



NSW RURAL FIRE SERVICE

NSW RURAL FIRE SERVICE COMMENTS - PLANNING PROPOSAL AMENDING THE KURING-GAI LEP TO REZONE SUBJECT SITE FROM R2 LOW DENSITY RESIDENTIAL TO R3 MEDIUM DENSITY RESIDENTIAL

NSW Department of Planning and Environment

Submission by NSW Rural Fire Service

David Boverman, Manager Development Planning & Policy

8 November 2022

Scope of Review & Comments

The scope of this review and associated comments is limited to the Planning Proposal and Rezoning requested in question, specifically that recently placed on Public Exhibition for the Lourdes Village redevelopment.

The comments do not constitute any approvals under section 100B of the *Rural Fires Act*, nor are they intended to indicate that approvals under the same would be granted based on the proposed design/development that went to Public Exhibition and/or any other proposed design.

Summary of Planning Proposal/Rezoning

The Planning Proposal/Rezoning seeks to amend the Kuring-gai LEP to rezone the site from R2 Low Density Residential to R3 Medium Density Residential to allow the following uses to be permissible with consent:

- Seniors housing
- Multi-dwelling housing
- Attached dwellings
- Semi-detached dwellings

Amendments are also sought to the built form controls under the Ku-ring-gai LEP as follows:

- Amend the maximum height of buildings from 9.5m to heights ranging from 9.5m to 22m
- Amend the floor space ratio (FSR) control from 0.3:1 to 0.75:1

It is understood a condition has been included requiring consideration of an Alternative Option to maintain the site's zone as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses. This option would involve retaining the R2 Low Density Residential zone and including Seniors Housing as permissible with consent on the northern portion of the site and multi-dwelling housing, attached dwellings and semi-detached dwellings as permissible with consent on the southern portion.

An indicative site plan is included with other information as Attachment A for reference and information, noting it is presumed from a regulatory perspective once a Planning Proposal/Rezoning is granted any proposed development can be submitted subsequently if the bounds of the approved Planning Proposal/Rezoning are not exceeded.

Final approval for subsequent development proposed would be subject to section 100B of the *Rural Fires Act*, section 4.14 of the *Environmental Planning and Assessment Act* and/or any other planning/regulatory instruments as appropriate/applicable.

Review Comments

Based on review of the Planning Proposal/Rezoning, please find the following comments.

- The NSW RFS has no objection to the Alternative Option to maintain the zoning as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses as per the above.
- Before R3 Medium Density Residential can be fully commented on, further analysis would need to be undertaken to determine the maximum number of occupants that could be on-site and the adequacy/appropriateness of roadways for emergency egress and fire brigade access given reasonable worst-case bush fire scenarios.
- Concerns associated with firefighting water supplies will need to be addressed as part of more detailed design development and approvals as water supplies are considered an engineering issue, noting failure to

address water supply issues appropriately and adequately would be expected to preclude subsequent consents and approvals.



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NSW Department of Planning and Environment

Submission by NSW Rural Fire Service

Mark Sugden, A/Manager Development Planning & Policy

8 February 2023

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The scope of this review and associated comments is limited to the Planning Proposal and Rezoning requested in question, specifically that recently placed on Public Exhibition for the Lourdes Village redevelopment.

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Summary of Planning Proposal/Rezoning

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- Amend the floor space ratio (FSR) control from 0.3:1 to 0.75:1

An indicative site plan is included with other information as Attachment A for reference and information, noting it is presumed from a regulatory perspective once a Planning Proposal/Rezoning is granted any proposed development can be submitted subsequently if the bounds of the approved Planning Proposal/Rezoning are not exceeded.

Final approval for subsequent development proposed would be subject to section 100B of the *Rural Fires Act*, section 4.14 of the *Environmental Planning and Assessment Act* and/or any other planning/regulatory instruments as appropriate/applicable.

Review Comments

Based on a review of the Planning Proposal/Rezoning, please find the following comments.

- The NSW Rural Fire Service (RFS) has no objection to the planning/ rezoning proposal for seniors housing and nominated residential uses as per the above, based on the additional work and documentation provided by BlackAsh Bushfire Consulting, as contained within the “*Addendum Bushfire Report for Lourdes Retirement Village*”, dated the 22 December 2022 Version 1.0.
- The additional work referenced in the above Addendum was considered to address a maximum number of occupants that could be on-site, the adequacy/appropriateness of roadways for emergency egress and fire brigade access given reasonable worst case bush fire scenarios.
- Concerns associated with firefighting water supplies will need to be addressed as part (as noted in *Addendum Bushfire Report for Lourdes Retirement Village* , by BlackAsh Consulting) of more detailed design development and approvals as water supplies are considered an engineering issue, noting failure to address water supply issues appropriately and adequately would be expected to preclude subsequent consents and approvals.

Attachments

Attachment A - 221103_Advice on Lourdes Village LEP Provisions _ Bushfire

Renee Ezzy

From: Mark Sugden <Mark.Sugden@rfs.nsw.gov.au>
Sent: Monday, 27 November 2023 8:50 AM
To: Renee Ezzy; Development Policy
Cc: Douglas Cunningham; Louise McMahon; Tegan Harris; Mathew Smith; Craig Casey; Nika Fomin
Subject: RE: PP-2022-658_Stanhope Road, Killara - Issues for discussion-23 November 2023

Hi Renee,

Thank you for the question.

