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1 Introduction

Boskae Environmental Planning has been engaged by Villa World to prepare a Bushfire Risk Assessment for a proposed residential subdivision of the Fraser Drive site at South Tweed. The aim of the report is to provide an indication of bushfire hazard and necessary bushfire management practices.

1.1 Aims

We have perused the Concept Plan and completed a detailed inspection of the site. This report serves to:

- identify statutory requirements;
- identify the site and proposed development;
- identify fire management responsibilities;
- detail information relating to bushfire risk including vegetation, slope, and fire history;
- determine the bush fire threat;
- recommend alleviation measures, such as the provision of Asset Protection Zones, to provide an adequate level of protection to life on the site; and
- identify work required, if necessary, in order to improve the chances of building survival in the event of a bush fire.

This report provides bushfire risk mitigation recommendations and concludes by providing a future development consent authority with a degree of confidence that the chances of building survival in a bushfire situation will be significantly improved.

1.2 Statutory Requirements

This report has been prepared having regard to the following legislative and planning requirements.

1.2.1 Legislation

Environmental Planning and Assessment Act (EPA Act)

- Section 91(1) defines residential subdivision and special protection development as integrated development which requires authorisation under Section 100B of the *Rural Fires Act 1997*.

Rural Fires Act 1997 (Amended)

- Section 100B provides for the issue by the Commissioner of the NSW Rural Fire Service of bushfire safety authorities for subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes.
- Sections 63(1) and 63(2) require public authorities and owners/occupiers of land to take all practicable steps to prevent the occurrence of bushfires on, and to minimise the danger of the spread of bushfires.

1.2.2 Planning Policies

Planning for Bushfire Protection 2001

This document was prepared by the Rural Fire Service in collaboration with Planning NSW and provides guidance on the planning and development control processes in relation to bushfire protection measures for subdivision and residential developments in bushfire prone areas.

1.3 Documentation reviewed

- Concept Plan prepared by PMM Sydney (2006)
- Preliminary Environmental Assessment Report prepared by PMM Sydney (2006)
- Flora and Fauna Assessment prepared by James Warren & Associates (2002)
- Aerial photo 2006
- Tweed Bush Fire Risk Management Plan prepared by the Tweed Shire Bush Fire Management Committee (2002)
- Tweed Shire Council Bushfire Prone Lane Map
- *Planning for Bushfire Protection 2001* prepared by NSW Rural Fire Service and Planning NSW

1.4 Site Inspection

Bridget Aulton of Boskae Environmental Planning inspected the development property on the 1st of September 2006 to assess the topography, vegetation classification and land use within and adjoining the development site.

2 The Site and Proposed Development

2.1 Site Description

The Fraser Drive development is located south of the coastal town of Tweed Heads in Northern New South Wales. Fraser Drive is identified as Lot 9 DP 1039569 and comprises approximately 33.8 hectares. The site is of a roughly rectangular shape with a frontage of approximately 800 metres to Fraser Drive. Under the Tweed Local Environmental Plan 2000 the land is zoned 2(c) Urban Expansion.

The site has been identified as bushfire prone land in accordance with Section 146(2) of the *Environmental Planning and Assessment Act 1979*. Tweed Shire Council's Bushfire Prone Land Map indicates the site to comprise or be located in close proximity to vegetation considered bushfire prone. Areas affected within the proposed development are the northern end and very small areas in the south-east of the site. Refer to Appendix A for Bushfire Prone Land Map.

The site is accessed from Fraser Drive and several other access roads are proposed.

Refer to Appendix B for photographs of the site.

2.2 Existing Land Use

The site is currently vacant land, however at times it is used for cattle grazing. The site has been used previously for banana farming and other agricultural uses.

In more recent times, Tweed Shire Council issued a consent for filling in October 2002.

2.3 Surrounding Land Use

The land surrounding the site includes residential land to the north, south and west, and tourist, residential and grazing land to the east.

The following Zones surround the site:-

6(a) Open Space and 2(c) Urban Expansion – north

2(e) Residential Tourist – east

6(a) Open Space and 2(c) Urban Expansion – south

2(c) Urban Expansion – west

2.4 Proposed Development

This assessment is based upon the Concept Plan prepared by PMM Sydney for a 153 residential lot subdivision.

