



# NSW RURAL FIRE SERVICE



The General Manager  
Kempsey Shire Council  
PO Box 3078  
KEMPSEY NSW 2440

Your reference: KLEP2013-AM-8  
Our reference: LEP/0070  
DA16112504903AB

Attention: Georgia Rayner

3 March 2017

Dear Ms Rayner

**Agency Comment – Planning Proposal: Kempsey LEP 2013 Amendment 8 – Large Lot Residential Rezoning; Lot 3 DP1164661 Neville Morton Drive Crescent Head**

I refer to your letter dated 17 November 2016 and additional information dated 1 February 2017 seeking comments from the NSW Rural Fire Service (NSW RFS) with respect to the above planning proposal.

The NSW RFS has reviewed the submitted documentation and understands the planning proposal will amend Kempsey Local Environmental Plan 2013 in the following manner:

- Rezone part of the lot to R5 Large Lot Residential to permit a potential 14 lot subdivision; and
- Rezone the remainder of the land to E3 Environmental Management.

The NSW RFS notes that the planning proposal applies to land mapped as bush fire prone by Kempsey Shire Council.

The NSW RFS has no objection to the planning proposal proceeding and provides the following comments:

- Future development applications for all development on bush fire prone lands will be required to comply with either S79BA of the *Environmental Planning and Assessment Act 1979* or S100B of the *Rural Fires Act 1997*, depending upon the nature of the proposed development, and the relevant provisions of *Planning for Bush Fire Protection 2006*.
- Council should note that *Australian Standard 'AS 3959-2009 Construction of buildings in bushfire-prone areas'* includes grasslands as a hazardous vegetation category. Any future development will need to consider this at the design and construction stage.
- Council should also note that the minimum specifications for asset protection zones for residential and rural-residential subdivisions in Table A2.5 of *Planning for Bush Fire Protection 2006* do not correspond directly with the minimum separation distances for BAL-29 construction under Table 2.4.3 of *'AS 3959-2009 Construction of buildings in bushfire-prone areas'*. Minimum asset protection zones for future development should be designed to achieve separation distances consistent with BAL 29 under AS 3959.
- At subdivision certificate stage, ongoing vegetation management will be required with lots 1 & 10 to reduce the impact of bush fire on the proposed public access road.

**Postal address**

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

Yours sincerely



**John Ball**  
**Manager – Planning and Environment Services 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](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.*