

BUSHFIRE PROTECTION ASSESSMENT

FOR THE REZONING OF LAND

WITHIN

PT. LOT 1021 & LOT 1022 in DP 1091484,
LOT 901 in DP 1029336, LOT 5 in DP 30916,
AND
LOTS 1125 - 1138 in DP 1029338,

WINDSOR ROAD & COMMERCIAL ROAD,

ROUSE HILL

FOR

ROUSE HILL COMMERCIAL ROAD DEVELOPMENT CO. PTY LTD.



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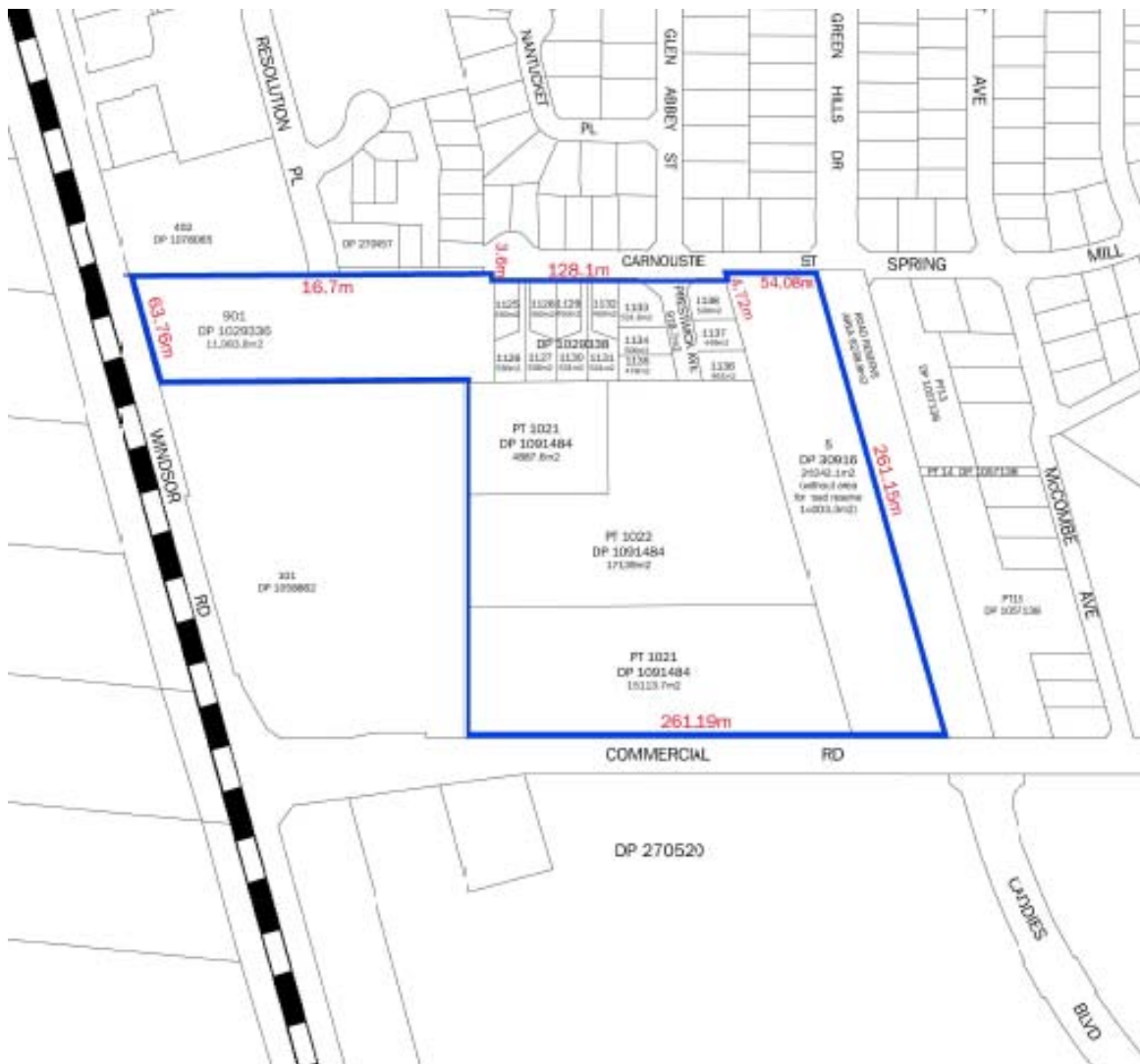
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EXECUTIVE SUMMARY

Australian Bushfire Protection Planners Pty Limited has been commissioned by *EDAW AECOM*, on behalf of *Rouse Hill Commercial Road Development Co. Pty Ltd*, to prepare a Bushfire Protection Assessment for the proposed rezoning of land within Pt. Lot 1021 7 Lot 1022 in DP 1091484, Lot 901 in DP 1029336, Lot 5 in DP 30916, Lots 1125 – 1138 in DP 1029338, Part Lot 5 in DP 30916 Windsor Road and Commercial Road and the Prestwick Avenue road reserve, Rouse Hill.

