

Our Ref: 16015 Bushfire Huntlee MOD 20 4-11-2021
Via: email

Date: 4 November 2021

Attn: Glenn Swan
Huntlee Pty Ltd
PO Box 199
Branxton NSW 2335

Dear Glenn

RE: HUNTLEE STAGE 1 MOD 20

MJD Environmental has been engaged by Huntlee Pty Ltd, to provide a review and bushfire validation to accompany 4.55 Modification (MOD 20) to Stage 1 of Major Project (MP10_0137) for the Huntlee New Town Residential development, North Rothbury.

This validation specifically relates to amendments made to the areas listed below and demarcated on the Huntlee Stage 1 Development Area (**Attachment 1**):

- Town Centre
- Stage 13
- Stage 14
- Stage 15
- Stage 16

The following provides a summary of pertinent documentation with regard to bushfire matters relevant to the Stage 1 approval.

- 1) The Huntlee New Town development was Gazetted as a State Significant Site (SSS) with an amendment to Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) on 31 December 2010.
- 2) A Part 3A Project Application Environmental Assessment Report for Stage 1 of the Huntlee New Town development was approved by the NSW Planning Assessment Commission on 24th April 2013 (MP10_0137). The site is situated within the approved Stage 1 residential area of the Huntlee New Town development.
- 3) The Stage 1 Project Application was informed by a Bushfire Threat Assessment prepared by HDB (January 2011).
- 4) A revised Bushfire Threat Assessment for Lot 12 DP729973, Lot 36 DP755211 and Lot 37 DP755211 Huntlee Residential Development, Stage 2-5 Eastern Precinct was prepared by RPS (2015). This assessment accompanied 75W Modification 3 to Stage 1 of Major Project (MP10_0137) for the Huntlee New Town Residential development. The RPS (2015) BTA was assessed and approved by the NSW RFS. As such it is recognised as prevailing over the HDB (2011) BTA prepared for the Stage 1 approval.

0416 208 684

matt.doherty@mjdenvironmental.com.au

PO Box 360 Waratah NSW 2298

MJDenvironmental.com.au



- 5) A revised Bushfire Threat Assessment was prepared by MJD Environmental (2017) to accompany 75W Modification (MOD 8) to Stage 1 of Major Project (MP10_0137) for the Huntlee New Town Residential development.

Note: The MOD 8 BTA was assessed and approved by the NSW RFS. The current report reflects a revised subdivision pattern for the subject land and all other assessment elements and results remain concurrent. As such it is recognised as prevailing over the HDB (2011) BTA prepared for the Stage 1 approval.

- 6) A revised Bushfire Threat Assessment was prepared by MJD Environmental (2018) to accompany 75W Modification (MOD 9) to Stage 1 of Major Project (MP10_0137) for the Huntlee New Town Residential development.

The report was titled 'Bushfire Threat Assessment for Huntlee New Town – Stage 1 S4.55 Modification [MOD 9]. Final V2 / 28 August 2018. Prepared by MJD Environmental for Huntlee'. This report was prepared with due regard to *Planning for Bushfire Protection 2006* to determine APZ and Australian Standard *AS3959-2009 Construction of Buildings in Bushfire Prone Areas* to determine BAL

Note: This report has been assessed and approved by the NSW RFS initially on 30 October 2018 (ref: D18/659) again on 25 March 2019 (ref: D18/659 DA18021911844 AS) and finally on 5 March 2020 (ref: DA20191119001106-Original-1). As such it is recognised as prevailing over the HDB (2011) BTA prepared for the Stage 1 approval.

The approval instrument was amended to reflect the NSW RFS MOD 9 approval in Conditions C15, E11 and E12 as extracted in **Attachment 2**.

The approved Bushfire report prepared for MOD 9 (referred to in item 6 above) provides an assessment of the bushfire hazard and associated threats relevant to the residential subdivision. The report outlined the minimum mitigative measures required in accordance with the provisions of Planning for Bushfire Protection [PBP] (2006). Furthermore, and of key importance to resulting APZ and BAL provided in the report, the setbacks have been determined in all cases based on acceptable solution criteria, namely PBP (2006) A2.4 and AS3959-2009 Method 1 per table 2.4.2.

