

Bushfire Assessment

Proposed residential subdivision

(Three Torrens title lots and strata subdivision of approved residential apartment buildings)

Lot 3 DP 548504

16 Tea Tree Road, Forster

November 2024

Final

Prepared for

Palm Lakes Works Pty Ltd

Project No:24247

ABAC Group Pty Ltd t/a

ABAC Australian Bushfire Assessment Consultants

ABN: 75 630 374 060

Email: office@accuplan.com.au

Telephone: 02 6555 5522

PO Box 34 Forster NSW 2428



Document Details

Document Name: 24247_BTA_Boomerang Cove_Subdivision_Rev1

File No. 24247

Date: November 2024

Revision: Final

Prepared for: Palm Lakes Works Pty Ltd

Author

Prepared by:

Matt Clancy

Registered Planner (RPIA)

Bachelor of Environmental Science (Honours)

Graduate Certificate in Environmental Management

Graduate Diploma in Bushfire Protection

Bushfire Planning and Design Accredited Practitioner: Level 2 – NSW (Accreditation Number BPAD63149)

Report History

Date	Revision	Comment
November 2024	Final	Issue to client
November 2024	Final (Rev1)	Updated

© This document is copyright.

It is a breach of copyright for this document to be used to support a development application for any persons/entities other than those for whom this document was prepared. Other than for the purpose for which this document has been prepared and subject to conditions prescribed under the Copyright Act no part of this document may in any form nor by any means be reproduced or stored in a retrieval system or transmitted without the prior written permission of ABAC Group Pty Ltd t/a ABAC Australian Bushfire Assessment Consultants.

TABLE of CONTENTS

1. INTRODUCTION	1
1.1 Background	1
2. PROPOSED DEVELOPMENT	3
3. SITE DESCRIPTION	6
3.1 Bushfire Prone Vegetation Relative to Location of the Proposal	8
3.2 Environmental Features or Aboriginal Relics	10
3.3 Slope Assessment	10
3.4 Vegetation Classification	11
4. BUSHFIRE ASSESSMENT	13
4.1 Submission Requirements for BFSA	13
4.2 Strata Subdivision of Existing Buildings	18
4.3 Performance Criteria	18
5. CONCLUSION	21
6. RECOMMENDATIONS	23
7. REFERENCES	24

Table 3.1: Vegetation formations and classification (PBP / Keith, 2004)	11
---	----

Table 4.1: Analysis of minimum APZs	13
-------------------------------------	----

Table 4.2: Performance Criteria (Re: Table 5.3a-c) of PBP	19
---	----

Figure 2.1: Subdivision Plan Extract	4
--------------------------------------	---

Figure 2.2: Extract of proposed plan of Strata subdivision and approved apartment buildings (Source: LSW Surveyors)	5
---	---

Figure 3.1: Site Locality and Bushfire Prone Land Map	9
---	---

Figure 3.2: Aerial view looking south over the subject site (outlined yellow) depicting predominant vegetation in relation to proposed Lots 1 and 3	12
---	----

Figure 4.1: Minimum Separation Distances for residential development	15
--	----

1. INTRODUCTION

This Bushfire Assessment has been prepared in relation to the proposed subdivision (three Torrens title lots and strata subdivision) of approved apartment buildings (presently under construction) on land at Lot 3 DP 548504, 16 Tea Tree Road, Forster.

Land in the southern part of the subject site is mapped as bushfire prone land (BFPL) for the purposes of Section 10.3 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). An extract of the bushfire prone land map is at Figure 3.1.

As part of the land within the site is mapped as bushfire prone land, the purpose of this report is to carry out a bushfire assessment having regard to the provisions of the NSW Rural Fire Service (RFS) guideline, *Planning for Bush Fire Protection 2019* (PBP) and the information requirements for obtaining a bushfire safety authority under Clause 45 of the *Rural Fires Regulation 2022* (RF Regulation).

1.1 Background

The proposal relates to land that benefits from consent to Development Application (DA) 4973/1991 for a tourist facility and residential apartments. The approved stages of development are described as:

- **Stage 1 (complete)** - Bulk site earthworks, all civil works, pontoons, retaining works (including revetment walls) and boardwalk around the watercourse (known as Boomerang Cove).
- **Stage 2 (in progress)** - Construction of three (3) residential apartment buildings containing fifty-two (52) apartments and associated civil works in the southern part of the site zoned *R3 Medium Density Residential*.
- **Stage 3 (not commenced)** - Motel, reception centre, pavilion and associated civil works in the northern part of the site zoned *SP3 Tourist*.

Consent was originally granted on 30 September 1992 and has been subject to two (2) previous modifications relating to Stages 1 and 2:

- DA-4973/1991/A – approved on 4 March 2020; and
- MOD2023/0094 – approved on 2 January 2024.

While the original consent was granted prior to the *Rural Fires Act 1997* and *Planning for Bush Fire Protection* guidelines, the modification dated 4 March 2020 was approved subject to the conditions of a Bush Fire Safety Authority (BFSA). The BFSA imposed bushfire protection requirements, including

construction standards, on both the residential apartments (Stage 2) and the motel and reception buildings proposed in Stage 3.

The most recently approved modification (MOD2023/0094) related to the design of apartment buildings in Stage 2. The last modified consent retained the conditions of a BFSA issued in 2020.

