

Appendix C

Bushfire Protection Assessment



BUSHFIRE CONSTRAINTS ASSESSMENT

FOR THE PLANNING PROPOSAL IN SUPPORT OF THE REZONING OF LAND WITHIN

LOT 21 in DP 1077442

No. 1225

EUMUNGERIE ROAD,

BURROWAY

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FOR THE

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Assessment Number	Document	Preparation Date	Issue Date	Directors Approval
B142256 - 2	Final	5.6.2014	13.6.2014	<i>G.L. Swain</i>

EXECUTIVE SUMMARY

Australian Bushfire Protection Planners Pty Limited has been requested by *Geolyse Pty Ltd* on behalf of *Malcolm White*, to prepare a Bushfire Constraints Assessment Report for a Planning Proposal which is to be submitted to Narromine Council seeking support for the rezoning of Lot 21 in DP 1077442, No. 1225 Eumungerie Road, Burroway – there-in referred to as the 'site'.

The site is zoned Primary Production - [400 hectares]. The purpose of the Planning Proposal is to rezone the land to R5 – Large Lot Residential with a minimum lot size of 20 hectares.

The site is identified on the Narromine Council Bushfire Prone Land Map as containing three pockets Category 2 Bushfire Prone Vegetation and the buffer zone to a pocket of Category 1 Bushfire Prone Vegetation within the property to the north and south of the site.

Therefore, pursuant to Ministerial Direction No. 4.4 – '*Planning for Bushfire Protection*' [under Section 117 of the *Environmental Planning & Assessment Act – 1979*], Narromine Council is required, prior to the preparation of a planning proposal that effects, or is in proximity to land mapped as bushfire prone land, to consult with the NSW Rural Fire Service [amongst other things], under Section 56 of that Act and take into account any comments so made.

This Bushfire Constraints Assessment undertakes an assessment of the bushfire protection measures required to address the bushfire risk to the future rural residential landuse, consistent with the deemed-to-satisfy provisions of *Planning for Bushfire Protection 2006*.

The characteristics of the site, as discussed in this report, together with the fire protection measures recommended, provide that the proposed large lot residential development is suitable in terms of its intended land use.



Graham Swain
Managing Director
Australian Bushfire Protection Planners Pty Limited.

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SECTION 1

INTRODUCTION

1.1 Statutory Planning Requirements.

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

(a) NSW Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act (EP&A Act) 1979* requires State and Local Government and other consent authorities to take into account the impacts of development or land use change on the natural and built environments, the community and the social and economic characteristics of the locality or region.

Section 117 of the EP&A Act 1979 contains directions set by the Minister for Planning, which relevant planning authorities must follow when preparing planning proposals for new LEPs.

Ministerial Direction No. 4.4 – *Planning for Bushfire Protection* issued 1st July 2009 [under Section 117(2) of the *Environmental Planning & Assessment Act – 1979*] applies to all Councils that are required to prepare a bushfire prone land map under Section 146 of the *Environmental Planning & Assessment Act 1979*.

Pursuant to Ministerial Direction No. 4.4 – Planning for Bushfire Protection, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under Section 56 of the Act, and prior to undertaking community consultation in satisfaction of Section 57 of the Act, and take into account any comments so made:

A planning proposal must:

- Have regard to Planning for Bushfire Protection 2006;
- Introduce controls that avoid placing inappropriate developments in hazardous areas, and;
- Ensure that bushfire hazard reduction is not prohibited within the APZ.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) Provide an Asset Protection Zone [APZ] incorporating at a minimum:
- An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road.
- (b) For infill development [that is development within an already subdivided area], where an appropriate APZ cannot be achieved, provide for an appropriate performance standard in consultation with the NSW Rural Fire Service. If the provisions of the draft LEP permit Special Fire Protection Purposes [as defined under Section 100B of the *Rural Fires Act 1999*], the APZ provisions shall be complied with;
- (c) Contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks;
- (d) Contain provisions for adequate water supply for fire fighting purposes;
- (e) Minimise the perimeter of the area of land interfacing the hazard which may be developed;
- (f) Introduce controls on the placement of combustible materials in the Inner Protection Area, and;

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of Planning [or an officer of the Department nominated by the Director-General] that Council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

(b) Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act (TSC Act) 1995* aims to aims to protect species, populations and ecological communities threatened with extinction in NSW. The objectives of the TSC Act 1995 include the conservation of biological diversity, prevention of extension, protection of habitat, to eliminate and manage threats to biodiversity and to encourage cooperative management in the conservation of native flora and fauna in NSW.

(c) Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Conservation Act 1999* provides the national legal framework for the management and conservation of biodiversity and heritage places nationally.

(d) Water Management Act 2000

The *Water Management Act 2000* aims to manage the health of NSW Rivers, wetlands, floodplains and estuaries whilst creating a shared responsibility between the government and the community for the protection of these waterways.