Refer to the following plan which identifies the location of the above lots:



The Rezoning Application seeks to change the current zoning so as to permit retail landuse on the land.

The land parcel which is the subject of the rezoning proposal is located to the north and east of "The Mean Fiddler Hotel" which is located on the northern side of the intersection of Windsor Road and Commercial Road. Existing Pt. Lot 1021 in DP 1091484 [1.51ha] is located to the northwest of Commercial Road and contains an existing dwelling.

Existing Lot 1022 in DP 1091484 is located to the northwest of Pt. Lot 1021 and is vacant. A second Pt. Lot 1021 in DP 1091484 [1.4887m2] is sited to the northwest of Lot 1022, having access via a Right-of-carriageway off Prestwick Ave. This lot is vacant. Existing Lot 5 in DP 30916 extends from Commercial Road to Carnoustie Street and contains an existing dwelling which has access to Commercial Road.

Existing Lot 901 in DP 1029336 has frontage to Windsor Road and contains an existing dwelling whilst Lots 1125 – 1138 in DP 1029338 contain existing residential dwelling houses with frontage off Carnoustie Street. The future construction of the retail facility within the land parcel the subject of the rezoning proposal will require demolition of all of the existing dwellings/structures and will also allow for the construction of the extension of Green Hills Drive to connect with Commercial Road.

Examination of the Certified Baulkham Hills Bushfire Prone Land Map and the 149 Certificates for the lots which form the development site has concluded that the Bushfire Prone Land Map shows a narrow section of the Commercial Road frontage to Pt. Lot 1021 in DP 1091484 as containing Category 2 Bushfire Prone Vegetation. The 149 Certificates also records that this lot is the only lot within the rezoning land parcel which is nominated as being "Bushfire Prone".

At the time of compilation of the Bushfire Prone Land Map, the landuse to the southeast of Commercial Road, opposite Pt. Lot 1021, consisted of land within the Kellyville Golf Course.

An inspection undertaken by Graham Swain of Australian Bushfire Protection Planners Pty Limited on the 24.9.2008 confirmed that the Kellyville Golf Course no longer exists and in its place the land has been cleared and developed. Further to the southeast the Rouse Hill Town Centre has been constructed.

The land to the southeast does not contain vegetation which could be lawfully recorded on a Bushfire Prone Land Map as either Category 1 or 2 Bushfire Prone Vegetation. Therefore, the future development is not deemed to be bushfire prone.

However, until such time that the Certified Bushfire Prone Land Map is amended to remove the Category 2 Bushfire Prone Vegetation classification and the 149 Certificate removes the notation that Pt. Lot 1021 in DP 1091484 is "Bushfire Prone", Section 79BA of the *Environmental Planning & Assessment Act 1979* will apply to the construction of the proposed retail complex.

Section 79BA of the *Environmental Planning and Assessment Act* requires the consent authority, when considering development within a bushfire prone area, to either confirm that the development complies with the requirements of *Planning for Bushfire Protection 2006* or, refer the application to the Rural Fire Service for advice concerning measures to be taken with respect to the development to protect persons, property and the environment from the danger that may arise from a bushfire. Section 79BA states:

Development Consent cannot be granted for the carrying out of development for any purpose on bushfire prone land unless the consent authority:

- (a) is satisfied that the development conforms to the specifications and requirements of "Planning for Bushfire Protection 2006" that are relevant to the development, **OR***
- (b) the consent authority has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from the danger that may arise from a bushfire.*

Planning for Bushfire Protection 2006 provides specific deemed-to-satisfy provisions on the bushfire protection measures necessary for rural & residential subdivisions and the construction of "Special Fire Protection Developments" and the construction of Class 1, 2 and 3 buildings in Bushfire Prone areas.

The document does not identify specific deemed-to-satisfy protection measures for buildings of Class 5 to 8 and 10 of the Building Code of Australia. The document does provide the following advice for these classes of buildings:

"The Building Code of Australia does not provide for any bushfire specific performance requirements and as such AS 3959 -1999 does not apply as a set of "deemed-to-satisfy" provisions.

The general fire safety construction provisions [of the BCA] are taken as acceptable solutions, but the aim and objectives of Planning for Bushfire Protection 2006 apply in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management".

"Where the aim and objectives of PfPFP [Section 1.1] are not met, then the construction requirements for bushfire protection will need to be considered on a case-by-case basis".

"In many cases, these types of developments will require on-site parking and loading areas. In such cases, it is prudent to place these facilities in the most appropriate location in order to establish defensible space for firefighting purpose".

