



Bushfire Protection Assessment

Commercial/Residential Development: Lots 22-29 Anson Street, St Georges Basin

Prepared for
David De Battista

6 March 2017



DOCUMENT TRACKING

Item	Detail
Project Name	Bushfire Protection Assessment, Proposed Commercial/Residential Development, Lots 22-29 Anson Street, St Georges Basin
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Prepared by	Susan Courtney
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ACKNOWLEDGEMENTS

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1 Property and proposal

Name:	David de Battista		
Postal address:	26 Traynor Avenue, Kogarah NSW 2217		
Street or property Name:	Island Point Road		
Suburb, town or locality:	St Georges Basin	Postcode:	2540
Lot/DP no:	Lots 1 and 6 DP 1082382		
Local Government Area:	Shoalhaven City Council		
Type of area:	Urban		
Type of development:	Commercial/residential Masterplan		

1.1 Description of proposal

David de Battista commissioned Eco Logical Australia Pty Ltd (ELA) to prepare a bushfire protection assessment (BPA) for a proposed commercial/residential development at Lots 1 and 6 DP 1082382 Island Point Road, St Georges Basin (hereafter referred to as the subject land).

The proposed development consists of six (6) buildings on the northern side of Anson Street (Lot 1) and nine (9) buildings on the southern side of Anson Street (Lot 6).

The buildings on the northern side (previously approved but not yet registered Lots 26-29) will be predominantly multistorey residential buildings with two buildings (J and K on proposed Lots 29 and 28 respectively) proposed to be a combination of ground floor commercial/retail space with residential floors above.

The southern portion of the development consists of 9 multistorey residential apartment buildings up to four (4) storeys high on previously approved (not yet registered) Lots 22-25.

The proposal also includes some minor adjustments of the north-south boundaries between Lots 22 and 23 and between Lots 26-28 inclusive.

The subject land was last inspected on 25 November 2014 and this assessment was prepared by Senior Bushfire Planner, Susan Courtney.

1.2 Location and description of subject land

The subject land is located on the eastern side of Island Point Road in St Georges Basin as shown in **Figure 1**. **Figure 1** also shows the subject land and the location of the proposed development in relation to the nearest bush fire prone vegetation which consists of dry sclerophyll forest on an adjoining allotment to the north. **Figure 2** shows the Masterplan of the proposed commercial/residential development.



Figure 1: Aerial photograph showing subject land

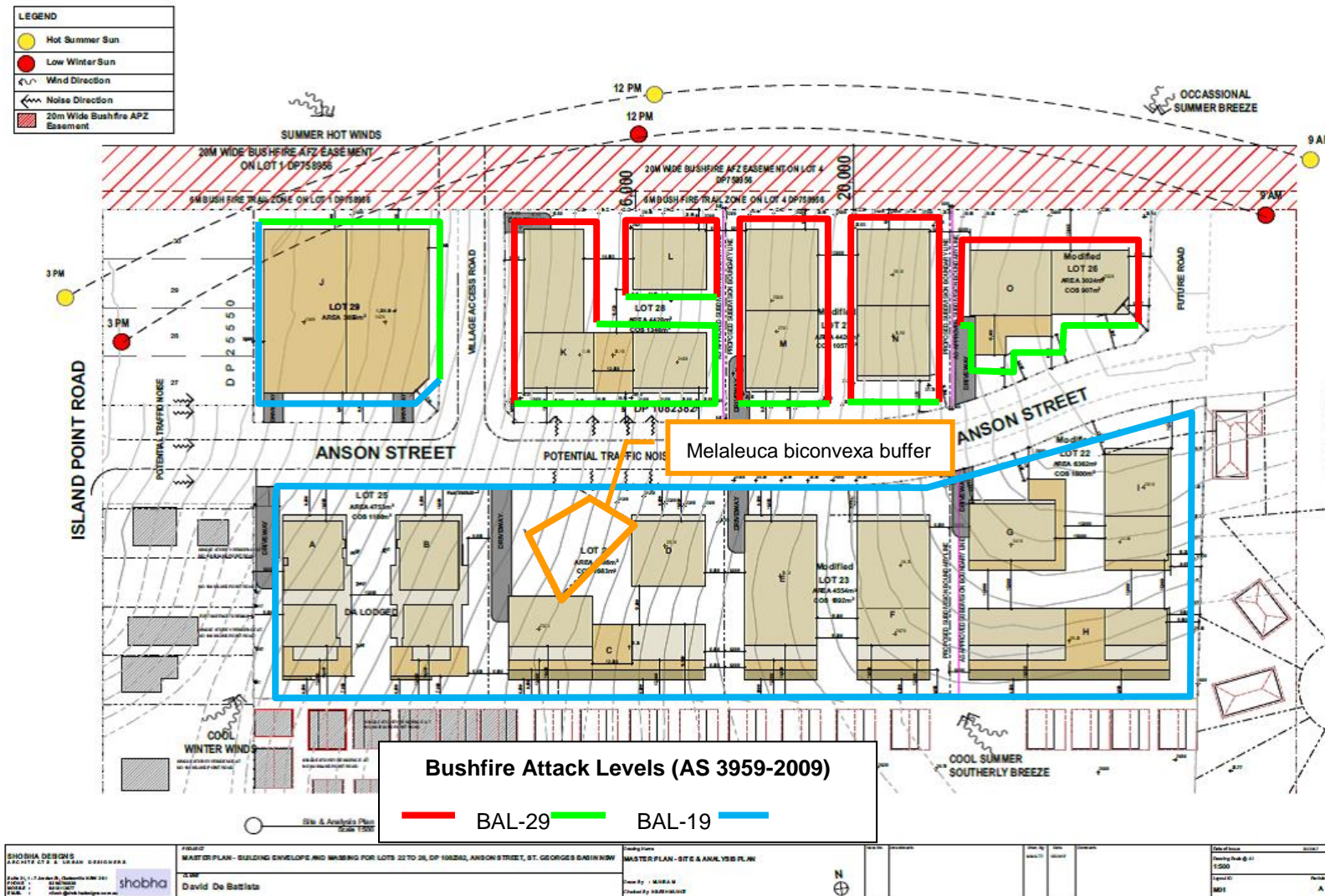


Figure 2: Plan view of proposed development layout showing required Bushfire Attack Levels for buildings

