

All communications to be addressed to:

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Environment, Planning and
Development Section
Queanbeyan Palerang Regional Council
PO BOX 90
QUEANBEYAN NSW 2620

Your Ref: DA No. 123-2017

Our Ref: D17/1210

Attention: Mary Kunang

CC Queanbeyan Fire Control Centre
Att: Tim Carroll
PO Box 2234
QUEANBEYAN NSW 2620

5 December 2017

Dear Sir/Madam

**Integrated Development for 10 & 11//754881, 21//1203214, 5//1217396, 36
Googong Road, 463//1226692 Montgomery Avenue, Part Road Reserve - Old
Cooma Road & Googong Road, Googong NSW 2620 (Googong NH2)**

I refer to your letter dated 11 April 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The subdivision shall generally comply with the plans prepared by Calibre Consulting titled:

- General Arrangement Plan
- Staging Plan
- Street Hierarchy Plan
- Riparian Corridor Offset Plan – Sheet 2

,and the plan prepared by AECOM titled Landscape Masterplan, unless amended by conditions of this bush fire safety authority (BFSA).

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. Prior to the issue of subdivision of residential lots, the following Asset Protection Zones (APZs) shall be created and maintained for the life of the development as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':

(a) 15 metres along the northern site boundary, to be measured from the closest residentially developable portion of lots located along the northern site boundary (the APZ may include formed roads and managed road verges and the like);

(b) 10 metres along the western site boundary, to be measured from the closest residentially developable portion of lots located along the southern site boundary (the APZ may include formed roads and managed road verges and the like); and

(c) 10 metres along the southern site boundary, to be measured from the closest residentially developable portion of lots located along the southern site boundary (the APZ may include formed roads and managed road verges and the like).

NOTE – the 10m APZ to the south may be provided over the adjoining lot to the south provided either a suitable legal mechanism, to the Council's satisfaction is provided, or Council is satisfied this land is already existing as an APZs.

3. At the issue of subdivision certificate for each stage of the development involving residential lots, and for the life of the development, the land within each stage shall be created and maintained as an APZ as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

NOTE – This requirement does not apply to the land identified as being Montgomery Creek riparian revegetation or revegetation of swampy meadow or to Nangi Pimble reserve (unless required by other conditions of this BFSA).

4. At the issue of subdivision certificate for each stage of the development involving residential lots, a temporary APZ to a minimum distance of 50 metres from the perimeter of the stage being released (this APZ shall not be required to extend outside of the site boundaries) is to be provided and managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

A suitable lawful mechanism to the Council's satisfaction shall be provided to ensure the 50m APZs outlined above are lawfully maintained until such time as the hazard is removed via development of the adjoining Stage/s whereby the instrument may be extinguished.

NOTE – This requirement does not apply to the land identified as being Montgomery Creek riparian revegetation or revegetation of swampy meadow or to Nangi Pimble reserve (unless required by other conditions of this BFSa).

5. The land identified as Nangi Pimble reserve (also referred to as Hill 800 and proposed Lot 5) within proposed stage 9 shall be created and maintained for the life of the development to ensure the following bush fire protection measures are achieved:

(a) Vegetation within the reserve shall be managed as shown in Figure 1 of the document titled 'Bushfire Constraints Advice – Googong Neighbourhood 2' prepared by EcoLogical Australia, dated 13 November 2017. This requires:

- (i) the land surrounding the residential lots within Nangi Pimble Reserve, for a distance of between 18-45m to be managed as a grassland fuel load (not exceeding 6 tonnes per hectare), for the life of the development; and
- (ii) the land to be revegetated within the dry sclerophyll forest portion of Nangi Pimble Reserve shall be managed at a fuel load not exceeding 20-25 tonnes per hectare, for the life of the development.

(b) The construction of a concrete dish drain and kerb adjoining residential lot boundaries and being a minimum 1m width, for the life of the development (this will be included as part of the APZs afforded to these lots).

(c) Vehicular access to Nangi Pimble shall be provided in accordance with the recommendations of the document titled Bushfire Constraints Advice – Googong Neighbourhood 2' prepared by EcoLogical Australia, dated 13 November 2017.

A suitable lawful instrument, to the Council's satisfaction, shall be provided over the lot containing Nangi Pimble Reserve ensuring the requirements of this condition are provided for the life of the development (i.e. a Plan of Management and/or S88B instrument).

6. A 7m APZ shall be provided within each lot adjoining Nangi Pimble Reserve (being proposed lots 1-8 of section 45, lots 1-11 of section 46, and lots 1-6 of section 55) to be measured from the adjoining reserve into each lot. This APZ shall be provided as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on each of the affected lots prohibiting any part of a dwelling, or any building within 10 metres of the dwelling, being located within the areas identified as being APZs.

7. A 1.8m high non-combustible fence shall be located along the property boundaries of the following lots, where adjoining Nangi Pimble Reserve:

- proposed lots 1-8 of section 45
- proposed lots 1-11 of section 46
- proposed lots 1-6 of section 55

A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on each of the affected lots requiring the construction and ongoing maintenance of this non-combustible fence in accordance with this condition.

8. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on each of the following lots adjoining Nangi Pimble Reserve, requiring future development of habitable structures to be accompanied by a performance-based bush fire solution to support the construction of future dwellings may be required to be constructed to a Bushfire Attack Level (BAL) greater than BAL 29 as outlined in AS3959-2009 and Addendum Appendix 3 of Planning for Bushfire Protection 2006, as amended from time to time:

- proposed lots 1-8 of section 45
- proposed lots 1-11 of section 46
- proposed lots 1-6 of section 55

9. Where any APZs required in this bush fire safety authority (BFSA) do not consist of existing residential development, managed open space, roads, managed road reserves and the like the APZ shall be registered on the title of all lots benefitted and/or burdened by the APZ via a suitable legal mechanism such as an 88B instrument under the Conveyancing Act 1919.

10. Those areas of land within reserves denoted as numbers 11 and 12 on the Landscape Masterplan prepared by AECOM, which are not proposed to be revegetated as riparian land/swampy meadow, shall be managed for the life of the development as an APZ as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

11. In accordance with section 6.11 of the Landscape Design Report prepared by AECOM, referenced 60518125, revision F dated 23 March 2017, the Old Cooma Road and Googong Road buffer plantings, including adjoining reserve areas as shown on the Landscape Masterplan shall be managed as an APZ as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

12. A suitable lawful mechanism, to the Council's satisfaction, shall be provided over those areas of all reserves within the proposal which are required to be managed as APZs, for the life of the development unless this bush fire safety specifies alternative requirements.

NOTE – Should the reserves be dedicated to Council, then Council may consider an adopted Plan of Management as a suitable lawful mechanism.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

13. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public and property access roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

14. Each stage of the subdivision shall provide access roads that comply with the specifications of sections 4.1.3 (1) Public Roads and 4.1.3 (2) Property Access of Planning for Bush Fire Protection 2006, excluding the following requirements:

- No perimeter access roads are required for those residential lots located along the south western portion of proposed stage 15 (being a total of six lots).
- Perimeter roads numbered 56 and 58 as notated on the Street Hierarchy Plan (being the perimeter roads along the south eastern portion of the site) may have a carriageway width of 7.5 metres.
- Roads numbered 04, 30, and 38 as notated on the Street Hierarchy Plan may have a carriageway width of 6 metres and are not considered to be 'perimeter roads'.

Where access (including any alternate access or temporary access required until future stages are developed) is not provided via a public road reserve, a suitable lawful mechanism to the Council's satisfaction shall be provided ensuring lots benefitting from the access have a legal right to use the road.

Notes and General Comments

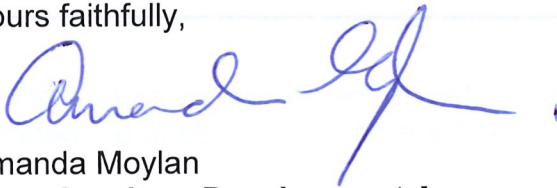
- As Council is aware, future development applications for development on bush fire prone lands will be required to comply with Section 79BA of the *Environmental Planning and Assessment (EPA) Act 1979* (i.e. for future dwellings construction) or Section 100B of the Rural Fires Act 1997 depending upon the nature of the proposed development.
- The issue of this bush fire safety authority does not approve any specific Bush Fire Attack Level (BAL) under AS3959-2009 'Construction of Buildings on Bushfire-prone land' for any future dwellings within the site, as these will be subject to separate assessment in the future.
- Council should be aware that the introduction of Amendment II of the Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas on 1 May 2011 includes grasslands as a hazardous vegetation category. Additionally, the current 'Guide for bush fire prone land mapping' version 5b requires grassland to be mapped where considered a potential hazard. Future development will need to consider this at the design and construction stage under the provisions of the Building Code of Australia. Please note that where land is not mapped as bushfire prone, any bushfire threat to a development should be considered under 79C of the EPA Act.
- The RFS advises that the APZs conditioned in this bush fire safety authority (BFSA) are the minimum required APZs specified for subdivision in Planning for Bush Fire Protection (PBP) 2006. They do not necessarily result in each lot

being able to construct to BAL 29 under AS3959-2009. Should greater APZs be provided, this may reduce the BAL for future dwellings.

- The RFS has forwarded a copy of these comments to the NSW RFS Lake George District for their information , including in considering preparation/amendments of the Bush Fire Risk Management Plan (BFRMP).

For any enquiries regarding this correspondence or to discuss the matters raised in this letter further please contact Martha Dotter on (02) 4472 0600.

Yours faithfully,



Amanda Moylan

Team Leader – Development Assessment and Planning

The RFS has made getting information easier. For general information on "Planning for Bush Fire Protection, 2006", visit the RFS web page at www.rfs.nsw.gov.au and search under "Planning for Bush Fire Protection, 2006".