The objectives of *Planning for Bushfire Protection 2006* are:

- (i) Afford occupants of any building adequate protection from exposure to a bushfire;
- (ii) Provide for a defensible space to be located around buildings;
- (iii) Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
- (iv) Ensure that safe operational access and egress for emergency service personnel and residents is available;
- (v) Provide for ongoing management and maintenance of bushfire protection measures, including fuel loads in the asset protection zones; and
- (vi) Ensure that utility services are adequate to meet the needs of firefighters and others assisting in bushfire fighting.

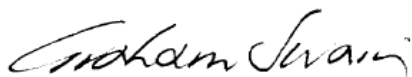
In accordance with the provisions of Section 117 – Ministerial Directions, Direction Grouping 4 – Hazard & Risk, Sub-section 4.4 – Planning for Bushfire Protection of the *Environmental Planning and Assessment Act 1979*, Baulkham Hills Council will consult with the Commissioner of the NSW Rural Fire Service, [under Section 62 of the *Environmental Planning and Assessment Act 1979*] and take into account any comments so made.

A draft LEP shall:

- (a) Have regard to *Planning for Bushfire Protection 2006*;
- (b) Introduce controls that avoid placing inappropriate developments in hazardous areas;
- (c) Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.

This Bushfire Protection Assessment undertakes an assessment of the bushfire protection measures required to address bushfire risk to the future retail development on the site, consistent with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* and examines the necessity of implementing setbacks [defensible space], provision of water supply, fuel management protocols and other matters considered necessary to mitigate any potential bushfire threat to persons, property and the environment.

The characteristics of the site as discussed in this report, together with the recommendations contained in this assessment, confirms that the site is suitable in terms of its intended use.



Graham Swain
Managing Director,
Australian Bushfire Protection Planners Pty Limited.

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SECTION 1

INTRODUCTION

1.1 Development Proposal.

Australian Bushfire Protection Planners Pty Limited has been commissioned by the *EDAW AECOM*, on behalf of *Rouse Hill Commercial Road Development Company Pty Ltd*, to prepare a Bushfire Protection Assessment for the proposed rezoning of land within Pt. Lot 1021 7 Lot 1022 in DP 1091484, Lot 901 in DP 1029336, Lot 5 in DP 30916, Lots 1125 – 1138 in DP 1029338, Part Lot 5 in DP 30916 Windsor Road and Commercial Road and Prestwick Avenue, Rouse Hill.

The Rezoning Application seeks to change the current zoning so as to permit a retail landuse on the land.

1.2 Aim of this Assessment.

Whilst the development site is not impacted by vegetation which could be lawfully mapped as being bushfire prone vegetation, the aim of this report is to assess the adequacy of the proposed rezoning under the provisions of Section 117 – Ministerial Directions, Direction Grouping 4 – Hazard & Risk, Sub-section 4.4 – Planning for Bushfire Protection of the *Environmental Planning and Assessment Act 1979*.

In particular, this report has regard to the provisions of *Planning for Bushfire Protection 2006* and addresses the following:

- Determine the formation of the vegetation on and surrounding the future dwelling site on each lot, in accordance with the vegetation classification system contained in *Planning for Bushfire Protection 2006*;
- Undertake an assessment to determine the effective slope of the land on and surrounding the dwelling sites;
- Determine the Fire Danger Index [FDI] for the site;
- Undertake an assessment to determine bushfire protection strategies that address the following matters:
 - (i) The provision of building setbacks (Asset Protection Zones) from vegetated areas and the siting of buildings to minimize the impact of radiant heat and direct flame contact;
 - (ii) Fire fighting water supplies;
 - (iii) Access requirements for emergency service vehicles;

- (iv) Construction standards to be used for the future buildings within the proposed development to minimize the vulnerability of buildings to ignition from radiation and ember attack;
- (v) Land management responsibilities; and
- (vi) Evacuation management.

1.3 Statutory Requirements.

This report has been prepared having regard to the following legislative and planning requirements:

1.3.1 Legislation.

Environmental Planning and Assessment Act (EPA Act)

Section 117 – Ministerial Directions, Direction Grouping 4 – Hazard & Risk, Sub-section 4.4 – Planning for Bushfire Protection of the *Environmental Planning and Assessment Act 1979*, requires that in the preparation of a draft LEP, Councils shall consult with the Commissioner of the NSW Rural Fire Service, [under Section 62 of the *Environmental Planning and Assessment Act 1979*] and take into account any comments so made.

A draft LEP shall:

- (a) Have regard to *Planning for Bushfire Protection 2006*;
- (b) Introduce controls that avoid placing inappropriate developments in hazardous areas;
- (c) Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.

(b) *Rural Fires Act 1997*

The objectives of the *Rural Fires Act* are to provide:

- The prevention, mitigation and suppression of fires;
- Coordination of bushfire fighting and prevention
- Protection of people and property from fires; and
- Protection of the environment.

