



# AUSTRALIAN BUSHFIRE CONSULTING SERVICES



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**BRONZE  
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11<sup>th</sup> April 2018  
Reff 18-075

Mr Graeme Bell  
32 Jacks Lane  
Maroota NSW 2756

RE Proposed rezoning RU1 to RU2 at 32 – 34 Jacks Lane Maroota

Dear Graeme,

Thank you for providing a copy of the response from the NSW Rural Fire Service to The Hills Shire Council for the planning proposal at 32 - 34 Jacks Lane Maroota. As instructed I have reviewed the response and providing the following commentary.

I was as surprised as yourself to receive this as it significantly deviates from the Rural Fire Services position presented to us during our pre lodgment negotiations with them. As you are aware we provided a detailed bushfire threat assessment for the planning proposed accompanied by a plan of proposed future subdivision to the NSW RFS with a formal pre DA application, and following that process I understood only minor changes were necessary.

With respect to the matters now raised I note:

Travel distances of over 200 metres.

The rezoning of this land could result in a future application for a cluster subdivision with travel distances of greater than 200 metres to the public through road. Where travel distances of more than 200 metres are experienced Planning for Bush Fire Protection 2006 (PBP 206) normally requires a second egress to be considered.

The plan of proposed future subdivision submitted with the Pre DA application showed, amongst other items, a second egress in the form of a fire trail leading to a crown road within the southern corner of the association allotment. The report lodged with the pre DA detailed that gated access was available from the crown road and through other allotments back to Wisemans Ferry Road. We were contacted by the NSW RFS during the Pre DA review and on Friday 4<sup>th</sup> August 2016 we were advised that:

- The RFS were concerned about providing a secondary egress from lots 2 and 3 that did not involve travel towards the northern hazard. They requested a new fire trail on the western side and around the dam.
- The RFS were not concerned if the second egress to the crown road was deleted from the plans.
- The RFS were not concerned about the short length of the accessway to Wisemans Ferry Road noting that the hazard was not located on the side of road where traditional fire weather causes the most significant impact, the hazard is patchy and disturbed and is not a true forest structure, and the distance to Wisemans Ferry Road adjacent any hazard is relatively short (which I note is only approx 200 metres in length).

I understand that you also had a very similar conversation with the NSW RFS and following that positive conversation the application was progressed to formal lodgement with Council.



When questioned about the need for a second egress I was advised that it was not necessary, rather that the NSW RFS Fast Fact Multi Lot Residential Subdivisions in Bush Fire Prone Areas should apply. It is acknowledged that in this development scenario the dwellings would provide a place of last resort and the "leave early or stay in place" mindset can apply. The Multi Lot Residential Subdivisions Fast Fact was not addressed within the Pre DA lodgement as it had not been released at that time. The ensuing email from the NSW RFS 10<sup>th</sup> August 2016 further supported this approach.

It should be noted that there are many examples in this LGA where cluster subdivisions have been approved and there is greater than 200 metres travel to / from a public thorough road. Indeed approvals where new internal roads provide dead ends greater than 200 metres exist. The nearest similarity is in Blakers Lane where there is an approved subdivision with 590 metre travel to Wisemans Ferry Road. Other examples include development along Spur Place & Shoplands Road Glenorie.

The email re existing access as a constraint.

Access widths of perimeter roads are inadequate.

The proposed access road was to be 6.5 metres wide, only narrowing where it passes the power poles on the length from Wisemans Ferry Road. The right of carriageway is 10.06 metres wide and incorporated a turning head at the junctions of Lots 2 & 3. There is no reason that, following approval of this planning proposal, the development could provide wider roads along the hazard interface, and this planning proposal could be approved in the knowledge there is a capacity for future development to comply.