The MOD 20 subdivision complies with the abovementioned bushfire assessment and amended major project instrument for MP 10_0137. We acknowledge that an updated version of Planning for Bushfire Protection, namely PBP 2019 has been gazetted. On this basis a contemporary review of the acceptable solution APZ and BAL setbacks required under PBP 2019 has been prepared to demonstrate that BAL-29 or lower construction can be achieved for all lots subject to MOD 20.

The contemporary review was completed by using vegetation classification and slope inputs presented in the approved MOD 9 bushfire report and applying the acceptable solution APZ (Table A1.12.2) and BAL (Table A1.12.5) arrangements set out in PBP 2019. The results have been presented in tabular format in **Attachment 3** and mapped as **Attachment 4**. Notably the APZ and BAL that are shown for the Town Centre were provided in MOD 9 and are provided herewith, where a residential use is proposed. In accordance with Chapter 8 PBP (2019) commercial buildings do not trigger the need for residential APZ rather a combination of measures to achieve the aims and objectives of PBP (2019).

Upon review, APZ and BAL has been accommodated in the subdivision arrangement such that all lots are capable of being built on at a BAL exposure of no greater than BAL-29.

While not related specifically to the current MOD 20, a recently approved for MOD 16 has resulted in the approval instrument being amended to state:

Asset Protection Zones

1. *At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, lands within the development area including open space land outside the nominated riparian corridors must be managed as an inner protection area (IPA)*

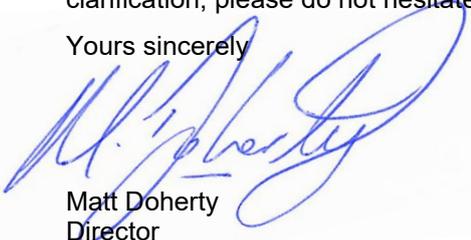
in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

The layout of the asset protection zones (APZs) must comply with Attachment 1, with reference Table 3 Required APZ of the submitted bush fire report MJD Environmental (Dated July 2020, Reference 16015). At the issue of a subdivision certificate, suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on the proposed lots which requires the provision of the above APZs and prohibits the construction of buildings other than class 10b structures within these APZ.

We request that the condition stating that all structures other than Class 10b restriction be removed and/or reconsidered to allow non-habitable class buildings and structures in the APZ area as has always been permitted in the Huntlee development area. Thus, Class 10a and Class 10b would be permitted in the APZ area provided compliance with the NCC and PBP (2019) Section 8.3.2.

We trust this is sufficient for your purposes, however should you require any further information or clarification, please do not hesitate to contact the writer.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Doherty', is written over a light blue rectangular background.

Matt Doherty
Director
MJD Environmental

Encl: Attachment 1 – MOD 20 plans
Attachment 2 – Approval instrument bushfire conditions (per MOD 9)
Attachment 3 – PBP 2019 APZ and BAL tables
Attachment 4 – Required APZ and BAL (PBP 2019)

Attachment 1 – MOD 20 Plans

Attachment 2 – MP10_0137 Approval instrument bushfire conditions (per MOD 9)

C15. Bushfire Protection

The proponent shall comply with the following requirements of the NSW Rural Fire Service:

- a) During construction of each sub-stage and until the next **stage or** sub-stage has begun, temporary concentric APZs shall be required to be provided around each release area where they face a fire hazard. Details of temporary APZs to be provided to the satisfaction of the Certifying Authority prior to issue of each sub stage construction certificate.
- b) Public road access, provision of services, landscaping and open space and future development are to comply with the Rural Fire Service’s “Planning for Bushfire Protection 2006.”
- c) For all perimeter lots directly adjoining the site boundary (i.e. where no perimeter road is provided), no dwellings shall be constructed within the APZ.