In relation to the management of bushfire fuels on public and private lands within NSW, Sections 63(1) and 63(2) require public authorities and owners / occupiers of land to take all practicable steps to prevent the occurrence of bushfires on, and to minimize the danger of the spread of bushfires.

1.3.2 Planning Policies.

(a) *Planning for Bushfire Protection – 2006.* [Rural Fire Service].

This document provides guidance on the planning and development control processes in relation to bushfire protection measures for rural residential and residential subdivision, “*Special Fire Protection*” and Class 5 – 8 and 10 buildings in bushfire prone areas.

The document provides deemed-to-satisfy specifications on the provision of Asset Protection Zones to residential and “*Special Fire Protection*” developments; defensible space requirements to other developments and access/water supply provisions for developments in bushfire prone areas. Provision for the assessment of construction standards to buildings and management / maintenance of the Asset Protection Zones/defensible space to buildings is also provided in the document.

1.4 Documentation Reviewed.

The following documents were reviewed in the preparation of this assessment:

- Aerial Photograph of the Development Site and adjoining lands;
- Site Concept Plan;
- Baulkham Hills Council Certified Bushfire Prone Land Map;
- *Planning for Bushfire Protection 2006* prepared by the NSW Rural Fire Service.

1.5 Site Inspection.

Graham Swain of *Australian Bushfire Protection Planners Pty. Limited* inspected the development property on the 24th September 2008 to assess the topography, slopes, vegetation classification and land use within and adjoining the development site and an assessment of access and egress to the development site. Adjoining properties were also inspected to determine the surrounding land use / land management.

SECTION 2

DESCRIPTION OF DEVELOPMENT SITE

2.1 Location & Description.

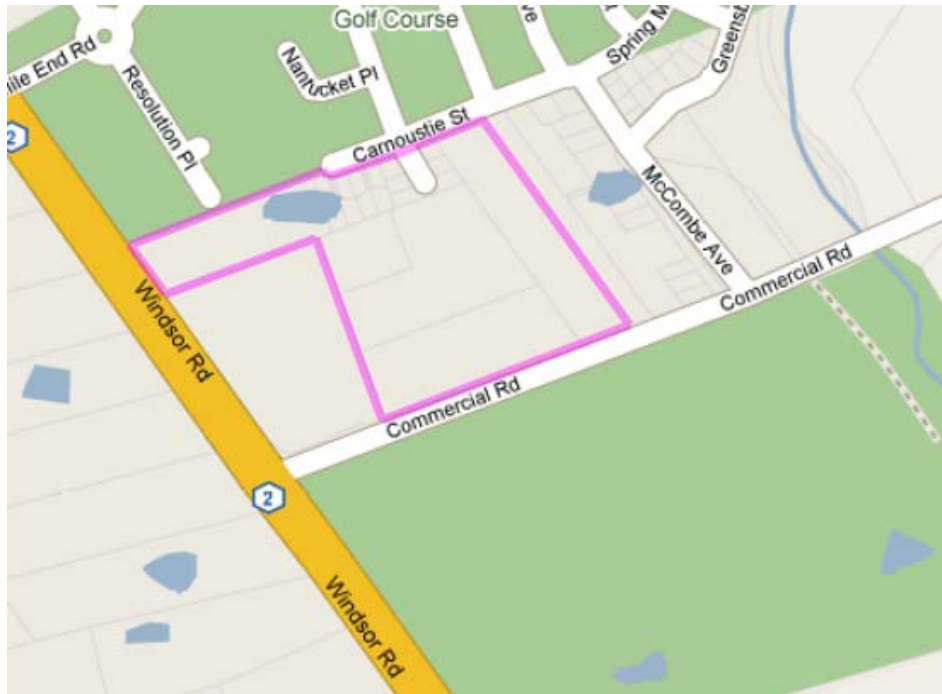
The land parcel which is the subject of the rezoning proposal is located to the north and east of “The Mean Fiddler Hotel” which is located on the northern side of the intersection of Windsor Road and Commercial Road. Existing Pt. Lot 1021 in DP 1091484 [1.51ha] is located to the northwest of Commercial Road and contains an existing dwelling.