2 Bushfire threat assessment

The subject land is identified as bush fire prone land by Shoalhaven City Council.

The assessment of the proposed multistorey buildings is prepared in accordance with Section 79BA of the *Environmental Planning and Assessment Act 1979* and 'Planning for Bush Fire Protection' (RFS 2006), herein referred to as PBP.

The proposed boundary adjustment subdivision between Lots 22-23 and Lots 26-28 inclusive is assessed in accordance with Section 91 of the *Environmental Planning and Assessment Act 1979*, section 100B of the *Rural Fires Act 1997* and PBP.

2.1 Vegetation types and slope

In accord with PBP the predominant vegetation class has been calculated for a distance of at least 140 m out from the proposed dwelling and the slope class 'most significantly affecting fire behaviour' has been determined for a distance of at least 100 m in all directions. The predominant vegetation and effective slope assessments are shown in **Table 1** (p. 5).

As shown in **Figure 1**, there are areas of dry sclerophyll forest to the north and south of the subject land. This vegetation is classified as 'forest' by PBP. The forest to the south of the subject land is located beyond an adjoining manufactured housing estate which has been cleared of vegetation and is managed to Asset Protection Zone standards.

The forest to the north of the proposed development is slightly upslope in the PBP slope category 'all upslopes and flat land' while the forest to the south is on slight downslopes in the PBP slope category 'downslope >0-5 degrees'.

To the west and east of the proposed development there are managed lands in the form of existing residential and commercial development.

3 Asset Protection Zones (APZ)

PBP has been used to determine the width of Asset Protection Zones (APZ) using the vegetation and slope data identified in Section 2.2. **Table 1** (p. 5) shows the proposed APZ.

The proposed APZs for the proposed commercial/residential buildings on the northern side of the development will be partly contained within the subject land (at least the first 6 m), but the majority of the APZ will be contained within a bushfire easement on adjoining allotments to the north - Lots 1 and 4 DP 785956 Island Point Road (the remaining 20 m). The management of the portion of the APZ within the allotments to the north will be ensured via a Section 88B instrument (see **Appendix A**).

The proposed boundary adjustments between Lots 22-23 and Lots 26-28 will have no impacts on the availability of APZs for buildings on these allotments as all allotments are to be managed to APZ standards.

Table 1: Threat assessment, APZ and category of bushfire attack

Direction from envelope	Slope ¹	Vegetation ²	PBP required APZ ³	Proposed APZ	AS3959 Construction Standard ⁴	Comment
Buildings J-O						
North	All upslopes and flat land	Forest	20 m	≥ 26 m	BAL-29	First 6 m of APZ is on subject land; remaining 20 m is located within a bushfire easement on the adjoining allotments to the north
South	>0-5° downslope	Forest	25 m	> 100 m	BAL-LOW (but BAL-12.5 – BAL-29 due to above)	APZ is located within subject land, Anson Street road reserve and within adjoining manufactured home estate to the south
All other directions	Managed land					
Buildings A-I						
North	All upslopes and flat land	Forest	20 m	> 100 m	BAL-LOW (but BAL-12.5 due to below)	APZ within subject land and bushfire easement on adjoining allotments to the north
South	>0-5° downslope	Forest	25 m	81 m	BAL-12.5	First 6 m of APZ located within subject land; remaining 75 m is within adjoining manufactured home estate to the south
All other directions	Managed land					

¹ Slope most significantly influencing the fire behaviour of the site having regard to vegetation found. Slope classes are according to PBP.

² Predominant vegetation is identified, according to PBP and “Where a mix of vegetation types exist the type providing the greater hazard is said to be predominate”.

³ Assessment according to Table 2.4 of PBP.

⁴ Assessment according to Table 2.4.2 Australian Standard (AS) 3959-2009 ‘Construction of buildings in bushfire-prone areas’ (Standards Australia 2009).

4 APZ maintenance plan

The portion of the proposed APZs within the subject land is currently in place, but the APZ within the bushfire easement to the north is not currently in place and tree removal and vegetation clearance will be required to support the proposed development. Fuel management within the subject land and the northern APZ easement is to be as follows:

- No tree or tree canopy is to occur within 2 m of building rooflines;
- The presence of a few shrubs or trees in the APZ is acceptable provided that they:
 - are well spread out and do not form a continuous canopy;
 - are not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period; and
 - are located far enough away from buildings so that they will not ignite the buildings by direct flame contact or radiant heat emission.
- Any landscaping or plantings should preferably be local endemic mesic species or other low flammability species;
- A minimal ground fuel is to be maintained to include less than 4 tonnes per hectare of fine fuel (fine fuel means ANY dead or living vegetation of <6 mm in diameter e.g. twigs less than a pencil in thickness. 4 t/ha is equivalent to a 1 cm thick layer of leaf litter); and
- Any structures storing combustible materials such as firewood (e.g. sheds) must be sealed to prevent entry of burning debris.