(e) Rural Fires Act 1997

The protection of persons from injury, death and property from damage arising from fires and the management, protection and coordination of all other activities relating to fires, risk of fire and prevention of fires in NSW are the main objectives of the *Rural Fires Act 1997*.

(f) Heritage Act 1977

The Heritage Act 1977 protects items or places that are considered natural, cultural and built heritage in NSW. This includes items and places that are both significant to European or Aboriginal peoples.

1.1.2 Planning Policies.

Planning for Bushfire Protection – 2006. (NSW Rural Fire Service)

This document provides guidance on the planning and development control processes in relation to bushfire protection measures for rural residential, residential subdivision, Special Fire Protection and Industrial/Commercial Developments in bushfire prone areas. The Commissioner may determine, under Section 100B of the *Rural Fires Act*, additional measures that are considered necessary to protect the development against the impact of bushfire.

1.2 Documentation reviewed in this assessment.

- *Planning for Bushfire Protection 2006* prepared by the NSW Rural Fire Service;
- Australian Standard AS3959 - 2009 '*Construction of Buildings in Bushfire Prone Areas*';
- *Rural Fires Regulation 2008*;
- Narromine Bushfire Prone Land Map;

1.3 Site Inspection.

Graham Swain of *Australian Bushfire Protection Planners Pty. Limited* inspected the site and adjoining land on the 14th May 2014 to assess the topography, slopes, vegetation classification and land use within and adjoining the site.

Visual assessment was undertaken to determine likely fire runs, influence of terrain on wind patterns within the bushfire prone vegetation and an assessment of access to the site.

1.4 Development Proposal.

Geolyse Pty Ltd, on behalf of Mr. Malcolm White, is preparing a Planning Proposal which is to be submitted to Narromine Council seeking support for the rezoning of land within Lot 21 in DP 1077442, No. 1225 Eumungerie Road, Burroway from Primary Production [400ha] to R5 – Large Lot Residential – minimum 20 hectare lot size.

The subdivision concept plan provided on Pages 9 & 10 identifies that the 429.7 hectares of land within the site has the potential to be divided into nineteen allotments ranging in area from 20.0 hectares to 28.2 hectares.

Access to the future allotments will be off Eumungerie Road via a new public road constructed within a 25 metre wide carriageway.

The subdivision concept plan identifies that Lots 1, 5, 9, 13 & 17 will have access directly to Eumungerie Road; Lots 2, 3, 6, 7, 8, 10, 11, 12, 14, 15 & 18 will have access off the new public road whilst Lots 4, 16 & 19 are accessed via a driveway 'handle' off the new public road.

Refer to Figures 1 & 2 – Subdivision Concept Plan on Page 9 & Page 10.

Figure 1 – Subdivision Concept Plan.

