



Policy P6.1.1 Development Assessment and Planning

Date of Issue 6 November 2012

Version Number 2.0

1 Purpose

- 1.1 This Policy has been renamed from Development Control.
- 1.2 The NSW Rural Fire Service (NSW RFS) has a statutory obligation to assess development applications in bush fire prone areas in accordance with relevant guidelines and policy. This policy outlines the NSW RFS requirements for the assessment of development on bush fire prone land.
- 1.3 This policy applies to all staff members of the NSW RFS involved in the development assessment and planning process.
- 1.4 The *Environmental Planning and Assessment Act 1979* (EP and A Act) establishes a system for requiring bush fire protection measures for development on bush fire prone land at the planning and development application (DA) stage by way of the following:
- (a) a formal consultative role for the Commissioner of the NSW RFS under Section 79BA of the EP and A Act;
 - (b) a consultative role for the Commissioner of the NSW RFS under Section 79C of the EP and A Act;
 - (c) a role as an approval body for the Commissioner of the NSW RFS under Section 91 of the *EP and A Act* for the issue of a Bush Fire Safety Authority under Section 100B of the *Rural Fires Act 1997* (the Act);
 - (d) a consultative role for the Commissioner of the NSW RFS for development applications lodged under relevant State Environmental Planning Policies (SEPPs) and for Director General's Requirements for the preparation of Environmental Impact Statements (EIS); and
 - (e) a formal consultative role for the Commissioner of the NSW RFS for planning proposals captured by Direction 4.4 Planning for Bushfire Protection under Section 117(2) of the EP and A Act.

- 1.5** The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) was amended in February 2011 to provide for complying development on bush fire prone land where:
- (a)** It is not high risk bush fire prone land (i.e. BAL [Bushfire Attack Level] 40 or BAL Flame Zone)
 - (b)** The BAL has been certified in accordance with *Planning for Bush Fire Protection 2006* by a 'suitably qualified consultant' or local council.
- 1.6** To ensure consistency and equity in the exercise of the Commissioner's powers, it is essential that the implementation of planning and development controls is undertaken having regard to this Policy, related Standard Operating Procedures (SOPs) and the principles of bush fire protection.
- 1.7** This Policy and related SOPs should be read in conjunction with Service Standard 1.1.7 Code of Conduct and Ethics, Australian Standard 3959 Construction of Buildings in Bushfire-prone Areas, and Planning for Bush Fire Protection.

2 Policy

- 2.1** Planning, design and construction provisions for developments in bush fire prone areas provide one of the most effective ways of minimising the effects of bush fire on a development and the people occupying that development. This section details considerations that are to be taken into account for planning and development assessment in bush fire prone areas.
- 2.2** When considering the strategic planning of bush fire prone areas (e.g. through Local Environmental Plans and other key planning documents) the NSW RFS must ensure that the following matters are considered:
- (a)** to not increase the risk to life from bush fire;
 - (b)** introduce controls that avoid placing inappropriate developments in areas exposed to unacceptable bush fire hazard;
 - (c)** ensure that appropriate bush fire protection measures are afforded to property at risk of bush fire;
 - (d)** minimise negative impacts on the surrounding environment, and
 - (e)** ensure that bush fire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

- 2.3** When considering development on bush fire prone land, the NSW RFS must consider the following underlying principles:
- (a)** Protection measures are governed by the degree of threat posed to a development;
 - (b)** A minimum setback from a hazard is always provided (i.e. a defensible space);
 - (c)** The greater the setback from the hazard, the lower the subsequent bush fire protection construction standards required;
 - (d)** The smaller the interface a development has fronting the bush fire threat, the less the opportunity for bush fire to threaten the development;
 - (e)** Bush fire protection measures (BPMs) are contained within the development and not on adjoining lands, other than in exceptional circumstances; and
 - (f)** No development in a bush fire prone area can be guaranteed to be entirely safe from bush fires.
- 2.4** The NSW RFS must consider the following specific objectives governing residential and rural subdivisions:
- (a)** Minimise perimeters of the subdivision exposed to the bush fire hazard. Hourglass shapes, which maximise perimeters and create bottlenecks should be avoided;
 - (b)** Minimise bushland corridors that permit the passage of bush fire;
 - (c)** Provide for the siting of future dwellings away from ridge-tops and steep slopes – particularly up-slopes, within saddles and narrow ridge crests;
 - (d)** Ensure that separation distances (asset protection zones) between a bush fire hazard and future dwellings enable conformity with the deemed-to-satisfy requirements of the Building Code of Australia (BCA);
 - (e)** Provide and locate open space and recreation areas as asset protection zones/buffers between the hazard areas and future residential development;
 - (f)** Ensure the ongoing maintenance of APZs;
 - (g)** Provide access from all properties to the public road system for residents and emergency services; and
 - (h)** Ensure the provision, and adequate supply, of water and other services to facilitate effective fire fighting.

