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Draft Planning for Bushfire Protection 2026

To whom it may concern

I write in response to the public exhibition of the Draft Planning for Bushfire Protection (PBP) 2026.

Urban Taskforce members are concerned that the proposed changes go beyond a streamlining of the process and instead, the draft document may have significant planning and regulatory implications and could impact the assessment, design and development of bushfire prone land across NSW.

The potential consequences extend across development capacity, land utilisation, vegetation management, infrastructure, assessment requirements, project delivery and cost.

They also raise broader policy considerations concerning the interaction between bushfire protection requirements and the objectives of the *Environmental Planning and Assessment Act 1979*, including the orderly and economic use and development of land and proportionate, risk-based environmental planning and assessment.

In the midst of a housing supply crisis, with NSW only delivering around 60 per cent of the pro-rata dwelling completions required under the National Housing Accord, this policy throws an array of restrictions, barriers, and costs at development that will lead to less rather than more housing supply. In the cases detailed below, these are without objective merit.

Asset Protection Zone

The draft PBP 2026 appears to increase the circumstances in which easements or other formal arrangements will be required to secure Asset Protection Zones (APZ), adding cost, legal complexity and implementation risk to development applications.

It also proposes to remove or materially restrict the ability to rely on adjoining land that is demonstrably and permanently managed, including developed land

(residential, commercial or industrial), roads, parks, golf courses and similar public or institutional land, as contributing to bushfire separation.

Urban Taskforce is concerned that this represents a significant departure from the approach that has operated within the NSW bushfire planning system since its introduction in 2002, under which the actual condition and ongoing management of adjoining land has been capable of being recognised in determining bushfire protection outcomes.

The cumulative effect will materially reduce development yield, increase assessment and delivery costs, constrain otherwise feasible development and create broader consequences for housing, infrastructure and land utilisation across NSW.

Prescriptive rather than risk based

The draft PBP 2026 replaces much of the discretionary language in PBP 2019, where vegetation management measures were generally expressed as matters that 'should' be achieved with mandatory 'must' requirements. This materially reduces the ability to respond to actual site conditions and bushfire risk and increases the likelihood of minor departures being treated as non-compliance.

Urban Taskforce is concerned that the draft PBP 2026 risks moving the planning framework away from being proportionate and risk-based to one that is prescriptive and creates the potential for development requirements that are disproportionate to the risks being managed.

Greater prescription is also likely to increase demand for specialist bushfire, arboriculture and ecological assessment, modelling and performance-based solutions, adding cost and potentially increasing approval timeframes, all at a time when developers are struggling to feasibly supply new housing.

Urban Taskforce does not support changes to the PBP that makes regulation more prescriptive, and less risk based.

This will simply increase compliance and ongoing liability management costs, increase residential development costs, introduce uncertainty into the approvals process and potentially reduce the discretion of consent authorities.

Urban Taskforce is also concerned that some duplication has been introduced into the approvals for bushfire safety between the Development Coordination Authority (DCA) and the Rural Fire Service (RFS).

We understand that from 1 July 2026, the DCA now issues general terms of approval (GTAs) in place of the RFS. However, the Bushfire Safety Authority (BFSa) is still issued by the RFS. This effectively means that there will now be two assessments of the same bushfire report by two decision-makers.

The overall result of these actions is increased red tape, increased uncertainty and a reduction in development feasibility, all of which is contrary to what the Government is saying through its *Sydney Plan*, which requires councils to develop a pipeline of feasible housing supply and in its planning reform agenda.

New strategic bushfire and evacuation assessment requirements

Urban Taskforce is concerned that the draft PBP 2026 introduces substantial new strategic bushfire and evacuation requirements without establishing sufficient and defined statewide risk benchmarks.

This leaves critical matters such as the probability of the design bushfire event, fire-weather scenarios, evacuation assumptions and corresponding strategic APZ or separation requirements open to interpretation.

Given that these assessments may determine whether land can be rezoned or developed, the RFS should establish consistent State-wide design events and risk thresholds so that equivalent development is assessed against equivalent levels of bushfire risk across NSW.

New requirements on commercial and industrial buildings

Urban Taskforce is concerned that the draft PBP 2026 potentially imposes additional performance requirements on class 5-8 commercial and industrial buildings, that may sit outside the National Construction Code. This may create regulatory uncertainty and add additional costs to the development of these buildings.

Implementation and Transitional Arrangements

Confidence and predictability are fundamental to the operation of the development sector. Land acquisition, financing, master planning, infrastructure design and project delivery all depend on a reasonably stable understanding of the planning controls that will apply over the life of a project.

Significant changes to PBP 2026, particularly where they materially alter development capacity, APZ requirements, vegetation outcomes or assessment pathways, have the potential to unravel that confidence by changing the feasibility of projects after substantial investment has already occurred.

The consequence may be deferred investment, redesign, increased financing and holding costs, reduced willingness to pursue complex or bushfire-prone sites and broader uncertainty across housing, infrastructure and employment-generating development.

As such, Urban Taskforce strongly urges the RFS to ensure that if PBP 2026 is implemented, that a clear transitional framework be adopted for projects that have already reached a meaningful stage of planning or investment.

Transitional provisions should extend beyond applications already lodged and recognise projects with established planning approvals.

It would be unreasonable and potentially highly disruptive for projects substantially progressed under PBP 2019 to be required to redesign against materially different PBP 2026 requirements immediately before, or during assessment.

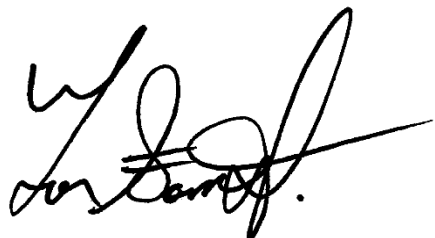
Conclusion

Urban Taskforce Australia supports efforts to strengthen identified gaps and limitations in the existing bushfire planning framework and to improve the consistency and effectiveness of bushfire protection outcomes across NSW.

However, we are concerned that this current draft version goes way beyond that mandate and is in effect a complete regulatory overreach that is contradictory to everything the Government is saying around planning reform and increasing feasible housing supply.

Should you wish to discuss any aspect of this submission further, please call William Hughes, Economist and Planning Analyst on 0418 286 530 or via email will@urbantaskforce.com.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', with a stylized flourish extending from the end.

Tom Forrest
Chief Executive Officer