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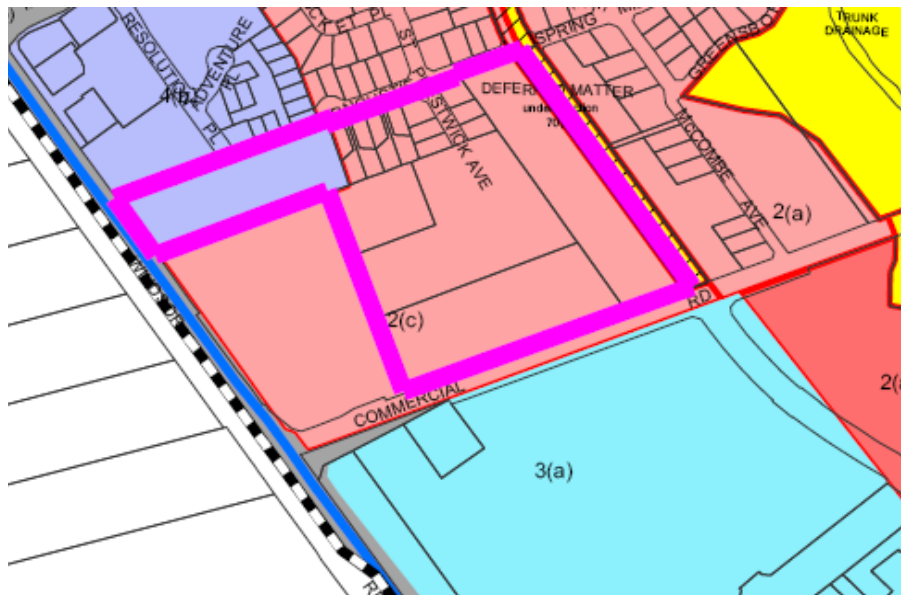
Figure 2 – Location Plan.



2.2 Existing & Proposed Land Use.

The land within the development site contains residential development. Except for Lot 901, which is zoned Light Industrial 4(b) the current land zoning is Residential 2(c) [Tourist Village]. The landuse proposed by the rezoning is 3(a) Retail.

Figure 3 – Extract from Baulkham Hills LEP 2005.



Legend

	Rural 1(a)
	Rural 1(b)
	Rural 1(c)
	Rural 1(d)
	Residential 2(a)
	Residential 2(a1)
	Residential 2(a2)
	Residential 2(a3)
	Residential 2(a4) (Rouse Hill Regional Centre)
	Residential 2(b)
	Residential 2(b1)
	Residential 2(c) (Tourist Village)
	Residential 2(d) (Protected)
	Residential 2(e) (Protected)
	Business 3(a) (Retail)
	Business 3(b) (Commercial)
	Service Business 3(c)
	Light Industrial 4(b)
	Special Uses 5(a) (Existing & Proposed)

2.3 Adjoining Land Use.

The land to the northeast of the development site contains existing residential development and is zoned Residential 2(a). The land to the southeast of Commercial Road is zoned Business 3(a) and consists of a partly completed subdivision.

“The Mean Fiddler Hotel” occupies the land to the west of Pt. Lots 1021 and Lot 1022 whilst existing rural residential development is located on land to the west of Lot 901 in DP 1029336. The land to the northwest contains an Aldi Supermarket and residential development.

Figure 4 – Aerial Photograph of Development Site.



2.4 Topography.

Appendix 2 of *Planning for Bushfire Protection 2006* states that slopes should be assessed, over a distance of at least 100m from a development site and that the gradient of the land should be determined which will most significantly influence the fire behaviour on the site.

2.4.1 Topography of the Land within the Development Site.

The topography of the land within the development site forms the gently sloping ridgeline that falls from Windsor Road to the east northeast.

The gradient across the site is less than two [2] degrees downslope to the east northeast with a similar gradient from Commercial Road to Carnoustie Street.

2.4.2 Topography of the Land beyond the Development Site.

The residential land to the east northeast of the development site continues to fall at less than two [2] degrees to the east northeast. The land to the southeast of Commercial Road also slopes at a similar gradient to the east northeast.

The land to the north northwest falls to the north northeast at less than 2 degrees and the land within The Mean Fiddler Hotel rises to the west southwest.

2.5 Vegetation Communities on the land within the Development Site.

Appendix A2.3 of *Planning for Bushfire Protection 2006* provides a methodology

for determining the predominant bushfire prone vegetation for at least 140 metres in all directions from the proposed building.

Vegetation is classified using Table A2.1 of *Planning for Bushfire Protection 2006*, which classifies vegetation types into the following groups:

- (a) *Forests [wet & dry Sclerophyll forests];*
- (b) *Woodlands;*
- (c) *Plantations – being pine plantations not native plantations;*
- (d) *Forested Wetlands;*
- (e) *Tall Heaths;*
- (f) *Freshwater Heaths;*
- (g) *Short Heaths;*
- (h) *Alpine Complex;*
- (i) *Semi – arid Woodlands;*
- (j) *Arid Woodlands; and*
- (k) *Rainforests.*

At the time of the site inspection the land which is the subject of the rezoning proposal contained managed landscaped gardens and grassland vegetation. A narrow corridor of trees occupies the future extension of Green Hills Drive.

2.6 Vegetation Communities adjoining the Development Site.

The vegetation within 100 metres of the land which is the subject of the rezoning proposal consists of either cleared land on the development site to the southeast of Commercial Road or managed landscaped gardens on the adjoining land uses. This vegetation is not bushfire prone.