- 2.5** In addition to the objectives detailed above, the NSW RFS must consider the following specific objectives for Special Fire Protection Purpose (SFPP) developments:
- (a)** Provide for the special characteristics and needs of occupants (occupants of SFPP developments may not be able to assist in property protection and are more likely to be adversely affected by smoke or heat while being evacuated);
 - (b)** Provide an appropriate operational environment for emergency service personnel during firefighting and emergency management; and
 - (c)** Provide for safe emergency evacuation (SFPP developments are highly dependent on suitable bush fire emergency evacuation arrangements, which require greater separation from bush fire threats).
- 2.6** The NSW RFS must consider the following specific objectives governing infill development:
- (a)** Ensure that the bush fire risk to adjoining lands is not increased;
 - (b)** Provide a minimum defendable space;
 - (c)** Provide better bush fire protection, on a re-development site, than the existing situation. This should not result in new works being exposed to greater risk than an existing building;
 - (d)** Provide a better bush fire protection outcome for existing structures through the provision of upgraded building construction, APZs, access, water and landscaping;
 - (e)** The footprint of the proposed building should not extend towards the hazard beyond existing building lines on neighbouring land;
 - (f)** Not result in an increased bush fire management and responsibility on adjoining land owners unless they have agreed to the development; and
 - (g)** Ensure building design and construction enhances the chances of occupant and building survival.
- 2.7** *Planning for Bush Fire Protection*, Community Resilience Fast Facts, Community Resilience Practice Notes and content detailed on the NSW RFS website and the NSW RFS intranet provide further detail, guidance and NSW RFS positions on aspects of the development assessment and planning process. Practice Notes are policy documents that inform and clarify matters relating to the development assessment process and Community Resilience more broadly. Fast Facts clarify and expand on provisions within Planning for Bush Fire Protection.

- 2.8** Any Development Application (DA) within a bush fire prone area must be referred to the NSW RFS:
- (a)** for consultation under Section 79BA, where the consent authority, after assessing the DA determines it does not conform to the requirements of *Planning for Bush Fire Protection (PBP)*;
 - (b)** for concurrence as integrated development in accordance with Section 91 of the EP and A Act and Section 100B of the *Rural Fires Act*.
- (a)** Any DA within an area that is not identified as bush fire prone land, but the consent authority has concerns in respect to bush fire, may be referred to the NSW RFS for consultation under Section 79C, where the consent authority, after assessing the development, determines it does not conform to the requirements of PBP.
- 2.9** The NSW RFS shall:
- (a)** assess applications within legislative timeframes and service level agreements;
 - (b)** register details of all applications using corporate records and assessment management systems (currently RecFind and BRIMS);
 - (c)** assess, make determinations, and/or provide advice in accordance with the SOPs that form part of this Policy, and
 - (d)** undertake auditing of assessments in accordance with the SOPs that form part of this Policy.
- 2.10** NSW RFS assessing officers must:
- (a)** Ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly and avoid any occasion for suspicion of improper conduct in the development assessment process; and
 - (b)** Ensure that no action, statement or communication with applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.
- 2.11** NSW RFS assessing officers must not:
- (a)** Meet with proponents or their representatives alone AND outside office hours to discuss development applications or proposals;
 - (b)** Accept any gifts or benefits from proponents or their representatives attempting to influence the development assessment process. On the occasion where a gift or benefit is offered, the assessing officer is to advise the RFS Professional Standards Unit.

2.12 NSW RFS staff members must not:

- (a)** Direct or pressure NSW RFS assessing officers in their work, or recommendations they should make relating to development assessment that is contrary to the requirements of PBP;
- (b)** Use their position to influence NSW RFS assessing officers in the performance of their public or professional duties to obtain a private benefit;
- (c)** Take advantage (or seek to take advantage) of their status or position with or of functions performed in order to obtain a private benefit.

2.13 NSW RFS staff members must:

- (a)** If lodging a development application that is referred to the NSW RFS, declare their interest and not attempt to influence the NSW RFS assessing officer;
- (b)** Advise the NSW RFS Professional Standards Unit if any of the above occurs by a NSW RFS staff member;
- (c)** Advise the NSW RFS Professional Standards Unit if any of the above occurs by any other official in a local and state government capacity.

3 Links

- *Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2000
- *Rural Fires Act 1997*
- Rural Fires Regulation 2008
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Planning for Bush Fire Protection
- *Australian Standard AS3959 – Construction of Buildings in Bushfire-prone Areas*
- Planning for Bush Fire Protection and Australian Standard 3959 Construction of buildings in bushfire-prone areas
- NSW RFS SS 1.1.7 Code of Conduct and Ethics
- NSW RFS P1.1.5 Fraud and Corruption Prevention
- NSW RFS P5.1.6 Records Management
- NSW RFS Community Resilience Fast Facts.
- NSW RFS Community Resilience Practice Notes.

- SOP P6.1.1 – 1 Overview of Development Assessment and Planning
- SOP P6.1.1 – 2 Development Assessment and Planning- Processing of 79BA and Complying Development
- SOP P6.1.1 – 3 Development Assessment and Planning- Processing of 100B
- SOP P6.1.1 – 4 Development Assessment and Planning- Environmental Planning Instruments
- NSW RFS 79BA Assessment Report form
- NSW RFS 100B Assessment Report form

4 Who is responsible for implementing this Policy?

- Director Operational Services

5 Amendments

- Comprehensive review to reflect current statutory obligations and organisational alignment and practices

6 November 2012



SOP P6.1.1 - 1

Overview of Development Assessment and Planning

This SOP forms part of Policy P6.1.1 Development Assessment and Planning

Reference: ▪ Planning for Bush Fire Protection (2006)

1. Purpose

- 1.1 This Standard Operating Procedure aims to provide consistency and equity in the NSW Rural Fire Service (NSW RFS) exercise of the Development Assessment (DA) process.