A further application to modify the consent was under assessment by Mid-Coast Council at the time of preparing this bushfire assessment. The current modification application relates to Stage 3 of the development and involves changes to the siting and design of the tourist facility development that is approved to be constructed in the northern part of the site zoned *SP3 Tourist*. That modification (if approved) would result in increased separation to hazards and resultant modifications to the construction standards applying to the buildings in Stage 3.

2. PROPOSED DEVELOPMENT

The proposed subdivision is shown on plans by LSW Surveyors Reference No. 2704BC), *Plan of Subdivision of Lot 3 DP548504*, dated 23/08/2024. An extract of the LSW plans is at Figure 2.1 and Figure 2.2 on pages 4 and 5.

The proposed development is for the subdivision of Lot 3 DP 548504 to create three (3) Torrens Title lots (see Figure 2.1) as follows:

- Proposed Lot 1 with an area of 1.292 hectares, encompassing the northern part of the site that is zoned *SP3 Tourist* (north of Dunns Creek/Boomerang Cove). Proposed Lot 1 is presently vacant and will contain the approved tourist facility to be constructed in Stage 3 of DA 4973/1991.
- Proposed Lot 2 with an area of 1.114 hectares encompassing the central part of the site/waterway that is zoned predominantly *W2 Recreational Waterways*. Proposed Lot 2 generally encompasses the waterway and retaining works completed in Stage 1 of DA 4973/1991/A.
- Proposed Lot 3 with an area of 1.666 hectares encompassing the southern part of the site that is zoned *R3 Medium Density Residential*. Proposed Lot 3 is presently vacant and will contain the residential apartment buildings approved in Stage 2 of DA 4973/1991/A. As shown in Figure 2.1, access from Tea Tree Road to Lot 3 is to be via a right of access to be created over the northern part of proposed Lot 1 in the Torrens Title subdivision.

It is also proposed to subdivide proposed Lot 3 (to be created via the Torrens Title subdivision) by Strata title, to register a strata plan over the three (3) apartment buildings approved to be constructed in Stage 2 of DA 4973/1991/A (all to be contained within proposed Lot 3 to be created via the Torrens Title subdivision). The strata subdivision will result in the creation of 52 strata lots and will be carried out in three (3) stages (see Figure 2.2) to allow registration of individual strata plans as construction of each of the three apartment buildings is completed. The remaining area of the site (being the remaining area of proposed Lot 3 in the Torrens title subdivision) will be common property.

While strata subdivision of existing buildings is generally exempt from requirements to obtain a Bushfire Safety Authority (BFSA) pursuant to Section 46(1) of the RF Regulation, the subject buildings were originally approved in 1992 (prior to Section 4.14 of the EP&A Act) and the strata subdivision may technically require issue of a BFSA.



Figure 2.1: Subdivision Plan Extract
Source: LSW Surveyors. Not to scale.

NOTE:

P. DENOTES PATIO

T. DENOTES TERRACE

B. DENOTES BALCONY

CP. DENOTES COMMON PROPERTY

PRELIMINARY
SUBJECT TO APPROVAL, FINAL SURVEY AND DESIGN

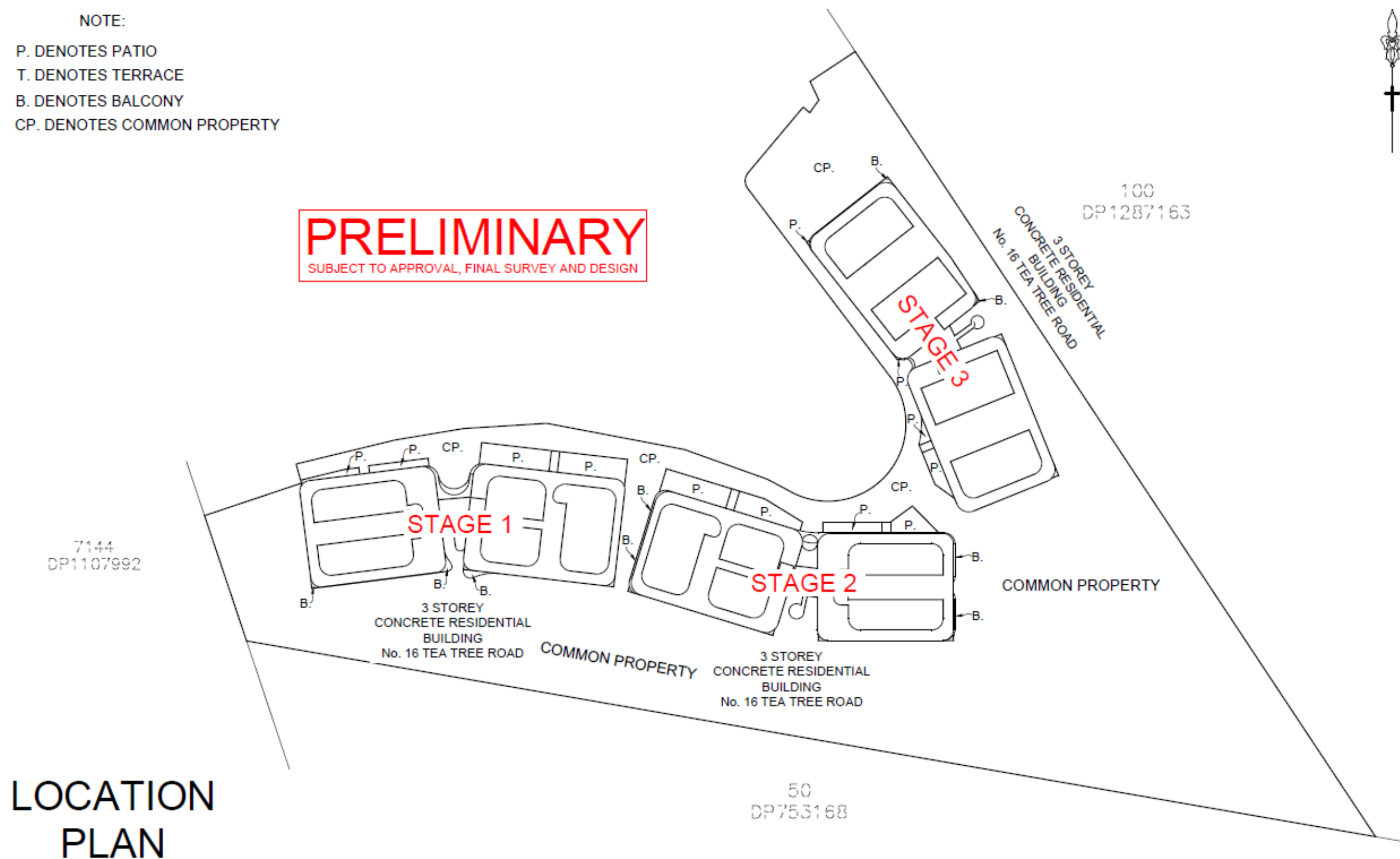


Figure 2.2: Extract of proposed plan of Strata subdivision and approved apartment buildings (Source: LSW Surveyors).

3. SITE DESCRIPTION

The site comprises land described as Lot 3 DP548504, 16 Tea Tree Road, Forster.

The site has an area of approximately 4 hectares and is dissected (generally east/west) by Dunns Creek and a lagoon commonly known as Boomerang Cove.

Wallis Lake, and foreshore vegetation/wetlands, is to the west of the site. Land to the south of the site comprises a large parcel of (relatively heavily) vegetated rural zoned land.

The Palm Lake Resort (manufactured home estate, MHE) is on land which adjoins the northern/north-eastern boundaries of the site.

The site comprises an active construction site with work commenced in relation to Stage 1 of DA 4973/1991/A. Bulk earthworks have commenced on the land, with civil construction works completed, or in the process of completion, including retaining and revetment walls on the banks of Boomerang Cove.

Access to the site is from Tea Tree Road which has recently been extended and upgraded with the construction of a new cul-de-sac at the western boundary of the site. Tea Tree Road provides two-way public road access from The Lakes Way.

The site is serviced by reticulated water. Hydrants are in Tea Tree Road.

Underground electricity and telecommunications are available to the site.

Photo 3.1 shows the site and surrounding land.



Photo 3.1: Aerial view looking north-west across the site with approximate boundary shown yellow

3.1 Bushfire Prone Vegetation Relative to Location of the Proposal

The land in the southern part of the subject site is mapped as BFPL (as shown in Figure 3.1).

The nearest area(s) of vegetation likely to present any potential bushfire hazard to any development on the site is:

- **East:** in the south-western part of the land containing the adjacent Palm Lake Resort MHE at Lot 100 DP1287163. This vegetation comprises a revegetation area zoned *C2 Environmental Management* on the southern side of Dunns Creek. This area of vegetation will be to the south-east and east of proposed Lots 1 and 3 in the Torrens Title subdivision respectively.
- **South:** On land within Lot 50 DP753168, adjoining the southern boundary of the site.
- **South-west:** land between the southern part of the western boundary of the site and Wallis Lake, on the southern side of Dunns Creek in Lot 7144 DP1107992 (understood to be foreshore Crown land). This area of vegetation will be to the south-west and west of proposed Lots 1 and 3 in the Torrens Title subdivision respectively.
- **West:** the southern (unformed) end of Tea Tree Road adjoins the northern part of the western boundary of the site. This land contains a stormwater outlet which discharges to a tidal drain and associated vegetation. While vegetation in Tea Tree Road is limited in both area and flammability, that vegetation had previously been considered a potential bushfire hazard in the relation to the BFSA and conditions of a modified development consent approval to DA-4973/1991/A.

Since the BFSA was issued for that modified development consent approval, Tea Tree Road has been extended further south (which resulted in the removal of a substantial part of the vegetation that was previously on land in the adjoining part of the road reserve). Only a relatively isolated stand of mangroves and wetland vegetation is now on the land to the west of the site, between the southern end of the constructed part of Tea Tree Road and Wallis Lake.

While the land in the southern part of the road reserve to Tea Tree Road to the west of proposed Lot 1 is not mapped as BFPL (see Figure 3.1), Section 3.4 of this assessment considers the (limited) bushfire hazard potential of vegetation remaining on that land.

