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Director General
Department of Planning and Infrastructure
GPO Box 39
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Your Ref: MP05_0129

Our Ref: S09/0034
DA09082762707 PC

Attention: Daniel Gorgioski – Metropolitan and
Regional Projects

5 December 2012

Dear Mr Gorgioski,

**Preferred Project Report, Lakes Estate Residential Subdivision, North Boambee Road,
North Boambee Valley (MP05_0129)**

I refer to your letter dated 12 November 2012 seeking comments and recommended conditions of approval from the NSW Rural Fire Service (RFS) for the above project.

It is noted that the original Part 3A application was referred to the RFS for comment on 21 August 2009 and a request for additional information was subsequently issued by the RFS on 11 September 2009. As no response was received in relation to the request for additional information, a further letter was issued on 22 February 2010 indicating that the RFS could not support the proposed development on the basis that insufficient information had been provided to enable assessment of the application. The request for additional information issued by the RFS on 11 September 2009 should not be construed as comments or recommendations regarding the proposed development as requested by the Department in 2009.

Notwithstanding the above, the RFS has reviewed the Preferred Project Report (PPR) and associated documents for the Lakes Estate Residential Subdivision project. It is noted that the PPR subdivision layout includes a number of significant modifications to the original proposal. The bushfire assessment report prepared by Australian Bushfire Protection Planners relates to the original subdivision layout and has not been up-dated to reflect the amended proposal. Additionally, the PPR prepared by GLN Planning does not assess the extent to which the amended subdivision proposal conforms with or deviates from the specifications set out in 'Planning for Bush Fire Protection 2006' and does not fully address the initial RFS request for additional information.

As such, the RFS requests that the bushfire assessment report be reviewed and amended to reflect the PPR subdivision layout before being re-lodged for further consideration and provision of recommended conditions. The revised bushfire assessment report should include, but not be limited to, the following matters:

- the extent to which the amended subdivision layout conforms with or deviates from the specifications set out in 'Planning for Bush Fire Protection 2006'. This assessment shall address all the requirements set out in clause 44 of the 'Rural Fires Regulation 2008';
- further detail is required regarding the proposed future management of open space areas within the development as some open space areas act as, or form part of, the proposed asset protection zones (APZs). Evidence is to be provided that Council will accept ongoing maintenance of these areas as APZs;
- a staging plan showing the location of APZs (temporary) between stages and provision of satisfactory access for each stage;
- reference to AS 3959-2009 which supersedes AS 3959-1999;
- plans of proposed APZs showing the full width (dimensioned) and location of proposed APZs;
- the proposed road layout, particularly for Stages 2f, 2g, 3a and 3b, does not meet the requirements of section 4.1.3 of 'Planning for Bushfire Protection 2006' and does not provide justification or demonstrate a clear benefit for the use of fire trails instead of perimeter roads;
- clarification of the following proposed fire trails:
 - east of Stage 2d – the proposed fire trail traverses adjoining land; and
 - north of Stage 3b – will this link to Kratz Dr via Roberts Hill Reservoir and is legal access available over this land;
- assessment of proposed Lot 142 (i.e. does Lot 142 have a building entitlement, nomination of a building envelope and compliance with 'Planning for Bushfire Protection 2006');
- the PPR proposes a s.88B instrument to advise future purchasers of high bushfire risk on certain lots where the building envelope extends into the APZ. This proposal is not supported by the RFS. All proposed lots within the subdivision must be able to clearly demonstrate that radiant heat levels at any point on a proposed future building (or building envelope) will not exceed 29kW/m². In this regard, the RFS acknowledges that a discrepancy exists between the acceptable solution for APZ distances in Table A2.5 of 'Planning for Bushfire Protection 2006' and the separation distances required to achieve BAL 29 under Table 2.4.3 of Australian Standard AS 3959-2009 *Construction of buildings in bushfire-prone areas*. Where possible, separation distances required to achieve BAL 29 under Table 2.4.3 of Australian Standard AS 3959-2009 should be provided.
- the bushfire assessment report identifies that there is likely to be development of lands adjoining the western boundary of Stages 1b, 1d and 2a and east of Stage 3b. The RFS cannot accept proposed works as circumstances may change and the development may not proceed. In addition, only in extenuating circumstances can the application of asset protection zones (APZ) on adjoining land be permitted (i.e. creation of an easement under section 88B of the 'Conveyancing Act 1919'. Therefore the application of an appropriate APZ (on the adjoining land) applied to the full length of the respective boundaries shall be provided and secured under an easement arrangement. The RFS requires that the applicant demonstrate that this proposal has the adjoining property owner's support. This APZ can be extinguished upon commencement of the proposed development adjoining the

From receipt of the required information the Service will respond with its recommendations within 14 days.

If additional information is not received within 100 days the application will be refused on the basis of Requested Information not provided. A formal request for re-assessment would be required after this time.

For any enquiries regarding this correspondence please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alan Bawden', with a stylized flourish at the end.

Alan Bawden

Team Leader – Development Assessment and Planning

For information on *Planning for Bush Fire Protection 2006* visit the RFS web page www.rfs.nsw.gov.au