

## 10 OFFICERS REPORTS

### 10.1 DRAFT MAITLAND BUSH FIRE PRONE LAND MAP 2021 – PUBLIC EXHIBITION

FILE NO:	103/178
ATTACHMENTS:	1. Draft Maitland Bush Fire Prone Land Map 2021
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning
AUTHOR:	Pathum Gunasekara - Senior Strategic Planner
MAITLAND +10	Outcome 1. Sense of place and pride
COUNCIL OBJECTIVE:	1.5.1 To work with the community and key stakeholders to identify and communicate our city's future growth opportunities and challenges

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#### EXECUTIVE SUMMARY

*The Bush Fire Prone Land Map identifies land that is at risk from bush fire attack and triggers additional planning and development controls on bush fire prone land for new development.*

*The identification of Bush Fire Prone Land Map in NSW is required under Section 10.3 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Councils are required to prepare Bush Fire Prone Land Maps, which are certified by the Commissioner of the NSW Rural Fire Service (NSW RFS). The Bush Fire Prone Land Maps are also required to be reviewed and re-certified at least every five years.*

*Maitland's Bush Fire Prone Land Map was originally certified in 2006 and subsequently was amended to consider the existing urban release areas. The current map is due for a holistic review and update. Council's Local Strategic Planning Statement 2040+, Local Planning Priority 12 focuses on planning for a resilient city and identifies a review and update of the current Bush Fire Prone Land Map for Maitland Local Government Area (LGA), as a key action.*

*Over the past months, Council staff and the NSW RFS have been working together to review and update Maitland Bush Fire Prone Land Map.*

*The purpose of this report is to present the Draft Maitland Bush Fire Prone Land Map 2021 to Council and to seek an endorsement to place the draft map on public exhibition.*

#### OFFICER'S RECOMMENDATION

##### THAT

1. Draft Bush Fire Prone Land Map 2021 be exhibited for a minimum period of 28 days.

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- 2. A further report be submitted to Council on the outcomes of public exhibition of the Draft Bush Fire Prone Land Map.**
- 3. If no submissions are received during the public exhibition period, submit Bush Fire Prone Land Map 2021 to the Commissioner of the NSW RFS for re-certification.**

## REPORT

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the *Rural Fires Act 1997* were amended on 1 August 2002 to provide significant improvements in bush fire safety. This amendment includes a requirement for the preparation of Bush Fire Prone Land Maps identifying vegetation within local government areas that has the potential to support a bush fire.

The Commissioner of the NSW RFS designates what constitutes BFPL and how it is to be mapped. Each council prepares a map in accordance with the relevant guidelines and submits the map to the NSW RFS for certification by the Commissioner. The Bush Fire Prone Land Map is required to be reviewed and re-certified at least every five years.

The purpose of Bush Fire Prone Land Map is to identify land that is at risk from bush fire attack and acts as a trigger for the consideration of bush fire protection measures on bush fire prone land for new development (i.e. NSW RFS's *Planning for Bushfire Protection 2019* and *Building Code of Australia's Australian Standard AS 3959: Construction of buildings in bush fire prone areas*).

Development on bush fire prone land must comply with the requirements of the NSW RFS's *Planning for Bushfire Protection 2019* which outlines the required bush fire protection measures for development in a bush fire prone area. This map is also used to give effect to the *Building Code of Australia's Australian Standard AS 3959: Construction of buildings in bush fire prone areas* which provides minimum construction requirements for building in designated bushfire prone area.

The identification of bush fire prone land in NSW is required under the *EP&A Act 1979* and Section 10.3 Bush Fire Prone Land of the Act requires that the information contained in a Bush Fire Prone Land Map to be made available for public inspection. Section 10.7 Planning Certificates of the Act also requires Council to identify if a parcel of land is located in a Bush Fire Prone Area via a Section 10.7 Planning Certificate. Public access to a Bush Fire Prone Land Map allows landowners and other interested parties to be aware of the level of bush fire risk associated with a property.

In 2009, the Australian Standard 3959 introduces 'grasslands' as a threatening vegetation type. Subsequently, Category 3 (grasslands) was introduced into the NSW RFS's *Guide for Bush Fire Prone Land Mapping 2015*. Up to 2019, there has been a cooling-off period to help Councils with the transition of the new vegetation category. To assist Councils with mapping and incorporating new category, the NSW RFS has created a Category 3 vegetation layer. Category 3 is now required to be considered and included in Bush Fire Prone Land Map.

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As part of this review, Category 3 Vegetation has been considered and included into the Draft Maitland Bush Fire Prone Land Map 2021. This approach is consistent with the neighbouring local government areas including Cessnock, Newcastle and Port Stephens.

#### Draft Bush Fire Prone Land Map 2021

In early 2021, the NSW RFS has prepared the Draft Maitland Bush Fire Prone Land Map under their bush fire prone land mapping re-certification program. Over the past months, Council's staff have been working with the NSW RFS to review and finalise the Draft Maitland Bush Fire Prone Land Map for public exhibition.

A copy of the Draft Maitland Bush Fire Prone Land Map 2021 is attached to this report as Attachment 1. It has been prepared in accordance with the NSW RFS's *Guide for Bush Fire Prone Land Mapping November 2015* (version 5b).

The draft map is colour coded to classify vegetation into three categories based on vegetation type and potential risk, and identifies buffers to vegetation categories as follows:

<i>Vegetation Category</i>	<i>Map Colour</i>	<i>Bush Fire Risk</i>	<i>Buffer Distance and Colour</i>
Vegetation Category 1 <i>(consists of areas of forest, woodlands, heaths, forested wetlands and timber plantations)</i>	Red	High	100m - Yellow
Vegetation Category 2 <i>(consists of rainforests, lower risk vegetation parcels)</i>	Light Orange	Lower than Category 1 or 3	30m - Yellow
Vegetation Category 3 <i>(consists of grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands)</i>	Dark Orange	Medium	30m - Yellow

In addition, the draft Maitland Bush Fire Prone Land Map has been submitted to local NSW RFS District seeking their input. No response has been received to date, however given that the maps have been prepared in conjunction with NSW RFS this should not preclude public exhibition.

#### CONCLUSION

Council in partnership with the NSW RFS has prepared a Draft Maitland Bush Fire Prone Land Map 2021 to protect the communities from the risk of bush fires and inform future planning and development activities.

It is recommended that the draft map be exhibited for a minimum period of 28 days and staff will report back to Council on the outcomes of public exhibition of the draft map. If no submissions are received during the public exhibition period, Council will submit the Maitland Bush Fire Prone Land Map 2021 to the Commissioner of the NSW RFS for re-certification.

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The exhibition of the draft map will provide the opportunity for landowners and other interested parties to consider and make comment on draft map.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

**POLICY IMPLICATIONS**

The preparation of an updated BFPLM is a legislative requirement and its implications are discussed in the above report.

**STATUTORY IMPLICATIONS**

There are no statutory implications under the Local Government Act 1993 with this matter.