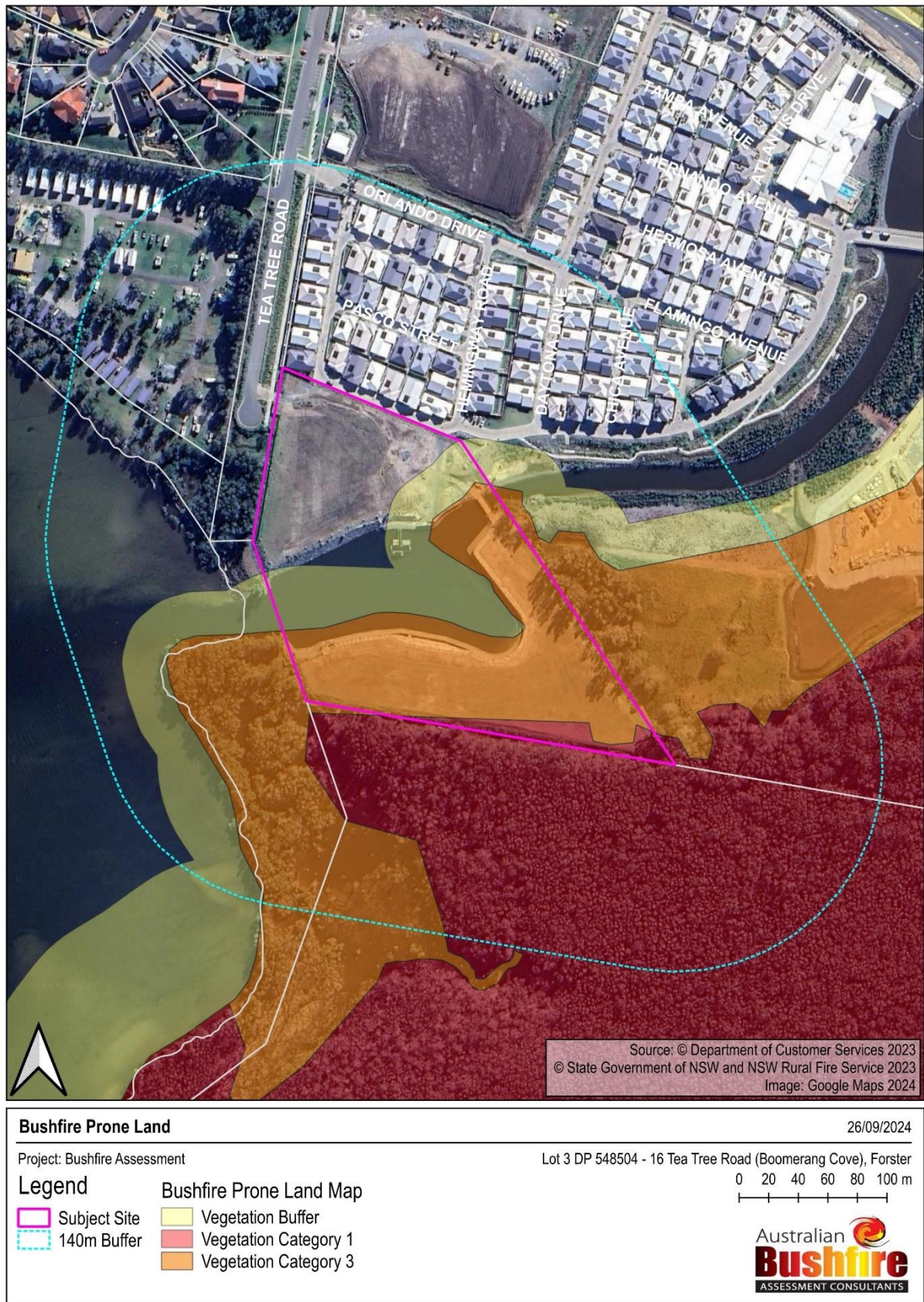


Figure 3.1: Site Locality and Bushfire Prone Land Map

3.2 Environmental Features or Aboriginal Relics

An AHIMS search indicates that there are no known Aboriginal sites recorded on the site and no Aboriginal places have been declared on or near the subject site. There are no known archaeological constraints at the subject site that might be relevant to bushfire protection measures for the proposed development (although the presence of undiscovered Aboriginal objects remains possible).

There is unlikely to be any other environmental constraints that have not been considered in the planning and approval of development on the site.

3.3 Slope Assessment

The assessment of slope has been undertaken in accordance with the methodology in Section A1.5 of PBP 2019. The assessment of slope was undertaken via analysis of 1 metre resolution Digital Elevation Model (DEM) and through field analysis using a hand-held inclinometer and range finder.

For the purposes of this assessment, the slope of land most likely to influence bushfire behaviour in relation to the proposal has been assessed as relatively flat under any areas of potential bushfire hazard vegetation.

3.4 Vegetation Classification

Figure 4.1 shows the areas of potential bushfire hazard vegetation in relation to the site.

The classification of vegetation on land surrounding the site is summarised in Table 3.1.