2.7 Significant Environmental Features on the Development Site.

The land which is the subject of the rezoning proposal does not contain any significant environmental features such as SEPP 14 – Coastal Wetlands; SEPP 26 Littoral Rainforests; SEPP 44 – Koala Habitat; Areas of Geological interest; Steep Lands [>18 degrees]; Land slip areas, riparian corridor or National Parks Estate.

2.8 Known Threatened Species, Populations, Endangered Ecological Communities or Critical Habitat on the Development Site.

There are no known threatened species, populations, endangered ecological communities or critical habitat on the land which is the subject of the rezoning proposal.

2.9 Details of Aboriginal/European Heritage within the Development Site.

There are no known Aboriginal sites, relics or European heritage within the land which is the subject of the rezoning proposal.

SECTION 3

BUSHFIRE HAZARD ASSESSMENT

3.1 Definitions.

Planning for Bushfire Protection 2006 defines *Bushfire Hazard* as the “*potential severity of a fire*” and is usually measured in terms of intensity [kW/m] with the factors influencing a bushfire hazard being climate and weather patterns, fuel [quantity, distribution and moisture content] and the effective slope of the land.

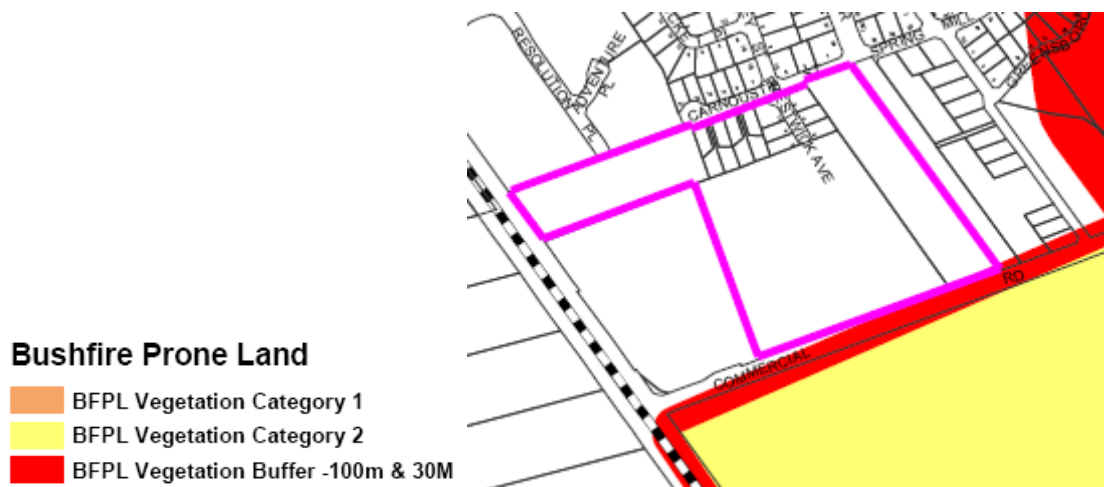
Planning for Bushfire Protection 2006 defines bushfire risk as “*the chance of a bushfire igniting, spreading and causing damage to assets of value to the community. Risk may be rated as extreme, major, moderate, minor or insignificant and is related to the vulnerability of the asset*”.

3.2 Certified Bushfire Prone Land Map.

The following Figure 5 is a copy of an extract of the Certified Baulkham Hills Council Bushfire Prone Land Map showing the extent of the Category 2 Bushfire Prone Vegetation [Yellow] on the land to the southeast of the development site.

This bushfire prone vegetation no longer exists on this land as the adjoining land is being developed and therefore the proposed rezoning is not triggered by the bushfire prone land map.

Figure 5 – Extract of the Baulkham Hills Bushfire Prone Land Map



3.3 Precinct Level Assessment of Bushfire Prone Vegetation.

Planning for Bushfire Protection 2006 provides the following procedure for assessing a development at a defined precinct level in order to determine whether the development is bushfire prone and if so, be the need to provide appropriate setbacks:

(a) *Determine vegetation distance, type and class as follows:*

Identify all vegetation in each direction from the site for a distance of 140 metres, and then consult Table A2.1 to determine the vegetation formation which predominates.

(b) *Determine the average slope of the land between the predominant vegetation class and the development.*

Table 1 summarises the information provided in Section 2 of this report to undertake a precinct level assessment to confirm the accuracy of the Bushfire Prone Land Map.