2. Definitions

- 2.1 For the purpose of this Policy the following definitions apply:

- (a) **Asset Protection Zone (APZ):** Often referred to as a fire protection zone. The APZ aims to protect human life, property, and highly valued public assets. An area surrounding a development managed to reduce the bush fire hazard to an acceptable level. The width of the APZ will vary with slope, vegetation and construction level. The APZ consisting of an area maintained to minimal fuel loads and, for subdivision, comprising a combination of perimeter road, fire trail, rear yard or a reserve, so that a fire path is not created between the hazard and the building.
- (b) **Bush Fire Attack Level (BAL):** A means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared (kW/m^2). This is the basis for establishing the requirements for construction to provide protection of building elements from attack by bush fire under Australian Standard AS3959 – Construction in bushfire-prone areas.
- (c) **BAL Risk Assessment:** A site specific assessment procedure that is required as part of the complying development process. It provides a rating based on the expected level of bush fire attack in accordance with AS3959-2009 and Addendum Appendix 3 of Planning for Bush Fire Protection 2006.

- (d) **BAL Risk Assessment Certificate:** A Certificate issued by either a recognised bush fire consultant or the Local Council which specifies the BAL for a particular development site.
- (e) **Bush fire prone area/land:** Is an area of land that can support a bush fire or is likely to be subject to bush fire attack. In general, a bush fire prone area is an area mapped for a local government area that identifies the vegetation type and associated buffer zones. Bush fire prone land maps are prepared by local government and certified by the Commissioner of the RFS.
- (f) **Bush Fire Prone Land Map:** For an area means a map certified under section 146(2) of the Environmental Planning and Assessment Act 1979
- (g) **Bush Fire Safety Authority:** An approval of the Commissioner of the NSW RFS required for a subdivision for residential or rural residential purposes or for a special fire protection purpose listed under section 100b(6) of the Rural Fires Act 1997. This form of development is considered to be integrated development
- (h) **Contentious Issue:** A point of argument or dispute that is to be resolved.
- (i) **Flame Zone:** The distance from a bush fire at which it is calculated that there is significantly increased likelihood for flame contact to a building. Determined by the calculated distance at which the radiant heat received by the proposed building exceeds 40kW/m² or calculated by the point of potential flame contact, whichever occur first.
- (j) **Infill Development (residential):** Refers to the development of land by the erection of, or addition to a residential building (or buildings) which does not require the spatial extension of services including public roads, electricity, water or sewerage, and is within an existing allotment.
- (k) **Integrated Development:** Development referred to under section 91 of the Environmental Planning and Assessment Act 1979.
- (l) **Special Fire Protection Purposes:** As defined in Section 100B of the Rural Fires Act 1997. Occupants that may be more vulnerable to bush fire attack and include:
 - i. schools;
 - ii. child care centres;
 - iii. hospitals;
 - iv. hotels, motels and tourist accommodation;
 - v. housing for mentally incapacitated persons;

- vi. group homes (SEPP No 9);
- vii. housing for older people or people with disabilities;
- viii. retirement villages; and
- ix. any other purpose described by the Rural Fires Regulations

3. Procedures

3.1 Direction 4.4 Planning for Bushfire Protection (PBP) will be the principal guidelines against which the NSW RFS will apply any recommendations for DAs referred under Section 79BA and approvals for DAs referred under Section 100B. Community Resilience Fast Facts, Community Resilience Practice Notes and content contained on the NSW RFS website and RFS Intranet provide further detail, guidance and RFS policy positions for consideration.

Accountabilities

3.2 The Development Assessment and Planning (DAP) function is delivered across NSW by Headquarters and the Customer Service Centres (CSC) in conjunction with District Offices.

The Community Resilience Group (CR) within Headquarters will focus on developing policy and strategy, auditing, and providing high level governance. It will provide leadership in developing relevant policies and plans in consultation with key stakeholders.

The role of the Customer Service Centres in conjunction with District staff is to focus on the technical aspects of service provision and liaison with local level stakeholders, aiming to fulfil policy, program and legislative requirements.

Officers who can assess Development Applications

3.3 Team Leaders-Development Assessment and Planning, Development Assessment and Planning Officers, along with regional and District officers who have attended training specifically for development assessment and planning and attained the 'Certificate of Proficiency' for Development Assessment Officer 1 (DAP1) and Development Assessment Officer 2 (DAP2) qualifications.

Process	Responsibility
1. 79BA, 79C and 96	CSCs and District staff
2. 100B and other DA referrals	CSCs
3. Planning Instruments	CSCs

Note: Where a refusal is being considered for a development, the application is to be reviewed by the Manager of the Customer Service Centre in consultation with the

Group Manager, Customer Service Centres and Group Manager, Community Resilience before any recommendations are made to Council.

