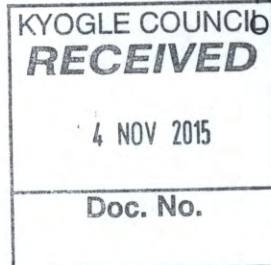




The General Manager
Kyogle Council
PO Box 11
KYOGLE NSW 2474



Your reference: KLEP2012 Amdt4
Our reference: L12/0026
DA 15101398916AB

Attention: Mr Lachlan Black

29 October 2015

Dear Mr Black,

Agency Comment – Planning Proposal: Kyogle LEP 2012 Amendment 5 - Temporary Events

I refer to your letter dated 6 October 2015 seeking comments from the NSW Rural Fire Service (NSW RFS) with respect to the above Planning Proposal.

The NSW RFS understands Kyogle LEP 2012 Schedule 3 currently identifies 'single day' Temporary Events as complying development. The planning proposal seeks to amend the Temporary Events complying provisions to permit events on 'weekends and long weekends'. The proposed LEP amendment will be applied shire wide and therefore potentially 'multi day' Temporary Events could be located on mapped bush fire prone land.

Council has not addressed the issue whether these developments may include temporary overnight accommodation (camping). Where temporary overnight accommodation (camping) is involved, and the land is mapped bush fire prone land, the Temporary Event would be classified as 'other tourism accommodation' development under the *Rural Fires Act 1997*. Tourist accommodation land uses are defined as a Special Fire Protection Purpose (SFPP) under S100B of the *Rural Fires Act 1997*. Temporary Events on bush fire prone lands will be required to obtain a Bush Fire Safety Approval that satisfies compliance with S100B of the *Rural Fires Act 1997* including the relevant provisions of *Planning for Bush Fire Protection 2006*.

Council has not addressed the potential for temporary overnight accommodation (camping) in its S117 Direction 4.4 '*Planning for Bushfire Protection*' statement. The NSW RFS is therefore of the opinion that the planning proposal in its current form is not consistent with the requirements of Section 117 4.4 '*Planning for Bushfire Protection*' direction, specifically clause (5)(a) and (b) and clause (6) (a)-(d) copied below:

(5) A draft LEP shall:

- (a) have regard to *Planning for Bushfire Protection 2006*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas

(6) A draft LEP shall, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the

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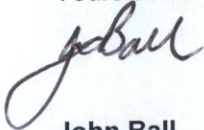
*bushland side of the perimeter road,
(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the draft LEP permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
(d) contain provisions for adequate water supply for firefighting purposes,*

The NSW RFS recommends that Council either excludes temporary accommodation (camping), where that event is located on mapped bush fire prone land, as being an ancillary activity to the Temporary Event within its Schedule 3 Comply Development provisions. These Temporary Events, that include temporary overnight accommodation (camping), would then require development consent, thereby triggering the 'Integrated Approvals' process under S91 of the *EP&A Act 1979*.

Where Temporary Events, located on mapped bush fire prone land, do not include temporary overnight accommodation (camping) the NSW RFS has no objection to the complying development provision providing suitable bush fire risk assessment is incorporated in the proposed "Event Management Plan Proposal Form" and Complying Development Approval process.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely



John Ball
Manager – Customer Service Centre Coffs Harbour

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.