

# Access Requirements for Development Applications (DAs) in Rural Areas

## What access requirements might apply?

If you are submitting a development application (DA) involving access for a proposed dwelling (and other development) on an existing vacant lot in a non-urban area you will be required to address various requirements including but not limited to the following:

- bushfire access requirements under the Planning for Bushfire Guidelines (PFB)
- vegetation clearing
- watercourse crossings
- legal access to a lot via one or more the following methods:
  - an existing unformed road (either Crown or Council)
  - a proposed Right-of-way over adjoining private land
  - over an existing track with no legal access entitlement
  - a watercourse

## What other approvals might be required?

As a result of these requirements, you may also be required to undertake works to meet current standards. This in turn may require you to upgrade existing, informal accesses and make formal, legal access possible. This could involve additional processes such as:

- vegetation removal (Integrated DA approval required)
- watercourse crossings (Integrated DA approval required)
- approval of the relevant roads authority (and/or private land owners)
- forming the *driveway access within* the lot to a standard agreed suitable to Rural Fire Service (RFS) (as per PFB requirements) and forming the *legal physical access to the lot* to a standard agreed suitable to meet the RFS' PFB access requirements and the road authorities' standards for a road (either Crown or Council) (Road Act approval required)

## What are the access requirements on bushfire prone land?

Please see the Department of Planning and Infrastructure's Circular on "*Development assessment on bush fire prone land – section 79BA*" see [link](#):

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=ZjmRdn3SLnM%3d&tabid=81&language=en-AU>

Accordingly, where Council is not satisfied that the information provided in an application is sufficient to meet the Planning for Bushfire (PFB) requirements; the DA will be referred to the RFS for advice.

The RFS advice may include a suggested DA condition wording such as this:

*"Property Access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'"*

However, the wording of the condition relating to Section 4.1.3(2) does not reflect the complexity of the land ownership or the environmental works that may be required to comply with this requirement.

### Alternative design solutions

The RFS has indicated to Council that alternative design solutions to Section 4.1.3 (2) are possible but must be prepared by **accredited bushfire consultants**. However, where an alternative route is proposed that involves access via another parcel of land this requires the consent of the relevant landowner and may invoke Crown consent for use of a road reserve or land (eg the banks of a watercourse). Further, if there are works required on the road reserve, banks, accessway or within the watercourse then the application would be '**Integrated**' under the EPA Act and separate development approval would also be required from the relevant agency eg. Office of Water, Fisheries etc. before Council could determine a DA favourably.

### Why is Council unable to determine my DA?

Council cannot determine these types of DAs unless and until:

1. Sufficient information is provided for Council to assess the environmental impacts of the proposed physical access works to address the PFB requirements. This is required under Section 79BA and 79C of the Environmental Planning and Assessment Act 1979 (EPA Act) and to meet Council's requirements. This is also required under Clause 67 of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation);
2. If the proposal is Integrated, and where relevant, General Terms of Approval are obtained from the relevant agencies. This is required under Section 91A of the Environmental Planning and Assessment Act 1979 (EPA Act); and
3. Written consent is provided by the relevant road authorities for the proposed works on their land. This is required under Part 6 of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation).

### Need more information?

Please contact Council's Duty Officer during business hours on (02) 4560 4444.



This document contains important information.  
If you do not understand it, contact the  
Telephone Interpreter Service on 131 450.



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