



# NSW RURAL FIRE SERVICE



Mr Noel Plumb  
Nature Coast Alliance

Email: [noelplumb@iinet.net.au](mailto:noelplumb@iinet.net.au)

Our reference: R17/3544(009)

17 August 2018

Dear Mr Plumb

## Informal release of government information

I am writing in reply to your email dated 2 August 2018 requesting:

*"Rural Fire Service submission or response to the Eurobodalla Shire Council's public exhibition in May/June this year of the ESC Rural Land Strategy Proposal, essentially a proposal to significantly vary the existing ESC Local Environment Plan 2012."*

This matter has been considered an informal request under Section 8 of the *Government Information (Public Access) Act 2009 (GIPA Act)*. Please note there is no right of review with respect to the informal request.

The following three documents have been identified as falling within the scope of your request:

- > Letter dated 4 December 2015
- > Letter dated 12 July 2016
- > Letter dated 28 June 2018

Please find **enclosed** documents as requested.

If you have any questions, you may contact me on (02) 8741 5133.

Yours faithfully

Keith Koh  
Acting Manager, Legal & Government Information

Encl. 1. Documents

### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

### Street address

NSW Rural Fire Service  
15 Carter Street  
LIDCOMBE NSW 2141

[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

T (02) 8741 5110  
F (02) 8741 5118  
E [Harinniya.Bhogal@rfs.nsw.gov.au](mailto:Harinniya.Bhogal@rfs.nsw.gov.au)



## NSW RURAL FIRE SERVICE



The General Manager  
Eurobodalla Shire Council  
PO Box 99  
MORUYA NSW 2537

Your Ref: E13.7173

Our Ref: LEP/0044

ATTENTION: Mark Hitchenson

4 December 2015

Dear Mark

### Draft Rural Lands Strategy

I refer to your letter dated 20 October 2015 consulting with the Rural Fire Service (RFS) regarding the Draft Rural Lands Strategy. The RFS have reviewed the submitted documentation in consideration of potential future legislative obligations under s117(2) 4.4 'Planning for Bush Fire Protection', and future obligations under s91 of the Environmental Planning and Assessment Act (EP&A) 1979.

The NSW Rural Fire Service (RFS) notes that a number of the sites within the study area are identified as bush fire prone on the Eurobodalla Shire Bush Fire Prone Land Map.

As Council would be aware, future Planning Proposals near bush fire prone land are likely to be required to comply with the requirements of Section 117 (2) Direction 4.4 'Planning for Bushfire Protection' whilst development applications on bush fire prone lands will be required to comply with either Section 79BA of the Environmental Planning and Assessment Act 1979 or Section 100B of the Rural Fires Act 1997 depending upon the nature of the proposed development.

The Rural Fires Act 1997 provides the legislative framework in which the Rural Fire Service operates. Key relevant objects of The Rural Fires (RF) Act 1997 include:

- (c) for the protection of persons from injury or death, and property from damage, arising from fires, and
- (c1) for the protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and
- (d) for the protection of the environment by requiring certain activities referred to in paragraphs (a)-(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the Protection of the Environment Administration Act 1991.

Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service  
15 Carter Street  
LIDCOMBE NSW 2141

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



The objectives of S117(2) 4.4 direction 'Planning for Bushfire Protection are copied below:

*(1) The objectives of this direction are:*

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) to encourage sound management of bush fire prone areas.*

As noted above, protection of life, property and the environment are all considerations of the RFS in the carrying out of our legislated obligations and duties. The following comments are provided for the Council's consideration prior to progressing the Draft Rural Lands Strategy:

#### 1. Rezoning of High Conservation Value Land, reduction of Minimum Lot Size and removal of Environmental Overlays

The Draft Rural Lands Strategy (DRLS) seeks an increase in subdivision potential of some areas which the RFS are of the opinion are highly constrained and may be identified as isolated rural locations. Constraints such as steep slopes, heavily timbered land, limited access (i.e one way in one way out) and areas of high conservation value should not be subject to increased densities without first undertaking a thorough investigation of the likely impacts including matters of bush fire protection.

As Council is aware, providing a suitable suite of bushfire protection measures (BPM) for development usually includes the creation of Asset Protection Zones (APZs) and access roads, which in vegetated areas may require a significant amount of vegetation modification works. The level of impacts on vegetation usually increases as the level of risk increases (i.e risk from steep slopes, risk from vegetation types, increased APZs to mitigate non complying access requirements and risk associated with those more vulnerable members of the community such as tourists).

At the strategic rezoning stage and subdivision stage, in accordance with the objects of the Rural Fires Act 1977 and S117(2) 4.4 Direction, the RFS would not generally support the creation of APZs on land identified as being of high conservation value (HCV) and reasonably expects Council to apply land identified as HCV with the appropriate minimum lot sizes and commensurate environmental zoning.

It is noted that a number of comments in the DRLS Recommended Zoning and Lot Size Maps make statements such as "no additional development envisioned, given constraints of access, bushfire and biodiversity". The RFS is of the opinion that applying environmental zones to HCV land and restricting subdivision potential via the application of appropriate minimum lot size (MLS) are the appropriate tools within the NSW planning system to restrict such development. Furthermore, zoning HCV land as environmental provides zone objectives reflective of site values and may assist the community and landowners (including prospective landowners) to have realistic expectations of the development potential of land.

The RFS is of the opinion that an effective and appropriate tool in minimising potential conflict between the requirements for bushfire protection measures and managing impacts on HCV land for developments is the appropriate use of overlay maps and their supporting clauses within the Eurobodalla Local Environment Plan. The application of overlay maps and appropriate zonings where land is identified as HCV may reduce the scenario of landowner/developers lodging development applications (DA) for development (i.e a subdivision/tourist accommodation facility etc) on bush fire prone land only to discover (after possibly expending significant amounts of money and effort) that the required suite of bush fire protection measures may result in an unacceptable level of impacts on HCV land.

#### 2. Additional Land Use Permissibility's

Section 6.2.5 of the DRLS recommends that Council include additional land uses in rural zones. Of relevance to matters of bushfire protection are the proposed additional permitted uses 'function centres', 'places of public



worship' and 'education facilities/establishment' in RU1 and RU4 zones. The aforementioned uses may constitute a special fire protection purpose (SFPP) or may be considered as if they are a SFPP in accordance with Planning for Bushfire Protection 2006. Special fire protection purposes can require large APZs, access requirements and provision of relevant services. As such, Council should be satisfied prior to amending the land use tables (for RU1 in particular), that the establishment of such uses in rural areas (some of which are isolated rural areas) is not likely to result in unacceptable impacts on areas of HCV due to requirements for bushfire protection measures (APZs, accesses, services etc) and is not creating unrealistic expectations for current and future landowners.

