

31 March 2021

Ms. Karen Harragon  
Director, Social And Infrastructure Assessments Social & Infrastructure Assessments  
Department of Planning Industry & Environment  
4 Parramatta Square, 12 Darcy Street  
Parramatta 2150

Dear Ms. Harragon,

## **Re: St John of God Richmond Hospital Redevelopment (SSD-10394) Response to Submissions**

I refer to the letter from Ms Keran Harragon, Director, Social And Infrastructure Assessments from the NSW Department of Planning Industry and Environment (DPIE) dated 19<sup>th</sup> May 2021 regarding the response to submissions for the State Significant Development of the existing St John of God Richmond Hospital at 177 Grose Vale Road, North Richmond, 2754 (Lot/Section/Plan no: 11/-/DP1134453) in Hawkesbury.

The DPIE letter notes:

- *the concerns raised by the NSW Rural Fire Service (RFS) are to be further investigated as the Residential Pavilions, Garden Pavilions and Wellness Centre are still non-compliant with the requirements of Table A1.12.1 of Planning for Bushfire Protection 2019. Additionally, the buildings should be located outside of the Flame Zone.*

The project team previously responded to a request for additional information from the RFS on 6 April 2021 (copy attached). In this request the RFS did not raise concern with Residential Pavilions, Garden Pavilions as they accepted a lower bushfire risk and the nature of the redevelopment being redevelopment of the existing facilities which makes the application infill Special Fire Protection Purpose (SFPP) development.

I provide the following for your information. The Bushfire Assessment Report for Infill Development St John of God Hospital redevelopment, North Richmond by Blackash Bushfire Consulting dated 20 February 2020 (Bushfire Report) identifies that the hospital is existing and is infill SFPP development.

Attachment 1 shows the existing buildings and the proposed redevelopment with commensurate Bushfire Attack Levels (BAL) across the site. The existing buildings were constructed prior to modern bushfire buildings requirements and planning considerations. The St John of God was approved and built prior to introduction of the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67* An Act to amend the *Rural Fires Act 1997* and the *Environmental Planning and Assessment Act 1979* with respect to bushfire prone lands, bushfire hazards and bushfire emergencies; and for other purposes, including the introduction of landuse planning and building requirements for SFPP development as outlined within s.100B of the *Rural Fires Act, 1997 (RF Act)*.

Section 100B of the RF Act requires that:

- (1) The Commissioner may issue a bush fire safety authority for:
  - (a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
  - (b) development of bush fire prone land for a special fire protection purpose.**
- (2) A bush fire safety authority authorises development for a purpose referred to in subsection (1) to the extent that it **complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bush fire.**
- (3) A person must obtain such a bush fire safety authority before developing bush fire prone land for a purpose referred to in subsection (1).
- (4) Application for a bush fire safety authority is to be made to the Commissioner in accordance with the regulations.

The Bushfire Report complies with the legislative provisions as required by the RF Act and considers the application as infill SFPP development as required by PBP 2019.

The additional information provided to the RFS articulated that the Bushfire Report (p. 6) identifies that the project involves the redevelopment of the existing hospital facility including the demolition of a portion of the existing facilities, upgrading of existing facilities and construction of new facilities. As an existing SFPP development the proposal is infill SFPP development. PBP 2019 (p. 52) states that:

*In circumstances where new building projects within existing SFPP developments are proposed, an appropriate combination of BPMs are required.*

*This will involve the BFDB process where relevant stakeholders agree on the basis for any assessment and measures that will result in a better bush fire outcome for the proposal. The NSW RFS should be consulted early in the design stage.*

The applicant had sought a pre-DA meeting with the RFS to undertake the Bushfire Design Brief process but was advised by the RFS that due to operational requirements (during and as a result of the 2019 – 2020 bushfires) and workload this would not be provided. The design has been based on achieving the PBP requirements for SFPP infill development (p. 52) that:

*The intention for any building work occurring within an existing SFPP development is to achieve a better bushfire outcome than if the development did not proceed.*

The RFS are overreaching the legislative mandate afforded through PBP. The RFS have incorrectly called up table A1.12.1 of PBP which is not applicable as a deemed to satisfy solution. The construction of the redeveloped buildings and the new wellness centre have been undertaken in accordance with the Australian Standard for Construction of Buildings in Bushfire Prone Areas (AS3959).