Table 1. Precinct Level Assessment

Aspect	Existing Land Use	Vegetation within 140 m of Development	Predominant formation class from Table A2.1, <i>PfBFP 2006</i>	Effective Slope of land to distance of 100m.	Comments
<i>East Northeast</i>	Residential Development	Landscaped Gardens	Nil	< 2 degrees downslope	The north-eastern aspect to the development site is not mapped as containing bushfire prone vegetation
<i>South Southeast</i>	Vacant Business Zoned Land	Nil	Nil	Level to the southeast	The south-eastern aspect to the development site is mapped as containing bushfire prone vegetation however it contains not vegetation and is not bushfire prone
<i>West Southwest</i>	The Mean Fiddler Hotel/Rural Residential Development	Managed landscaped gardens	Nil	< 2 degrees downslope beyond Windsor Road	The west south-western aspect is not bushfire prone
<i>North Northwest</i>	Aldi Supermarket + residential development	Managed landscaped gardens	Nil	Level to the north northwest	The north north-western aspect is not bushfire prone

3.4 Bushfire Hazard Assessment.

Planning for Bushfire Protection 2006 does not provide a methodology for determining bushfire hazard – it defers instead to Bushfire Prone Land determined in accordance with the “*Bushfire Prone Land Mapping Guideline*”, issued by the Rural Fire Service on the 7th April 2004.

To be able to undertake a bushfire hazard assessment the *Department of Planning* document *Circular C10 (1983)* provides a suitable methodology. This methodology rates the vegetation and slope and provides an index value to each.

The overall Bushfire Hazard Score [low, medium and high] is determined by multiplying the Vegetation Index by the Slope Index.

3.4.1 Assessment to Determine the Bushfire Hazard to the Development.

There is no vegetation that presents a potential bushfire threat to the future retail development. The bushfire hazard and threat is therefore negligible.

SECTION 4

BUSH FIRE PROTECTION ASSESSMENT

4.1 Introduction.

Chapter 1 of *Planning for Bushfire Protection 2006* states that the aim of the document is to use the NSW development assessment system to provide for protection of human life [including firefighters] and to minimize impacts on property from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment.

The objectives of the document are:

- *Afford occupants of any building adequate protection from exposure to the impacts of a bushfire;*

- *Provide for a defensible space to be located around buildings;*
- *Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;*
- *Ensure that safe operational access/egress for emergency service personnel and occupants relocating is provided and/or available;*
- *Provide for ongoing management and maintenance of bushfire protection measures, including fuel loads within the Asset Protection Zone/s;*
- *Ensure that utility services are adequate to meet the needs of firefighters [and others assisting in bushfire fighting operations].*

Chapter 1, Section 1.3 of *Planning for Bushfire Protection 2006* states that the construction of Class 5 – 8 buildings on bushfire prone land, or land impacted by bushfire prone vegetation, must meet the aim and objectives of the document.

The development site and adjoining lands for a distance greater than 100 metres do not contain vegetation which could lawfully be mapped as Bushfire Prone Vegetation.

Therefore the provisions of Chapter 1, Section 1.3 of *Planning for Bushfire Protection 2006* do not apply to this development.

Chapter 4, Section 4.3.6(f) of *Planning for Bushfire Protection 2006* discusses the bushfire protection to buildings of Class 5 to 8 and 10b of the Building Code of Australia and states:

“The BCA does not provide for any bushfire specific performance requirements and as such A.S.3959 – 1999 does not apply as a set of ‘deemed to satisfy provisions’. The general fire safety construction provisions for this class of building are taken as acceptable solutions, but the aim and objective of Planning for Bushfire Protection 2006 apply in relation to access and water supply for firefighting operations, emergency planning [evacuation] and landscaping / vegetation management”.

An examination of the adequacy of access and water supplies for firefighting operations, landscaping and evacuation planning are provided in the following sections of this report.

4.2 Access Standards for Firefighting Operations.

Chapter 4, Section 4.2 “Access” of *Planning for Bushfire Protection 2006* provides specifications on the access provisions for firefighting operations.

The access to the future buildings will be from Commercial Road and the new extension of Green Hills Drive.

The access roads within the site shall be designed and constructed to provide access for 12.5m rigid or articulated vehicles so as to comply with the deemed-to-satisfy provisions of Section 4.1.3 [Access] of *Planning for Bushfire Protection 2006* and comply with the access provisions of the NSW Fire Brigade.

4.3 Water Supplies for Firefighting Operations.

A reticulated water supply is located within Commercial Road and Carnoustie Street. The retail site will be connected to this supply and shall be fully compliant with the provisions of the Building Code of Australia, including the provision of hydrant booster valves, hose reels/hydrants in the building/s.

4.4 Emergency Management for Fire Protection / Evacuation.

The management of evacuation of the staff/visitors will be addressed in the preparation of a site specific Evacuation Plan for the site.

The Evacuation Plan shall address the protocols for the timely relocation of staff/visitors in the event that an emergency occurs, both within the site or within the local area. A copy of the Evacuation Plan shall be provided to the Local Emergency Management Committee/Police, NSW Fire Brigade and NSW Rural Fire Service.

The Evacuation Plan shall comply with AS 3745 -2002 "*Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces*".

SECTION 5

RECOMMENDATIONS

5.1 Recommendation 1 – Access for Fire-fighting operations.

The access roads within the site shall be designed and constructed to provide access for 12.5m rigid or articulated vehicles so as to comply with the deemed-to-satisfy provisions of Section 4.1.3 [Access] of *Planning for Bushfire Protection 2006* and comply with the access provisions of the NSW Fire Brigade.