### 3.Planning for Bushfire Protection 2006

Whilst the RFS notes that approximately 100 additional dwelling opportunities across the general rural area will result from the DRLS, the specific location of these additional lot yields is not clearly provided. As such, the following general comments are made in relation to those areas considered to be rural isolated locations in relation to the future requirements of Planning for Bushfire Protection 2006.

a. Minimising the interface to the bush fire hazard is a key planning principle of Planning for Bushfire Protection (PBP) 2006 and Section 117(2) 4.4 Direction. This is most commonly achieved through the use of perimeter roads, something that is unlikely to be viable given the moderate lot yield of future subdivisions in each locality subject to the proposed reduced minimum lot sizes (MLS), the rural residential nature of the zoning and existing standard of road infrastructure in these areas.

b. (i) Planning for Bushfire Protection (PBP) 2006 has certain requirements for access to and from development. For example, the acceptable solutions for public roads in subdivisions require roads to be through roads. Dead end roads are not recommended, but where unavoidable, dead ends shall not be more than 200m in length. For property access roads, the acceptable solutions require that where a dwelling is located greater than 200 metres from a public through road, a secondary access road shall be provided. Where the acceptable solutions of PBP cannot be met, the development is considered under the "merit based provisions" and required to satisfy the intent of the relevant 'performance criteria'.

(ii) A preliminary overview of a number of locations included in the DRLS some sites may be unlikely to comply with the acceptable solutions for property access roads and public road access of PBP 2006. Therefore where applicable, future planning proposals and subdivisions within the site would need to demonstrate that they can satisfy the intent of the public road access 'performance criteria' that 'public road widths and design that allow safe access for firefighters while residents are evacuating an area' and the property access 'performance criteria' that 'road widths and design enable safe access for vehicles'.

(iii) At a future planning proposal stage, where it is determined that the acceptable solutions are unlikely to be satisfied, the RFS considers the relevant 'performance criteria', the existing subdivision potential of the land, the subdivision potential of the land sought under the proposal, in combination with the level of bushfire risk posed. These matters are considered to determine the likely ability that a suitable suite of bushfire protection measures could be provided, such that the proposal may be supported. This includes measures such as perimeter roads which, as discussed above, may be unlikely to be viable for future subdivisions in this area.

(iv) The RFS recommends that Council consider the strategic access of rural isolated localities within the DRLS as part of an overall assessment of bush fire protection measures. This includes considering provision of alternate accesses for relevant areas, which does not involve traversing areas of high bushfire risk such as heavily timbered vegetation and/or steep slopes.

c. Planning for Bushfire Protection 2006 includes requirements for water, electricity and gas. Where appropriate a reticulated water supply should be provided.

d. Planning for Bushfire Protection (PBP) 2006 requires that future residential/rural residential subdivisions are able to achieve the required Asset Protection Zones (APZs) wholly within property boundaries and are required to achieve a radiant heat level not greater than 29kW/m<sup>2</sup> in accordance with Table A2.4 of PBP. A preliminary assessment provides that this is likely to be achievable given the large lot sizes proposed.

For any enquiries regarding this correspondence or to discuss the matters raised in this letter further please contact Martha Dotter on (02) 4472 0600.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Amanda Moylan', with a stylized flourish at the end.

Amanda Moylan

Team Leader – Development Assessment and Planning





## NSW RURAL FIRE SERVICE



The General Manager  
Eurobodalla Shire Council  
PO Box 99  
MORUYA NSW 2537

Your Ref: E13.7173

Our Ref: LEP/0044

ATTENTION: Mark Hitchenson

12 July 2016

Dear Mark

### Draft Rural Lands Strategy

I refer to your email dated 23 May 2016 consulting with the Rural Fire Service (RFS) regarding the Draft Planning Proposal (DPP) which seeks to implement the recommendations of the Rural Lands Strategy, and provide the comments below for your consideration.

#### Introduction

Strategic planning focuses on long term activities and integrates a wide range of economic, social and environmental perspectives to provide the context for statutory planning functions. Bush fire risk management should be addressed at the strategic planning stages to ensure that adequate bush fire risk management is incorporated into the development landscape and environmental planning instruments which form the platform for future statutory assessment within the development landscape.

Bush fire risk management measures should not be left to the statutory planning stage. Bush fire planning, at the strategic stage, should consider bush fire hazard in areas proposed for future development to ensure future development can only occur where it has been determined that there is an acceptable level of bush fire risk. It is noted that the Planning Proposal includes sites where the broader landscape provides the opportunity for bush fire to impact on the area. This includes areas where land is not managed in a minimum fuel condition (when looking at the broader landscape). Council should carefully consider facilitating additional residential development in these areas, having regard to the above and the context of the sites.

Where areas are subject to significant bush fire risk, a strategic based study of bush fire should be prepared having consideration of the following matters:

- A landscape scale /locality study of the likely bush fire behaviour that may occur in the broader area. This will vary according to topography, extent of vegetation, tenure of vegetation (i.e National Parks, State Forestry, freehold land etc) and proximity to existing settlements and their capacity for emergency responses.

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
15 Carter Street  
LIDCOMBE NSW 2141

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- Where land use intensification in bush fire prone areas is proposed, a key consideration for the RFS is the existing and proposed road network and its likely effectiveness in a bush fire emergency.
- Access to and from the locality, including length of road required to access a locality and construction standard of the access road, topography and vegetation over which access roads have to traverse; and
- Ability to provide suitable infrastructure to support residents or/and fire fighters in defending a locality from the threat of a bush fire including:
  - availability of reticulated water and existing water supply and hydrant capacities
  - ability of locality to provide perimeter roads to minimise the interface between residential occupation and the hazard

### **Bush Fire Legislative Framework**

The Draft Planning Proposal (DPP) was forwarded to the NSW Rural Fire Service for comment as it will be required to comply with the requirements of Section 117 (2) Direction 4.4 'Planning for Bush fire Protection'. Future development applications (DA) on bush fire prone lands (BFPL) will be required to comply with either Section 79BA of the Environmental Planning and Assessment Act 1979 or Section 100B of the Rural Fires Act 1997 depending upon the nature of the proposed development.

The objectives of S117(2) 4.4 direction 'Planning for Bush fire Protection' are copied below:

*(1) The objectives of this direction are:*

*(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*

*(b) to encourage sound management of bush fire prone areas.*

Protection of life, property and the environment are all considerations of the RFS in the carrying out of our legislated obligations and duties. The following comments, whilst primarily an assessment of the Draft Planning Proposal (DPP) against the requirements of the S117 4.4 Direction, also include broader commentary on potential impacts on matters of bush fire protection, of adopting the recommendations of the Draft Planning Proposal. The comments provided below address each component of the DPP as provided to the RFS in its draft form and aim to assist the Council and the Department of Planning and Environment (DoPE) in their decision whether or not to progress all components of the Draft Planning Proposal.

### **Item 1- Amend Land Use Tables and Schedule 2**

#### **RU1 and RU4 Additional Permitted Uses**

It is the understanding of the RFS that the DPP seeks to provide RU1 Primary Production and RU4 Primary Production Small Lots zones with an open land use table. As raised in our previous comments dated 4 December 2015, the RFS has concerns regarding the introduction of some land uses as permissible, into rural land where it is mapped as bush fire prone land (BFPL). SFPPs are characterised in terms of bush fire protection measures by their increased requirements for asset protection zones (APZ) and access road standards due to their higher dependency on assisted evacuation and vulnerability. As such, SFPPs are often required to provide large APZs (between 30-100m in each direction) and 8m wide perimeter access roads under Planning for Bush Fire Protection 2006.

