



COMPLYING DEVELOPMENT ON GRASSLANDS

Scope and application

This Policy Note clarifies the application of provisions in the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP) that address access to developments through grasslands within the context of *Planning for Bush Fire Protection 2019* (PBP-2019) and the intent of the Codes SEPP.

Background

Clause 1.19A (1)(b) of the Codes SEPP includes provisions regarding access for complying development on bush fire prone land under the *Rural Housing Code*.

The Codes SEPP is currently worded so that it could appear complying development may or may not be allowed if access is provided through grassland areas.

The NSW Rural Fire Service (NSW RFS) was instrumental in developing the provisions of the Codes SEPP for complying development on Bush Fire Prone Land in Part 1, Division 2, *Exempt and complying development*, Clause 1.19A.

Planning for Bush Fire Protection 2019 (PBP-2019) contains Grassland Deeming Provisions in section 7.9 to allow a streamlined and simplified approach to achieve compliance and permit complying development.

Clarification

The intention of Clause 1.19A of the Codes SEPP is to permit complying development when access is through grasslands as long as that access does not ingress Bushfire Attack Level 40 (BAL-40) or Flame Zone (BAL-FZ) due to vegetation categories other than grasslands.

It is therefore the NSW RFS position that complying development is permitted in such situations.

It should be noted that the other provisions for complying development on bush fire prone land need to be complied with.

For further information regarding this Policy Note, please contact the Development Planning & Policy Team on (02) 8741 5211 or email Development.Policy@rfs.nsw.gov.au