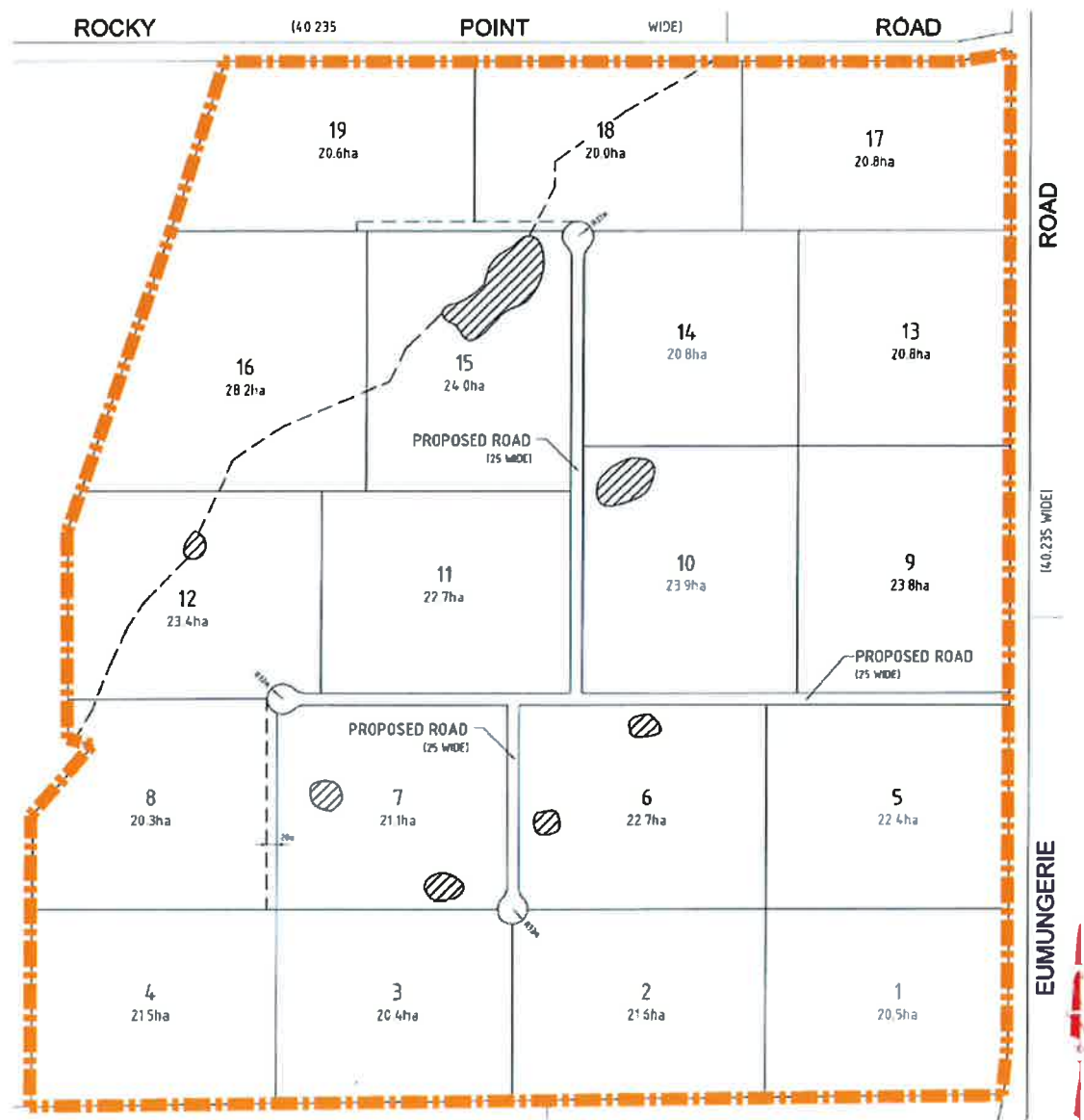
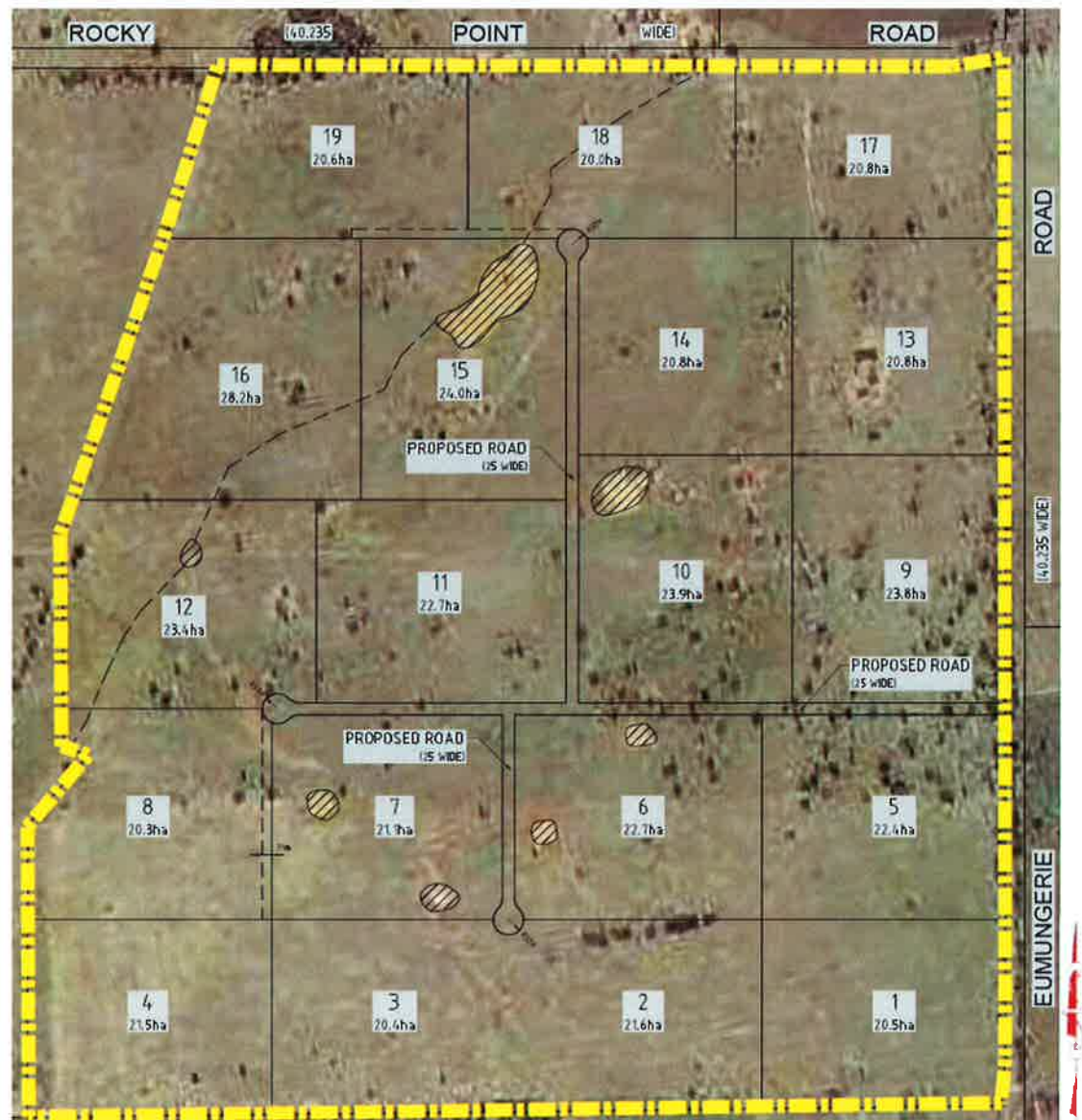