E11. Bushfire Protection

The proponent shall comply with and implement the recommended mitigation measures outlined in the bushfire assessment documents to the satisfaction of the Certifying Authority:

- a) ‘Bushfire Threat Assessment - Huntlee Residential Development – Stage 10’ prepared by RPS (Ver. 1 / March 2016), prior to the release of a subdivision certificate for the lots approved under MOD 5 within sub-stage 3.
- b) ‘Bushfire Threat Assessment - Huntlee New Town – Stage 1 75W Modification’ prepared by MJD Environmental Pty Limited (Version V2 / 28/04/2017), prior to the release of a subdivision certificate for the lots approved under MOD 8
- c) Bushfire correspondence prepared by MJD Environmental Pty Limited (ref 16015 RFS RFI Huntlee MOD 10 26/03/2019) prior to the release of the subdivision certificate for the lots approved under MOD 10
- d) **‘Bushfire Threat Assessment – Huntlee New Town – Stage 1 75W Modification 9’ prepared by MJD Environmental Pty Limited (Final / August 2018), prior to the release of the subdivision certificate for the lots approved under MOD 9**

The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants:

- i. on all residential lots requiring the maintenance of the designated Asset Protection Zone in accordance with the requirements of Planning for Bushfire Protection 2006,
- ii. on all perimeter lots directly adjoining the site boundary (i.e. where no perimeter road is provided), no dwellings shall be constructed within the APZ.

The Rural Fire Service shall have the benefit of these covenants and having sole authority to release vary or modify these covenants.

E12. Bushfire Access Earthworks

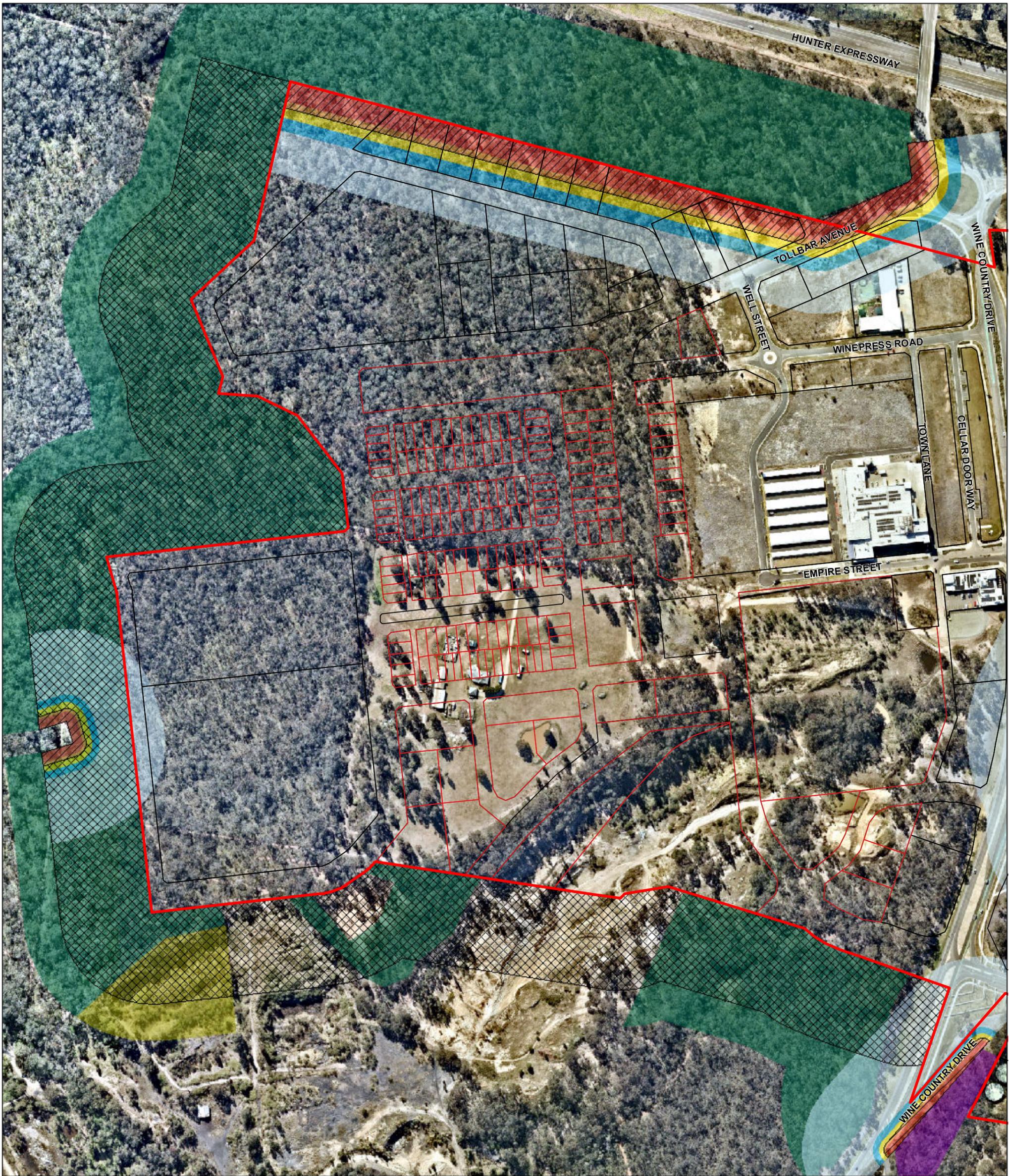
- a) Access to all bushfire affected lots shall be provided in accordance with the design specifications set out in section 4.1.3 of Planning for Bushfire Protection 2006 (or any subsequent version).
- b) Services shall be provided in accordance with section 4.1.3 of Planning for Bushfire Protection 2006 (or any subsequent version). If a water hydrant is not provided within 70 metres of the building envelope, a 5000 litre static water supply must be provided.

