



PLANNING FOR BUSH FIRE PROTECTION 2019

COMMUNITY RESILIENCE

INFORMATION RELEASE
Version 1 - 2019

This Information Release provides guidance regarding the use and application of Planning for Bush Fire Protection (PBP) 2019.

The NSW Rural Fire Service (NSW RFS) has undertaken an extensive review of *Planning for Bush Fire Protection 2006* (PBP). PBP provides guidelines for the necessary planning and development framework for bush fire protection in NSW.

Following a period of targeted consultation in 2016, a Draft PBP was developed and placed on public exhibition in 2017. The NSW RFS received numerous submissions during both the targeted consultation and public exhibition processes.

Comments were considered, the Draft PBP was revised accordingly, and the pre-release version of PBP 2018 was published to the NSW RFS website. Since the time of publishing, the pre-release version has been able to be used as an optional alternative to demonstrate compliance with PBP 2006, which will remain the adopted version until such time as PBP 2019 is adopted. This is expected to be on 1 March 2020.

Since publishing of the pre-release PBP 2018, the NSW RFS has worked with representatives from the then NSW Department of Planning and Environment (DPE) and relevant stakeholders to prepare the final PBP 2019. PBP 2019 is based on the pre-release version and includes changes from suggestions received on use, interpretation, and application issues.

PBP 2019 is now published and can replace the pre-release version of PBP 2019 as an optional alternative to demonstrate compliance with PBP 2006, which will remain legislatively adopted until PBP 2019 comes into effect in March.

PBP and Related Legislative Instruments

PBP is referenced and given effect in the *Environmental Planning and Assessment Regulation 2000*, the *Rural Fires Regulation 2013* and various other instruments.

To assist in using and applying PBP, the below information is provided.

Section 4.14 *Environmental Planning and Assessment Act 1979* (EP&A Act)

Under section.4.14 of the EP&A Act, development consent can only be granted on bush fire prone land where the consent authority is satisfied that, or has been provided with a certificate from a recognised consultant stating that the development conforms to PBP 2006.

Section 4.14(1A) of the EP&A Act also provides that where compliance with PBP 2006 is not achieved, the consent authority may issue consent for the development, but only after it has consulted with the Commissioner of the NSW Rural Fire Service (NSW RFS).

Prior to the adoption of PBP 2019, developments that comply with PBP 2019 can be considered as means of satisfying the NSW RFS that PBP 2006 is complied with.

Referral to the NSW RFS is also still required where a development application proposes development on bush fire prone land that:

- i) involves a performance based solution to achieve compliance with PBP 2006; or
- ii) is within Bushfire Attack Level Flame Zone (BAL-FZ).

Complying Development

A number of State Environmental Planning Policies (SEPPs) allow complying development on bush fire prone land. To constitute complying development, the proposal must satisfy the relevant development standards, which includes complying with PBP 2006.

Prior to adoption of PBP 2019, PBP 2006 will continue to apply to developments assessed under the complying development pathway.

Complying Development Certificates therefore need to continue to be based on compliance with PBP 2006 until PBP 2019 is adopted.

Section 100B Rural Fires Act 1997 (RFA)

Under section 100B of the RFA, the Commissioner of the NSW RFS may issue a Bush Fire Safety Authority (BFSA) for subdivision or special fire protection purpose (SFPP) development. The application for a BFSA must be made to the Commissioner in accordance with the *Rural Fires Regulation 2013* (RFR).

Clause 44 of the RFR provides that an application for a BFSA must be made in writing and must include an assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out in Chapter 4 (Performance Based Controls) of PBP 2006.

During the period between publishing of PBP 2019 and its adoption, the NSW RFS will assess applications for a BFSA under either PBP 2006 or PBP 2019. An assessment to which the proposal conforms with or deviates from either PBP 2006 or PBP 2019 will be required to accompany development applications which fall under section 100B of the RFA Act.

Further Information

Information documents, including frequently asked questions regarding PBP 2019, have been placed on the NSW RFS website (www.rfs.nsw.gov.au).

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