

11.8 Policy (Final) - Fire Asset Protection Zones

POLICY NAME: Fire Asset Protection Zones - Private Use of Public Land

POLICY REF: F08

MEETING ADOPTED:

POLICY HISTORY: 26 April 2007
Resolution No. 260407/032
Formally P06 - Use of Council Pubic Land for Private Use Asset Protection Zones



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OBJECTIVE

This policy aims to regulate use of public land in Council's care and control for private use as a fire asset protection zone (APZ).

BACKGROUND

The NSW Rural Fire Service has identified land that is classified as bushfire prone land. This land requires a bushfire safety authority permit for development purposes. An APZ is usually specified for these developments and in such cases a cleared area of a specified sized is required to be maintained around the development.

Council owned and controlled public land may adjoin private land which is bushfire prone land. Therefore Council may receive requests to include Council land in the APZ.

There are risks associated with allowing adjacent Council public land to be incorporated into private-use APZs. For example, Council may become liable if the developer or future owners do not adequately maintain the APZ. Alternatively the community carries the financial burden of maintaining an APZ for an individual property.

DEFINITIONS

Asset Protection Zone Development on bush fire prone land will normally require the implementation of a set back distance which is referred to as an asset protection zone. An asset protection zone (APZ) is also known as a fire protection zone and aims to protect human life, property and highly valued assets. It is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce the potential radiant heat levels, flame contact, ember and smoke attack on life and property.

The width of the APZ will vary with slope, vegetation, Fire Danger Index (FDI) and construction level. Planning for Bush Fire Protection 2006 sets out the site assessment methodology that should be used to determine the applicable width of the APZ.

An APZ can consist of an area maintained to minimal fuel loads and can comprise of a combination of perimeter roads (subdivision), fire trails and managed lands so that a fire path is not created between the hazard and the building.

Bushfire Prone Land A bush fire prone land is an area of land that can support a bush fire or is likely to be subject to bush fire attack. Bush fire prone areas are identified on a bush fire prone lands map which have been prepared for most councils across NSW. The map identifies bush fire hazards and associated buffer zones within a local government area.

Bush fire prone land maps are prepared by local councils across the State of NSW and are certified by the Commissioner of the NSW Rural Fire Service (RFS). New development on areas identified as bush fire prone are subject to the development and planning controls of 'Planning for Bush Fire Protection 2006' and must be designed to improve the survivability of the development and the occupants that are exposed to a bush fire hazard.

SCOPE OF POLICY

This policy applies to community members

RELATED DOCUMENTATION

- Environmental Planning and Assessment Act 1979
- Rural Fires Act 1997
- SEPP Infrastructure 2007
- Planning for Bush Fire Protection 2006

POLICY

Asset Protection Zones required for private developments are to be located entirely within the boundary of the development.

Where new subdivisions are required to provide APZs these must be located within the subdivision and may include the use of roads, private property or in some cases public reserves that are part of the subdivision.

REVIEW

This Policy is to be reviewed every four years.

11 April 2011
Our Ref: SJC01038-809

The General Manager
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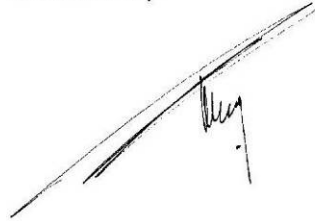
Dear Sir,

Re: Exhibition of Draft Policy in relation to the use of public land for bushfire Asset Protection Zones

Council has recently placed on Exhibition a Draft Policy stating that "Council will not receive or consider applications which require the use of Public Land for private use asset protection zones..." The Draft Policy requires all Asset Protection Zones to be contained wholly within the boundary of private land. I object to this policy.

The policy is at odds with Council's statutory requirements e.g. Section 5a of the Environmental Planning and Assessment Act and Section 3 of the Rural Fires Act. It will have an extreme adverse affect in relation to people wishing to erect dwelling houses or other like developments. For example, the way in which the policy is presently drafted a house requiring a 10m APZ would need to have a 10m set back on the relevant side or front boundary. In most cases this would simply not be possible! Accordingly, a house which has a conventional bitumen road on its frontage would ordinarily rely on the road as an APZ. An APZ in such circumstances is entirely appropriate and satisfactory in the subject circumstances. I respectfully submit that the policy is too coarse in its drafting and requires significant refinement in order for it to be of realistic benefit to Council and the Community at large. I would be happy to assist Council in the re-drafting of the policy on a pro-bono basis.

Yours faithfully



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