

David Boverman

From: David Boverman
Sent: Thursday, 26 November 2020 9:47 AM
To: Ashley Richards
Cc: Luke.Downend@planning.nsw.gov.au; Jeff Lucas; Nika Fomin
Subject: RE: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service
Attachments: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service

Hi Ashley,

Apologies that I'm getting this email to you now and I haven't been able to get it to you earlier.

When we last spoke on the telephone following your below email you mentioned that you might be sending me an email asking for clarification on what I meant in my email of the 11th November 2020 (below and attached).

Although I haven't seen your request, I took the liberty of re-reviewing my email and can appreciate why you may have some questions. Accordingly, I thought I'd provide you a more conclusive response. I hope that's ok with you.

The intent of the 11th November email was to articulate that the NSW RFS has no objection to the Planning Proposal and Rezoning for increased building heights and footprint to site ratios proceeding (I hope I have the terminology correct) on the basis of the Design and Compliance Strategy that was attached in the previous email (and again in the email attached).

Since this does not form any tacit (or otherwise) DA and/or section 100B of the *Rural Fires Act* approval it is within the context of the Planning Proposal and Rezoning being considered. It is my understanding that DA-related approvals would occur downstream of the Planning Proposal and Rezoning process.

I hope this clarifies matters as needed. Please note that I have copied Luke Downend in on this email since you had mentioned that you were going to be away from the office.

If you have any questions or wish to discuss just let me know.

Thank you, with kind regards,
David



David Boverman | Manager | Development Planning & Policy
NSW RURAL FIRE SERVICE
Headquarters 4 Murray Rose Avenue Olympic Park 2127 | Locked Bag 17 Granville NSW 2142
P 02 8741 5445 **F** 02 8741 5433 **M** 0458 715 952 **E** david.boverman@rfs.nsw.gov.au
24 Hour Media Enquires 02 9898 1855
www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs
PREPARE. ACT. SURVIVE.

From: Ashley Richards <Ashley.Richards@planning.nsw.gov.au>
Sent: Thursday, 12 November 2020 11:10 AM
To: David Boverman <David.Boverman@rfs.nsw.gov.au>
Subject: RE: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service

Hi David, I think we need to speak. I'm out of meetings at 2.30 this afternoon, I will call you then if that's ok on your end?
Kind regards,
Ashley

Ashley Richards
Specialist Planning Officer

North District Eastern Harbour City | Department of Planning, Industry and Environment
T 02 8289 6776 | **E** ashley.richards@planning.nsw.gov.au
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
www.dpie.nsw.gov.au



**Planning,
Industry &
Environment**

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Greener Places, Great Public Spaces



dpie.nsw.gov.au/premiers-priorities

From: David Boverman <David.Boverman@rfs.nsw.gov.au>
Sent: Thursday, 12 November 2020 10:48 AM
To: Ashley Richards <Ashley.Richards@planning.nsw.gov.au>
Cc: Nika Fomin <Nika.Fomin@rfs.nsw.gov.au>; Jeff Lucas <jeff.lucas@rfs.nsw.gov.au>
Subject: RE: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service

Hi Ashley,

Thank you for the email and for asking the question.

I have reviewed the below statement “*RFS needs Development Application level design details upfront, i.e. with the Planning Proposal*” and am unable to find it in the below email thread. I hope I haven’t overlooked anything, if so I apologise.

Please note that this email thread constitutes the current views of the NSW RFS in regards to this Planning Proposal and rezoning.

I hope this clarifies everything.

If the quoted statement above needs to be specifically addressed further because it may have been in another email or document just let me know and I’m happy to address it, noting that the above quoted statement is no longer considered applicable based on the Strategy adopted and proposed in the report submitted by Blackash Bushfire Consulting.

If you have any questions or wish to discuss just let me know.

Kind regards,
David



David Boverman | Manager | Development Planning & Policy
NSW RURAL FIRE SERVICE
Headquarters 4 Murray Rose Avenue Olympic Park 2127 | Locked Bag 17 Granville NSW 2142
P 02 8741 5445 **F** 02 8741 5433 **M** 0458 715 952 **E** david.boverman@rfs.nsw.gov.au
24 Hour Media Enquires 02 9898 1855
www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs
PREPARE. ACT. SURVIVE.

