



Feros Village Bangalow refurbishments and minor extensions bushfire advice

Australian Bushfire Protection Planners (ABPP) have been engaged by *Bickerton Masters* on behalf of *Feros Care* to provide bushfire related advice regarding the proposed construction of refurbishments and minor extensions on the Feros Village site, 6 Byron Bay Road, Bangalow (Lot 2 DP 859960).

The site is identified on the Byron Shire Council Bush Fire Prone Land (BFPL) map, the site being partially identified as Category 1 vegetation buffer (100m) zone.



Figure 1: Bushfire Prone Land Map – Planning Portal 2025

As shown in Figure 1, the BFPL buffer zone covers a small section (approximately 50m²) of the site.

The proposed construction is contained within the existing building footprint and not affected by the BFPL buffer zone mapping.

Two issues are apparent and require clarification before a determination of required bushfire protection measures can be made.

Firstly, an inconsistency exists between the National Construction Code 2022 (NCC) and the NSW Rural Fire Service (RFS) document *Planning for Bushfire 2019* (PBP) as to the application of the BFPL map and subsequent bushfire assessment triggers.

It has been interpreted that the intent of the NCC is that bushfire protection measures apply only to those areas of a site that are mapped as BFPL. The intent of PBP however is unclear and varies to a certain subjective extent depending on scenario.

The RFS have advised in February 2025 that legal advice had been sought by the RFS as to the correct interpretation of PBP with regard to the applicability of the BFPL map. Formal advice of that interpretation is expected in the first half of 2025. It is widely expected that the advice will align the NCC and PBP interpretations.

Should that interpretation be formally announced as expected, the proposed construction on the Feros Village site would not be subject to the bushfire protection requirements of the NCC and in particular, Specification 43.

The second issue is that of the accuracy of the Byron Shire BFPL map.

The area of vegetation to the west of the site that has generated the 100m buffer zone affecting the site is predominately a linear section of bushland forming a riparian area either side of Byron Creek. The vegetation is classified as Category 1 vegetation. The RFS define Category 1 vegetation as follows;

Vegetation Category 1 is considered to be the highest risk for bush fire. It is represented as red on the bush fire prone land map and will be given a 100m buffer. This vegetation category has the highest combustibility and likelihood of forming fully developed fires including heavy ember production. Vegetation Category 1 consists of:

- Areas of forest, woodlands, heaths (tall and short), forested wetlands and timber plantations.

It appears unlikely that the area of vegetation in question meets the defined classification of Category 1 due to its size, location and vegetation type.

The Byron Shire online mapping service provides detailed vegetation mapping. The vegetation in question is shown in the following figure.



The online mapping service describes the vegetation in question as “derived Camphor Laurel Rainforest, Wet Sclerophyll Forest” containing 51-80% Camphor Laurel vegetation.

This vegetation classification, considered accurate with consideration of the typical vegetation in the area, is classified as Rainforest by the RFS in PBP.

Rainforest is mapped in the BFPL map as Category 2 vegetation, which is defined in PBP as;

Vegetation Category 2 is considered to be a lower bush fire risk than Category 1 and Category 3 but higher than the excluded areas. It is represented as light orange on a bush fire prone land map and will be given a 30 metre buffer. This vegetation category has lower combustibility and/or limited potential fire size due to the vegetation area shape and size, land geography and management practices. Vegetation Category 2 consists of:

- Rainforests.
- Lower risk vegetation parcels. These vegetation parcels represent a lower bush fire risk to surrounding development and consist of:
 - Remnant vegetation;
 - Land with ongoing land management practices that actively reduces bush fire risk. These areas must be subject to a plan of management or similar that demonstrates that the risk of bush fire is offset by strategies that reduce bush fire risk; AND include:
 - Discrete urban reserve/s;
 - Parcels that are isolated from larger uninterrupted tracts of vegetation and known fire paths;
 - Shapes and topographies which do not permit significant upslope fire runs towards development;
 - Suitable access and adequate infrastructure to support suppression by firefighters;
 - Vegetation that represents a lower likelihood of ignitions because the vegetation is surrounded by development in such a way that an ignition in any part of the vegetation has a higher likelihood of detection.

Category 2 vegetation requires a buffer zone of 30m which in this instance would not affect the site.

It should also be noted that Category 2 vegetation is also defined as;

- Discrete urban reserve/s;
- Parcels that are isolated from larger uninterrupted tracts of vegetation and known fire paths;
- Shapes and topographies which do not permit significant upslope fire runs towards development;
- Suitable access and adequate infrastructure to support suppression by firefighters;
- Vegetation that represents a lower likelihood of ignitions because the vegetation is surrounded by development in such a way that an ignition in any part of the vegetation has a higher likelihood of detection

In addition to the vegetation classification, the defining factors listed above are also considered to correctly define the subject vegetation as Category 2 and therefore, the site should not be classified as Bushfire Prone.

Based on the available information as described above, it is considered that if either of the issues raised are resolved as expected, that is,

1. should the RFS definition of BFPL mapping application be that bushfire protection requirements are only required on the actual BFPL mapped area, and/or,
2. the BFPL map is corrected to accurately classify the subject vegetation,

The proposal will not be subject to the requirements of PBP or the NCC.



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