



# Planning circular

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## PLANNING SYSTEM

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Bush fire planning advisory note

<b>Circular</b>	PS 20-001
<b>Issued</b>	March 2020
<b>Related</b>	PS 12-004, PS 10-028

# Planning for Bushfire Protection 2019

The purpose of this Circular is to explain the changes that implement the NSW Rural Fire Service's *Planning for Bushfire Protection 2019* (PBP 2019) in the development assessment and strategic planning processes of the NSW planning system.

## Introduction

PBP 2019 is a document prepared by NSW Rural Fire Service (NSW RFS) that sets out the bushfire management requirements for developing on bushfire prone land.

It represents the current best available science and research, industry standards and technology regarding bushfire protection measures required for development on bushfire prone land. It can be found on the NSW RFS website [here](#).

The 2019 version of PBP replaces the former 2006 version.

## Legislative Updates

Amendments have been made to the *Environmental Planning and Assessment Regulation 2000* and several environmental planning instruments to prescribe PBP 2019 as the applicable version for planning matters after 1 March 2020.

An updated Section 9.1 Ministerial Direction has been issued which requires all planning proposals to have regard to the revised PBP 2019 and consent authorities to consult with the NSW RFS on planning proposals relating to bushfire prone land.

## When to apply PBP 2019

PBP 2019 is to be used for development applications or planning proposals to develop bushfire prone land which are lodged from 1 March 2020. Proposals lodged prior to this date are to continue to have regard to PBP 2006.

## Key changes in PBP 2019 compared to the existing PBP 2006

PBP 2019 builds on the previous 2006 version by addressing key known issues and incorporating lessons learnt from major bushfire events in recent years. The NSW RFS website provides information explaining the key differences between the two versions and can be found at this [link](#).

## What is Bushfire prone land?

Section 10.3 of the *Environmental Planning and Assessment Act 1979* requires the identification of bushfire prone land through mapping. The NSW RFS Commissioner designates what constitutes bushfire prone land and how it is to be mapped.

Each council is required to prepare a map in accordance with the guidelines and to seek certification from the Commissioner.

## PBP 2019 and development applications

Section 4.14 of the EP&A Act requires that a consent authority must be satisfied that a proposed development on bushfire prone land conforms with PBP, and if not, it has consulted with the Commissioner of the NSW RFS.

Additionally, Special Fire Protection Purpose developments are Integrated Development under section 4.46 of the EP&A Act and require authorisation from the NSW RFS before development consent can be granted.

## **PBP 2019 and complying development**

Complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* cannot be carried out on land in the two highest risk categories (BAL-40 and BAL-FZ) of bush fire prone land.

In certain circumstances, a Bushfire Attack Level (BAL) Certificate must be obtained from the local council or a suitably qualified consultant confirming that the development is not located in BAL-40 or BAL-FZ.

Additional development standards apply to complying development carried on bushfire prone land, including that the land must have direct access to a public road, be connected to mains electricity, and be connected to a reticulated water supply or have a water tank of a specific capacity. This allows for complying development to occur on bushfire prone land while maintaining an appropriate assessment regime for managing bush fire risk.

### **Further Information**

For further information please contact Service NSW on 13 77 18.

Department of Planning, Industry and Environment circulars are available at: [planning.nsw.gov.au/circulars](http://planning.nsw.gov.au/circulars)

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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