the draft revision of *Planning for Bushfire Protection: A Guide for Councils, Planners, Fire Authorities and Developers* (draft PBP Guide). Councils welcome the revised draft which, among other things, provides greater clarity and structure than the current *Planning for Bushfire Protection 2006* (PBP 2006).

This submission comments on general policy areas, and we recommend that RFS give close consideration to feedback from councils in regard to specific technical and practical issues. Councils have the technical expertise and practical experience to assess the application of the draft guideline in planning and assessment processes. LGNSW is aware that a number of councils will be making individual submissions which will address specific issues with the application of the PBP in their areas.

Overall Comments

Consultation process

We understand that some councils have had difficulty in providing a comprehensive response to the draft guideline, along with the suite of draft documents on exhibition as part of the *Draft Revised Bush Fire Environmental Assessment Code*. These two parallel consultations have placed significant time demands on council staff. The extension granted for both these exhibition periods was welcomed, however where important technical questions have been raised or councils have called for more detail, LGNSW recommends the RFS consult further with councils to ensure all potential issues and practical implications are fully considered.

Positive changes

The clearer structure and arrangement of the draft guideline, having provisions based around development type (for example, the separation of infill development into a separate chapter from 'Other development') is welcome.

Other positive changes are:

- **Recognition of the importance of strategic planning in relation to bushfire protection** by the inclusion of a new chapter. This will help to provide direction for councils early in the planning process, and provide greater clarity about the RFS's expectations in these strategic planning processes. Importantly, this new chapter offers planning authorities more practical assistance on how to plan for and manage bushfire risk when preparing a local environmental plan (LEP) and development control plans (DCPs), and assessing planning proposals (applications for re-zoning). While section 4.6 discusses master plans and precinct planning, it would be helpful to provide more detail here about some of the key considerations when preparing master plans (e.g. landscaping, open space, vehicle access, parking and building layout) rather than simply requiring RFS consultation.
- **Special treatment of provisions for home based child care** separate from other types of child care facilities. This recognises that the smaller residential lots on which home

based child care facilities operate can rarely meet the extensive asset protection requirements (as well as other bushfire protection measures) currently expected of all child care facilities under the PBP 2006. The acknowledgement of the subtle differences between different types of child care is an important change that could provide greater flexibility, while still ensuring there are adequate bushfire protection measures in place for home-based child care on bushfire-prone land. From a community service perspective, this has the benefit of enabling potentially greater numbers of home-based providers in the future.

- **Recognition of development-specific differences with certain tourism uses.**
However, the requirements for short stay accommodation may need further consideration (see comments below regarding bed and breakfast accommodation).

Comments relating to specific issues

The following areas need closer attention:

- **Development in grassland areas** – There may be some unintended consequences as a result of the inclusion of the new grassland category. Councils in the Growth Centres Area (where land is being developed for housing and employment) have concerns that much of the Growth Centres Area is being identified as bushfire-prone land, where it was previously largely exempt from mapping (because it is managed land such as market gardens). This is a result of both the RFS's interpretation of grassland apparently being very broad and mapping not keeping up-to-date with the speed of development and clearing. For the metropolitan councils in these rapidly developing areas, having 'medium risk' grassland seems excessive when the majority of this land is under development or 'managed land'. LGNSW recommends that the RFS engages directly with councils in these areas to reach a practical solution.
- **Bed and breakfast (B&B) and farm stay accommodation** – It should not be assumed that there will be a person on site in bed and breakfast accommodation, as referred to under section 6.3.1. With the rapid and widespread uptake of sharing platforms such as Airbnb for short stay accommodation in recent years, and the variety of accommodation models available, it is common that the entire house is being rented out, and it is increasingly less common to have an owner or manager stay at the premises. It may be preferable to include 'bed and breakfast' under the short-term rental accommodation section and separate it from the 'farm stay accommodation'. Having more and more people from outside the local area renting premises is a growing issue for councils and the RFS, and more work is needed in this area (e.g. consideration of the need for emergency evacuation plans for these types of developments), particularly where they are considered exempt development in LEPs.
- **Landscaping and maintenance** - The references to landscaping have been amplified and refined in the draft PBP compared with PBP 2006, however, there could be greater emphasis on the importance of appropriate landscaping and maintenance in particular for building survivability in the event of a bushfire. Refer to specific details from councils in this regard.
- **Bush fire design brief (BFDB)** – The frequent references to the bush fire design brief throughout the draft PBP should clarify that this brief should be prepared by a suitably

qualified/accredited person. Also, a definition of bush fire design brief should be included in the definitions on page 131.

- **Language consistency between RFS documents** – While councils have been reviewing the draft PBP and other RFS documents currently on exhibition, they have compared the Asset Protection Zone (APZ) tables used in these documents and found that these documents use different (or at least more broadly categorised) vegetation types. These should be all consistent, in order to be fully understood and applied. Also on language consistency, the document uses both ‘bushfire’ and ‘bush fire’; it is preferable to use one of these terms consistently.

Conclusion

LGNSW and councils look forward to working with the RFS in improving the effectiveness of the PBP for use at a local government level. LGNSW recommends that the RFS consult further with councils in the refinement phase of the review process to ensure that the final form of the PBP is a practical and workable tool for both councils and applicants.

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