The Wellness Centre is not a SFPP development. The Wellness Centre does not provide accommodation. The BCA Design Compliance Report (BCA Report) by MBC Group (dated 21 March 2020) notes that the Wellness Centre is a Class 9b structure being a public assembly building as shown in Table 1. As such, the Wellness Centre must comply with the aim and objective of PBP. Based on previous discussion with the RFS, the Wellness Centre was moved out of the Flame Zone. However, the structure is designed to meet Flame

Zone construction requirements in accordance with AS3959 and provides a defendable space around the building. In terms of the Objectives of PBP (p. 10), the Wellness Centre

- affords buildings and their occupants protection from exposure to a bushfire by Flame Zone construction. The use of the building can be controlled through the Emergency Management and Evacuation Plan including not utilisation on declared Catastrophic fire weather days.
- provides for a defendable space to be located around buildings;
- provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;
- ensure that appropriate operational access and egress for emergency service personnel and occupants is available;
- provide for ongoing management and maintenance of BPMs; and
- ensure that utility services are adequate to meet the needs of firefighters.

**Table 1 Wellness Centre Classification** (source: The BCA Design Compliance Report by MBC Group dated 21 March 2020)

Summary of BCA Parameters	Residence and Garden pavilion	Admin Building	Xavier Building	Wellness Centre
BCA Classification(s)	5 (offices) and 9a (healthcare)	5 & 9b	3 & 5	9b
Number of Storeys contained	Two (2)	One (1)	Two (2)	One (1)
Rise in Storeys	2	2	2	1
Type of Construction	Type B	Type C	Type B	Type C
Effective Height	Less than 25m	Less than 25m	Less than 25m	Less than 25m
Floor Area	3,620m <sup>2</sup>	560m <sup>2</sup>	2,913m <sup>2</sup>	809m <sup>2</sup>
Max. Fire Compartment Size	3,852m <sup>3</sup>	1,680m <sup>3</sup>	4,794m <sup>3</sup>	2,472m <sup>3</sup>
Climate Zone	6	6	6	6

The Bushfire Report provides information (including photographs) that the existing vegetation along the southeastern site boundary is managed as an APZ and will continue to be managed as an APZ. This is due to the low bush fire risk posed by the vegetation. The RFS have recognised the low hazard nature of the area in question in the response dated 23 March 2021 which notes:

*Considering the limited extent of vegetation, management of under storey and limited width, it will not pose a bush fire risk equivalent to forest.*

St John of God will provide a Vegetation Management Plan (VMP) that outlines the management regimen for the site as an asset protection zone. This VMP can be included as a condition of consent.

It is concerning that the RFS are seeking to apply the provisions of PBP as if the site was a new development. Throughout the life of the application and through the provision of additional information and meetings with the RFS, it has been made abundantly clear that the application is a redevelopment of an existing site and is SFPP infill development. PBP 2019 (p. 52) provides special provisions for such developments:

*The intention for any building work occurring within an existing SFPP development is to achieve a better bush fire outcome than if the development did not proceed. Achieving this may require a combination of measures including improved construction standards, APZs and evacuation management.*

The position that the RFS appears to have taken is outside that required by PBP. The applicant through their specialists has demonstrated that the application meets the requirements of PBP and indeed provides a better bushfire risk outcome than currently exists on site as required by PBP 2019. In demonstrating a better outcome, the application complies with PBP SFPP development.

St John of God have been unnecessarily frustrated by the RFS in this application. As State Significant Development (SSD), the Minister approves the application and does not require a Bushfire Safety Authority from the RFS. The DPIE should be confident of approving the application with the recommendations provided within the Bushfire Report.

If you require any further information or have any queries, please do not hesitate to contact me on 0419 203 853.