Timeframes

3.4 Referred applications are to be processed in accordance within the relevant timeframes as outlined below:

PROCESS:	TIMEFRAMES:	NOTES:
1. 79BA	Within 14 days of receipt of DA from the Consent Authority	Or in accordance with any relevant service level agreement
2. 100B	Within 40 days of receipt of DA from the Consent Authority	Under <i>section 62 (1) (a)</i> of the <i>EP&A Regulations 2000</i>
3. 79C	Within 21 days of receipt of DA from the Consent Authority	Or in accordance with any relevant service level agreement
4. 96	Within 21 days of receipt of DA from the Consent Authority	Or in accordance with any relevant service level agreement
6. Other DA referrals (e.g. SEPPs, Director General Requirements)	Within 21 days of receipt of DA from the Consent Authority	Or in accordance with any relevant service level agreement
5. Planning Proposals	Within 40 days of receipt of DA from the Consent Authority	Or in accordance with any relevant service level agreement

Response letters

3.5 NSW RFS response letters are provided to the consent authority that referred the DA to the NSW RFS, as they are the addressee. It is then the responsibility of the consent authority to provide a copy of the response to the applicant.

Response letters for applications referred to a CSC are to be signed by the Team Leader only. If a Team Leader is away and an Acting Team Leader is appointed, the Acting Team Leader must manually print and sign

the letters unless they have had their signature electronically added to the BRIMS operating system.

Response letters for applications referred to a District office are to be signed by the Manager of that District only. If the Manager is away and an Acting Manager is appointed, the Acting Manager must manually print and sign the letters unless they have had their signature electronically added to the BRIMS operating system.

It is an offence to use another staff member's BRIMS log-in and /or electronic signature.

Provision of Generic Advice

- 3.6** In general the NSW RFS does not provide formal written advice to an applicant prior to a formal application being lodged or referred to the NSW RFS. Any written or verbal advice is likely to be generic in nature. It shall be made clear to all parties that any verbal advice given is generic in nature and non binding to the NSW RFS, and that PBP provides details on information which must be provided as part of a formal application.

Pre-lodgement meetings

- 3.7** In some instances, it may be both appropriate and beneficial to conduct pre-lodgement meetings with the applicant, developer, consultant and/or Council planning staff. This is likely for larger scale or complex developments where bush fire protection measures and potential conflicts can be addressed early on in the planning process. This may also be undertaken for complex issues involving performance based alternative solutions and may take the form of a Bush Fire Engineering Brief. The need for a pre-lodgement meeting will be at the discretion of the Team Leader, Development Assessment and Planning.

It is important in these situations that the applicant understands that the advice is applicable to the application as presented at the pre-lodgement meeting. The NSW RFS member concerned shall ensure that:

- (a)** any decision, advice or action and the evidence upon which it is based, is properly documented in a file note. The file note shall include:
 - i. a summary of the proposal, contentious issues, address of the site, name of officer who provided advice, and to whom the advice was provided;
 - ii. A file note in this instance does not constitute diary notes and shall not be located in protected / non accessible areas of the officers' computer. File notes shall be located in group files. A copy must always be printed and placed on file or attached electronically to the relevant BRIMS record. If a file or BRIMS record does not exist and cannot be created, a soft copy of the file note shall be saved in the appropriate location. Refer to Policy P5.1.6 Records Management for further details on record management;

- (b) a file shall be accessible for staff and be documented/ filed in such a way that facilitates ready and easy location by the NSW RFS;
- (c) the meeting and advice is in accordance with the NSW RFS Code of Conduct and Ethics;
- (d) advice is provided in good faith;
- (e) the provision of that advice is within the officer's expertise;
- (f) the advice complies with the decision-making requirements and procedures required by the delegation;
- (g) it is appropriate that the officer provides that advice on behalf of the NSW RFS; and
- (h) the officer is acting according to the spirit and the letter of any relevant legislation.

Most importantly NSW RFS members should only make comment or provide advice within their area of expertise. Refer to *Service Standard 1.1.7 Code of Conduct and Ethics*, and staff induction training for further information.

All documents referenced in the pre-lodgement meeting need to be referenced in meeting minutes and retained on file. Meeting minutes need to be recorded and distributed to all attendees for their review and approval. Such minutes can then form a basis for review of subsequent submissions to determine whether they are consistent with the pre-lodgement meeting.

Record Management

- 3.8** Any communication relating to a specific application prior to, during or after the DA assessment process should clearly show the authors name, signature, time and date. The subject matter and name of the parties involved should be accurately documented in a file note by the author on BRIMS as soon as possible after this communication, and placed on the relevant BRIMS file.

Once a formal DA is received, any relevant file notes should be added to the file by the assessing officer. Strict adherence to this procedure will minimise any problems that may arise in finding all documentation on the history of a specific Development Application.

All correspondence and notes on file are legal documents, with the possibility of files being requested for legal proceedings under the *Government Information (Public Access) Act 2009*. Consequently all documentation must be clear and appropriately stored as follows:

- (a) All incoming correspondence related to the development assessment and planning process shall be registered and recorded in the NSW RFS recordkeeping system. This includes email correspondence;

- (b) All outgoing correspondence and assessment information (including but not limited to file notes, assessment sheets, and photographs) relating to a specific development application or planning instruments shall be recorded and stored in BRIMS; and
- (c) General correspondence not related to a specific development application shall be electronically stored in a readily accessible location.

Refer to Policy *P5.1.6 Records Management* for further details on record management

Policy

- 3.9** Community Resilience (CR) is responsible for coordinating and providing policy, advice and tools for use by NSW RFS staff and stakeholders involved in the development assessment and planning process.