Table 3.1: Vegetation formations and classification (PBP / Keith, 2004)

Direction	Description	Classification
Proposed Lot 1 (Torrens)		
North-east	Existing manufactured home estate (MHE) development/Palm Lake Resort. The Palm Lake Resort land includes a revegetation zone (saline wetlands) in the riparian corridor to Dunns Creek to the east of the site in Lot 100 DP1287163. The development consent for the development on that land, and associated VMP, require that the riparian corridor be maintained as low threat vegetation.	Low threat (excluded)
West	Mangroves and saltmarsh at the southern end of Tea Tree Road. While mostly low threat in its current condition, this vegetation has been conservatively considered as forested wetlands for the purposes of determining minimum separation distances.	Forested Wetlands
South-east (East of the overall site)	Revegetation on land zoned <i>C2 Environmental Conservation</i> in the part of Lot 100 DP1287163 adjoining the eastern boundary of the overall site. Revegetation zones nearest to proposed Lot 1 are required to be revegetated as Swamp Sclerophyll Forest	Coastal Swamp Forest
South-west	Coastal wetlands in the foreshore reserve (Lot 7144 DP1107992) to the southern side of the mouth of Dunns Creek/Boomerang Cove.	Forested Wetlands
Proposed Lot 3 (Torrens)		
North	Dunns Creek/Boomerang Cove waterway.	Low threat (excluded)
West	Coastal wetlands in the foreshore reserve (Lot 7144 DP1107992) to the southern side of the mouth of Dunns Creek/Boomerang Cove.	Forested Wetlands
East	Revegetation on land zoned <i>C2 Environmental Conservation</i> in the part of Lot 100 DP1287163 adjoining the eastern boundary of proposed Lot 3. Revegetation zones nearest to proposed Lot 3 are required to be revegetated as Swamp Sclerophyll Forest (although forested wetlands exist immediately east of the site boundary, as described in the VMP applying to that site (Wildthing, 2016)).	Mixed Coastal Swamp Forest & Forested Wetlands
South	Swamp sclerophyll forest on land within Lot 50 DP753168.	Coastal Swamp Forest



Figure 3.2: Aerial view looking south over the subject site (outlined yellow) depicting predominant vegetation in relation to proposed Lots 1 and 3

4. BUSHFIRE ASSESSMENT

4.1 Submission Requirements for BFSA

The following provides a summary of the submission requirements for a BFSA in relation to subdivision on BFPL, as per Clause 45 of the Rural Fires Regulation 2022.

4.1.1 *The extent to which the development is to provide for setbacks, including asset protection zones*

Appendix 1 of PBP provides the methods for determining the minimum APZs for the siting of residential development in the proposed subdivision.

The site is in the North Coast fire (weather) area and the relevant Fire Danger Index (FDI) is FDI 80. Table A1.12.3 of PBP provides the minimum APZs for residential subdivision for FDI 80 areas.

In relation to vegetation classification in Sections 3.4 and 3.4 of this assessment, and as per Table A1.12.3 of PBP, separation distances as set out in Table 4.1 would be required to ensure that any new residential building on proposed Lots 1 and 3 is not exposed to radiant heat flux of more than 29kW/m².

Table 4.1: Analysis of minimum APZs

Direction	Predominant Vegetation	Effective Slope	Minimum Separation (PBP, Table A1.12.3)
Proposed Lot 1			
North-east	Low Threat	Flat	N/A
West	Forested Wetland		8 metres
South-east (East of the overall site)	Swamp Forest		20 metres
South-west	Forested Wetland		8 metres
Proposed Lot 3			
North	Low Threat	Flat	Nil
West	Forested Wetland		8 metres
East	Swamp Forest		20 metres
South	Swamp Forest		20 metres

Proposed Lots 1 and 3 each provide sufficient land area to accommodate residential development with separation distances from hazards consistent with the minimum requirements for APZs prescribed in Table A1.12.3 of PBP.

***Note:** The site benefits from approvals that were issued prior to PBP and the minimum setback requirements contained in Table A1.12.3 of PBP. Existing conditions of consent impose construction standards and other BPMs on the approved buildings having regard to the approved siting and proximity to hazards. Compliance with those conditions is unaffected by the proposed subdivision.*

Strata Subdivision

The proposed strata subdivision relates to the three (3) apartment buildings approved to be constructed in Stage 2 of DA 4973/1991 (all of which will be contained in proposed Lot 3 to be created via the Torrens Title subdivision). As such, separation distances are determined by the envelope of the approved buildings in relation to hazards beyond the site boundaries to the east, west and south. Those separation distances are unaffected by the proposed subdivision.

All land outside of building footprints is proposed to be contained within common property. As the strata subdivision does not create any 'development lots' that may be developed for residential purposes, the minimum separation distances for residential subdivision are not relevant to any of the proposed strata lots.

Conditions of the BFSA relate to the apartment buildings and are reflected in Condition 93 of DA 4973/1991. These include Condition 93(a) which requires:

- (a) *"...at the commencement of building works and in perpetuity, the entire property shall be maintained 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'...."*

It is understood that Condition 91 (the BFSA) would continue to apply to development on the land following subdivision. This includes requirements for maintaining APZs around the approved buildings that are the subject of the proposed strata subdivision. Those APZs would be contained within common property.



Figure 4.1: Minimum Separation Distances for residential development

4.1.2 *The siting and adequacy of water supplies for fire fighting*

The proposed subdivision will be serviced by reticulated water. The siting and adequacy of water supplies is considered in relation to performance criteria of PBP in Section 4.2 of this assessment.

4.1.3 *The capacity of nearby public roads to handle increased volumes of traffic when a bush fire emergency occurs*

Tea Tree Road is a public road with apparent capacity to handle increased traffic. The capacity of public roads is considered in relation to performance criteria of PBP (Section 5) in Section 4.2 of this assessment.

4.1.4 *Whether or not nearby public roads that link with the fire trail network have two-way access*

There is no fire trail network within the site. The adjacent road network has two-way access.