5 Construction standard

In response to the predicted bushfire attack, the buildings within northern portion of the proposed commercial/residential development are to be constructed to a combination of **BAL-29**, **BAL-19** and **BAL-12.5** under Australian Standard AS 3959-2009 'Construction of buildings in bushfire-prone areas' (Standards Australia 2009) as outlined in **Figure 2**.

The buildings within the southern portion of the proposed development are to be constructed entirely to **BAL-12.5** construction.

Furthermore, the provisions of Section 3 'Construction General' of AS3959-2009 and the ember protection provisions outlined in Section A3.7 of the 2010 Appendix 3 Addendum to PBP will be required for the proposed buildings where applicable.

6 Water supply

The subject land will be serviced by reticulated water. The furthest point from any future buildings to a hydrant will be less than 90 m as required by PBP. No additional provisions are required to support the proposed development.

7 Gas and electrical supplies

In accordance with PBP, the electricity supply to the proposed development is underground.

Any gas services are to be installed and maintained in accordance with AS/NZS 1596:2014 'The storage and handling of LP Gas' (Standards Australia 2014).

8 Access

The commercial/residential buildings within the proposed development will be accessed via standard residential driveways and each building will be located entirely within 90 m of the nearest hydrant.

A fire involving any of the proposed buildings within the development will be attended to by fire appliances from the hardstand surface of adjacent public roads. This complies with PBP and no additional provisions are required to support the proposed development.

Perimeter access between the proposed development and the forest hazard to the north will be provided by a 6 m wide fire trail on the southern side of the northern APZ easement. This trail will link in with public roads at its western and eastern ends and will be constructed to comply with all PBP design specifications as outlined in **Table 2** (overleaf).

9 Assessment of environmental issues

At the time of assessment, the only known significant environmental feature, threatened species or Aboriginal relic identified under the *Threatened Species Conservation Act 1995* or the *National Parks Act 1974* present within the subject land is a small stand of *Melaleuca biconvexa* on Lot 24. This stand of *M. biconvexa* and the buffer surrounding it are too small to affect the bushfire protection proposals in this report and will be fenced off and excluded from APZ maintenance to protect this threatened species.

Shoalhaven City Council is the determining authority for this development; they will assess more thoroughly any potential environmental and heritage issues.

Table 2: Performance criteria for fire trails*1

Performance Criteria	Acceptable Solutions	Complies
<p>The intent may be achieved where:</p> <ul style="list-style-type: none"> ▪ the width and design of the fire trails enables safe and ready access for firefighting vehicles 	<ul style="list-style-type: none"> ▪ a minimum carriageway width of four metres with an additional one metre wide strip on each side of the trail (clear of bushes and long grass is provided) ▪ the trail is a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed ▪ a minimum vertical clearance of four metres to any overhanging obstructions, including tree branches is provided ▪ the crossfall of the trail is not more than 10 degrees ▪ the trail has the capacity for passing by: <ul style="list-style-type: none"> - reversing bays using the access to properties to reverse fire tankers, which are six metres wide and eight metres deep to any gates, with an inner minimum turning radius of six metres and outer minimum radius of 12 metres; and / or - a passing bay every 200 metres, 20 metres long by three metres wide, making a minimum trafficable width of seven metres at the passing bay <p style="text-align: center;"><i>Note: Some short construction in the access may be accepted where they are not less than the minimum (3.5m) and extend for no more than 30m and where obstruction cannot be reasonably avoided or removed</i></p>	<p>Can comply</p> <p>Can comply</p> <p>Can comply</p> <p>Can comply</p> <p>Can comply</p>
<ul style="list-style-type: none"> ▪ fire trails are trafficable under all weather conditions. Where the fire trail joins a public road, access shall be controlled to prevent use by non authorised persons 	<ul style="list-style-type: none"> ▪ the fire service is accessible to firefighters and maintained in a serviceable condition by the owner of the land ▪ appropriate drainage and erosion controls are provided ▪ the fire trail system is connected to the property access road and / or to the through road system at frequent intervals of 200 metres or less ▪ fire trails do not traverse a wetlands or other land potentially subject to periodic inundation (other than a flood or storm surge) ▪ gates for fire trails are provided and locked with a key / lock system authorized by the local RFS 	<p>Can comply</p> <p>Can comply</p> <p>Can comply</p> <p>Can comply</p> <p>Can comply</p>

Performance Criteria	Acceptable Solutions	Complies
<ul style="list-style-type: none"> ▪ fire trails designed to prevent ween infestation, soil erosion and other land degradation 	<ul style="list-style-type: none"> ▪ fire trail does not adversely impact on natural hydrological flows ▪ fire trail design acts as an effective barrier to the spread of weeds and nutrients ▪ fire trail construction does not expose acid-sulphate soils 	<p>Can comply</p> <p>Can comply</p> <p>Can comply</p>

*1 PBP page 25

10 Recommendations

The proposal consists of a proposed multistorey commercial/residential development and boundary adjustment subdivision located 26 m from the nearest bushfire hazard to the north. The development will be able to satisfy the aim and objectives of PBP for subdivision.