Attachment 3 – PBP 2019 APZ and BAL tables

Direction of Hazard	Vegetation Classification	Slope Class	Approved Bushfire Report (PBP 2006)	PBP 2019		
				APZ (Table A1.12.2)	Separation Distance (m)	BAL (Table A1.12.5)
Town Centre						
North	Forest	0-5° Downslope	25m	29m	<22m 22-<29m 29-<40m 40-<54m 54-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
East	Riparian	0-5° Downslope	10m	14m	<11m 11-<14m 14-<21m 21-<29m 29-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
South	Forest	Upslope	20m (100m temp APZ provided)	24m	<18m 18-<24m 24-<33m 33-<45m 45-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
		0-5° Downslope	25m (100m temp APZ provided)	29m	<22m 22-<29m 29-<40m 40-<54m 54-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
	Scrub	Flat	15m (100m temp APZ provided)	16m	<12m 12-<16m 16-<23m 23-<32m 32-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
West	Riparian	0-5° Downslope	10m (100m temp APZ provided)s	14m	<11m 11-<14m 14-<21m 21-<29m 29-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
Stage 13						
West (mid)	Grassland with scattered trees	0-5° Downslope	10m	12m	<9m 9-<12m 12-<17m 17-<25m 25-<50m <50m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
	Woodland	0-5° Downslope	15m	16m	<12m 12-<16m 16-<23m 23-<32m 32-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low

Direction of Hazard	Vegetation Classification	Slope Class	Approved Bushfire Report (PBP 2006)	PBP 2019		
				APZ (Table A1.12.2)	Separation Distance (m)	BAL (Table A1.12.5)
Stage 14 & 15						
North	Grassland with scattered trees	0-5° Downslope	10m	12m	<9m 9-<12m 12-<17m 17-<25m 25-<50m <50m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
East - Creek line 1	Riparian	0-5° Downslope	10m	14m	<11m 11-<14m 14-<21m 21-<29m 29-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
South	Forest	Upslope/ Cross slope	20m	24m	<18m 18-<24m 24-<33m 33-<45m 45-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
South-west	Grassland with scattered trees	Upslope	10m	10m	<8m 8-<10m 10-<15m 15-<22m 22-<50m <50m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
Stage 16						
North	Woodland	Flat/ cross slope	10m	12m	<9m 9-<12m 12-<18m 18-<26m 26-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
North-east	Forest	Upslope	20m	24m	<18m 18-<24m 24-<33m 33-<45m 45-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
South	No Hazard/ Riparian	0-5° Downslope	10m	14m	<11m 11-<14m 14-<21m 21-<29m 29-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low
West	No Hazard/ Riparian	0-5° Downslope	10m	14m	<11m 11-<14m 14-<21m 21-<29m 29-<100m >100m	BAL-FZ BAL-40 BAL-29 BAL-19 BAL-12.5 BAL-Low