4.1.5 *The adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response*

Access and egress from the site will be available via Tea Tree Road. The adequacy of arrangements for access to and egress from the development site is considered in relation to performance criteria of PBP (Section 5) in Section 4.2 of this assessment.

4.1.6 *The adequacy of bushfire maintenance plans and fire emergency procedures for the development site*

Condition 93 of DA 4973/1991 applies to the land and buildings to be constructed under that consent and requires:

A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the site consistent with the NSW RFS document "Development Planning - A Guide to developing a bush fire emergency management and evacuation plan" (December 2014). A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to occupation of the development.

The proposed subdivision does not rely on any other bushfire maintenance plans or emergency procedures.

4.1.7 *The construction standards to be used for building elements in the development*

The proposed development (subdivision) does not involve construction of any buildings.

Condition 93 of DA 4973/1991 identifies the construction standards that are to apply to the:

- motel buildings that are approved to be constructed on land to be contained within proposed Lot 1 to be created via the Torrens Title subdivision; and
- residential apartment buildings that are to be constructed on proposed Lot 3 to be created via the Torrens Title subdivision and which will be subject to strata subdivision after completion.

Construction standards identified by Condition 93 of DA 4973/1991 would continue to apply to buildings to be constructed pursuant to that consent.

4.1.8 *The adequacy of sprinkler systems and other fire protection measures to be incorporated into the development*

Not applicable.

4.1.9 *Registered fire trails on the property*

No registered fire trails exist on the property, and none are proposed.

4.1.10 *An assessment of the extent to which the proposed development conforms with or deviates from Planning for Bush Fire Protection*

Performance criteria in Chapter 5 (Residential and Rural Residential Subdivisions) of PBP is relevant to the proposal.

Section 4.3 of this assessment provides an analysis of the development in relation to the performance criteria in Chapter 5 of PBP.

4.2 Strata Subdivision of Existing Buildings

The proposal includes strata subdivision of three (3) apartment buildings to be erected in accordance with DA 4973/1991/A. While the performance criteria in Section 5.3 of PBP applies to strata subdivision (where relevant), PBP also requires consideration of whether the arrangement will:

- a) lead to increased residential densities (requiring consideration of Section 8.2.1 of PBP); or
- b) lead to increased vulnerability of occupants.

The proposed strata subdivision creates strata lots that encompass individual residential units to be constructed under DA 4973/1991/A. All remaining land that is not occupied by buildings would be common property. As the subdivision does not create any vacant 'development lots', the proposal does not have potential to lead to increased residential densities and the considerations in Section 8.2.1 of PBP are not relevant.

The strata subdivision does not have potential to change the use or occupant characteristics of the residential apartment development such that the vulnerability of the potential occupants would increase. The use of the buildings would continue to be regulated by the parameters of the approval (being residential accommodation).

4.3 Performance Criteria

Development for the purposes of subdivision is subject to the specific considerations in Chapter 5 (Residential and Rural Residential Subdivisions) of PBP 2019.

4.3.1 Residential Subdivisions

Section 5.3 of PBP relates to residential subdivision. The relevant performance criteria are considered in Table 4.2 below in relation to proposed Lots 1 and 3.

Proposed Lot 2 is largely zoned *W2 Recreational Waterways* and does not have capability to accommodate a dwelling. As such, there are no applicable performance criteria relating to the creation of proposed Lot 2.

Table 4.2: Performance Criteria (Re: Table 5.3a-c) of PBP

PERFORMANCE CRITERIA	RELATIONSHIP OF PROPOSAL TO ACCEPTABLE SOLUTIONS
ASSET PROTECTION ZONES	
<i>Potential building footprints must not be exposed to radiant heat levels exceeding 29kW/m² on each proposed lot.</i>	<p>The site provides sufficient unconstrained areas to accommodate tourist accommodation and residential development within proposed Lots 1 and 3 (to be created via the Torrens Title subdivision) while providing minimum separation distances as per Table A1.12.3 of PBP.</p> <p>The subdivision does not reduce the availability of separation to any approved development on the land. Any existing conditions of consent relating to APZs and construction standards will continue to apply to each proposed lot.</p>
<i>APZs are managed and maintained to prevent the spread of a fire towards the building.</i>	Recommendations include the management of the land within the site as an APZ in accordance with the requirements of Appendix 4 of PBP, consistent with the current conditions of consent and BFSa for DA 4973/1991/A.
<i>The APZ is provided in perpetuity.</i>	There are no apparent issues with ongoing maintenance of land within the site as an APZ in perpetuity. The land is subject to existing conditions of consent requiring maintenance of the land to the standard of an APZ.
<i>APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.</i>	<p>As above. There are no apparent issues in relation to soil stability.</p> <p>The land is subject to existing conditions of consent requiring maintenance of the land to the standard of an APZ.</p>
ACCESS	
<i>Firefighting vehicles are provided with safe, all-weather access to structures.</i>	<p>The land is presently vacant. The following conditions of consent are included in the consent to DA 4973/1991/A:</p> <p><u>Condition 25 (Dunns Creek Bridge):</u></p> <p><i>Prior to the issue of construction certificate details of the reconstruction of the existing bridge crossing of Dunns Creek must be submitted and approved by the certifying authority. The bridge must be reconstructed with the vehicle pavement surface levels at a minimum RL2.7m AHD. Design of the new bridge must be undertaken by a suitably experienced and qualified structural engineer with the bridge designed:</i></p> <ul style="list-style-type: none"> <i>i. With a minimum carriageway width to comply with Table 4.1 of the NSW Rural Fire Service publication - Planning for Bushfire Protection 2006.</i> <i>ii. For the heaviest vehicle (including earthmoving machinery and fully loaded</i> <ul style="list-style-type: none"> <i>i. Rural Fire Services truck (23 tonnes); and</i> <i>ii. A NSW Fire Brigade pumper truck.</i> <p><u>Condition 93 (d) (RFS Requirements - Access)</u></p> <ul style="list-style-type: none"> <i>ii. Internal roads are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', and incorporate the following:</i> <ul style="list-style-type: none"> <i>a) Road widths in accordance with Table 4.1 of 'Planning for Bush Fire Protection 2006'; and</i>