The following recommendations have been made within this report:

1. Aside from the small *Melaleuca biconvexa* buffer area shown on Lot 26 in **Figure 2**, the entire subject land is to be managed to Inner Protection Area APZ standards as outlined in Section 4 of this report;
2. Buildings are to be constructed in accord with the relevant BALs under AS 3959-2009 as per **Figure 2** of this report with the roof of each building to be constructed entirely to the higher level of construction applicable to the elevations of that building;
3. The provisions of Section 3 'Construction General' of AS 3959-2009 and the ember protection provisions outlined in Section A3.7 of the 2010 Appendix 3 Addendum to PBP will be required for the proposed buildings where applicable;
4. Any gas services are to be installed and maintained in accordance with AS/NZS 1596:2014 'The storage and handling of LP Gas'; and
5. The northern fire trail is to be constructed in accord with the PBP design specifications outlined in **Table 2**.

11 Conclusion

In the author's professional opinion the bushfire protection requirements listed in this assessment provide an adequate standard of bushfire protection for the proposed development, a standard that is consistent with 'Planning for Bush Fire Protection 2006' and appropriate for the issue of a Bush Fire Safety Authority.



Susan Courtney
Senior Bushfire Planner

12 References

NSW Rural Fire Service (RFS). 2006. *Planning for Bush Fire Protection: A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners* including the 2010 Appendix 3 Addendum. Australian Government Publishing Service, Canberra.

Standards Australia. 2005. *Fire hydrant installations - System design, installation and commissioning*, AS2419.1, Fourth edition 2005, Standards Australia International Ltd, Sydney.

Standards Australia. 2009. *Construction of buildings in bushfire-prone areas*, AS 3959-2009. Standards Australia International Ltd, Sydney.

Standards Australia. 2014. *The storage and handling of LP Gas*, AS/NZS 1596:2014, Eighth edition. Standards Australia International Ltd, Sydney.

Appendix A – Northern Bushfire Easement

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TRANSFER GRANTING EASEMENT

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New South Wales
Real Property Act 1900

AF 93918

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	Servient Tenement (land burdened)	Dominant Tenement (land benefited)
	Lot 1 DP1082382	Lot 4 DP785956

(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE
		Reference (optional):	TG

(C) TRANSFEROR	Registered proprietor of the servient tenement DAVID JOHN DE'BATTISTA
----------------	--

(D) The transferor acknowledges receipt of the consideration of \$ 1.00 and transfers and grants -

(E) DESCRIPTION OF EASEMENT	an easement for asset protection zone 20 and 25 wide and an easement for bushfire trail 6 wide in accordance with the terms of the easement set out in Annexure A affecting those parts of the land burdened shown on the plan of Anthony R Auslebrook dated 7 July 2009 under reference 25032 which is Annexure B
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out of the servient tenement and appurtenant to the dominant tenement.

(F) Encumbrances (if applicable):

(G) TRANSFEREE	Registered proprietor of the dominant tenement SALCORP DEVELOPMENTS PTY LIMITED
----------------	--

DATE 3 / 11 / 2009

(H) I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the transferor.

Signature of witness:


Signature of transferor:

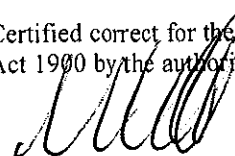
Name of witness:
Address of witness:

emery
John K Dunne
4/53 French St
Kogarah NSW 2217

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:


Signature of authorised officer:

Name of witness: JULIA MAY ALLSOPP
Address of witness: 66 COLLINS STREET
KIAMA 2533

Authorised officer's name:
Authority of officer:
Signing on behalf of: SALCORP DEVELOPMENTS PTY LIMITED

ANNEXURE A
to the transfer granting easement burdening Lot 1 DP1082382

A Terms of easement for Asset Protection Zone

1. Full and free right for every person who is at any time entitled to an estate or interest in the Lot Benefited or any part thereof ("**grantee**") and every person authorised by the grantee, from time to time, and at all times to enter onto the Lot Burdened within the site of the easement indicated on the plan ("**Asset Protection Zone**"), together with the right to carry out bushfire hazard reduction work in the Asset Protection Zone to manage or reduce the bushfire hazard to the improvements on the Lot Benefited and to do anything reasonably necessary for that purpose including but not limited to:
 - (a) the establishment or maintenance of fire breaks within the Asset Protection Zone;
 - (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels in the Asset Protection Zone to mitigate against the spread of a bushfire;
 - (c) entering upon and obtaining access to the Asset Protection Zone at any time with surveyors, workmen, vehicles, materials, machinery or implements or any other necessary things or persons; and
 - (d) placing and leaving on while work is being undertaken, or removing from, the Asset Protection Zone all necessary materials, machinery, implements and other things.
2. In exercising its rights the grantee must:
 - (a) ensure that all work is done properly;
 - (b) cause as little inconvenience as is practicable to the registered proprietor of the Lot Burdened and any occupier of the Lot Burdened;
 - (c) cause as little damage as is practicable to the Lot Burdened and any improvement on it;
 - (d) make good within a reasonable time any damage it causes to the surface of the Lot Burdened and any improvement on it; and
 - (e) restore the Lot Burdened as nearly as practicable to its former condition and make good any collateral damage.
3. The registered proprietor of the Lot Burdened must not:
 - (a) do or neglect to do or permit or suffer anything to be done which may result in the Asset Protection Zone being interfered with or comprised in terms of its capacity to reduce the bushfire hazard to the improvements on the Lot Benefited; or
 - (b) erect or permit to be erected any building or other erection of any kind or description on over or under the Asset Protection Zone or carry out any form of construction affecting the surface, under surface or subsoil of the Asset Protection Zone or place any item whatsoever upon the surface of the Asset Protection Zone which may obstruct or interfere with access to the Asset Protection Zone.
4. The grantee and the registered proprietor of the Lot Burdened covenant and agree that:

- (a) the grantee may at his own cost maintain the Asset Protection Zone so that it is in a state in accordance with any requirements set by Shoalhaven City Council or the NSW Rural Fire Service;
- (b) the grantee shall be able to undertake routine maintenance of the Asset Protection Zone and must repair any damage it causes to the Lot Burdened;
- (c) the grantee indemnifies and keeps indemnified the registered proprietor of the Lot Burdened against all actions suits claims and damages of whatsoever nature which may be brought against the registered proprietor of the Lot Burdened to the extent that they arise because of the exercise by the grantee of its rights under this easement and all costs charges and expenses which the registered proprietor of the Lot Burdened may incur as a result of any act or omission of the grantee to the extent that they arise because of the exercise by the grantee of its rights, or the grantee's failure to comply with its obligations, under this easement; and
- (d) without limiting 4(c) above, the grantee and the registered proprietor of the Lot Burdened acknowledge that, from time to time, the local authority for the Land under the *Rural Fires Act 1997* ("**Rural Fires Act**") or the Commissioner under section 12A of the Rural Fires Act may issue notices to the registered proprietor or occupier of the Lot Burdened in respect of the Land pursuant to section 66 of the Rural Fires Act.

Where a notice referred to in this clause 4(d) is issued to the registered proprietor of the Lot Burdened, the registered proprietor must provide a copy of the notice to the grantee as soon as practicable after receiving the notice;

Upon receipt of a copy of the notice referred to in this clause 4(d), the grantee must comply with the terms of such a notice:

- (i) within the time specified in the notice; and
- (ii) at the grantee's expense.

Where:

- (i) the grantee fails to comply with the terms of a notice referred to in this clause 4(d); and
- (ii) the local authority or the Commissioner elects to perform the work the subject of such a notice; and
- (iii) the local authority or the Commissioner seeks to recover the costs of performing such work from the registered proprietor of the Lot Burdened, pursuant to section 70 of the Rural Fires Act,

the grantee indemnifies the registered proprietor of the Lot Burdened from any costs, liabilities, suits or other actions which may arise by virtue of the operation of section 70 of the Rural Fires Act; and

- (e) the grantee agrees that the use will be abandoned and the Easement will be released if:
 - (i) the grantee intends to permanently cease using the Asset Protection Zone; or
 - (ii) the local authority or the Commissioner under the Rural Fires Act gives notice in writing to the grantee or the registered proprietor

of the Lot Burdened that an Asset Protection Zone is no longer required on the Lot Burdened

- (iii) the Lot Burdened is developed in such a way that the Asset Protection Zone is no longer required on the Lot.
- (f) the terms of the Easement may not be varied except with the prior written agreement of the Commissioner of the New South Wales Rural Fire Service ("RFS") from time to time, or the successor of the RFS.

If there is a dispute relating to the need to carry out work under this easement or the nature of the work, that dispute shall be determined by a single arbitrator (being a barrister of at least five (5) years standing) appointed under the *Commercial Arbitration Act 1984* (NSW) whose determination shall be conclusive. The costs incurred in the determination of such dispute shall be borne by the parties equally or in the proportions determined by the appointed arbitrator.

B Terms of easement for Bushfire Trail

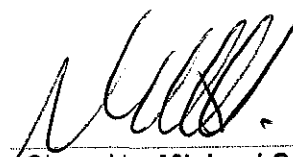
1. The Owner of the lot benefited may:

- (a) construct, only within the site of this easement, a bushfire trail in accordance with the requirements of Planning for Bushfire Protection 2006; and
- (b) by any reasonable means pass across the lot burdened, but only within the site of this easement, to get to or from the lot benefited for the purposes of fire fighting only;
- (c) do anything reasonably necessary for that purpose, including:
 - entering the lot burdened, and
 - taking anything on to the lot burdened, and
 - carrying out work within the site of this easement, such as constructing, placing, repairing or maintaining trafficable surfaces, or structures.

2. In exercising those powers, the owner of the lot benefited must:

- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
- (c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- (d) restore the lot burdened as nearly as is practicable to its former condition, and
- (e) make good any collateral damage.