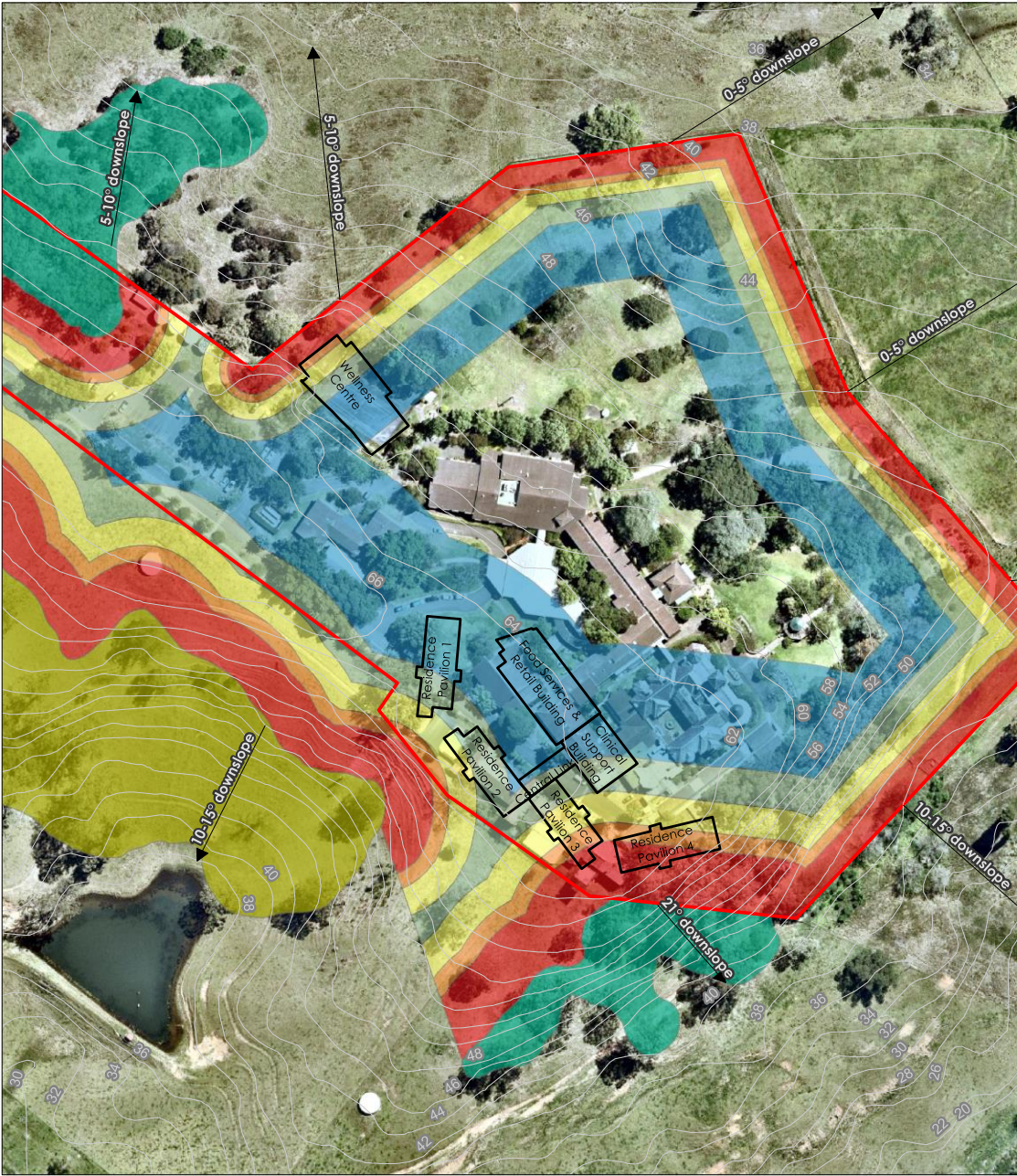
Yours sincerely,



Lew Short | Director  
**Blackash Bushfire Consulting**



## Attachment 1 Bushfire Attack Levels showing existing structures



**Legend**

- |                              |                                    |            |
|------------------------------|------------------------------------|------------|
| Contour - 2m                 | Remnant Forest - Low Hazard        | BAL - 40   |
| Building Footprint           | Woodland                           | BAL - 29   |
| Subject Land                 |                                    | BAL - 19   |
| <b>Vegetation Formations</b> | <b>Bushfire Attack Level (BAL)</b> | BAL - 12.5 |
| Forest                       | BAL - Flame Zone                   |            |

N

Date: 30/04/2021

Coordinate System: GDA 1994 MGA Zone 56  
Imagery: © Nearmap