It must be noted that the access handle from Wisemans Ferry Road is not a perimeter road and would not be used as a defense line under emergency circumstances. There is greater than 5.5 metre wide clearance existing along its length and there is 5.5 metres trafficable width around the power poles. Draft PBP 2017 suggests that 5.5 metre wide access roads are acceptable. Draft PBP 2017 also only requires perimeter roads and access roads to be linked to the other roads every 500 metres, which would suggest that a travel distance from the most disadvantaged point of 250 metres is inconsequential. The length of the access handle to Wisemans Ferry Road that is impacted by vegetation is only approx 200 metres in length.

Recent clearing in the neighbouring allotment to the northeast of Jacks Lane has provided increased separation beyond the above distances (I understand the stockpile of vegetation resulting from this management will be burnt or removed prior to the next fire season, however as it is on a neighbouring allotment this is not a matter for this proposal).

The proposal's deviation from PBP 2006 is only minor and only relates to access matters. There is no reduction in protection measures provided to the occupants staying within a dwelling during the passage of a bushfire. The ability of access to comply with the details within Draft PBP 2017 is available and this planning proposal should be approved in this knowledge.

In response to matters raised during the Pre DA procedure to address the variation in access length the plans were amended (before and after plans attached) and bushfire protection measures include:

- APZ comply with Appendix 2 PBP 2006.
- APZ increased to comply with BAL 29 construction under AS3959 – 2009.
- Restrictions recommended to ensure that proposed future dwellings will comply with BAL 40 construction.
- A new fire trail was added providing a second egress from Lots 2 and 3 (which also benefits other existing properties in Jacks Lane).
- Dedicated static water supply recommended to be enforced on each new allotment.
- A perimeter fire trail provided behind Lots 5 and 6 with T turning provisions.

Note: A literal application of PBP 2006 and Keith 2004 would allow for the vegetation to the northwest, which is Shale Sandstone Transitional Forest, to be assessed as a Woodland, however forest classification has been applied as a conservative approach. It must also be noted that there are two large dams within the APZ for Lots 2, 3 and 4 which provides an area completely devoid of any vegetation as well as a significant water resource.





Image 01 NearMap image showing nature of vegetation to the northeast of Jacks Lane



Photograph 01: Image showing recent management along Jacks Land and its neighbour



Photograph 02: Image showing recent management along Jacks Land and its neighbour





Photograph 03: Image showing nature of vegetation to the northeast of Jacks Lane

#### Fire history.

PBP 2006 makes no dispensation for fire history and requires a development to plan for the 1:50 year fire event. Whether there is a high incidence of fire records or a lack of fire events in entirety makes no difference to the bushfire protection measures applied. Similarly, the document treats aspect the same and makes no differentials to predominant fire paths and prevailing weather conditions normally associated with high fire danger days.

Anecdotal evidence provided to me indicates that during the 2002 bushfire event raised as an example by the RFS there was no property loss along Jacks Lane with no impact at all on 32 Jacks Lane. The adverse fire activity was more concentrated to the north of Blakers Road near the recently approved cluster subdivision. Only one fire appliance was present at Jacks Lane however there was no property damage and one grass fire within another property which was extinguished by a garden hose.

The one death that occurred to the north Blakers Road was a man living in a caravan which provided no structural protection, was surrounded by bushland and the occupant ignored the early evacuation advice when it was provided. The applicant is obtaining documentary to verify this anecdotal detail.

The capacity of the subdivision to comply with the legislated requirements for a 1:50 year fire event including adequate Asset Protection Zones, suitable defensible space, properly constructed buildings that would provide a refuge and place of last resort and adequate services (water) must also be considered in this context.

#### Incompatible land uses.

The RFS raise concern that the proposed rezoning will also allow other land uses such as bed and breakfast accommodation, camping grounds, caravan parks, centre-based child care facilities, community facilities, dual occupancies, farm stay accommodation, home based child care, places of public worship, and respite day centres.