The RFS notes that the following uses (which are defined as special fire protection purposes (SFPP) under the *Rural Fires Act 1997* and supporting *Regulations 2000*) are currently prohibited in the RU1 and RU4 zone, and the RFS is of the opinion that these land uses are potentially unsuitable for establishment on BFPL in rural locations:

- Health Services Facility
- Group Home
- Educational Establishment
- Child Care Centre
- Seniors Housing



- Respite Centre

The RFS is of the opinion that the establishment of the uses outlined above on BFPL in RU1 and RU4 zones may be inappropriately located within the landscape and may be inconsistent with the objectives of the zones, which seek to encourage primary production. Additionally, the RFS notes that there may be significant impacts on high conservation value (HCV) land as a result of the bush fire protection measures likely to be required as part of any Bush Fire Safety Authority (BFSA) issued.

The RFS also notes that a number of other land uses which are currently prohibited in the RU1 and RU4 zones would become permissible with consent:

- Function Centre
- Entertainment Facility
- Place of Public Worship

Whilst these uses are not specifically defined as SFPPs, they may be inappropriate for location within the rural landscape where, located on BFPL. That is because these uses have similar bush fire risk issues to SFPPs, regarding the location of large numbers of people in rural, often isolated or poorly accessible area. The establishment of such uses, if they become permissible uses, may also be inconsistent with the objectives of the rural zones which seek to encourage primary production, as a result of bush fire risk mitigation measures.

#### R5 and E4 Additional permitted Uses

The RFS understands that the DPP seeks to amend the land use tables for the R5 Large Lot Residential and E4 Environmental Living zones to include a number of uses which do not appear to include any SFPPs. In recognition that no proposed additional uses are defined as SFPPs and are not considered to be places of public assembly, entertainment facilities or function centres and the like, the RFS makes no objection to this component of the DPP.

#### **Item 2 - Amend Clause 4.1E**

No objection is made to this component of the DPP.

#### **Item 3 - Amend Clause 4.2 A**

The RFS is of the opinion that the comments contained in relation to Item 5 of this letter address the overall impact of increasing densities in rural areas, which is also the outcome of this component of the DPP. As such, see comments in Item 5.

#### **Item 4 - Introduce a new boundary adjustment clause**

The RFS does not object to this component of the DPP, however it is recommended that the proposed expanded clause should include a requirement that the DCP include having regard for matters of bush fire protection (or similar).

#### **Item 5 - Amend zoning and minimum lot size (MLS) maps**

The Draft Planning Proposal (DPP) seeks an increase in residential and rural residential density of some areas which the RFS are of the opinion are highly constrained and may be identified as isolated rural locations. The RFS previously advised Council in our letter dated 4 December 2015 that constrained sites subject to slopes, heavily vegetated land, limited access (i.e one way in one way out or highly constrained access) and areas of high conservation value (HCV) etc should not be subject to increased densities without first undertaking a thorough investigation of the likely impacts including on matters of bush fire protection.

Planning for Bush fire Protection (PBP) 2006



The RFS notes that a statement has been provided in the DPP against the S117 4.4 Direction for each Area subject to increased densities. However, this statement often identified the Area did not meet the acceptable solutions of PBP, yet still determined that it was consistent with the requirements of the S117 4.4 Direction.

Planning for Bush fire Protection (PBP) 2006 has certain requirements for access to and from development. For example, the acceptable solutions for public roads in subdivisions require roads to be through roads. Dead end roads are not recommended, but where unavoidable, dead ends shall not be more than 200m in length. For property access roads, the acceptable solutions require that where a dwelling is located greater than 200 metres from a public through road, a secondary access road shall be provided.

A preliminary overview of the 'Areas' in Item 5 of the DPP, clearly provided that a number of the sites cannot comply with the acceptable solutions for property access roads and/or public road access of PBP 2006. It is noted that where an increase in residential densities proposed, there has been no assessment of the existing and/or proposed road network in determining its likely effectiveness in a bush fire emergency.

Where the acceptable solutions of PBP cannot be met, the development is considered under the "merit based provisions" and is required to satisfy the aims and objectives of PBP, the specific objectives and performance criteria. This involves providing detailed justification to demonstrate how the specific objectives and performance criteria can be met through another method which takes into account development opportunities and is based on substantiated evidence and ultimately provides a specific site based alternate solution.

At rezoning stage, where it is clear that the acceptable solutions cannot be met - there should be no assumption that an alternate solution will be accepted by the RFS. Conversely, this is a strong indication that there are site constraints which are not offset by any existing development potential, and as such, that the location may not be suitable for increased densities as a result of bush fire risk.

Minimising the interface to the bush fire hazard is a key planning principle of Planning for Bush fire Protection (PBP) 2006 and Section 117(2) 4.4 Direction. This is most commonly achieved through the use of perimeter roads, something that is unlikely to be viable given the moderate lot yield of future subdivisions in each locality subject to the proposed reduced minimum lot sizes (MLS), the rural residential nature of the zoning and existing standard of road infrastructure in these areas.

#### Assessment of 'Areas' in Item 5

The RFS has undertaken a preliminary assessment of each 'Area' in Item 5, with a specific focus on access requirements. The RFS was not able to identify the exact lot/s subject to increased densities for every Area and as such, provided generalist comments on access for some Areas based on their location within the landscape and commensurate risk, including consideration of any comment contained within the S117 4.4 comments made by Council in the DPP.

Council should note that the creation of additional residential development in isolated rural settings, particularly in rugged, heavily timbered country, poses additional problems in the provision of adequate levels of protection from bush fires. Where development is located in these areas, occupants and fire fighters may have to travel large distances through bush fire prone vegetation. Should a fire impact on these developments, occupants may also be a long way from fire fighting assistance. Sufficient studies with regard to the existing and future road network has not been provided in support of the Draft Planning Proposal to demonstrate certain Areas within Item 5 would not result in placing both future occupants and fire fighters in inappropriate locations during a bush fire emergency.

For specific comment on each Area within Item 5 - see comments in the assessment table for this item - attached as Appendix A

#### **Item 6 - Amend minimum lot size (MLS) maps**



Where the deletion of the 1000ha MLS does not result in an increase in existing rural or rural residential density of Bush Fire Prone Lands, the RFS does not object to this component of the DPP. Where it does, the RFS refers Council to the comments in Item 5 of the DPP.

**Item 7 - Removal of Terrestrial Biodiversity Maps and delete Clause 6.6 from the Eurobodalla Local Environmental Plan 2012**

As Council is aware, providing a suitable suite of bush fire protection measures (BPM) for development usually includes the creation of Asset Protection Zones (APZs) and access roads, which in vegetated areas may require a significant amount of vegetation modification works. The level of impacts on vegetation usually increases as the level of risk increases (i.e. risk from steep slopes, risk from vegetation types, increased APZs to mitigate non complying access requirements and risk associated with those more vulnerable members of the community such as tourists).