Auditing

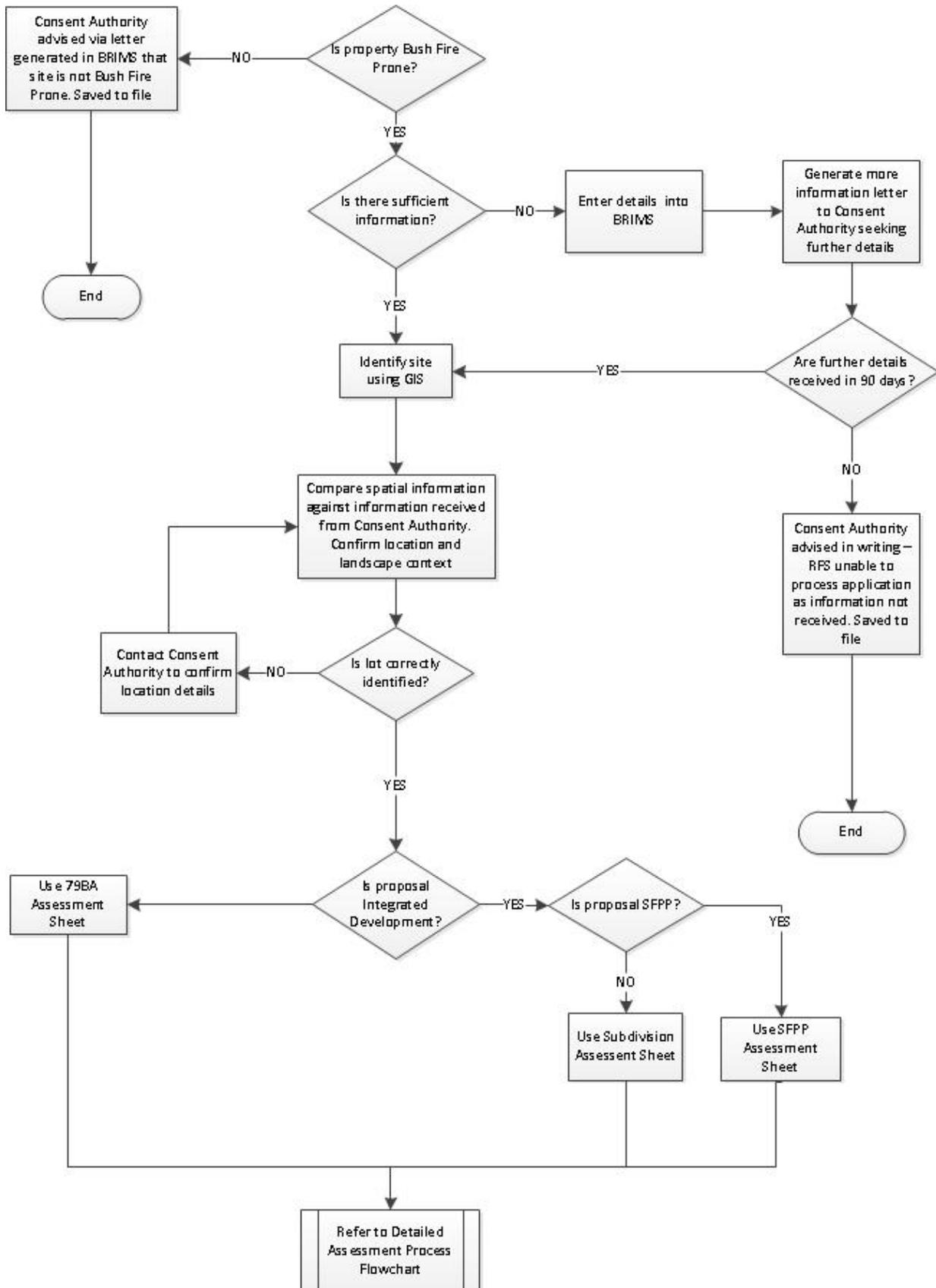
- 3.10** Community Resilience is responsible for the coordination and implementation of auditing processes of NSW RFS staff to ensure consistency with this Policy and standard operating procedures, with assistance from the CSCs and Region.

The NSW RFS is responsible for the auditing of Complying Development Certificates (CDCs) and associated information issued on bush fire prone land. Copies of CDCs will be forwarded to the NSW RFS by certifiers (including local government). The NSW RFS will audit CDCs and assessments in accordance with the SOPs that form part of this Policy. PBP will be the principle guidelines against which the NSW RFS will undertake auditing of CDCs. CR is responsible for the coordination and implementation of this process with assistance from the CSCs.