PERFORMANCE CRITERIA	RELATIONSHIP OF PROPOSAL TO ACCEPTABLE SOLUTIONS
	<p><i>b) A reversing bay may be provided in lieu of a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.</i></p> <p>The above conditions relate to both Stages 2 and 3 of DA 4973/1991/A and will remain applicable to the design of the main entry road that will provide (shared) access between each proposed Torrens lot.</p> <p>The plan of subdivision includes a Right of Access and Easement for Services (6 metres wide) over proposed Lots 1 and 2 which will provide legal access from Tea Tree Road to proposed Lot 3.</p>
<i>The capacity of access roads is adequate for firefighting vehicles.</i>	<p>An existing bridge provides physical access to proposed Lot 3 over Dunns Creek. The existing bridge is to be reconstructed to have a capacity of 23 tonnes pursuant to Condition 25 of DA 4973/1991/A and the requirements of PBP 2006, which was in force at the date of issue of the BFSa for modification of that development consent (March 2020).</p> <p>Recommendations are made for reconstruction of the existing bridge to the specifications in Condition 25 of DA 4973/1991/A to achieve the acceptable solutions of PBP 2019 relating to capacity of bridges and causeways (minimum 23 tonne capacity).</p> <p>Existing conditions of consent remain applicable to property access roads servicing the approved apartment buildings on proposed Lot 3 (to be created via the Torrens Title subdivision).</p>
<i>There is appropriate access to water supply.</i>	<p>Reticulated water is available to the site. Fire hydrants are in Tea Tree Road at the frontage to the site. NCC/BCA provisions (outside the scope of this assessment) also require fire services, such as hose reels and hydrant coverage to the approved buildings on the land.</p>
<i>Firefighting vehicles can access the dwelling and exit the property safely.</i>	<p>Proposed Lot 1 (to be created via the Torrens Title subdivision) has direct frontage to Tea Tree Road. The conditions of DA 4973/1991/A provide the requirements for property access roads servicing the apartment buildings approved for construction on proposed Lot 3 (to be created via the Torrens Title subdivision).</p> <p>The approved internal road will incorporate turning areas to enable firefighting vehicles to enter and exit the site in a forward direction.</p>
WATER SUPPLIES	
<i>Adequate water supplies are provided for firefighting purposes.</i>	<p>Fire hydrants are in Tea Tree Road at the frontage to the site.</p> <p>Easements for services are noted on the plan of subdivision and would maintain access to services following subdivision.</p> <p>NCC/BCA provisions (outside the scope of this assessment) also require internal fire services, such as hose reels and hydrant coverage to the approved buildings on the land.</p>
<i>Water supplies are located at regular intervals; and the water supply is accessible and reliable for firefighting operations.</i>	As above.
<i>Flows and pressure are appropriate.</i>	<p>No details available as to flows and pressure of reticulated water supply. It is expected that flows and pressure would be confirmed as part of the</p>

PERFORMANCE CRITERIA	RELATIONSHIP OF PROPOSAL TO ACCEPTABLE SOLUTIONS
	NCC/BCA fire safety considerations for approved buildings (outside the scope of this assessment).
<i>The integrity of the water supply is maintained.</i>	The proposal is for subdivision of land. Buildings approved to be constructed on the land are subject to conditions of consent requiring water services to comply with section 4.1.3 and 4.2.7 of PBP 2006.
ELECTRICITY SERVICES	
<i>Location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings.</i>	Electricity supply is to be underground.
GAS SERVICES	
<i>Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.</i>	No reticulated gas. Any future gas installation(s) to the approved buildings are to be consistent with the conditions of the BFSA.
LANDSCAPING	
<i>Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.</i>	<p>The proposed subdivision does not include details of any landscaping. The entire site is to be maintained as an IPA in accordance with the requirements of Appendix 4 of PBP.</p> <p>The conditions of DA 4973/1991/A provide landscaping requirements for the apartment and motel buildings to be constructed on the land.</p>

5. CONCLUSION

The proposed development is for the subdivision of Lot 3 DP 548504 to create three (3) Torrens Title lots (see Figure 2.1) as follows:

- Proposed Lot 1 with an area of 1.292 hectares, encompassing the northern part of the site that is zoned *SP3 Tourist* (north of Dunns Creek/Boomerang Cove). Proposed Lot 1 is presently vacant and will contain the approved tourist facility to be constructed in Stage 3 of DA 4973/1991.
- Proposed Lot 2 with an area of 1.114 hectares encompassing the central part of the site/waterway that is zoned predominantly *W2 Recreational Waterways*. Proposed Lot 2 generally encompasses the waterway and retaining works completed in Stage 1 of DA 4973/1991.
- Proposed Lot 3 with an area of 1.666 hectares encompassing the southern part of the site that is zoned *R3 Medium Density Residential*. Proposed Lot 3 is presently vacant and is currently subject to construction works for the residential apartment buildings approved in Stage 2 of DA

4973/1991. As shown in Figure 2.1, access from Tea Tree Road to Lot 3 is to be via a right of access to be created over the northern part of proposed Lot 1 in the Torrens Title subdivision.