Signed by **David John De Battista**


Signed by **Michael Salecich**
on behalf of Salcorp Developments Pty Ltd

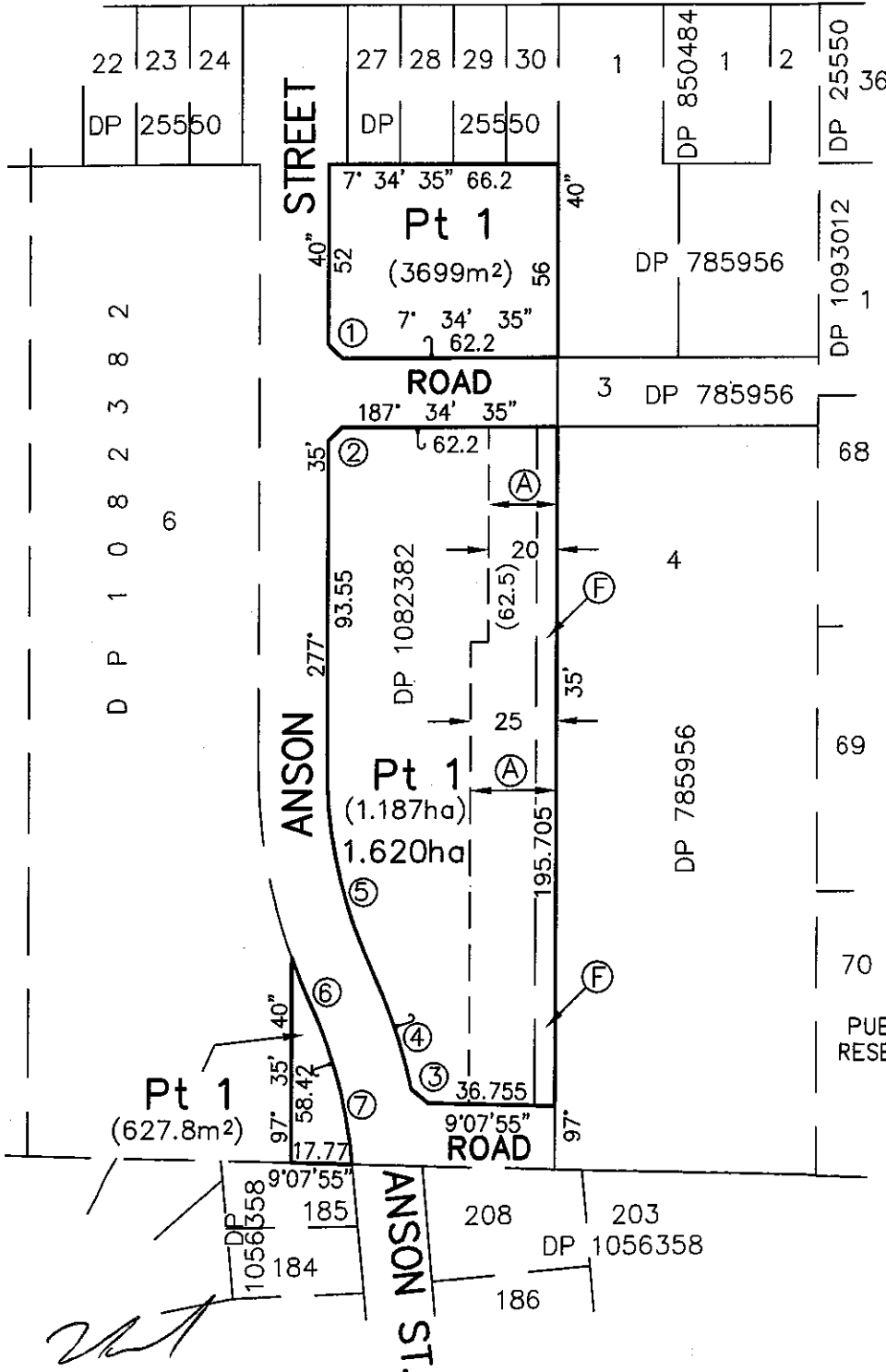
PLAN OF PROPOSED EASEMENT FOR ASSET PROTECTION ZONE 20 & 25 WIDE & EASEMENT FOR BUSHFIRE TRAIL 6 WIDE AFFECTING LOT 1 DP 1082382



LGA: SHOALHAVEN CITY
 LOCALITY: ST GEORGES BASIN
 PARISH: WANDRAWANDIAN
 COUNTY: ST. VINCENT

- Ⓐ PROPOSED EASEMENT FOR ASSET PROTECTION ZONE 20 & 25 WIDE
- Ⓕ PROPOSED EASEMENT FOR BUSHFIRE TRAIL 6 WIDE

ISLAND POINT ROAD



SHORT LINE TABLE

No.	BEARING	DIST.	ARC	RAD.
1	52°35'05"	5.655		
2	322°35'10"	5.655		
3	47°33'25"	6.265		
4	78°52'35"	35.605	35.675	160
5	85°02'30"	60.855	61.345	140
6	254°51'30"	13.240	13.240	160
7	262°26'05"	48.365	48.610	140

David DeBattista

Form: 01TG
Licence: 05-11-643
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TRANSFER GRANTING EASEMENT

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New South Wales
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PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	Servient Tenement (land burdened)	Dominant Tenement (land benefited)
	Lot 4 DP785956	Lot 1 DP1082382

(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE
		Reference (optional):	TG

(C) TRANSFEROR	Registered proprietor of the servient tenement SALCORP DEVELOPMENTS PTY LIMITED
----------------	--

(D) The transferor acknowledges receipt of the consideration of \$ 1.00 and transfers and grants -

(E) DESCRIPTION OF EASEMENT	an easement for asset protection zone 20 and 25 wide and an easement for bushfire trail 6 wide in accordance with the terms of the easements set out in Annexure A affecting those parts of the land burdened shown on the plan of Anthony R Auslebrook dated 7 July 2009 under reference 25137 which is Annexure B
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out of the servient tenement and appurtenant to the dominant tenement.

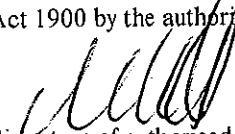
(F) Encumbrances (if applicable):	
(G) TRANSFEREE	Registered proprietor of the dominant tenement DAVID JOHN DE'BATTISTA

DATE 3 / 11 / 2009

(H) I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

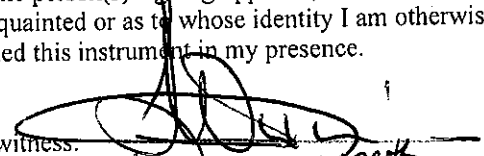
Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness: 
Name of witness: JULIA HAY ALLSOPP
Address of witness: 66 COLLINS STREET
KIAMA 2533

Signature of authorised officer: 
Authorised officer's name:
Authority of officer:
Signing on behalf of: SALCORP DEVELOPMENTS PTY LIMITED

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the transferee.

