

September 2023

NSW plantation owner/manager's guide

Setbacks and water access requirements

This document outlines the Plantations and Reafforestation Regulation (Code) 2001 requirements for setbacks and water access

Plantation owner and manager responsibilities

Plantation owners or managers have a statutory responsibility to adhere to all requirements of the *Plantations and Reafforestation (Code) Regulation 2001*.

Division 4 of the Code, Standards relating to bush fire hazard reduction, contains provisions relating to setbacks from buildings, setbacks from powerlines and water access requirements for plantations. Plantation establishment and other plantation operation must comply with these provisions to reduce bushfire hazards and risk.

The Code also contains requirements relating to plantation fire roads set out in Part 5 Subdivision 2A of the Code. More information about the other fire provisions of the Code can be found at <https://www.dpi.nsw.gov.au/forestry/plantations/plantation-operations/fire-standards>

Definitions

- ***Building Code of Australia*** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.
- ***Establishment operations*** means activities carried out for the purpose of establishing a plantation, for example, the clearing of land, the use of pesticides, herbicides and fertilisers and the provision of access roads in establishing a plantation, and the planting of trees or shrubs.
- ***habitable dwelling*** means a building that —
 - (a) is a Class 1, 2, 3 or 4 building under the *Building Code of Australia*, and
 - (b) is in a habitable condition.
- ***Planning for Bush Fire Protection*** means the document prescribed by the *Environmental Planning and Assessment Regulation 2021*, section 271.
- ***powerline*** includes any structures or equipment used for or in connection with the supply of electricity.
- ***special fire protection purpose*** has the same meaning as it has in section 100B of the *Rural Fires Act 1997*

Plantation operations do not include the demolition or erection of buildings (within the meaning of the *Environmental Planning and Assessment Act 1979*), or the building of dams, weirs or reservoirs.

Setbacks from buildings

The building setback requirements of the Code apply to establishment operations on an authorised plantation that commenced after 1 January 2011. This includes replanting where the replanting is more than 30 per cent of the plantable area of the plantation or 30 hectares of a plantation, whichever is the greater.

Clause 25A of the Code requires establishment operations to be carried out so as to ensure trees and shrubs are not planted within 70 metres of any habitable dwelling. This includes habitable dwellings on neighbouring properties. If a new habitable dwelling is constructed after establishment, the setback would apply on replanting or other new establishment operations.

The setback does not apply to habitable dwellings located within the property boundary of the plantation if they are uninhabited. If an uninhabited building on the property becomes inhabited after establishment operations have commenced, trees and shrubs planted within 70 metres of the dwelling must be removed.

For the purposes of this clause, a building is in a *habitable condition* if –

- (a) it has an intact roof, intact floors and intact walls, and
- (b) it appears to be structurally sound.

The setback requirements of the Code do not apply to plantings or vegetation that are not part of the plantation establishment operations, such as garden plants, fruit trees or native vegetation, or other vegetation planted that is not part of plantation establishment operations. Other legislation may apply.

Clause 25A of the Code also requires establishment operations to be carried out so as to ensure trees and shrubs are not planted within 100 metres of any building that has a special fire protection purpose. A special fire protection purpose within the meaning of 100B of the *Rural Fires Act 1997* means for the purpose of:

- a school,
- a child care centre,
- a hospital (including a hospital for the mentally ill or mentally disordered),
- a hotel, motel or other tourist accommodation,
- a building wholly or principally used as a home or other establishment for mentally incapacitated persons,
- seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*,
- a group home within the meaning of *State Environmental Planning Policy No 9 – Group Homes*,
- a retirement village,
- any other purpose prescribed by the regulations.

In summary no plantation plantings can occur within:

- 70 metres of all habitable buildings on neighbouring properties
- 70 metres of all habitable buildings that are inhabited within the plantation boundary
- 100 metres of any special fire protection purpose building

The setbacks to building set out in the Code do not apply if the Secretary is satisfied that an appropriate distance has been established between a habitable dwelling, or a building that has a special fire protection purpose, and the trees or shrubs on a plantation in accordance with –

- (a) Planning for Bush Fire Protection, or
 - (b) an applicable environmental planning instrument under the *Environmental Planning and Assessment Act 1979*.
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Setbacks from powerlines

The powerline setback requirements of the Code apply to establishment operations on an authorised plantation that commenced after 1 January 2011. This includes replanting where the replanting is more than 30 per cent of the plantable area of the plantation or 30 hectares of a plantation, whichever is the greater.

Clause 25B of the Code requires establishment operation to be carried out to ensure:

- no trees or shrubs are planted within 6 metres from the outside edge of any powerline and
- any trees and shrubs planted within the following distances from a powerline do not exceed 3 metres:

Distances requiring planting to not exceed 3 metres in height are:

- in the case of a powerline with a nominal operating voltage of not more than 11kV – a distance greater than 6 metres from the powerline but not greater than 10 metres,
 - in the case of a powerline with a nominal operating voltage of more than 11kV but not more than 33kV – a distance greater than 6 metres from the powerline but not greater than 12.5 metres,
 - in the case of a powerline with a nominal operating voltage of more than 33kV but not more than 66kV – a distance greater than 6 metres from the powerline but not greater than 15 metres,
 - in the case of a powerline with a nominal operating voltage of more than 66kV but not more than 132kV – a distance greater than 6 metres from the powerline but not greater than 22.5 metres,
 - in the case of a powerline with a nominal operating voltage of more than 132kV but not more than 330kV – a distance greater than 6 metres from the powerline but not greater than 30 metres,
 - in the case of a powerline with a nominal operating voltage of more than 330kV – a distance greater than 6 metres from the powerline but not greater than 35 metres.
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Access to water supply

Clause 25C of the Code requires any water storage located on an authorised plantation to be accessible for fire-fighting purposes wherever practicable.

Getting help

For further information regarding the Code requirements please contact your local [DPI Plantation Officer](#).

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