Figure 2 – Aerial photograph of Lot 21 in DP 1077442 with subdivision Concept Plan overlaid.



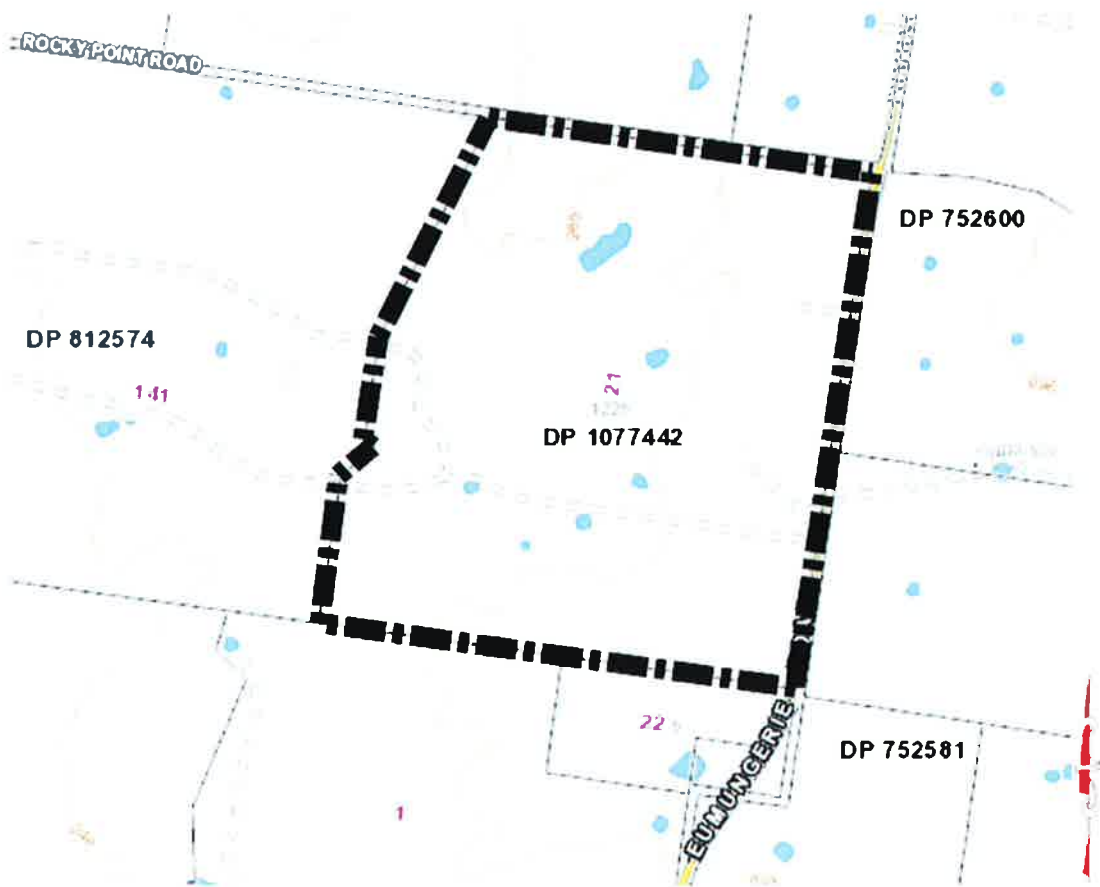
SECTION 2

DESCRIPTION OF THE LAND SUBJECT TO THE PLANNING PROPOSAL

2.1 Location.

The site occupies 429.7 hectares of land which is located to the west of Eumungerie Road, approximately 4.1 kilometres north of the intersection of Eumungerie Road and Euromedah Road.

Figure 3 – Location of Lot 21 in DP 1077442, No. 1225 Eumungerie Road, Burroway.



2.2 Existing Land Use.

The current landuse within the site consists of grazing/cropping. The site is fenced and contains water storage dams; stock yards; silos and a large farm shed.

2.3 Adjoining Land Use.

The adjoining farming land is used for grazing/cropping.

Figure 4 – Large scale aerial photograph of the site & adjoining Lands.



Figure 5 – Close-up aerial photograph of the site & adjoining Lands.