Signature of witness: 
Name of witness: John K Dunn
Address of witness: 4/53 French St
Kogarah NSW 2217

Signature of transferee: 

ANNEXURE A
to the transfer granting easement benefiting Lot 4 DP785956

A Terms of easement for Asset Protection Zone

1. Full and free right for every person who is at any time entitled to an estate or interest in the Lot Benefited or any part thereof ("**grantee**") and every person authorised by the grantee, from time to time, and at all times to enter onto the Lot Burdened within the site of the easement indicated on the plan ("**Asset Protection Zone**"), together with the right to carry out bushfire hazard reduction work in the Asset Protection Zone to manage or reduce the bushfire hazard to the improvements on the Lot Benefited and to do anything reasonably necessary for that purpose including but not limited to:
 - (a) the establishment or maintenance of fire breaks within the Asset Protection Zone;
 - (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels in the Asset Protection Zone to mitigate against the spread of a bushfire;
 - (c) entering upon and obtaining access to the Asset Protection Zone at any time with surveyors, workmen, vehicles, materials, machinery or implements or any other necessary things or persons; and
 - (d) placing and leaving on while work is being undertaken, or removing from, the Asset Protection Zone all necessary materials, machinery, implements and other things.
2. In exercising its rights the grantee must:
 - (a) ensure that all work is done properly;
 - (b) cause as little inconvenience as is practicable to the registered proprietor of the Lot Burdened and any occupier of the Lot Burdened;
 - (c) cause as little damage as is practicable to the Lot Burdened and any improvement on it;
 - (d) make good within a reasonable time any damage it causes to the surface of the Lot Burdened and any improvement on it; and
 - (e) restore the Lot Burdened as nearly as practicable to its former condition and make good any collateral damage.
3. The registered proprietor of the Lot Burdened must not:
 - (a) do or neglect to do or permit or suffer anything to be done which may result in the Asset Protection Zone being interfered with or comprised in terms of its capacity to reduce the bushfire hazard to the improvements on the Lot Benefited; or
 - (b) erect or permit to be erected any building or other erection of any kind or description on over or under the Asset Protection Zone or carry out any form of construction affecting the surface, under surface or subsoil of the Asset Protection Zone or place any item whatsoever upon the surface of the Asset Protection Zone which may obstruct or interfere with access to the Asset Protection Zone.
4. The grantee and the registered proprietor of the Lot Burdened covenant and agree that:

- (a) the grantee may at his own cost maintain the Asset Protection Zone so that it is in a state in accordance with any requirements set by Shoalhaven City Council or the NSW Rural Fire Service;
- (b) the grantee shall be able to undertake routine maintenance of the Asset Protection Zone and must repair any damage it causes to the Lot Burdened;
- (c) the grantee indemnifies and keeps indemnified the registered proprietor of the Lot Burdened against all actions suits claims and damages of whatsoever nature which may be brought against the registered proprietor of the Lot Burdened to the extent that they arise because of the exercise by the grantee of its rights under this easement and all costs charges and expenses which the registered proprietor of the Lot Burdened may incur as a result of any act or omission of the grantee to the extent that they arise because of the exercise by the grantee of its rights, or the grantee's failure to comply with its obligations, under this easement; and
- (d) without limiting 4(c) above, the grantee and the registered proprietor of the Lot Burdened acknowledge that, from time to time, the local authority for the Land under the *Rural Fires Act 1997* ("**Rural Fires Act**") or the Commissioner under section 12A of the Rural Fires Act may issue notices to the registered proprietor or occupier of the Lot Burdened in respect of the Land pursuant to section 66 of the Rural Fires Act.

Where a notice referred to in this clause 4(d) is issued to the registered proprietor of the Lot Burdened, the registered proprietor must provide a copy of the notice to the grantee as soon as practicable after receiving the notice;

Upon receipt of a copy of the notice referred to in this clause 4(d), the grantee must comply with the terms of such a notice:

- (i) within the time specified in the notice; and
- (ii) at the grantee's expense.

Where:

- (i) the grantee fails to comply with the terms of a notice referred to in this clause 4(d); and
- (ii) the local authority or the Commissioner elects to perform the work the subject of such a notice; and
- (iii) the local authority or the Commissioner seeks to recover the costs of performing such work from the registered proprietor of the Lot Burdened, pursuant to section 70 of the Rural Fires Act,

the grantee indemnifies the registered proprietor of the Lot Burdened from any costs, liabilities, suits or other actions which may arise by virtue of the operation of section 70 of the Rural Fires Act; and

- (e) the grantee agrees that the use will be abandoned and the Easement will be released if:
 - (i) the grantee intends to permanently cease using the Asset Protection Zone; or
 - (ii) the local authority or the Commissioner under the Rural Fires Act gives notice in writing to the grantee or the registered proprietor

of the Lot Burdened that an Asset Protection Zone is no longer required on the Lot Burdened

- (iii) the Lot Burdened is developed in such a way that the Asset Protection Zone is no longer required on the Lot.
- (f) the terms of the Easement may not be varied except with the prior written agreement of the Commissioner of the New South Wales Rural Fire Service ("RFS") from time to time, or the successor of the RFS.

If there is a dispute relating to the need to carry out work under this easement or the nature of the work, that dispute shall be determined by a single arbitrator (being a barrister of at least five (5) years standing) appointed under the *Commercial Arbitration Act 1984 (NSW)* whose determination shall be conclusive. The costs incurred in the determination of such dispute shall be borne by the parties equally or in the proportions determined by the appointed arbitrator.