Appendices

- 3.11** Appendix 1 provides the flowchart detailing the process to be followed in the implementation of this Service Standard (includes Application Process Overview Flowchart and Assessment Process Overview Flowchart). These charts are the beginning of the standard process for processing development applications prior to the divergence of workflow into separate sections of the applicable legislation – detailed in Flowcharts A (Section 79BA) in SOP P6.1.4 -2 and B (Section 100B) in SOP P6.1.4 -3

Assessment Process





SOP P6.1.1 – 2

Development Assessment and Planning – Processing of 79BA Development Applications

This SOP forms part of Policy P6.1.1 Development Assessment and Planning

- Related Form(s)**
- 79BA Assessment Report Form
 - 79BA Development Referral to NSW RFS (Customer Service Centre) Form

1. Purpose

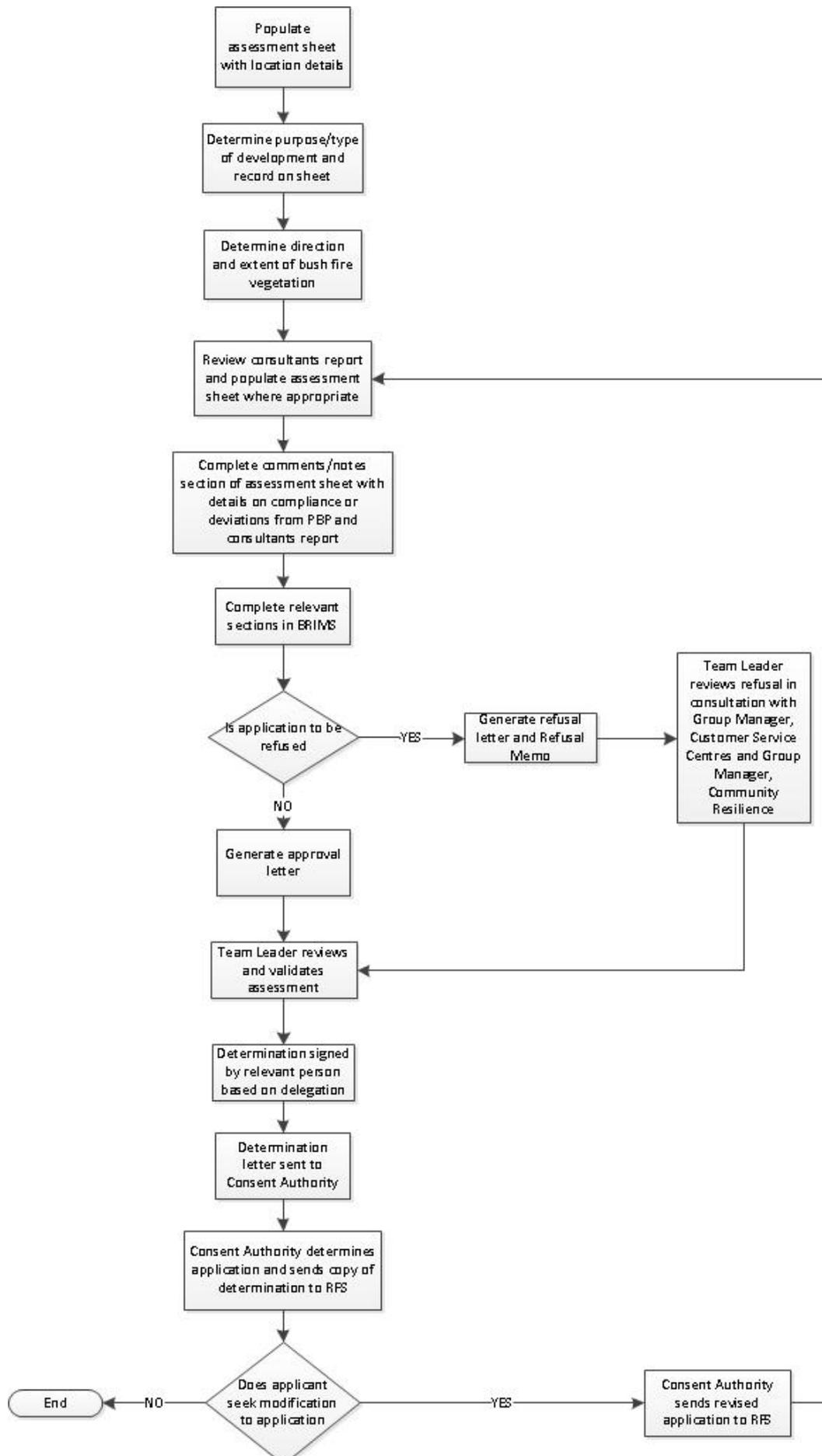
- 1.1 This document is intended to provide a standardised approach to the way development assessments under Section 79BA of the *Environmental Planning and Assessment Act 1979* (EP and A Act) are carried out across the State by NSW Rural Fire Service (NSW RFS) staff. The objective of the document is to ensure consistency of advice supplied to councils, improve transparency to stakeholders and to limit exposure of the NSW RFS and its staff to claims of inconsistency.