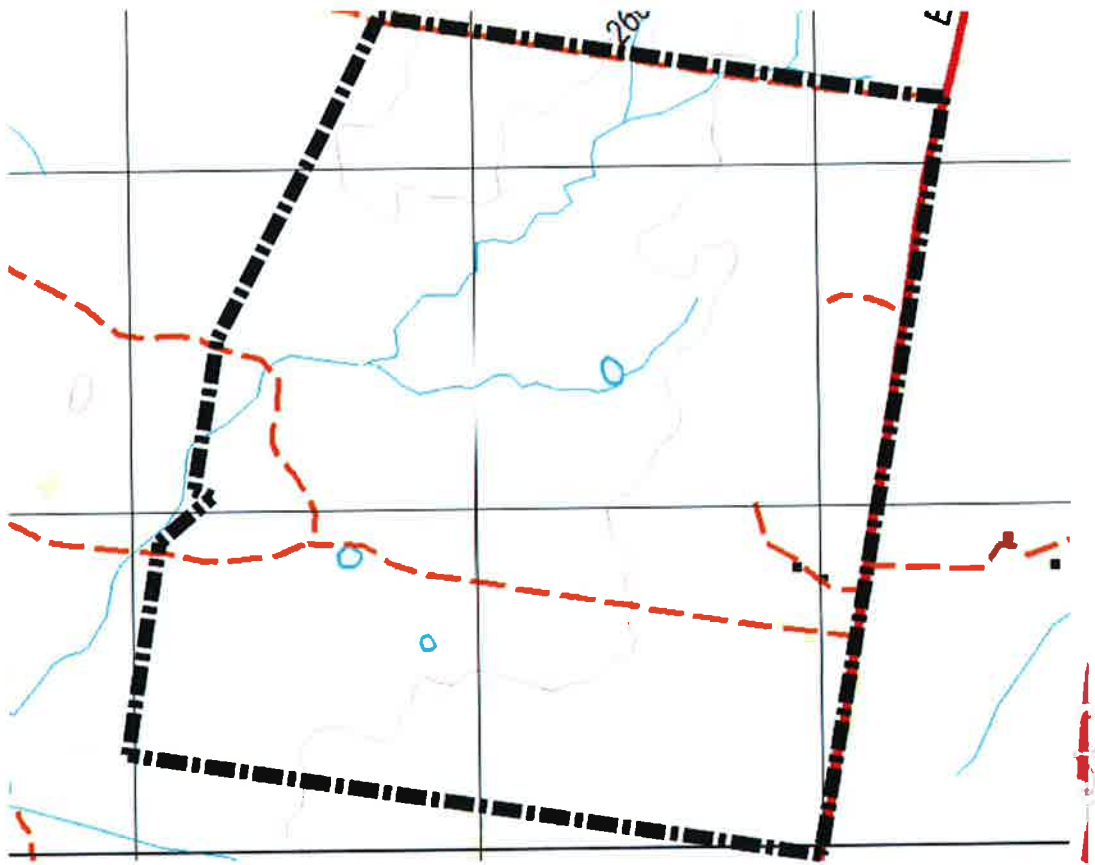
2.3 Topography.

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

A watercourse flows from the central northern portion of the site, exiting through the central western boundary. The land within the site falls toward the watercourse at less than one [1] degree.

The surrounding land, for the purpose of determining the 'effective slope', is level – refer to Figure 6 – Topographic Map on Page 14

Figure 6 – Topographic Map.



2.5 Vegetation.

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 future development on the site. 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.

2.5.1 Vegetation within the Site.

The site has been utilised for cattle grazing and cropping for many years. Depending on seasonal fluctuations and landuse practices, the vegetation can include grassland or standing crops.

Some areas of shade trees have been recorded on the Bushfire Prone Land Map as Category 2 [Woodland] vegetation. This classification will change on the seasonal conditions and the landuse i.e. whether the property is being grazed or cropped.

2.5.2 Vegetation Communities on the land adjoining the Site.

The existing rural landuse adjoining the site forms a broad area of farming land which is grazed or cropped.

The predominant vegetation community is therefore dependant on seasonal fluctuations and landuse practices i.e. whether the land is being grazed or cropped.

