

Jenny – Secretary to Darryl Anderson

From: Alan Bawden <Alan.Bawden@rfs.nsw.gov.au>
Sent: Friday, 23 February 2018 9:31 AM
To: Jenny – Secretary to Darryl Anderson
Cc: Colleen Forbes; John Ball; Nika Fomin
Subject: FW: Proposed 88 Lot Subdivision of Lot 1 DP 134787, Lot DP 167380, Lot 2 DP 961928 & Lot 5 DP 1117326,
Attachments: Annexure A, Project Approval MP05-0198.pdf; CC Attachment 4, MP05_0198 MOD 1_Modifying Instrument.pdf; CC Attachment 4, MP05_0198 MOD 1_Aproved plans.pdf; 2296_001.pdf; Walmsleys Road Bilambil Heights - Asset Protection Zone Management Plan .._.pdf

Attention Darryl Anderson

Good morning Darryl

The NSW RFS has received and reviewed your correspondence below and attached documents.

A check of our records has not identified the previous submission of your request, unfortunately the email has been misplaced or deleted without any action.

However the NSW RFS has reviewed your request and provides the following comments:

1. The NSW RFS does not 'endorse' any plans. We are a regulatory authority with respect to development activities and bush fire planning and our powers are limited to those provided for in the Rural Fires Act.
2. The NSW RFS provided recommended conditions to NSW Planning dated 24 September 2009. Those conditions did not include any further involvement of the NSW RFS and relied on the consent authority and any appointed PCA to ensure the NSW RFS recommended conditions have been satisfied. We note that NSW Planning did not adopt the RFS recommended conditions.
3. Condition B24 and E7 of the Project Approval are NSW Planning conditions without consultation to the NSW RFS.
4. The NSW RFS provided further conditions via a Bush Fire Safety Authority issued for DA 15/0042 by Tweed Shire Council. Again those conditions did not require NSW RFS endorsement and remain the responsibility of the consent authority to ensure compliance.

In summary, the NSW RFS does not endorse APZ plans, did not recommend any plans to be endorsed, and NSW Planning did not consult with NSW RFS with respect to conditions B24 and E7. Additionally our legislation does not provide any role for the NSW RFS in respect to the endorsement of plans which are a requirement of another Government agency. It is suggested that you should refer these plans back to the Department of Planning & Environment.

We are sorry that we are not able to provide any assistance with this matter,

Regards



Alan Bawden

Team Leader - Development Assessment and Planning

Planning and Environment Services (North)

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