Attachment 4 – Required APZ and BAL (PBP 2019)



HUNTLEE TOWN CENTRE, NORTH ROTHBURY - MOD 20
ATTACHMENT 4: REQUIRED APZ AND BAL (PBP 2019)

Legend

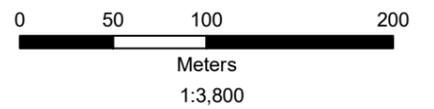
- Subdivision
- Area Subject to MOD 20
- ▭ Site Boundary
- ▨ 100m Temporary APZ
- ▧ Required Asset Protection Zone (Residential Only)

Required Bushfire Attack Levels

- PBP 2019*
- ▭ BAL-FZ
 - ▭ BAL-40
 - ▭ BAL-29
 - ▭ BAL-19
 - ▭ BAL-12.5

Vegetation Classification

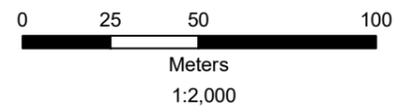
- ▭ Forest
- ▭ Rainforest
- ▭ Scrub



Aerial: NearMap (2021) | Data: MJD Environmental, Daly Smith (2021), NSW Spatial Services (2020) | Datum/Projection: GDA 1994 MGA Zone 56 | Date: 29/11/2021 | Version 1 | GIS16015 - Huntlee, Brantton5. GIS | This plan should not be relied upon for critical design dimensions.



HUNTLEE STAGE 13, NORTH ROTHBURY - MOD 20
ATTACHMENT 4: REQUIRED APZ AND BAL (PBP 2019)



Legend

- Subdivision
- Area Subject to MOD 20
- ▭ Site Boundary
- ▨ Required Asset Protection Zones (PBP 2019)

Required Bushfire Attack Levels

PBP 2019

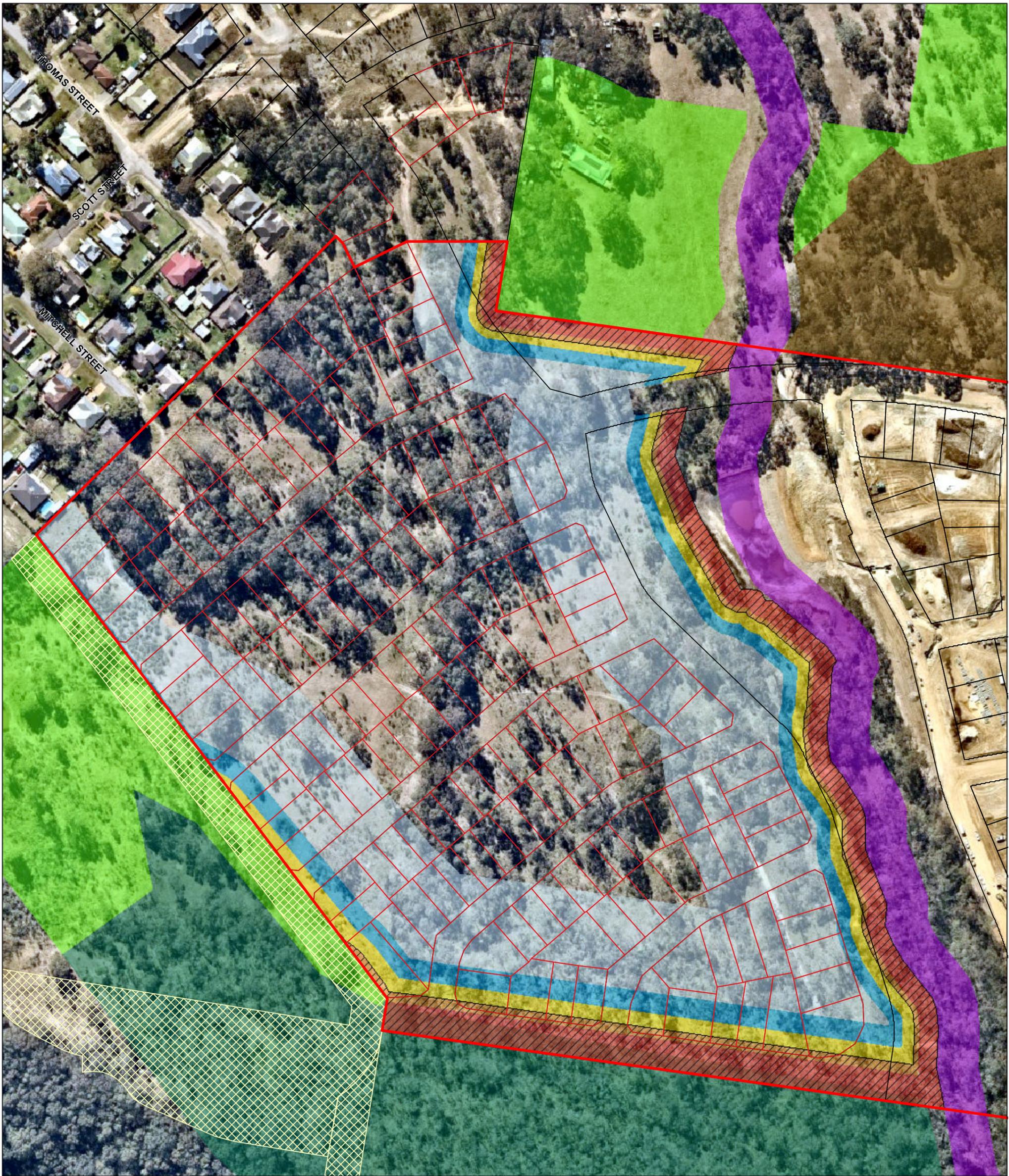
- ▭ BAL-FZ
- ▭ BAL-40
- ▭ BAL-29
- ▭ BAL-19
- ▭ BAL-12.5