From: Ashley Richards <Ashley.Richards@planning.nsw.gov.au>
Sent: Thursday, 12 November 2020 9:44 AM
To: David Boverman <David.Boverman@rfs.nsw.gov.au>
Subject: RE: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service

Hi David,

Just to clarify the intention of the below message.

The NSW Rural Fire Service (RFS) is stating that they do not in principle have an objection to the performance based solution proposed by Blackash Bushfire Consulting, as outlined by the document titled 'Bushfire Engineering Design & Compliance Strategy Lourdes Retirement Village'.

RFS is also stating that while they have no in principle objection to this approach, **RFS needs Development Application level design details upfront, i.e. with the Planning Proposal**, in order to accurately assess the appropriateness of this approach for the Lourdes site.

Can you please confirm that this is accurate?

Thank you.

Kind regards,
Ashley

Ashley Richards
Specialist Planning Officer

North District Eastern Harbour City | Department of Planning, Industry and Environment
T 02 8289 6776 | **E** ashley.richards@planning.nsw.gov.au
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
www.dpie.nsw.gov.au



**Planning,
Industry &
Environment**

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Greener Places, Great Public Spaces



dpie.nsw.gov.au/premiers-priorities

From: David Boverman <David.Boverman@rfs.nsw.gov.au>
Sent: Wednesday, 11 November 2020 9:06 AM
To: Ashley Richards <Ashley.Richards@planning.nsw.gov.au>
Cc: Nika Fomin <Nika.Fomin@rfs.nsw.gov.au>; Jeff Lucas <jeff.lucas@rfs.nsw.gov.au>
Subject: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service

Hi Ashley,

Thank you again for all of your help with this project.

Please find attached the *Bushfire Engineering Design & Compliance Strategy Lourdes Retirement Village* that the NSW Rural Fire Service (NSW RFS) has been working with Blackash Bushfire Consulting on. This has been developed by Blackash in consultation with us and we support the approach taken as proposed.

Please note that this is proposed to be performance-based to establish compliance with *Planning for Bush Fire Protection 2019* and/or section 100B of the *Rural Fires Act*, as appropriate, for any redevelopment of the Lourdes Retirement Village site. Once detailed design and assessment is completed we would be in a position to issue a Bush Fire Safety Authority approval if acceptable and appropriate.

Because the approach to be adopted is performance-based, the NSW RFS considers that this will involve detailed Development Application level design and assessment which may be further down the track than that needed for Planning Proposals and rezonings, noting that this is not our purview but that of DPIE.

From my perspective the worst-case would be that if the Planning Proposal and rezoning happened to occur and the proponent was unable to have their proposed designs approved then the site would just remain 'as-is' until such time as any redesigns were able to be approved.

The only risk from our perspective would be if there were an expectation, legally or otherwise, that the proponent could redevelop Lourdes Village to their specifications and designs once the Planning Proposal and rezoning were approved.

Again, this is DPIE's purview and not ours so I hope I'm not complicating things.

Accordingly, I feel that it would be appropriate to again consider supporting the Planning Proposal and rezoning proposed from a bush fire protection point of view, conditional on it being made quite clear that any redevelopment will be predicated on the detailed performance-based design being acceptable to and approved by the NSW RFS.

Please note that the proponent, through Blackash Bushfire Consulting, has now agreed to adopt the criteria and benchmarks for compliance that we had previously required Eco Logical to adopt. As you are aware, this was the obstacle that Stockland met that they had previously been unable to overcome which then resulted in the NSW RFS's inability to support their Planning Proposal and rezoning.

I hope this provides you with the updated status so DPIE can again consider this proposal and rezoning accordingly.

If you have any questions or wish to discuss just let me know.

Thank you, with kind regards,
David



David Boverman | Manager | Development Planning & Policy
NSW RURAL FIRE SERVICE
Headquarters 4 Murray Rose Avenue Olympic Park 2127 | Locked Bag 17 Granville NSW 2142
P 02 8741 5445 **F** 02 8741 5433 **M** 0458 715 952 **E** david.boverman@rfs.nsw.gov.au
24 Hour Media Enquires 02 9898 1855
www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs
PREPARE. ACT. SURVIVE.