5.2 Recommendation 2 – Water Supply for Fire-fighting Operations.

The fire-fighting water supply to the future retail site shall be fully compliant with the provisions of the Building Code of Australia, including the provision of hydrant booster valves and hose reels/hydrants to the building/s.

5.3 Recommendation 3 – Evacuation Planning.

A site specific Evacuation Plan shall be prepared which includes the protocols for the evacuation of the site during emergencies. The Evacuation Plan shall address the protocols for the timely relocation of staff/customers/visitors in the event that an emergency occurs, both within the site or within the local area.

A copy of the Evacuation Plan shall be provided to the Local Emergency Management Committee/Police, NSW Fire Brigade and NSW Rural Fire Service.

The Evacuation Plan shall comply with AS 3745 -2002 *“Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces”*.

SECTION 6

CONCLUSION

The Rezoning Application seeks approval for the proposed rezoning of land within Pt. Lot 1021 7 Lot 1022 in DP 1091484, Lot 901 in DP 1029336, Lot 5 in DP 30916, Lots 1125 – 1138 in DP 1029338 and Part Lot 5 in DP 30916, Windsor Road and Commercial Road and Prestwick Avenue, Rouse Hill.

The Rezoning Application seeks to change the current zoning so as to permit retail landuse on the land.

The Certified Baulkham Hills Bushfire Prone Land Map indicates that a narrow strip of land within Pt. Lot 1021, along the Commercial Road frontage of the land which is the subject to the rezoning proposal is impacted by the buffer zone to Category 2 bushfire prone vegetation located on the land to the southeast of

Commercial Road.

Site validation of the status of the mapped bushfire prone vegetation has found that the land to the southeast of the development site contains earthworks as part of an approved subdivision. There is no Category 2 bushfire prone vegetation on this land, therefore the development site does not contain, or is located within 100 metres of vegetation, which could lawfully be recorded on a Bushfire Prone Land Map as either Category 1 or Category 2 bushfire prone vegetation as defined by Section 5 of the NSW Rural Fire Service “*Guideline for Bushfire Prone Land Mapping*”.

Therefore, Section 79BA of the *Environmental Planning & Assessment Act 1979* should not apply to a future application for the construction of retail development on the site nor should the development be required to address the specifications of *Planning for Bushfire Protection 2006*.

However, this report has examined the proposed rezoning under the provisions of Section 117 – Ministerial Directions, Direction Grouping 4 – Hazard & Risk, Sub-section 4.4 – Planning for Bushfire Protection of the *Environmental Planning and Assessment Act 1979* which requires Councils, in the preparation of a draft LEP, shall consult with the Commissioner of the NSW Rural Fire Service, [under Section 62 of the *Environmental Planning and Assessment Act 1979*] and take into account any comments so made.

A draft LEP shall:

- (a) Have regard to *Planning for Bushfire Protection 2006*;
- (b) Introduce controls that avoid placing inappropriate developments in hazardous areas;
- (c) Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.

The examination of the development under Section 117 – Ministerial Directions, Direction Grouping 4 – Hazard & Risk, Sub-section 4.4 – Planning for Bushfire Protection of the *Environmental Planning & Assessment Act 1979* has found that there is no likelihood of direct or indirect bushfire attack and the site is suitable for the intended development.



Graham Swain,
Managing Director,
Australian Bushfire Protection Planners Pty Limited.

REFERENCES:

- N.S.W Rural Fire Service – *Planning for Bushfire Protection 2006*;
- *Environmental Planning & Assessment Act – 1979*;
- *Rural Fires Act – 1997*;
- *Rural Fires Regulation 2002*;
- NSW Rural Fire Service – *Guideline for Bushfire Prone Land Mapping 2002*;
- *Threatened Species Conservation Act 1995*;
- *Native Vegetation Act*;
- *Bushfire Environmental Assessment Code 2003*;
- Building Code of Australia;
- Australian Standard A.S 3959-1999 “*Construction of Buildings in Bushfire Prone Areas*”.
- *Baulkham Hills Bushfire Prone Land Map*.

SECTION 7 - Site Photographs



Photograph No.1 – Taken looking east northeast across cleared development site on the south-eastern side of Commercial Road which is recorded on the Baulkham Hills Bushfire Prone Land Map as containing Category 2 Bushfire Prone Vegetation. This land is not bushfire prone.



Photograph No. 2 – Taken looking northeast across Commercial Road to the existing dwelling on Lot 5 in DP30916. Trees in the background are on Pt. Lot 13 in DP 1057138 and the residential land on the corner of Commercial Road and McCombe Avenue. This vegetation is not bushfire prone and is not recorded on the Baulkham Hills Bushfire Prone Land Map as either Category 1 or 2 bushfire prone vegetation.