At the strategic rezoning and subdivision stage, in accordance with the objects of the Rural Fires Act 1997, S117(2) 4.4 Direction, and Planning for Bush fire Protection (PBP) 2006, the RFS would not generally support the creation of APZs on land identified as being of high conservation value (HCV) and reasonably expects Council to apply land identified as HCV with the appropriate minimum lot sizes and commensurate environmental zoning.

The RFS is of the opinion that applying environmental zones to HCV land and restricting subdivision potential via the application of appropriate minimum lot size (MLS) are the appropriate tools within the NSW planning system to restrict such development. Furthermore, zoning HCV land as environmental provides zone objectives reflective of site values and may assist the community and landowners (including prospective landowners) to have realistic expectations of the development potential of land.

The RFS is of the opinion that an effective and appropriate tool in minimising potential conflict between the requirements for bush fire protection measures and managing impacts on HCV land for developments is the appropriate use of overlay maps and their supporting clauses within the Eurobodalla Local Environment Plan. The application of overlay maps and appropriate zonings where land is identified as HCV may reduce the scenario of landowner/developers lodging development applications (DA) for development (i.e. a subdivision/tourist accommodation facility etc) on bush fire prone land only to discover (after possibly expending significant amounts of money and effort) that the required suite of bush fire protection measures may result in an unacceptable level of impacts on HCV land.

**Item 8 - Amend dwelling entitlement maps**

Where the amendment of the Dwelling Entitlement Maps does not result in an increase in existing rural or rural residential occupation of Bush Fire Prone Land, the RFS does not object to this component of the DPP. Where this item does result in an increase in residential density, comment are provided under Item 5.

**Items 9-16**

No objection is made to these Items of the DPP.

**Item 17 - Amend Schedule 1 and Additional Permitted Uses Map**

The RFS is unclear what additional permitted uses are being proposed under this item of the DPP and therefore cannot provide comment.

**Item 18 - Amend Schedule 1**

The RFS does not object to this component of the DPP.



#### **Item 19 - Amend Land Zoning Map (South Durras)**

The rezoning of these two lots from B2 Local Centre to R2 Low density residential essentially identifies the site as being for low density residential use, which is not permissible under the current B2 zoning.

A preliminary assessment against the subdivision requirements of PBP provides that an APZ of between 20-25m would be required in order to comply with Table A2.4 of Planning for Bush Fire Protection (PBP) 2006. In order for future dwelling construction to comply with BAL 29 under AS3959-2009, APZs between 25m-32m would need to be provided. It is not currently clear that Lots 101 and 183 DP 755904 can provide the required APZs required under PBP 2006. In order for the RFS to support this component of the DPP, a bushfire assessment report is required to be provided, demonstrating how the proposal can comply with the subdivision requirements of PBP 2006.

#### **Item 20 - Amend Land Zoning Map**

The RFS does not object to this component of the DPP.

#### **Item 21 - Delete Clause 6.2 (3)**

The RFS does not object to this component of the DPP, however it is recommended that the proposed expanded clause should include a requirement that the DCP include having regard for matters of bush fire protection (or similar).

#### **Item 22 - Amend minimum lot size map**

The RFS does not object to this component of the DPP.

#### **Item 23 - Amend minimum lot size map**

The RFS is unsure what land this part of the DPP is seeking to reduce the minimum lot size for, and therefore cannot provide comment.

#### **Item 24 - Amend land zoning map, height of buildings map and minimum lot size map**

A - See comments in item 5 of the DPP. If the subject land is not covered in item 5, the RFS is unclear what land this part of the DPP refers to and cannot provide comment.

B - See comments in item 5 of the DPP. If the subject land is not covered in item 5, the RFS is unclear what land this part of the DPP refers to and cannot provide comment.

C - The RFS does not object to this component of the DPP.

#### **Item 25 - Repeal ELEM 2012 and RLEM 1987**

Subject to the comments provided elsewhere in this letter, the RFS does not object to this specific component of the DPP.

#### **Conclusion**

The NSW RFS remains concerned that if the DPP is progressed in its current form, it may result in unrealistic expectations for current and future landowners in regard to future residential development opportunities. There is insufficient regulatory and enforceable planning instruments to ensure that current and future landowners and developers can easily access planning information which provides clear guidance on suitable (and achievable) land uses and lot yields for properties within the Eurobodalla LGA. Potentially this may result in land owners,

community members and developers having unrealistic development expectations and unclear/ambiguous environmental planning instruments which do not have sufficient regard to the bush fire risk.

The NSW RFS is of the opinion that where there has been detailed and considerable consultation carried out regarding constraints to land, and to development potential to land, that in the absence of validated data to the contrary, the precautionary principle should be applied and the proposed increased land uses and density provisions should not be progressed until such time as adequate bush fire studies have been carried out.

**Note** - The RFS advises Council to include the Eurobodalla Bush Fire Management Committee (BFMC) in the consultation process to ensure that any relevant matters may be adopted/addressed into the Bush Fire Risk Management Plan (BFRMP).

**Note** - The RFS also advises Council to consider the impact of the Draft Bush Fire Prone Land Mapping currently being undertaken by the Council on any matters contained in the current Draft Planning Proposal.

( ) For any enquiries regarding this correspondence or to discuss the matters raised in this letter further please contact Martha Dotter on (02) 4472 0600.

Yours faithfully,



Amanda Moylan

**Team Leader – Development Assessment and Planning**





## NSW RURAL FIRE SERVICE



### APPENDIX A - Assessment Table Item 5 'Areas'

|  |  |
|--|--|
| Area 1 - Kings Highway<br>Murrenberg - no<br>additional dwellings or<br>lots | Based on the statement in the DPP that no additional dwelling entitlements or subdivision potential will result, this component of the DPP is not objected to. Notwithstanding, the RFS notes that the DPP states that <i>"Whilst it is not agricultural land, it is in a rural area and some rural activities could be undertaken. Rural tourism activities may be appropriate in this area"</i> . Given its highly constrained and isolated location, the RFS is would have serious concerns regarding the establishment of any land uses involving tourist accommodation or places of public assembly in such an isolated rural location with constrained access. |
| Area 1a - Kings Highway,<br>Currowan - no additional<br>dwellings or lots    | Based on the statement in the DPP that no additional dwelling entitlements or subdivision potential will result, this component of the DPP is not objected to. Notwithstanding, the RFS notes that the DPP states that <i>"Whilst it is not agricultural land, it is in a rural area and some rural activities could be undertaken. Rural tourism activities may be appropriate in this area"</i> . Given its highly constrained and isolated location, the RFS is would have serious concerns regarding the establishment of any land uses involving tourist accommodation or places of public assembly in such an isolated rural location with constrained access. |
| Area 2- Nelligen Creek<br>Road, West Nelligen Up<br>to 3 lots and dwellings  | This locality is considered to be an isolated rural location and does not satisfy the acceptable solutions for access in Planning for Bush Fire Protection 2006. The RFS has serious concerns regarding any increase in density in the north western portion of Area 2, being that portion serviced via Nelligen River Road. It is serviced via a dead end road which traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. It is unlikely the RFS would support any increase in this portion of Area 2.   |