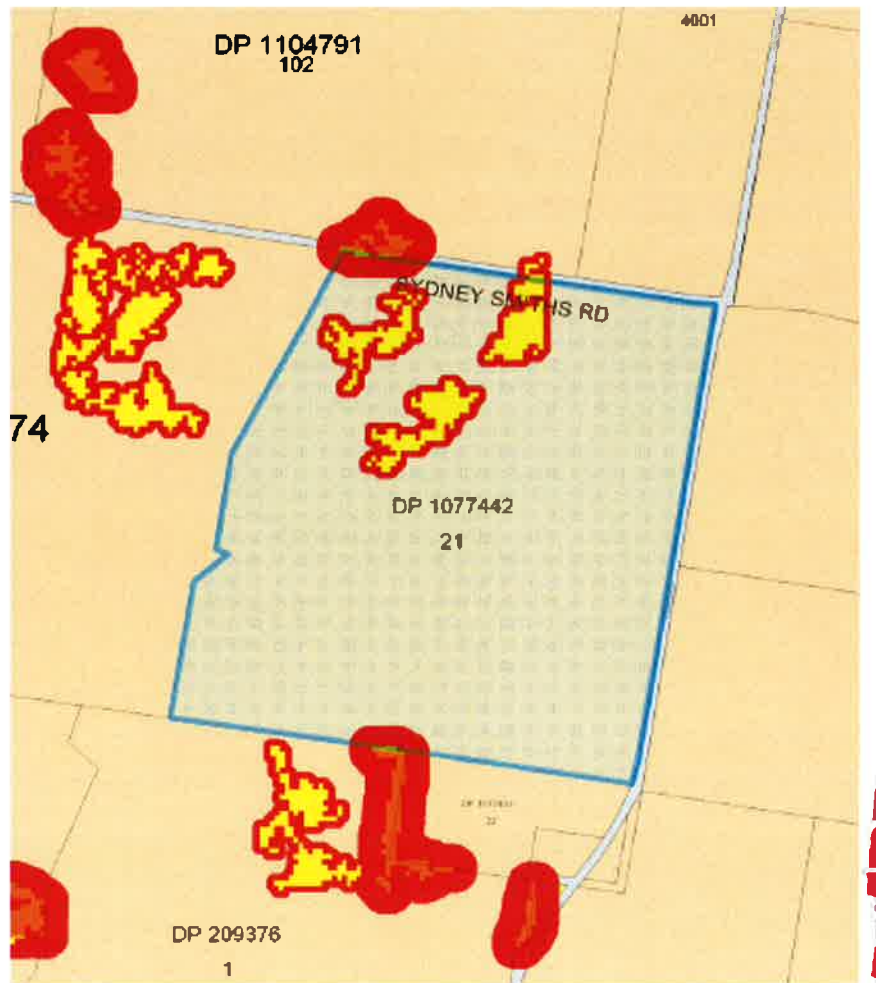
For the purpose of determining bushfire protection measures the predominant vegetation has been assessed as '*Grassy Open Woodland*'.

SECTION 3

BUSHFIRE PRONE LAND MAP

Narromine Council has prepared a Bushfire Prone Land Map pursuant to the requirements of Section 146 of the *Environmental Planning & Assessment Act 1979*. Figure 7 below provides an extract of the Certified Bushfire Prone Land Map for the site.

Figure 7 – Extract from the Narromine Bushfire Prone Land Map.



Legend:

Orange – Category 1 Bushfire Prone Vegetation; Yellow – Category 2 Bushfire Prone Vegetation; Red – Buffer Zone to Category 1 & 2 Vegetation.

The Bushfire Prone Land Map records vegetation within and external to the site which is managed, therefore reducing the fuel loads and bushfire hazard.

This level of management and fuel load varies over time and therefore this report accepts that the vegetation on the site, including unmanaged grassland, is prone to bushfire events.

SECTION 4

BUSHFIRE CONSTRAINTS ASSESSMENT

4.1 Introduction.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) Provide an Asset Protection Zone [APZ] incorporating at a minimum:
 - An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road.
- (b) For infill development [that is development within an already subdivided area], where an appropriate APZ cannot be achieved, provide for an appropriate performance standard in consultation with the NSW Rural Fire Service. If the provisions of the draft LEP permit Special Fire Protection Purposes [as defined under Section 100B of the *Rural Fires Act 199*], the APZ provisions shall be complied with;
- (c) Contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks;
- (d) Contain provisions for adequate water supply for fire fighting purposes;
- (e) Minimise the perimeter of the area of land interfacing the hazard which may be developed; and
- (f) Introduce controls on the placement of combustible materials in the Inner Protection Area.

The matters relevant to this rezoning proposal are examined in the following sections of this report.

4.2 Asset Protection Zones to future dwellings, fixed assets and access roads.

Appendix 2 of *Planning for Bushfire Protection 2006* provides the following procedure for determining setback distances (Asset Protection Zones) for residential and rural residential development which is deemed to be bushfire prone:

- (a) *Determine vegetation formations as follows:*
 - Identify all vegetation in all directions from the site for a distance of 140 metres;
 - Consult Table A2.1 to determine the predominant vegetation type; and
 - Select the predominant vegetation formation as described in Table A2.1.
- (b) *Determine the effective slope of the land under the predominant vegetation Class.*
- (c) *Determine the appropriate fire [weather] area in Table A2.2.*
- (d) *Consult Table A2.4 and determine the appropriate setback [Asset Protection Zone] for the assessed land use, vegetation formation and slope range.*

This report accepts that the vegetation within the site and on the adjoining properties will be, from time to time, subject to bushfire risk, particularly when hot, dry weather conditions prevail and the growth of grasses/crops has been prolific during Spring and early Summer.