The RFS correctly identify that some of these uses are Special Fire Protection Purpose (SFPP) Development. These uses all require a future DA and those that are SFPP have compulsory referral requirements to the NSW RFS as integrated development, while all others must be referred to the NSW RFS where Council is not satisfied they comply with Planning for Bush Fire Protection 2006. As such any future uses will be vetted by Council or the RFS, and where considered to be inappropriate development refusal can be recommended at that time.



Strategic approach.

After lodging the Pre DA for this application I became aware of similar comments on strategic planning assessments being raised on nearby applications along Weavers Road. The applicant and I were satisfied that given the timing and content of RFS response and in conjunction with the release of the Fast Fact on Multi Lot Residential Subdivisions in Bush Fire Prone Areas during this Pre DA period, no further strategic concerns needed to be addressed for this project.

Indeed, the RFS Fast Fact states that "Each individual subdivision will need to be assessed on its own merits against the performance requirements of Planning for Bush Fire Protection, with due consideration to the potential risk to occupants." A similar approach should be applied to this planning proposal.

I understand that the planners approach for this proposal is that this site is incorrectly zoned RU1 in the first instance and, with the other restrictions placed on land uses within this property, make it incompatible or impractical for use within its RU1 purpose. The restrictions by Council prohibit poultry farming, pig farming, market gardening, boarding kennels, waste disposal and mushroom farming. The neighbouring properties further north along Jacks Lane are all zoned RU2 and the land uses associated with RU2 are already permissible in this area. This aspect is being address by other experts however it is put forward that this planning proposal is unique and is not necessarily a precursor for similar applications. Rezoning of this site should therefore not be assessed as a strategic planning proposal in this context.

Summary.

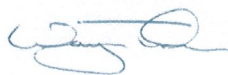
Attached to this document is a copy of the NSW RFS email response to the Pre DA application, the subdivision plan lodged with the Pre Da, a marked-up plan prepared for the applicant in response to the Pre DA advice and the ensuing final plan lodged with the planning proposal.

I understand you are disappointed that the current matters raised by the NSW RFS were not provided when they had opportunity during the Pre DA, and you are investigation all options available to you. Earlier advice would have assisted you making more informed decisions and alternate preparation leading up to the planning proposal application to Council.

I have addressed the new issues raised here in. I also understand that, although the NSW RFS had advised us to remove the fire trail through to the Crown Road reserve to the southwest corner, that you are willing to re-include this in the future subdivision and you can accept it as a condition of consent at that time. This planning proposal demonstrates that a second egress can be made available.

I suggest that this review is provided to Council for further consideration of the application.

Australian Bushfire Consulting Services



**Wayne Tucker**

Managing Director  
G. D. Design in Bushfire Prone Areas.  
Certificate IV Fire Technology  
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From: Bradley Bourke [mailto:Bradley.Bourke@rfs.nsw.gov.au]  
Sent: Thursday, 10 August 2017 9:42 AM  
To: Wayne Tucker  
Subject: Pre DA request 32 - 34 Jacks Lane Maroota

Good morning Wayne,

As discussed on Friday 4 August 2017, The New South Wales Rural Fire Service (NSW RFS) advises that the proposed development of 32-34 Jacks Lane Maroota will be assessed as a rural residential development with existing access constraints.

The bush fire assessment report prepared for the proposal should reflect the additional performance based requirements for rural residential cluster subdivisions as outlined in the NSW RFS community resilience fast fact titled 'Multi Lot Residential Subdivision in Bush Fire Prone Area' dated December 2016.

In this regard, adequate provisions should be incorporated into the design to allow for access to the hazard interface situated on the western side of the subject site. This access should be designed to provide safe alternate access/egress for Lot 2 and 3.

Kind Regards



**Bradley Bourke** | Development Assessment & Planning Officer |  
Planning & Environment Services (East)

**NSW RURAL FIRE SERVICE**

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Attachment 02: The subdivision plan lodged with the Pre Da application to NSW RFS