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
15 Carter Street  
LIDCOMBE NSW 2141

T (02) 8741 5555  
F (02) 8741 5550  
www.rfs.nsw.gov.au

|  |  |
|--|--|
|  | <p>With regard to the remaining portion of Area 2, which is serviced via Old Bolaro Road, the RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.</p>   |
| <p>Area 3- Old Bolaro Road (South), West Nelligen Up to 1 lot and 3 dwellings</p>    | <p>This locality is considered to be an isolated rural location and does not satisfy the acceptable solutions for access in Planning for Bush Fire Protection 2006. Old Bolaro Road involves traversing distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. The RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.</p>   |
| <p>Area 3a- Old Bolaro Road (central), West Nelligen Up to 1 lot and 5 dwellings</p> | <p>Access to this area does not comply with the acceptable solutions of PBP 2006. Old Bolaro Road involves traversing distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. The RFS has concerns regarding increasing density in this Area. However, if Council wishes to pursue increased density, the RFS requires a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.</p>   |
| <p>Area 4- Currowan, Benandarah &amp; East Lynne Up to 4 lots and 6 dwellings</p>    | <p>This locality is considered to be an isolated rural location and does not meet the aims and objectives of Planning for Bush Fire Protection (PBP) 2006. The area is remote and is often serviced by roads including the NSW Forestry network which traverse heavily vegetated, steep slopes and are unlikely to provide an acceptable level of safe access for residents or fire fighters in a bushfire emergency. The RFS is unlikely to support any increase in densities in this Area due to its bushfire risk profile and limited access.</p>                                       |
| <p>Area 4a- Princes Highway Benandarah Up to 1 lot and up to 4 dwellings</p>         | <p>Access to the south eastern portion of this area does not comply with the acceptable solutions of PBP 2006. The RFS is unlikely to support any increase in density in this Area due to the risk of bushfire from multiple directions and its limited access. Where the Princes Highway is located within 200m of potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of the Princes Highway.</p> |



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| Area 4b- South Durras   | Based on the advice that no further dwellings or subdivision potential will result from the DPP, the RFS does not object to this component of the DPP.  |
| Area 4c- Maloney's Beach                                      | Based on the advice that no further dwellings or subdivision potential will result from the DPP, the RFS does not object to this component of the DPP.  |
| AREA 5 – West Batemans Bay                                    | The DPP states that the proposal will not result in any subdivision or dwellings to be developed on the subject land - but states that the proposed MLS is 40ha in the second row of the Table on page 49 and also refers to the MLS as 100ha in the Discussion section in row 4 of the Table on page 49. Based on the advice that no further subdivision or dwellings are enabled via the DPP, the RFS does not object to this component of the DPP  |
| Area 6- North and West Mogo Up to 17 dwellings                | Where the Princes Highway is located within 200m of potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of the Princes Highway.<br><br>The RFS is unlikely to support any increase in density for the lot located in the far northern portion of Area 6 due to the risk of bushfire from multiple directions and its limited access. |
|   | Where access to lots exceeds 200m from the Princes Highway (except for the far northern located lot) the RFS does not support any increased density without a prior bushfire study demonstrating compliance with the requirements of PBP 2006.  |
| Area 6a Goba Lane Mogo  | Based on the advice that no further dwellings or subdivision potential will result from the DPP, the RFS does not object to this component of the DPP.  |
| Area 7a- George Bass Drive (East), Malua Bay Up to 1 dwelling | Where George Bass Drive is located within 200m of the potential future dwelling site, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of George Bass Drive.   |
| Area 7b- George Bass  | Where George Bass Drive is located within 200m of the potential future dwelling site, the RFS does  |

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| Drive (West), Malua Bay Up to 1 lot and 2 dwellings   | not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of George Bass Drive.  |
| Area 8 – Dunn's Creek Road (North), Woodlands Up to 6 dwellings                             | Where Dunn's Creek Road is located within 200m of the potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of Dunn's Creek Road.  |
| Area 8a- Tomakin Road and Dunn's Creek Road (South), Woodlands, Up to 1 lot and 2 dwellings | Where Tomakin Road and/or Dunn's Creek Road are located within 200m of the potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of Tomakin Road and/or Dunn's Creek Road.   |
| Area 8b- Tomakin Road, Mogo Up to 3 lots and dwellings                                      | Where Tomakin Road is located within 200m of the potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of Tomakin Road.  |
| Area 9- South Mogo Up to 1 lot and 2 dwellings  | Where Tomakin Road and/or The Princes Highway is located within 200m of the potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of Tomakin Road and/or The Princes Highway. Where access to a lot is greater than 200m from The Princes Highway and/or Tomakin Road, the RFS requires a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.              |
| Area 9a- Maubrooks Road, Mogo Up to 1 dwelling  | This locality is considered to be an isolated rural location and does not meet the aims and objectives of Planning for Bush Fire Protection (PBP) 2006. The RFS is unlikely to support any increase in density in the western portion of this Area, due to its bushfire risk profile and access constraints. The RFS has concerns regarding increasing density in this Area. However, if Council wishes to pursue increased density in the eastern portion of this Area, the RFS requires a prior bushfire study which demonstrates compliance with the requirements of PBP 2006. |
| Area 10- Jeremadra Grove and Goldfields   | Where the Princes Highway is located within 200m of potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future  |



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| Drove, Jeremadra Up to 7 lots and dwellings   | dwelling of a lot in this area would be required to provide the future dwelling within 200m of the Princes Highway.   |
| Area 10a- Springwater Road, Jeremadra & George Bass Drive, Broulee ,Up to 1 lot and 4 dwellings | Where access to a lot is greater than 200m from The Princes Highway, the RFS requires a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.<br><br>Where the through road access is located within 200m of potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of the through road access.   |
| Area 11- Broulee Road, Broulee Up to 2 lots and 3 dwellings                                     | Where access to a lot is greater than 200m from through road access, the RFS requires a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.<br><br>Where access to Broulee Road is located within 200m of potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of Broulee Road.   |
| Area 11a- Broulee Road, Bimbimbie and Broulee Up to 1 lot and 4 dwellings                       | Where access to Broulee Road, Princes Highway or George Bass Drive is located within 200m of potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of those through roads.   |
| Area 12a- George Bass Drive, Mossy Point Up to 19 lots and 20 dwellings                         | The RFS does not object to this component of the DPP, however Council is advised a perimeter road is likely to be required due to the increase in density proposed.   |
| Area 13- Clouts Road, Mogendoura Up to 2 dwellings  | The RFS has concerns regarding the ability for future dwellings to satisfy the aims and objectives of Planning for Bush Fire Protection (PBP) 2006, as Larrys Mountain Road is not considered to be a safe through road given traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. The RFS requires a bushfire study demonstrating how the proposal will satisfy the requirements of Planning for Bush Fire Protection prior to supporting any increase in density in this area. |