Whilst *Planning for Bushfire Protection 2006* recommends that for *Grassy Open Woodland* vegetation a maximum 25 metre wide Asset Protection Zone is required to address the bushfire risk to rural dwellings, examples exist to show that this level of protection is not sufficient [e.g. Coonabarabran bushfire].

The footprint locations for the future dwellings and fixed assets on the proposed lots shall be determined so that the predominant vegetation within 140 metres of each dwelling is grazed grassland.

There shall be maintained a minimum 70 metre wide Asset Protection Zone to all aspects of the future dwellings and fixed assets. The Asset Protection Zone shall be maintained in accordance with the prescriptions of Appendix 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service "Standards for Asset Protection Zones".

The layout of the future subdivision provides for the establishment of fire protection zones [Asset Protection Zones] to widths which exceed the maximum width of the deemed-to-satisfy requirements of Appendix 2 of *Planning for Bushfire Protection 2006*, thus providing a safer place for the occupants to remain, if the local area and the estate is impacted by a bushfire.

However, *Planning for Bushfire Protection 2006* does not recommend specific Asset Protection Zones to infrastructure such as roads. The deemed-to-satisfy access provision requires the establishment of “safe access” for residents and emergency services which are ‘through roads’.

Therefore, to ensure the provision of “safe access” to the future dwellings, it is recommended that a managed Asset Protection Zone of 20 metre width shall be provided to each side of the property access road/driveway and that the full width of the public road and battleaxe handle be managed to provide a maximum cured grass height of 150mm during the gazetted Bushfire Danger Period.

The management of the Asset Protection Zones shall remain the responsibility of the individual lot owners under the terms of an 88B Instrument created on the future lots.

4.3 Access for Fire Fighting Operations.

4.3.1 Adequacy of Public Roads:

The subdivision of the land will create lots which will have vehicular access directly off Eumungerie Road and the proposed rural road network.

The internal road network will provide a public access road, to a rural road standard, with a paved width of 6.5 metres with 1.5 metre wide compacted gravel shoulders to each side, providing a total width of > 9.0 metres, capable of carrying a fully laden Rural Fire Service Bulk Water Tanker with a GVM of 28 tonnes. This width provides adequate scope to permit passing of fire service vehicles.

The entry gates to the proposed lots shall be recessed so that traffic flow is not impeded by vehicles entering the lots with these entry driveways designed to provide a ‘T’ turning head capable of accommodating a heavy rigid truck.

The cul-de-sac turning heads at the road terminus shall have a pavement diameter of 24 metres.

4.3.2 Fire Trail Access to two-way Public Roads.

Fire trails are not proposed.

4.3.3 Emergency Response Access / Egress.

The subdivision layout provides for the construction of a new two-way public road, which with the provision of a managed corridor to both sides of the road formation, maximises the safety of residents and fire crews during an emergency event.

In addition to the new public road, the private access driveways to the future dwellings shall be designed and constructed to provide a formed width of 4.0m with the pavement capable of carrying a fully laden Category 1 Rural Fire Service Tanker [GVM 15 tonnes]. There shall also be provided a corridor of 20 metres to each side of the private access roads managed to maintain grassland vegetation to a maximum height of 150mm during the designated Bushfire Danger Period [1st October – 31st March.

Property access gates shall provide a minimum clear width of 3.6 metres.

Truck turning bays shall be provided adjacent to the future dwellings and a hard stand parking bay provided to within 4.0 metres of the static water supply tank to each dwelling.

4.4 Construction Standards to the future dwellings & fixed assets.

The Asset Protection Zones recommended to the future dwellings and fixed assets on all lots have been determined to mitigate the impact of bushfires to the extent that radiant heat levels will be less than 12.5 kW/m².

However, it is recommended that the future dwellings and ancillary buildings be constructed to comply with BAL 12.5 specifications pursuant to A.S. 3959 – 2009 – ‘Construction of Buildings in Bushfire Prone Areas’.

In addition, roof gutters and valleys shall have fitted a non-combustible protection device which minimises the accumulation of combustible materials in the gutter/valley.

4.5 Water Supplies for Firefighting Operations.

The proposed subdivision is not serviced by a reticulated mains water supply.

The potable water will be supplied from roof water storage tanks.

Each dwelling shall be provided with a static fire-fighting water supply with a minimum storage capacity of 25,000 litres, stored in a concrete or steel tank [not polyurethane]. If the storage tank is above ground it shall be located at least 10 metres clear of the dwelling with access from the driveway to the dwelling, fitted with a 65mm diameter outlet complete with 65mm gate valve and Stortz Coupling & Cap.

If the static water supply tank is underground it shall be located at least 10 metres clear of the dwelling with access from the driveway to the dwelling and fitted with a 200mm diameter access hatch to the top of the tank.

It is also recommended that each of the future dwellings be equipped with 30m x 19mm I.D. fire hose reels, the number and location determined in order to provide a complete wet down capability of the exterior of the building.