2. Procedures

- 2.1 For 79BA applications the attached 79BA Detailed Process for Assessment Flow Chart is to be followed and the NSW RFS 79BA assessment sheet is to be completed for each referral and attached to the file (electronically in BRIMS). These procedures need to be read in conjunction with *Planning for Bush Fire Protection (PBP)* and *Australian Standard 3959 Construction of buildings in bushfire-prone areas*.
- 2.2 For 79BA applications the assessing officer is to complete the applicable assessment form for 79BA Infill and the correct Fire Danger Index (FDI) for the local government area.
- 2.3 The Section 79BA Development Referral to NSW RFS (Customer Service Centre) form for use by the consent authority (should they wish to) is available on the intranet and NSW RFS website.
- 2.4 The assessing officer is to attach all relevant documentation including maps, site inspection photographs and file notes to the individual DA file (electronically within BRIMS).
- 2.5 For 79BA applications the assessment officer is to consider the following:
- (a) check block is Bush Fire Prone Land – identify block using lot and DP number or street address;
 - (b) identify proposed works;

- (c)** determine Asset Protection Zone (APZ). Document this assessment and provide details of the basis of assessment (e.g. aerial photograph, cadastre, roads, contours and slope measurements);
 - (d)** identify if application is outside flame zone and if not, can proposal be moved outside flame zone;
 - (e)** determine if construction level is appropriate;
 - (f)** assess whether the design criteria meets PBP requirements; and
 - (g)** document any field assessment undertaken – note names of all stakeholders in attendance, date and time.
- 2.6** The standard format to create a copy of the Lot(s) within a Personnel Geodatabase in MapDesk is:
 - (a)** All lines must have a minimum pixel of 3;
 - (b)** Subject site identified in blue; and,
 - (c)** Previously assessed sites identified in green.
- 2.7** All documentation must be placed (scanned and uploaded) on the appropriate BRIMS DA record.
- 2.8** The assessing officer must include their initials and the date at the bottom of each page of any assessment documents that are generated as part of the assessment and attach these documents to BRIMS.
- 2.9** Any variance or decision that deviates from any bush fire assessment report provided with the application or the acceptable solutions of PBP must be documented with the appropriate information/maps and comments to justify the decision.

Appendix 2 Detailed Process for 79BA Assessment





SOP P6.1.1–3

Development Assessment and Planning – Processing of Integrated Developments

This SOP forms part of Policy P6.1.1 Development Assessment and Planning

Form(s): ▪ NSW RFS Section 100B Assessment Report

1. Purpose

- 1.1 This Standard Operating Procedure (SOP) is intended to provide a standardised approach to the way development assessments under Section 100B of the *Rural Fires Act 1997* (the Act) for sub-divisions and Special Fire Protection Developments are carried out across the State by NSW Rural Fire Service (NSW RFS) staff members.
- 1.2 The objective of this SOP is to ensure consistency of application, interpretation and advice supplied to consent authorities, improve transparency to stakeholders and to limit exposure of the Service and its staff to claims of inconsistency.

2. Procedures

- 2.1 These procedures relate to the processing of 100B applications and need to be read in conjunction with *Planning for Bush Fire Protection* (PBP). The attached flow chart is to be followed in the assessment and determination of integrated referrals and the NSW RFS 100B development assessment sheet is to be completed for each integrated referral and attached to the file (electronically in BRIMS).
- 2.2 The assessing officer is to attach all relevant documentation including maps, site inspection photographs and file notes to the individual DA file electronically within BRIMS.
- 2.3 For 100B applications the assessment officer is to consider the following:
 - (a) check block is Bush Fire Prone Land – identify block using lot and DP number or street address;
 - (b) identify proposal type and purpose of development;
 - i. for subdivision identify existing lots and proposed lots,
 - ii. For SFPP identify proposed building envelope;

- (c)** Assess the proposal against the performance criteria of PBP including:

 - i. Asset Protection Zones - Document assessment and provide details of the basis of assessment (e.g. aerial photograph, cadastre, roads, contours and slope measurements);
 - ii. Construction level - is it appropriate;
 - iii. If necessary complete a performance based assessment for alternative solutions (for example radiant heat of 29kW/m² for subdivision or 10 kW/m² for SFPP);
 - iv. Document any field assessment undertaken – note names of all stakeholders in attendance, date and time.

- 2.4** The standard format to create a copy of the Lot(s) within a Personnel Geodatabase in MapDesk is:

 - (a)** All lines must have a minimum pixel of 3;
 - (b)** Subject site identified in blue;
 - (c)** Previously assessed sites identified in green.