Primary access to the site will be gained from Fraser Drive. It is proposed the northern portion of the site be accessed from two access points via a single T-intersection in both instances. Access to the steeper parts of the site will be facilitated by minor access points along the western boundary at Ocean Avenue and Hillcrest Avenue. Further it is proposed to provide access to the southern portion of the site from Merlot Street at the southern boundary.

3 Fire Management Responsibilities

Fire management responsibilities within the proposed development site are the responsibility of the following organisations.

3.1 Tweed Shire Council

Tweed Shire Council has the responsibility, under Section 66 of the Rural Fires Act, to issue a notice in writing requiring an owner/occupier of any land within the Shire to carry out bushfire hazard reduction works on that land. Section 100E of the Rural Fires Act requires Council to issue bushfire hazard reduction certificates for hazard reduction to be undertaken on private lands.

3.2 New South Wales Rural Fire Service

The NSW Rural Fire Service (RFS) has the responsibility for undertaking fire suppression activities, hazard management activities and other functions relative to emergency management, within its areas of operation.

Section 73 of the Rural Fires Act (1997) enables the Commissioner to carry out bushfire hazard reduction works on any land as required by a bushfire risk management plan if the work has not been carried out satisfactorily. Incurred costs can be recovered as a debt owed to the Crown.

3.3 New South Wales Fire Brigade

The NSW Fire Brigade has the responsibility for undertaking fire suppression activities, and other functions relative to emergency management, within its area of operation and through Mutual Aid Agreements, provide assistance to the NSW Rural Fire Service, particularly for structural fire operations within the NSW Rural Fire Brigade Districts. Hazmat management within NSW is the responsibility of the NSW Fire Brigade.

3.4 Tweed Shire Bush Fire Management Committee

The Tweed Shire Fire Management Committee has the responsibility for preparing a Bush Fire Risk Management Plan for the area. The aim of the Tweed Bush Fire Risk Management Plan is to provide for the coordinated prevention and mitigation of bush fires for:

- (a) the protection of life, property and the environment within the community; and
- (b) the protection, maintenance and wherever possible the enhancement of the natural and cultural values of the area through the management of appropriate fire regimes.

The Tweed Shire Bush Fire Management Committee is supported by the Rural Fires Act 1997 in which:

- Section 50 (1) of the Act states that *'the Bush Fire Co-ordinating Committee must constitute a Bush Fire Management Committee for the whole of the area of any local authority for which a rural fire district is constituted.'*
- Section 51 (1A) requires *'a Bush Fire Management Committee must, within 2 months after the end of each financial year, report to the Bush Fire Co-ordinating Committee on implementation of each bush fire risk management plan in force for the rural fire district or other part of the State for which the Bush Fire Management Committee is constituted.'*
- Section 52 (1) requires *'each Bush Fire Management Committee must, in accordance with this Division, prepare and submit to the Bush Fire Co-ordinating Committee a draft of each of the following kinds of bush fire management plans for the rural fire district or other part of the State for which it is constituted:*
 - (a) a plan of operations, and*
 - (b) a bush fire risk management plan.'*
- Section 54 of the Act specifies:
 - (1) A draft bush fire risk management plan for a rural fire district or other part of the State is to set out schemes for the reduction of bush fire hazards in the rural fire district or other part of the State.*
 - (2) Without limiting the matters that may be contained in a draft bush fire risk management plan, it may restrict or prohibit the use of fire or other particular fire hazard reduction activities in all or specified circumstances or places to which the plan applies.*

3.5 Private Land Owners & Occupiers

The Rural Fires Act 1997 presents several legislative opportunities to require land owners and occupiers to manage hazardous fuels.

Section 63 states that:

- (2) It is the duty of the owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land'.*
- (3) A public authority or owner or occupier is liable for the costs incurred by it in performing the duty imposed by this section.*
- (4) The Bush Fire Co-ordinating Committee may advise a person on whom a duty is imposed by this section of any steps (whether or not included in a bush fire risk management plan) that are necessary for the proper performance of the duty.*
- (5) In this section: "notified steps" means:*
 - (a) any steps that the Bush Fire Co-ordinating Committee advises a person to take under subsection (4), or*
 - (b) any steps that are included in a bush fire risk management plan applying to the land.*