The fire hose/s shall be supplied from the static water supply tank via a diesel powered pump housed in a non-combustible enclosure located adjacent to the static water supply tank.

All exposed pipes, fixtures, fittings and hose connections above ground or less than 300mm below ground, shall be metal [plastic, PVC or polythene fittings are not permitted, except for fire hose reel hoses].

A static water supply [SWS] sign shall be provided at the entry to each lot.

4.6 Adequacy of Bushfire Maintenance Plans and Fire Emergency Procedures.

The location of the property means that immediate fire-fighting response to emergencies is unlikely, especially during periods when major fires occur in the local area and resources maybe operating remote to the estate.

Therefore, it is recommended that the future owners of the new lots prepare an *Emergency Fire Plan* that identifies those emergencies that are likely to impact upon the estate, and identify appropriate responses to those emergencies. This may include protocols for the early removal of non-active/young/sick and frail members of the family to safer areas, including the township of Narromine, prior to the arrival of any potential major fire.

The protocol may also identify the need for the provision of a “safe haven” within the dwelling or suitable building/location. These protocols should be determined in concert with advice from the district office of the NSW Rural Fire Service and should identify a “safe assembly” area or areas within the estate.

4.7 Bushfire Hazard Management.

The intention of bushfire hazard management is to prevent flame contact with a structure, reduce radiant heat to below the ignition thresholds for various elements of a building, to minimize the potential for wind driven embers to cause ignition and to reduce the effects of smoke on residents and fire-fighters.

Careful attention shall be given to species selection of landscaping near the future dwellings, their location relative to their flammability, avoidance of continuity of vegetation [separation horizontally and vertically] and ongoing maintenance to remove flammable fuels. Methods of bushfire hazard management include mowing of lawns within the immediate curtilage to the dwelling, grazing/slashing of cured fuels within the recommended Asset Protection Zone to the future dwellings and roads, to the periodic hazard reduction burning of vegetation within the residual areas of the larger lots.

4.7.1 Fuel Management:

A diligent approach to the management of bushfire fuel levels is required to the land within the future development.

Management of the vegetation within the Asset Protection Zone shall comply with the recommendations of Appendix A5.4 & Appendix A5.5 of *Planning for Bushfire Protection 2006* and the Rural Fire Service “*Standards for Asset Protection Zones*”.

Management of the curtilage [Asset Protection Zone] to the future dwellings and fixed assets shall comply with the following:

- Maintain a clear area of low cut lawn or pavement adjacent to the buildings;
- Keep areas under fences, fence posts, gates & trees raked and clear of combustible fuels;
- Utilise non-combustible fencing and retaining wall structures near buildings;
- Separate future tree canopy and shrub connectivity with defined landscaped garden beds;
- Maintain tree canopies and shrubs so that they are clear of the building by at least five metres;
- Utilise non-flammable materials such as Scoria, pebbles and recycled crushed bricks as ground cover to landscaped gardens in close proximity to buildings;
- Maintain minimal fine fuel loading at ground level within the Inner Protection Area and landscaped area (nominally 3 tonnes / hectare);

- Trees and shrubs are acceptable provided that they are spread out and do not form a continuous canopy, are not species that retain dead material and are located away from the buildings to minimize radiant heat and direct flame attack;
- Landscape species selection shall be drawn from those that are considered to be species which are “*fire retardant*” and do not promulgate the spread of fire;

4.7.2 Management Responsibilities:

Section 63(2) of the Rural Fires Act states that ‘it is the duty of the owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of fires on, and to minimise the danger of the spread of fires on or from that land’.

In this section; ‘*notified steps*’ means:

- (a) any steps that a bush fire risk management plan (or the Coordinating Committee) advises a person to take;
- (b) that are included in a bush fire risk management plan applying to the land.

The owners of each lot will be responsible for the maintenance of the curtilages to the dwellings/fixed assets and the residue lands within the lots to reduce the potential for fires to ignite and spread across the site and to escape onto the adjacent lands.

The maintenance of these areas shall be undertaken in accordance with a Fire Management Plan prepared for the estate and forming part of a Positive Covenant on the title of each lot, pursuant to the *Conveyancing Act of 1919*.

REFERENCES:

- N.S.W Rural Fire Service – *Planning for Bushfire Protection 2006*;
- *Environmental Planning & Assessment Act – 1979*;
- *Rural Fires Act – 1997*;
- *Rural Fires Regulation 2008*;
- NSW Rural Fire Service – *Guideline for Bushfire Prone Land Mapping 2006*;
- *Threatened Species Conservation Act 1995*;
- *Native Vegetation Act*;
- *Bushfire Environmental Assessment Code 2006*;
- Building Code of Australia;
- Australian Standard A.S 3959-2009 “*Construction of Buildings in Bushfire Prone Areas*”;
- *Narromine Bushfire Prone Land Map*.