B Terms of easement for Bushfire Trail

1. The Owner of the lot benefited may:

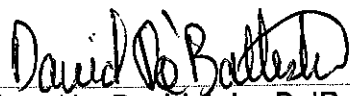
- (a) construct, only within the site of this easement, a bushfire trail in accordance with the requirements of Planning for Bushfire Protection 2006; and
- (b) by any reasonable means pass across the lot burdened, but only within the site of this easement, to get to or from the lot benefited for the purposes of fire fighting only;
- (c) do anything reasonably necessary for that purpose, including:
 - entering the lot burdened, and
 - taking anything on to the lot burdened, and
 - carrying out work within the site of this easement, such as constructing, placing, repairing or maintaining trafficable surfaces, or structures.

2. In exercising those powers, the owner of the lot benefited must:

- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
- (c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- (d) restore the lot burdened as nearly as is practicable to its former condition, and
- (e) make good any collateral damage.



Signed by **Michael Salecich**
on behalf of Salcorp Developments Pty Ltd



Signed by **David John De Battista**

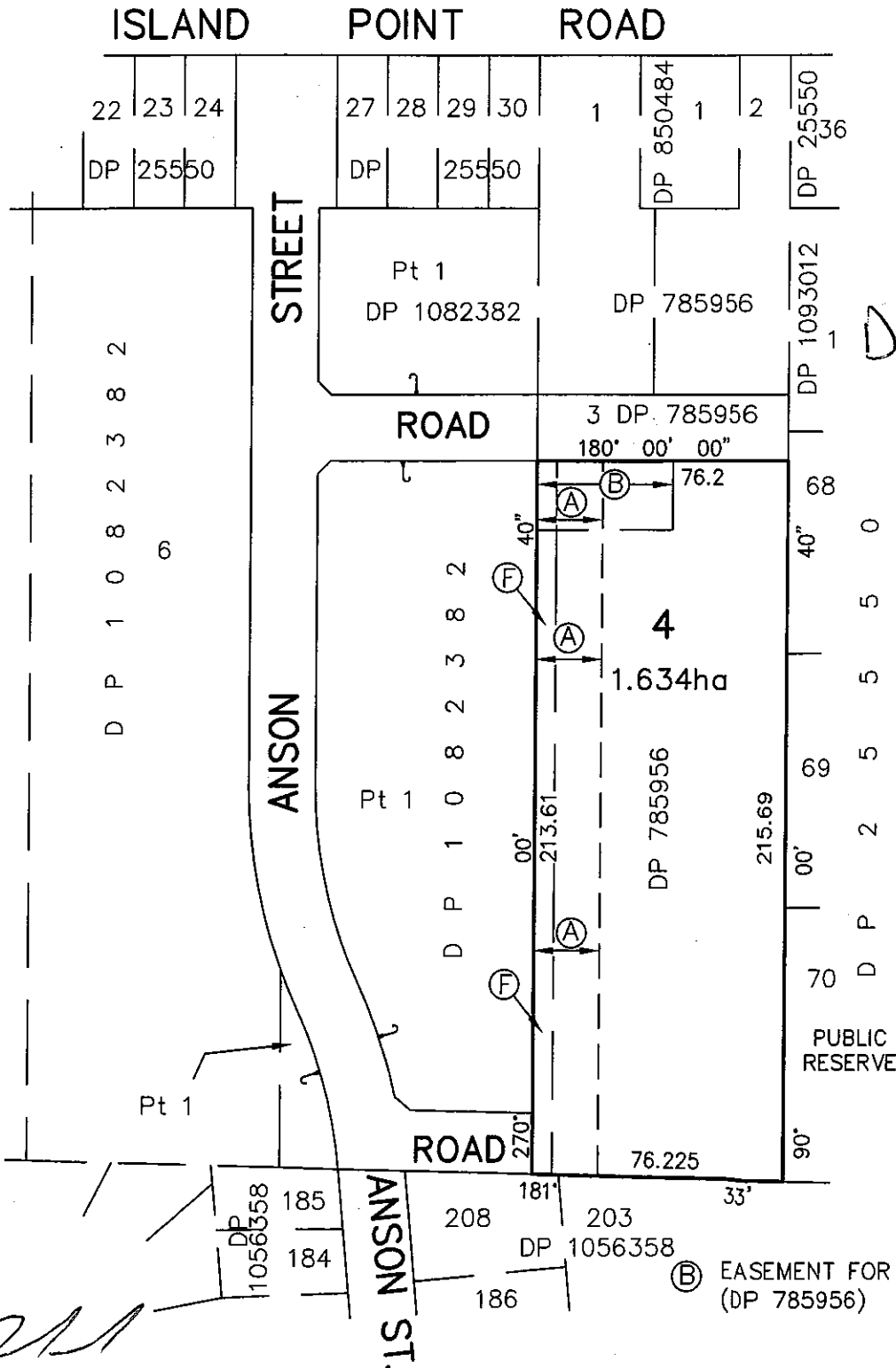
PLAN OF PROPOSED EASEMENT FOR ASSET PROTECTION ZONE 20 WIDE & EASEMENT FOR BUSHFIRE TRAIL 6 WIDE AFFECTING LOT 4 DP 785956



LGA: SHOALHAVEN CITY
 LOCALITY: ST GEORGES BASIN
 PARISH: WANDRAWANDIAN
 COUNTY: ST. VINCENT

Ⓐ PROPOSED EASEMENT FOR ASSET PROTECTION ZONE 20 WIDE

Ⓕ PROPOSED EASEMENT FOR BUSHFIRE TRAIL 6 WIDE



David De Ballester

[Handwritten signature]

ANTHONY R AULSEBROOK
 REGISTERED SURVEYOR

DATE: 7TH JULY 2009
 SURVEYORS REF: 25137

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logical
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