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| Area 14- Hawdons Road, Mogendoura Up to 5 lots and 7 dwellings                                      | This Area is subject to considerable bushfire risk from the west and has constrained access. The RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.  |
| AREA 15 – North Moruya 0 and 0  | Based on the statement in the DPP that no additional density results in this Area, no objection is made to this component.   |
| Area 16- Meadows Road, Malabar Drive & Percy Davis Drive, North Moruya Up to 6 lots and 7 dwellings | The eastern located portion of Area 16 which is serviced by Meadows Road is considered to be an isolated rural location and does not meet the aims and objectives of Planning for Bush Fire Protection (PBP) 2006. The RFS is unlikely to support any increase in dwellings/density in this location, due to its bushfire risk profile and access constraints.<br><br>The RFS does not support any increase in dwellings/density in the western located portion of Area 16 which is serviced by Larrys Mountain Road, (as Larrys Mountain Road is not considered to be a safe through road given it traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions) without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.  |
| Area 17- East Moruya Up to 5 dwellings  | The eastern located portion of Area 16 appears to only be serviced by dead end roads (Percy Davis Drive and Malabar Road) and offshoots from these dead end roads. It is clear that access to these sites could not comply with the acceptable solutions of PBP. Sufficient studies with regard to the existing and future road network has not been provided in support of the Planning Proposal to demonstrate either compliance with PBP 2006 .<br><br>Additional residential development in this location will result in placing both future occupants and fire fighters in inappropriate locations in a bush fire emergency. The RFS is unlikely to support increased densities in these locations due to bushfire risk and access constraints.<br><br>Where through road access is located within 200m of potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of those through roads. |



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| Area 17a- South Head Road, Moruya Up to 1 dwelling.            | It is not clear how the lot gaining a dwelling entitlement would gain access. It does not appear that access is available via South Head Road for the subject lot. As such, the RFS does not support any increase in dwellings/density without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006   |
| Area 17b- Congo Road, Moruya Heads Up to 1 lot and dwelling    | This Area is subject to considerable bushfire risk and Congo Road traverses significant distances of heavily vegetated land. The RFS only supports increased density in this Area on the basis that any future dwellings are located in close proximity to Congo Road. In this regard, the RFS has concerns that site constraints would not allow for a future dwelling to be located in this portion of the site gaining the dwelling entitlement, and Council should be satisfied that any future dwelling can be provided in close proximity to Congo road before progressing this component of the DPP. |
| Area 18- Congo Road (North), Congo Up to 1 lot and 4 dwellings | The RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.  |
| Area 18a- Berriman Drive, Congo Up to 1 dwelling               | In recognition that the majority of this lot is not mapped as BFPL, the RFS does not object to this component of the DPP.   |
| Area 18b- Congo Road (South), Congo Up to 1 dwelling           | The RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.  |
| Area 18c- Meringo Road, Meringo Up to 1 lot and 2 dwellings    | The RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006   |
| AREA 19 – Wambran Road (South), Wambran 0 and 0                | Based on the statement in the DPP that no additional dwelling entitlements or subdivision potential will result, this component of the DPP is not objected to.  |
| Area 20- Bergalia Up to 1 lot and 8 dwellings                  | The western portion of this Area is subject to considerable bushfire risk and has constrained access. The most western located portions of this Area are unlikely to be able to satisfy the access requirements of PBP and due to the level of bushfire risk, and increased density in this portion of Area 20 is unlikely to be supported by the RFS. RFS support of this Area depends upon the actual location of the lots subject to increased density. Accordingly, the RFS does not support any increase   |

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|   | in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.   |
| AREA 20a – Wambran Road (North), Wambran  | Based on the statement in the DPP that no additional dwelling entitlements or subdivision potential will result, this component of the DPP is not objected to.   |
| Area 21- Bingle Road, Bingle Up to 1 lot and 16 dwellings                               | A large portion of Area 21 is not mapped as BFPL. The northern most and southern most portions are mapped as BFPL and access to these areas is unlikely to be able to comply with the acceptable solutions of PBP. The RFS recognises the isolated nature of the pocket of vegetation in the southern most portion, and to some extent the northern most vegetation and the existing standard of road infrastructure. The RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006. |
| Area 22- Princes Highway (West), Coila & Turfinjah Up to 4 lots and 5 dwellings         | Where The Princes Highway is located within 200m of the potential future dwelling sites, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of The Princes Highway. Where access is not located within 200m of The Princes Highway, the RFS does not support any increase in dwellings/density in this location, without a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.                            |
| AREA 22b – Kyla Park  | Based on the statement in the DPP that no additional dwelling entitlements or subdivision potential will result, this component of the DPP is not objected to.   |
| Area 22c- Princes Highway (East), Turfinjah Up to 1 dwelling                            | Where The Princes Highway is located within 200m of the potential future dwelling site, the RFS does not object to the increased density. However, the RFS advises Council that support of any future dwelling of a lot in this area would be required to provide the future dwelling within 200m of The Princes Highway.  |
| Area 23- Potato Point Road (South), Bodalla & Potato Point Up to 2 lots and 4 dwellings | This Area is subject to considerable bushfire risk and has constrained access which is unlikely to be able to satisfy the aims and objectives of PBP. The RFS is unlikely to support any increase in dwellings/density in this location.   |
| Area 24- Princes Highway, South Bodalla   | Those lots which can provide future dwellings within 200m of the Princes Hwy are not objected to. Any increased density for lots which cannot provide future dwellings within 200m of the Princes  |



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| Up to 2 lots and 4 dwellings   | Hwy are not supported without a prior bushfire study demonstrating how the proposal can comply with the requirements of PBP 2006.  |
| Area 25- Princes Highway, North Bodalla & Blackfellows Point Road, Bodalla Up to 1 lot and 5 dwellings | The western most located lot which is partially not mapped as BFPL is not objected to. The RFS is of the opinion that the other lots within Area 25 are unlikely to be able to comply with the aims and objectives of PBP as access is subject to significant bushfire risk as it traverses lengthy distances over heavily vegetated and terrain and are unlikely to be supported.   |
| Area 25a- Potato Point Road & Horse Island Road, Bodalla Up to 6 lots and 10 dwellings                 | Those lots which can provide future dwellings within 200m of the Princes Hwy are not objected to. Any increased density for lots which cannot provide future dwellings within 200m of the Princes Hwy are not supported without a prior bushfire study demonstrating how the proposal can comply with the requirements of PBP 2006. Those lots located to the east of the powerline easement running generally north/south of the Area, are unlikely to be able to comply with PBP and are unlikely to be supported.   |
| Area 26a- Burnbo Road (West), Bodalla Up to 1 dwelling   | The RFS notes that whilst the Table on page 268 of Volume 2 of the DPP states that no dwellings will result from Area 26a, that the Table in 9 of the DPP Volume 1 states that 1 additional dwelling would result from item 26a.<br><br>Based on the statements in the DPP that no additional dwelling entitlements or subdivision potential will result from 26 and 26a, this component of the DPP is not objected to. The RFS is unlikely to support any increased density in Area 26a.  |
| Area 27- North Narooma & Kianga Up to 6 lots and 9 dwellings   | Those lots which can provide future dwellings within 200m of either The Princes Hwy and/or Dalmeny Drive are not objected to. Any increased density for lots which cannot provide future dwellings within 200m of the Princes Hwy and /or Dalmeny Drive are not supported without a prior bushfire study demonstrating how the proposal can comply with the requirements of PBP 2006. Those lots where access is a considerable distance from through roads and is subject to bushfire risk from a number of directions are unlikely to be able to comply with PBP and are unlikely to be supported. |