Vegetation (Keith 2004)

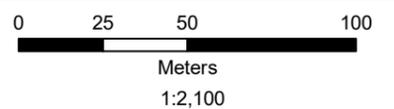
- ▭ Grasslands and Scattered Trees
- ▭ Woodland



Aerial: NearMap (2021) | Data: MJD Environmental, Daly Smith (2021), NSW Spatial Services (2020) | Datum/Projection: GDA 1994 MGA Zone 56 | Date: 29/11/2021 | Version 1 | GIS\16015 - Huntlee, Brantton\5. GIS | This plan should not be relied upon for critical design dimensions.



HUNTLEE STAGE 14 AND 15, NORTH ROTHBURY - MOD 20
ATTACHMENT 4: REQUIRED APZ AND BAL (PBP 2019)



Legend

- Subdivision
- Area Subject to MOD 20
- ▭ Site Boundary
- ▨ Reservoir & Access
- ▨ Required Asset Protection Zones (PBP 2019)
- ▭ Riparian Corridor

Required Bushfire Attack Levels

PBP 2019

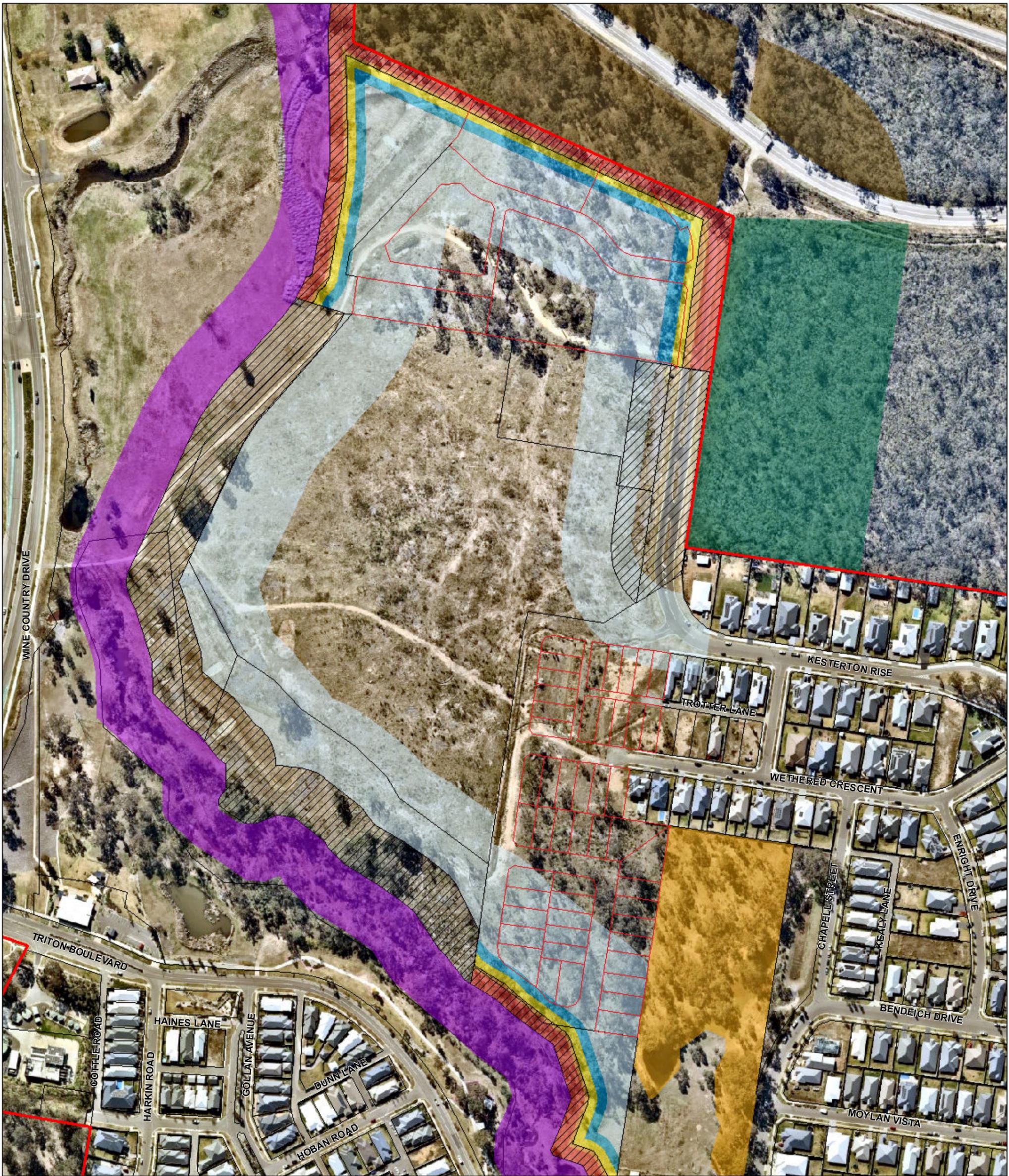
- ▭ BAL-FZ
- ▭ BAL-40
- ▭ BAL-29
- ▭ BAL-19
- ▭ BAL-12.5

Vegetation (Keith 2004)

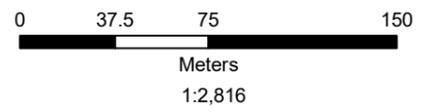
- ▭ Forest
- ▭ Grasslands and Scattered Trees
- ▭ Woodland



Aerial: NearMap (2021) | Data: MJD Environmental, Daly Smith (2021), NSW Spatial Services (2020) | Datum/Projection: GDA 1994 MGA Zone 56 | Date: 30/11/2021 | Version 1 | GIS16015 - Huntlee, Brantton5. GIS | This plan should not be relied upon for critical design dimensions.



HUNTLEE STAGE 16, NORTH ROTHBURY - MOD 20
ATTACHMENT 4: REQUIRED APZ AND BAL (PBP 2019)



Legend		Required Bushfire Attack Levels		Vegetation Classification	
—	Subdivision	PBP 2019		■	Forest
—	Area Subject to MOD 20	■	BAL-FZ	■	Low Hazard
■	Riparian Corridor	■	BAL-40	■	Woodland
	Required Asset Protection Zones (PBP 2019)	■	BAL-29		
	Site Boundary	■	BAL-19		
		■	BAL-12.5		



Aerial: NearMap (2021) | Data: MJD Environmental, Daly Smith (2021), NSW Spatial Services (2020) | Datum/Projection: GDA 1994 MGA Zone 56 | Date: 30/11/2021 | Version 1 | GIS16015 - Huntlee, Brantton5. GIS | This plan should not be relied upon for critical design dimensions.