A perimeter road, such as what you have provided below, could be deemed an acceptable solution to the requirement.

However the proponent may wish to demonstrate that an alternate solution based on a performance based design may also meet the intent of a perimeter road.

Regards

Superintendent Mark Sugden
Acting Manager/ Development Planning and Policy
NSW RFS

From: Renee Ezzy <renee.ezzy@dpie.nsw.gov.au>
Sent: Friday, November 24, 2023 4:59 PM
To: Mark Sugden <Mark.Sugden@rfs.nsw.gov.au>; Development Policy <development.policy@rfs.nsw.gov.au>
Cc: Douglas Cunningham <douglas.cunningham@dpie.nsw.gov.au>; Louise McMahon <louise.mcmahon@dpie.nsw.gov.au>; Tegan Harris <tegan.harris@dpie.nsw.gov.au>; Mathew Smith <Mathew.Smith@rfs.nsw.gov.au>; Craig Casey <Craig.Casey@rfs.nsw.gov.au>; Nika Fomin <Nika.Fomin@rfs.nsw.gov.au>
Subject: RE: PP-2022-658_Stanhope Road, Killara - Issues for discussion-23 November 2023

Hi Mark,

Thank you for your fast response, it is very much appreciated.

If I could seek some clarification around the perimeter road? Could you please provide some guidance on whether this could connect through the site to Stanhope Road at each end (as indicated in my rough plan below) or would it need to provide internal access to the northern portion of C2 land (between the building and C2 area)?

We need to understand if this is likely to impact the current FSR proposed on the site.



Kindest regards,

Renee Ezzy

Senior Planning Officer, Agile Planning
Programs, Infrastructure and Digital (PID)| Planning Group
Department of Planning and Environment

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4 Parramatta Square
Parramatta NSW 2150

Working days Monday to Friday, 08:30am - 05:00pm



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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Please consider the environment before printing this email.

From: Mark Sugden <Mark.Sugden@rfs.nsw.gov.au>
Sent: Friday, 24 November 2023 4:04 PM
To: Renee Ezzy <renee.ezzy@dpie.nsw.gov.au>; Development Policy <development.policy@rfs.nsw.gov.au>
Cc: Douglas Cunningham <douglas.cunningham@dpie.nsw.gov.au>; Louise McMahon <louise.mcmahon@dpie.nsw.gov.au>; Tegan Harris <tegan.harris@dpie.nsw.gov.au>; Mathew Smith <Mathew.Smith@rfs.nsw.gov.au>; Craig Casey <Craig.Casey@rfs.nsw.gov.au>; Nika Fomin <Nika.Fomin@rfs.nsw.gov.au>
Subject: RE: PP-2022-658_Stanhope Road, Killara - Issues for discussion-23 November 2023

Hi Renee,

Thank you for your email and questions within.

In consideration of the information provided regarding the C2 zoning I provide the following;

1. It is assumed that the first question (below) is referencing the proposed townhouses that abound the southern and eastern perimeter of the lot. The RFS would need to see more detail as to what is been proposed to offer an informed opinion.
2. Any changes to the proposed APZ will need to be considered by the proponent and demonstrated in a Performance Based Design Brief. In the interest to all parties it is recommended that this is done to enable clear progression to the DA stage. In consideration of this the intent of the proposed Bushfire Engineering Design and Compliance Strategy could still be met.
3. The RFS recommends that a permitter road in accordance with Planning for Bush fire Protection 2019 is provided for.

Regards

Superintendent Mark Sugden
Acting Manager/ Development Planning and Policy
NSW RFS

From: Renee Ezzy <renee.ezzy@dpie.nsw.gov.au>
Sent: Wednesday, November 22, 2023 4:20 PM
To: Mark Sugden <Mark.Sugden@rfs.nsw.gov.au>; Development Policy <development.policy@rfs.nsw.gov.au>
Cc: Douglas Cunningham <douglas.cunningham@dpie.nsw.gov.au>; Louise McMahon <louise.mcmahon@dpie.nsw.gov.au>; Tegan Harris <tegan.harris@dpie.nsw.gov.au>
Subject: PP-2022-658_Stanhope Road, Killara - Issues for discussion-23 November 2023

Hi Mark,

Thank you for making the time to meet with us again on this Stanhope Road planning proposal.

To assist our discussions, I have included a summary of the items that we would like to discuss and subsequently obtain a written response from RFS to close out our referral with your department for this post-exhibition stage of the proposal.

1. Gateway Condition No.3

This condition states:

During consultation, RFS should specifically determine whether detached dwellings, dual occupancies and/or semi-detached dwelling land uses could provide appropriate bushfire risk mitigation for the seniors housing as an alternative to the proposed medium density dwellings.

2. EHG's requirement for a C2 Environmental Conservation zone

- Does the proposed C2 zone affect the RFS response to the proponent's performance-based solution in terms of how the APZ will operate, noting that the areas zoned C2 are not to be managed as an IPA.
- Does the RFS still support the proposal progressing to Finalisation
- Does the proposal still satisfy the 9.1 Direction 4.3 - Planning for Bushfire Protection
- Are there any new requirements that RFS might require in response to the changes

We look forward to speaking with you tomorrow afternoon.

Kindest regards,

Renee Ezzy

Senior Planning Officer, Agile Planning
Programs, Infrastructure and Digital (PID)| Planning Group
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I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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