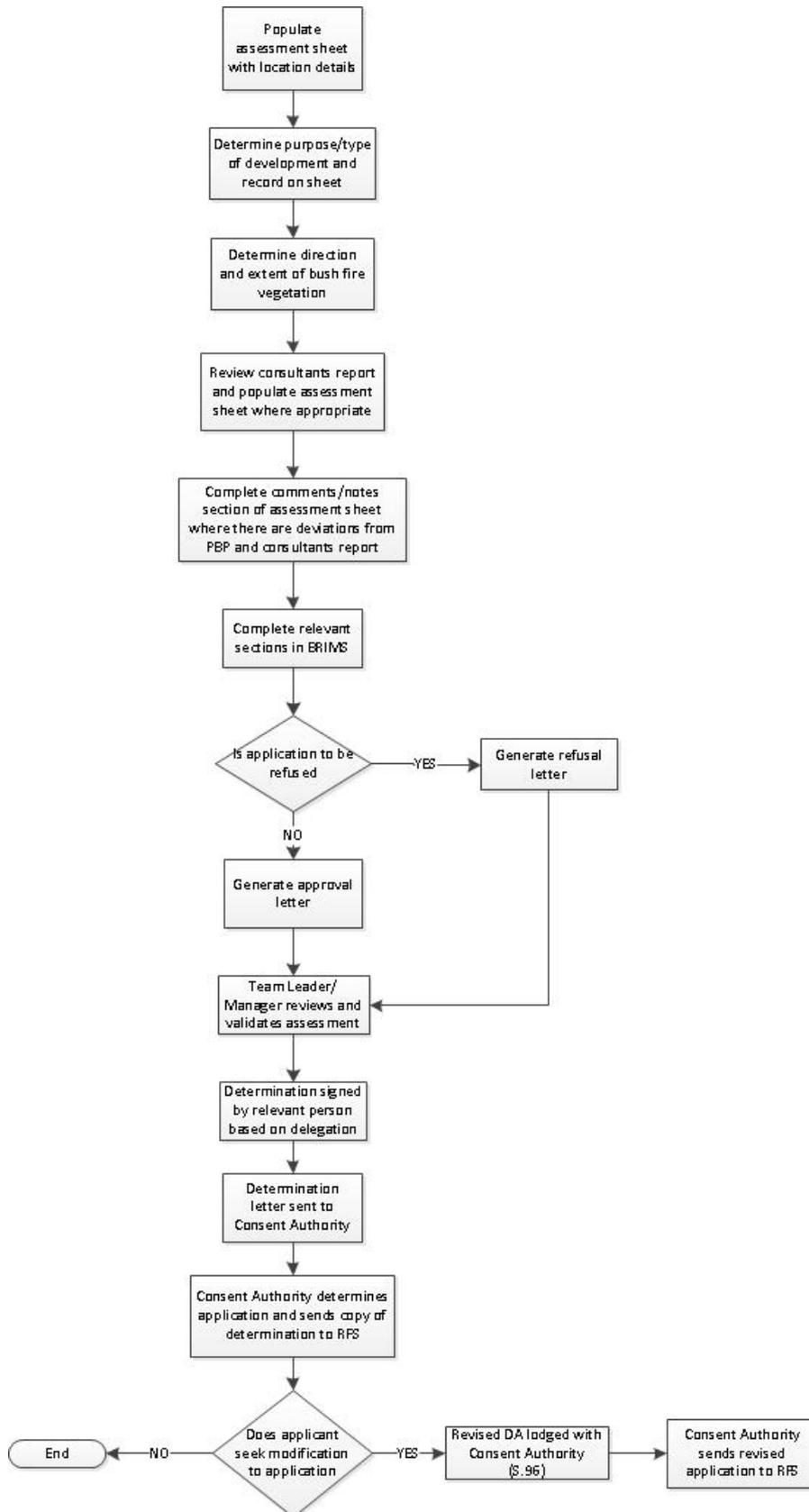
- 2.5** All documentation must be placed (scanned and uploaded) on the appropriate BRIMS DA record.

- 2.6** The assessing officer must include their initials and the date at the bottom of each page of any assessment documents that are generated as part of the assessment.

- 2.7** Any variance or decision that deviates from any bush fire assessment report provided with the application or the acceptable solutions of PBP must be documented with the appropriate information/maps and comments to justify the decision.

- 2.8** The detailed process for undertaking a 100B assessment is outlined in Appendix 1:

Appendix 1 Section 100B Assessment Process





SOP P6.1.1– 4

Development Assessment and Planning – Environmental Planning Instruments

This SOP forms part of Policy P6.1.1 Development Assessment and Planning

Reference: ▪ Planning for Bush Fire Protection (2006)

1. Purpose

- 1.1 This document is intended to provide a standardised approach to the way Environmental Planning Instruments (EPI) and other such planning documents are considered by NSW Rural Fire Service (NSW RFS) staff members.
- 1.2 The objective of this SOP is to ensure consistency of application, interpretation and advice supplied to consent authorities, improve transparency to stakeholders and to limit exposure of the Service and its staff to claims of inconsistency.

2. Procedures

- 2.1 These procedures relate to the provision of advice for Environmental Planning Instruments and other such planning documents and need to be read in conjunction with *Planning for Bush Fire Protection* (PBP).
- 2.2 Direction 4.4 Planning for Bushfire Protection, issued by the Minister for Planning, under section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP and A Act) identifies matters for consideration for planning proposals that will affect, or are in proximity to land mapped as bush fire prone land. Planning proposals are referred to the NSW RFS during the consultation process.
- 2.3 Development Control Plans (DCP) are prepared by Council under the EP and A Act and associated Regulation and are referred to the NSW RFS where they relate to bush fire prone land.
- 2.4 For EPI's and other such planning documents the following matters are to be considered:
 - (a) The impact of bush fire on the proposal;

- (b)** Determine if proposed uses are commensurate with the level of bush fire risk;
- (c)** Compliance with PBP, Community Resilience Fast Facts and Community Resilience Practice Notes (for rezoning ensure that the proposal can accommodate the acceptable solutions of PBP); and,
- (d)** Ensure bush fire hazard reduction works are not excluded.

2.5 When providing comment on Environmental Planning Instruments and policies the NSW RFS shall:

- (a)** Provide comment on planning proposals as requested by the relevant planning authority;
- (b)** Document any variance or decision that deviates from the acceptable solutions of PBP, Community Resilience Fast Facts and Community Resilience Practice Notes with the appropriate information/maps to justify the decision;
- (c)** Document any variance or decision that deviates from any bush fire assessment that has been provided; and,
- (d)** Attach relevant document to the appropriate BRIMS record or file.