From: Ashley Richards <Ashley.Richards@planning.nsw.gov.au>
Sent: Thursday, 3 September 2020 3:06 PM
To: David Boverman <David.Boverman@rfs.nsw.gov.au>
Subject: RE: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service

Hi David,

Thank you for speaking with me on the phone just now. Please see the attached Record of the Sydney North Planning Panel's decision, dated 7 November 2018.

Specifically, before this can proceed to a Gateway assessment, the proposal must receive concurrence from the RFS, as below:

However, the Panel would suggest to the delegate to consider the following to be part of the Gateway Determination:

1. That the concurrence of the RFS be received in relation to the proposal prior to exhibition.

I hope this helps.

Kind regards,
Ashley

Ashley Richards
Specialist Planning Officer

North District Eastern Harbour City | Department of Planning, Industry and Environment
T 02 8289 6776 | **E** ashley.richards@planning.nsw.gov.au
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
www.dpie.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Greener Places, Great Public Spaces



dpie.nsw.gov.au/premiers-priorities

From: David Boverman <David.Boverman@rfs.nsw.gov.au>
Sent: Thursday, 3 September 2020 9:03 AM
To: Ashley Richards <Ashley.Richards@planning.nsw.gov.au>
Cc: Jeff Lucas <jeff.lucas@rfs.nsw.gov.au>; Nika Fomin <Nika.Fomin@rfs.nsw.gov.au>
Subject: Lourdes Retirement Village (95 Stanhope Road) - Advice from the NSW Rural Fire Service

Hi Ashley,

Thank you for all of your help and support throughout this process of reviewing the proposals provided by Stockland on Lourdes Retirement Village (95 Stanhope Road).

Apologies for the telephone tag the last few days.

I thought I'd send you a quick email to let you know where everything is at from the NSW Rural Fire Service perspective (NSW RFS).

As you're aware, the Planning Proposal requesting the rezoning for this site was for increased floor/building footprint to site area ratios (I may have some of the terminology wrong so if I do I would be grateful to know what the proper verbiage should be) and for increased allowable building heights.

It is my understanding that there was no intended change in use in and of itself.

The simplicity and fundamentals of this proposed change from bush fire protection and land-use planning perspectives seems to have been lost when Stockland and their bush fire consultant (Eco Logical) approached the NSW RFS for advice on whether or not their proposed designs would meet section 100B of the *Rural Fires Act* and/or *Planning for Bush Fire Protection* as appropriate.

Since their bush fire consultant appeared to refuse to adopt the regulatory benchmark advised by the NSW RFS this resulted in subsequent proposals being brought to the NSW RFS over time and resulting meetings in order to try and move forward with designs that would comply with section 100B of the *Rural Fires Act* and/or *Planning for Bush Fire Protection* as appropriate.

It has now become apparent that this rezoning approvals process has become bogged-down with detailed design and compliance issues that are not considered to be fundamental and/or material to the Planning Proposal and proposed rezoning question itself.

Based on the above, the NSW RFS now has no objection to the Planning Proposal (ie rezoning) proceeding conditional on any re-development and/or rebuilding complying with section 100B of the *Rural Fires Act* and/or *Planning for Bush Fire Protection* as appropriate.

Please note that this is **not** to be considered as tacit approval or support for any proposed designs for any redevelopment and/or rebuilding and that any redevelopment and/or rebuilding will need to be assessed and approved consistent with any other development and/or building work in NSW.

I hope this is helpful and provides you with the information needed so that you can inform the appropriate approval authorities and your team as well.

If you have any questions or wish to discuss just let me know.

Thank you again for everything.

Kind regards,
David



David Boverman | Manager | Development Planning & Policy
NSW RURAL FIRE SERVICE
Headquarters 4 Murray Rose Avenue Olympic Park 2127 | Locked Bag 17 Granville NSW 2142
P 02 8741 5445 **F** 02 8741 5433 **M** 0458 715 952 **E** david.boverman@rfs.nsw.gov.au
24 Hour Media Enquires 02 9898 1855
www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs
PREPARE. ACT. SURVIVE.