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| Area 28- South Narooma<br>Up to 7 lots and 9<br>dwellings  | Those lots which can provide future dwellings within 200m of the Princes Hwy are not objected to. Any increased density for lots which cannot provide future dwellings within 200m of the Princes Hwy are not supported without a prior bushfire study demonstrating how the proposal can comply with the requirements of PBP 2006.   |
| Area 29- Wagonga Scenic<br>Drive, Narooma & Tebbs<br>Road, Corunna, Up to 1<br>lot and 2 dwellings | Those lots located in the eastern portion of the southern section of Area 29 which can provide future dwellings within 200m of the Old Hwy are not objected to. Other lots subject to increased density which are considerable distances from through roads and subject to bushfire risk from a number of directions are unlikely to be able to comply with PBP and are unlikely to be supported.   |
| Area 30- Wagonga Scenic<br>Drive, Narooma Up to 11<br>lots and 17 dwellings                        | This site is subject to a significant increase in density (from no lots to 17 dwellings). The site is subject to considerable bushfire risk from the west and south. Prior to supporting an increase in density to level proposed, a bush fire study should be prepared which demonstrates how the proposal can comply with the requirements of PBP 2006. Specifically, the RFS advises Council that provision of a perimeter road to clearly separate the hazard from future residential /rural residential development in this Area is likely to be required. |
| Area 30a- Wagonga<br>Scenic Drive, Narooma<br>Up to 7 lots and 8<br>dwellings                      | This site is subject to a substantial increase in density (from no lots to 8 dwellings). In recognition that the site is only partially mapped as BFPL which reflects what appears to be a relatively narrow strip of riparian vegetation, the RFS does not object to this component of the DPP.  |
| Area 30b- Wagonga<br>Scenic Drive, Narooma<br>Up to 2 lots and 3<br>dwellings                      | In recognition that the site is only partially mapped as BFPL, located in close proximity to cleared areas and Wagonga Scenic Drive, and proposes limited increased density (being 3 additional dwelling entitlements), the RFS does not object to this component of the DPP.   |
| Area 31- Shingle Hut<br>Road, Narooma Up to 1<br>dwelling  | Access to this location involves traversing distances over heavily vegetated areas and subject to significant bushfire risk from multiple directions. It is not clear where/how access to the lot gaining the dwelling entitlement would be provided from. The RFS requires the preparation of a bushfire study prior to supporting any increased density in this Area.   |
| Area 32- Central Tilba &<br>Surrounds Up to 4  | It was not possible to provide meaningful comment on this component of the DPP. Further details are required pertaining to where in this Area the proposed increase in density is.  |



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| Area 33- Dignams Creek Road, Dignams Creek Up to 6 dwellings                              | Those lots located in the southern portion of Area 33 which can provide future dwellings within 200m of the Princes Hwy are not objected to. With regard to the other portions of Area 33, the RFS has serious concerns regarding any increase in density in this Area. It is serviced via a dead end road which traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. It is unlikely the RFS would support any increase in density in those Areas.   |
| Area 34- Eurobodalla Road, Eurobodalla, Cadgee, Nerrigundah and Tinpot Up to 12 dwellings | It was not possible to provide meaningful comment on this component of the DPP. Further details are required pertaining to where in this Area the proposed increase in density is. Notwithstanding, the RFS has serious concerns regarding any increase in density in this Area. It is serviced via a dead end road which traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. It is unlikely the RFS would support any increase in those Areas.   |
| AREA 35 – Belowra 0 and 0   | Based on the statement in the DPP that no additional dwelling entitlements or subdivision potential will result, this component of the DPP is not objected to.  |
| Area 36- Merricumbene and Deua Up to 7 lots and 6 dwellings                               | <p>The RFS has serious concerns regarding any increase in density in this Area. It is an isolated rural location with access that traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. It is unlikely the RFS would support any increase in residential density in this Area. The RFS recognises that the DPP states that "Araluen Road is the nearest through road and is within 200m of the potential new dwelling".</p> <p>The Council is advised that this Area is subject to a high bushfire risk and although Araluen Road is a through road - it involves traversing significant distances through heavily vegetated land subject to bushfire risk from a number of directions and may not be suitable for increased density. However, if Council wishes to pursue increased density in this Area, the RFS recommends a bush fire study be prepared to demonstrate that the site is suitable for residential/rural residential occupation, with regard to bushfire risk. The bush fire study should include consideration of the existing and future road network to demonstrate that the Planning Proposal will not result in placing both future occupants and fire fighters in inappropriate locations in a bush fire emergency.</p> |

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| Area 37a- Araluen Road (North), Deua River Valley Up to 1 lot and dwelling | <p>The RFS has serious concerns regarding any increase in density in this Area. It is an isolated rural location with access that traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. It is unlikely the RFS would support any increase in this Area. The RFS recognises that the DPP states that "Araluen Road is the nearest through road and is within 200m of the potential new dwelling".</p>   |
| Area 37b- Araluen Road (Central), Deua River Valley Up to 3 dwellings      | <p>The Council is advised that this Area is subject to a high bushfire risk and although Araluen Road is a through road - it involves traversing significant distances through heavily vegetated land subject to bushfire risk from a number of direction and may not be suitable for increased density. However, if Council wishes to pursue increased density in this Area, the RFS recommends a bush fire study be prepared to demonstrate that the site is suitable for residential/rural residential occupation, with regard to bushfire risk. The bush fire study should include consideration of the existing and future road network to demonstrate that the Planning Proposal will not result in placing both future occupants and fire fighters in inappropriate locations in a bush fire emergency.</p> <p>The RFS has serious concerns regarding any increase in density in this Area. It is an isolated rural location with access that traverses significant distances through heavily vegetated land, and is considered to be subject to significant bushfire risk from a number of directions. It is unlikely the RFS would support any increase in this Area. The RFS recognises that the DPP states that "Araluen Road is the nearest through road and is within 200m of the potential new dwelling".</p> <p>The Council is advised that this Area is subject to a high bushfire risk and although Araluen Road is a through road - it involves traversing significant distances through heavily vegetated land subject to bushfire risk from a number of direction and may not be suitable for increased density. However, if Council wishes to pursue increased density in this Area, the RFS recommends a bush fire study be prepared to demonstrate that the site is suitable for residential/rural residential occupation, with regard to bushfire risk. The bush fire study should include consideration of the existing and future road network to demonstrate that the Planning Proposal will not result in placing both future occupants and fire fighters in inappropriate locations in a bush fire emergency.</p> |