It is also proposed to subdivide proposed Lot 3 (to be created via the Torrens Title subdivision) by Strata title, to register a strata plan over the three (3) apartment buildings approved to be constructed in Stage 2 of DA 4973/1991 (all to be contained within proposed Lot 3 to be created via the Torrens Title subdivision). The strata subdivision will result in the creation of 52 strata lots and will be carried out in three (3) stages (see Figure 2.2) to allow registration of individual strata plans as construction of each of the three apartment buildings is completed. The remaining area of the site (being the remaining area of proposed Lot 3 in the Torrens title subdivision) will be common property.

While the site is presently vacant, construction works have commenced in relation to Stage 1 of DA 4973/1991/A which provides consent for development of the land for the purposes of residential apartment buildings (Stage 2) and motel development (Stage 3). The conditions of consent include the requirements of a Bushfire Safety Authority that was issued in relation to a modification to DA 4973/1991 approved in 2020 (DA 4973/1991/A). Those conditions provide the relevant bushfire protection measures that would continue to apply to the approved residential and motel development irrespective of the proposed subdivision. Subject to providing easements for access and services, the proposed subdivision will not affect achievement of any bushfire protection measures required by DA 4973/1991/A for the approved residential and motel development.

The proposal has been assessed against the relevant provisions of *Planning for Bush Fire Protection 2019* (PBP 2019), including the performance criteria in Chapter 5 (subdivision) as relevant to residential subdivision and Section 5.1.2 (Strata subdivision of existing buildings).

The proposed strata subdivision (proposed to the approved residential apartment building after completion) will not create any additional dwelling opportunities (increased density) and does change the use of the buildings such that there would be an increase in vulnerability to the residents of those apartment buildings. This assessment and recommendations have been prepared on the basis that the approved buildings would be constructed in accordance with the conditions of the BFSA applying to the construction and use of those buildings.

6. RECOMMENDATIONS

The following recommendations are made in relation to the bushfire protection measures for the proposed subdivision of land at Lot 3 DP 548504, 16 Tea Tree Road, Forster:

- A. Land within the site boundaries of each proposed lot is to be maintained (and/or continue to be maintained) as an Asset Protection Zone (APZ) for the purposes of *Planning for Bush Fire Protection 2019*.
- B. APZs are to be maintained in accordance with the requirements of an Inner Protection Area (IPA) as described in Appendix 4, Section A4.1.1 of *Planning for Bush Fire Protection 2019* (PBP) and any grassy vegetation within the IPA is to be maintained to a height <100mm.
- C. Proposed Lots 1 and 3 (to be created via the Torrens Title subdivision) are to be provided with a fire hydrant designed to comply with the relevant clauses of AS2419.1:2021.
- D. The existing bridge crossing Dunns Creek (providing access to proposed Lot 3) is to be reconstructed to comply with Condition 25 of DA4973/1991/A.
- E. An easement for access and services is to be provided over the alignment of the property access road, including the existing bridge that is required to be reconstructed, providing vehicle access between Tea Tree Road and the western boundary of proposed Lot 3 (to be created via the Torrens Title subdivision). The easement is to fully encompass a property access road that adheres to the acceptable solutions of PBP or conditions of DA 4973/1991/A (as relevant to the approved development of proposed Lot 3).
- F. Arrangements must be established in a Community Management Statement (e.g., body corporate by-laws) that addresses fire management strategies for the proposed strata subdivision and take into account the following matters relevant to the proposal:
 - i. continued management of APZs, water supplies and access for fire management purposes;
 - ii. consultation between the Strata Executive and both FRNSW and RFS to confirm contact details;
 - iii. community engagement advice for the occupants; and
 - iv. preparation of a Bush Fire Survival Plan for each unit.
- G. Any new electricity supply required to service the development should be provided underground.

NOTE & DISCLAIMER:

1. *This assessment relates only to the development described in Section 2 of this assessment.*
2. *This assessment has been based on bushfire protection guidelines as outlined in the document entitled Planning for Bush Fire Protection 2019 (PBP).*
3. *Notwithstanding the precautions recommended, it should always be remembered that bushfires burn under a range of conditions and an element of risk, no matter how small, always remains.*
4. *This assessment does not imply or infer any approval for the removal and/or thinning of vegetation for Asset Protection or other purposes. It is the responsibility of the client/landowner to obtain all necessary approvals in this regard.*

7. REFERENCES

NSW Rural Fire Service (2019)

Planning for Bush Fire Protection 2019

NSW Rural Fire Service (2006)

Planning for Bush Fire Protection 2006

Standards Australia (2018)

AS 3959-2018 Construction of buildings in bushfire-prone areas