

April 21 2020



Good afternoon Panel Members

RE: 181 Forest Way Belrose

My name is John Travers and I have been working on this project now for approximately 6 years

I wish to bring to your attention my opinion in relation to the bushfire issue relative to this development.

The RFS consent

In 2019 the NSW Rural Fire Service (RFS) approved the previous development design on this site when the design was slightly larger in size. A copy of that letter is **enclosed**.

The proposition being proffered by the neighbor

In this particular case, the neighbor has very publicly advised Council, and the RFS, that his backyard will be revegetated into a forest and as a result this will become a bushfire prone landscape.

Currently the back yard adheres to the term 'managed land' as described by the RFS in their planning policy entitled '*Planning for bushfire protection 2018*' and it was this landscape condition that enabled the RFS to provide their consent.

In other words, it fully complied with PBP 2018 and the consent was duly issued.

The RFS position

Immediately following that approval the neighbor began to actively stop the development from proceeding. I was advised by the RFS officer handling the project, namely Mr Garth Bladwell (at a meeting with Nika Fomin, Manager Development Control RFS in late 2019), that the neighbor had made contact with the RFS and sought to stop the development.

The RFS advice, at the time, noted the apparent neighbor dispute; and that advice remains the same position provided to Council in the recent correspondence from the RFS.

Clearly the RFS do not wish to be a political pawn between neighbors and the developers and in most cases they will steer well away from being caught up in such a mess, however in this case the RFS have simply given way to the neighbors' threat for the moment and wrote seeking the impasse to be resolved.

The reason why the RFS provided their consent

Our bushfire report that was part of the development application in 2019, graphically indicated the extent of the proposed asset protection zones on the property and the extent of managed land occurring off the property.

Those managed lands were located in the public roadway to the north and in the private allotment to the south. The RFS, after due diligence, agreed with our assessment and provided their consent.

The RFS regularly approve developments where the use of managed land is a constant. In fact the RFS describe managed land as being

“Land that has vegetation removed or maintained to a level that limits the spread and impact of bush fire. It may include existing developed land (residential, commercial or industrial), roads, golf course fairways, playgrounds, sports fields, vineyards, orchards, cultivated ornamental gardens and commercial nurseries.

Most common will be gardens and lawns within curtilage of buildings.

These areas will be managed to meet the requirements of an asset protection zone” (RFS PBP 2019 Definitions). 4

Managed land is therefore land that which resembles an asset protection zone but occurs on adjoining land.

APZ's, on the other hand, are located fully within the development site and importantly recognise the need to remove native vegetation and the description of asset protection zones elsewhere in the RFS policy document describes exactly the nature of that vegetation removal and its ongoing maintenance.

Very clearly asset protection zones require vegetation removal and thus a consent from Council. Noting that managed lands do not require vegetation removal and therefore do not require consent from Council. Indeed, the ecological and environmental matters subsequent to the construction of an APZs is dealt with as part of the development application and considered by Council in the delivery of its consent or rejection.

Managed lands, on the other hand, are not asset protection zones (APZ's) as defined by the RFS as they are always located off the development site on existing cleared land.

APZ's are so described as;

“A fuel-reduced area surrounding a built asset or structure which provides a buffer zone between a bush fire hazard and an asset.

The APZ includes a defensible space within which firefighting operations can be carried out. The size of the required asset protection zone varies with slope, vegetation and Fire Danger Index (FDI)”.

I have been undertaking bushfire consultancy now for 30 years and many years before that as a firefighter and land manager and I have never seen a situation where a neighbor is prepared to go to the lengths he has by threatening to 'revegetate his land with forest' for the sole purpose of creating a significant bushfire hazard on his property so that the adjacent development could not be built.

I have also been working on several hundred hectares of land to the immediate east for a major development proposed for that land. In my view the area will be changing to more dense landscape over time.

In summary the Panel have before them a previous consent from the RFS. Whilst the Panel may well wish to consider the attitude of the neighbor, and his stated intention, it is nonetheless the case, that at this stage, it is a threat.

It is my view;

- the neighbors land should be considered as how it is presented now – as managed land (as graphically depicted in our report).
- The relevant time for assessing the characterisation of the neighboring land for the purposes of bushfire assessment is at the date of determination of the DA. Therefore as of today's date the neighbors land is predominantly managed land as the RFS concurred.
- In my opinion the prospect of the neighbors land being revegetated as a forest is a remote concept - simply because it would put the neighbors own property at significant bushfire risk which in turn would reduce the value of the property and increase the likelihood of that property losing its insurance given the very public assertions being promulgated.

In my view the Panel could approve the development and let the Applicant assume the risk at the time of the Occupancy Certificate is required to be issued – no doubt with RFS consent.

Importantly, should the bushfire threat increase to both properties then the Applicant has the right to seek that threat to be mitigated under the powers provided by the Rural Fires Act Section 63.

Yours faithfully



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