Dear Sir,

Exhibition of Stage 1 – Kings Forest – Kingscliff, Tweed Local Government Area (08_0194)

I refer to your letter dated 18 November 2011 requesting advice on any recommended conditions of approval for the above project. Further to our previous advice dated 17 July 2007 and 29 January 2009 with respect to project MP06_0318, the following conditions are recommended for any approval of Stage 1.

(a) Rural retail development and access to Precinct 1:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property to the east, south-east and south of Building A and the car park for a distance of not less than 20 metres, and to the property boundary north and west of the proposed buildings and car park, shall be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service’s document Standards for asset protection zones.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.
Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while occupants are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal roads shall comply with section 4.2.7 of Planning for Bush Fire Protection 2006.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:


6. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

7. The parapet wall on the rear (eastern) elevation of Building A shall be deleted.

Landscaping

8. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

(b) Subdivision, road works and infrastructure works within Precinct 5:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

9. At the issue of subdivision certificate and in perpetuity the asset protection zones identified on the plan titled Plan of Proposed Subdivision of Lot 2 (Precinct 5) Kings Forest, prepared by Landsurv Pty Ltd, ref: 34860-2 (Sheet 1 of 1 – revision C and Sheets 1 of 11 to 11 of 11 – revision C), dated 19.09.2011, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.
10. A Plan of Management shall be prepared for the future ongoing maintenance of asset protection zones required under condition 9.

11. In accordance with section 88B of the Conveyancing Act 1919 a restriction to the land use shall be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service’s document Standards for asset protection zones.

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:


**Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:


The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:


In addition to the above recommended conditions of approval, the following advice is provided:

a) Future residential or Special Fire Protection Purpose development applications lodged within this subdivision on bush fire prone land will be subject to the requirements of section 79BA of the Environmental Planning and Assessment Act 1979 and section 100B of the Rural Fires Act 1997.

b) The bush fire prone vegetation along the eastern interface of Precinct 5 has been assessed as transitional from tall heath to forest.

c) Based on the provisions of Table 2.4.3 of Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas and subject to individual building setbacks, future residential development on proposed lots within Precinct 5 that is exposed to forest vegetation on flat land or land with a downward slope, will not be able to achieve BAL-29 construction with a minimum 20 metre separation distance between the building and bush fire prone vegetation. The minimum separation distance required to achieve BAL-29 construction in these circumstances may be provided by increasing the asset protection zone within the ecological buffer.

d) The NSW Rural Fire Service does not support the inclusion of a section 88B covenant on proposed lots within Precinct 5 with specific reference to the Bushfire Attack Level.
(BAL), as indicated on the plans titled Precinct 5 Plan of Development – Detail 1, Detail 2 and Detail 3 (ref: MPS 2142 DA-11b, MPS 2142 DA-12b and MPS 2142 DA-13b), prepared by MPS Architects, dated June 2011.

For any enquiries regarding this correspondence please contact Paul Creenaune.

Yours faithfully,

[Signature]

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