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| Area 37c- Araluen Road (South), Wambran & Kiara Up to 4 lots and 10 dwellings   | The RFS does not object to those lots where Council has identified that access can be provided within 200m of Araluen Road, however we advise Council that support of any future dwellings of lots in this area would be required to provide the future dwelling within 200m of Araluen Road. Where lots subject to increased density cannot provide access within 200m of Araluen Road, the RFS requires a prior bushfire study which demonstrates compliance with the requirements of PBP 2006.  |
| Area 38- Runnyford & Buckenbrowra Up to 3 dwellings   | The RFS has concerns regarding increasing densities in this isolated rural locations. Quartpot Road and Buckenbrowra Road may technically be 'through' roads, however these roads are unlikely to provide safe access for residents or fire fighters in the event of a bushfire as they involve travel over significant distances through heavily vegetated areas and are subject to significant bushfire risk from multiple directions. The RFS notes that the DPP states that "The Kings Highway is the nearest through road (via Old Bolaro Road) for the potential new dwelling in the north of this area which is not within 200 metres of the potential dwelling". Detailed information regarding specific access to lots subject to increased densities has not been provided and the RFS is not currently able to support this component of the DPP due to concerns regarding the lack of safe access to this Area. Should Council wish to pursue increased density in this Area, the RFS recommends a bush fire study be prepared to demonstrate that the site is suitable for residential/rural residential occupation, with regard to bushfire risk. The bush fire study should include consideration of the existing and future road network to demonstrate that the Planning Proposal will not result in placing both future occupants and fire fighters in inappropriate locations in a bush fire emergency. |
| AREA 39 – South Moruya<br>AREA 40 – Turnbulls Lane, Moruya<br>AREA 41 – South Nelligen<br>AREA 42 – Hector McWilliam Drive, Tuross Head | Based on the statements in the DPP that no additional dwelling entitlements or subdivision potential will result for Areas 39-42, these components of the DPP is not objected to.  |



## NSW RURAL FIRE SERVICE



The General Manager  
Eurobodalla Shire Council  
PO Box 99  
MORUYA NSW 2537

Your Ref: E13.7173  
Our Ref: LEP/0044 & R18/875

ATTENTION: Mark Hitchenson

28 June 2018

Dear Mark

### **Eurobodalla Planning Proposal (Rural Lands and Other Matters) Amendments to Eurobodalla LEP 2012**

I refer to your letter dated 20 April 2018 consulting with the New South Wales Rural Fire Service (NSW RFS) regarding the Eurobodalla Planning Proposal in accordance with condition 3 of the Gateway Determination issued by the Department of Planning and Environment, dated 31 October 2017.

The NSW RFS wrote to the Eurobodalla Shire Council on 4 December 2015 and 12 July 2016 (copies attached) with concerns in relation to a number of items within the Rural Lands Strategy and Draft Planning Proposal. Those letters provided detailed comments relating to potential bush fire risk impacts from the Planning Proposal and justification for requesting a strategic bush fire study be undertaken to support the proposal prior to exhibition. The NSW RFS provided detailed comments, attended meetings and joint site inspections with Council and other agencies in order to discuss the contents of the Planning Proposal and further explain our concerns. Notwithstanding, the Planning Proposal appears largely unchanged from previous versions and has not addressed the specific concerns identified by the NSW RFS nor undertaken a strategic bush fire study.

The Planning Proposal is required to demonstrate compliance with the requirements of Section 117 (2) Direction 4.4 'Planning for Bush fire Protection', outlined below. The NSW RFS does not concur with the assessment of the Planning Proposal that items 1, 4 and 5 are consistent with this Direction. In addition, the Planning Proposal does not identify a number of items which the NSW RFS believes should address the s117(2) 4.4 Direction.

The objectives of S117(2) 4.4 direction 'Planning for Bush fire Protection' are copied below:

*(1) The objectives of this direction are:*

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) to encourage sound management of bush fire prone areas.*

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
15 Carter Street  
LIDCOMBE NSW 2141

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)





It is the position of the NSW RFS that the exhibited Planning Proposal is not consistent with s117(2) 4.4 Direction as it does not achieve the primary objective to protect life, property and the environment and the NSW RFS considers that it should not proceed in its current form. Further comments on each item within the Planning Proposal are provided below:

**Items 1, 3, 5, 6**

As per our previous comments the RFS has identified concerns with these items. These items are objected to.

**Item 2**

No objection, as per previous comments.

**Item 4**

No objection, as per previous comments.

**Item 7**

The RFS does not support this item for the reasons outlined in our previous correspondence, and in recognition that the provisions of a Development Control Plan are not weighted with the same legal consideration as an Environmental Planning Instrument and may be subject to increased legal challenges. However, it is not considered that the NSW RFS are in a position to formally object to this item, given its primary relevance should be via consideration through other Section 117(2) Directions.

**Item 8**

See comments previously provided outlining where dwelling entitlements are created for lots containing land mapped as bush fire prone land. These should be subject to a strategic assessment of bush fire risk. This has not yet been provided, the NSW RFS objects to this item where applicable to our comments.

**Items 9,10,11,12,13,14,15,16,17,18,20,22**

No objection, as per previous comments.

**Item 19**

Appendix 19 of the proposal has not identified S117(2) 4.4 as applying when the site is mapped as bush fire prone land. In accordance with our previous comments the RFS has concerns with the proposed rezoning. This item is objected to.

**Item 21**

No objection, as per previous comments.

**Item 23**

As provided in our previous comments, where increased densities are proposed on bush fire prone land a strategic assessment of risk to residents and fire fighters is required to demonstrate if the land is suitable for those increased densities. This item has not identified S117(2) 4.4 'Planning for Bush Fire Protection' as an applicable Direction, and has not provided any strategic bush fire assessment. Any lots mapped as bush fire prone and subject to reduced minimum lot sizes are objected to at this stage.

**Item 24**

If this item does not result in any potential increase of densities on bush fire prone land then the NSW RFS does not object to this item.

**Item 25 (not specifically referred to in previous RFS comments)**

No objection.

**Item 26 (not specifically referred to in previous RFS comments)**

No objection.

Note - The NSW RFS requests that Council consider the impact of the Draft Bush Fire Prone Land Mapping work currently being undertaken by the Council on any matters contained in the current Draft Planning Proposal.

The NSW RFS is committed to continue to work with Eurobodalla Shire Council and other agencies to progress those components not objected to, and to provide additional advice where requested on the scope and contents of any future strategic bush fire study undertaken to support those components of the Planning Proposal which are able to demonstrate compliance with the S117 (2) 4.4 Direction.

For any enquiries regarding this correspondence or to discuss the matters raised in this letter further please contact Martha Dotter on (02) 4472 0600.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'J. Lucas', with a stylized, cursive script.

Jeff Lucas

Director Planning and Environment Services



