



NSW RURAL FIRE SERVICE



The General Manager
Newcastle City Council
PO Box 489
Newcastle NSW 2300

Your reference: DA2018/01351 (CNR-26324)
Our reference: DA20221108011613

22 November 2022

Attention: Brian Cameron

Dear Sir,

Development Application Other – Part 3A – MP10_0090
144 Woodford Street Minmi NSW 2287, 5//DP1230960, 4//DP1253716, 48//DP115128, Lot 100//DP1252590
and Pt 1//DP1156243

I refer to your correspondence regarding the above proposal, which was received by the NSW Rural Fire Service on 02/08/2022.

Reference is made to Council's correspondence dated 8 August 2021 regarding the above Development Application.

The Development Application is made under Concept Approval No MP10_0090 as issued by the New South Wales Planning Assessment Commission dated 6 August 2013 (Concept Plan Approval). Condition 1.45 of the Concept Plan Approval states:

"Each development application for subdivision must be accompanied by a Bushfire Management Plan that demonstrates that the development complies with Planning for Bushfire Protection 2006 and to the satisfaction of the RFS; and provides detailed arrangements for:

- a) A road network and lot layout appropriate for evacuation purposes.*
- b) Property access roads which allow for safe access, egress and defensible space for emergency services*
- c) The location and composition of all APZs, including the inner and outer protection zones, including in relation to the proposed building footprints.*
- d) Ongoing maintenance for APZs, fire trails and access tracks to ensure compliance with the required standards (for APZs outside individual lots this must be negotiated with the RFS and relevant Council).*
- e) A staged approach to management of bushfire hazard and APZs during the development process.*

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The New South Wales Rural Fire Service (NSW RFS) advises that the Subdivision Bushfire Attack Level (BAL) Masterplan prepared by Bushfire Planning Australia (Titled: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig 13_BALs_OVERALL_220712 v9, Dated 12 July 2022, Sheets 1-4, Revision E) is satisfactory, and therefore NSW RFS would be prepared to grant a Bush Fire Safety Authority (BFSA) under section 100B of the Rural Fires Act 1997 for the development the subject of the Development Application (Proposed Development), subject to the following conditions:

1. A comprehensively detailed BAL plan shall be prepared for each sub-stage of the Proposed Development. A subdivision certificate for a sub-stage subdivision cannot proceed unless Newcastle City Council is satisfied that the detailed BAL plan for that sub-stage is in accordance with the NSW RFS endorsed Masterplan prepared by Bushfire Planning Australia (Titled: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig 13_BALs_OVERALL_220712 v9, Dated 12 July 2022, Sheets 1-4, Revision E). Council may refer a detailed BAL plan to RFS for consideration if not initially satisfied and, if RFS is satisfied with the detailed BAL plan, it will issue an amended Post Subdivision Bushfire Attack Level Certificate(s) for that plan.
2. A subdivision certificate for a stage of the Proposed Development cannot be issued unless Bushfire Planning Australia has provided certification that the Subdivision BAL Masterplan prepared by Bushfire Planning Australia (Titled: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig 13_BALs_OVERALL_220712 v9, Dated 12 July 2022, Sheets 1-4, Revision E) is in accordance with the report prepared by Bushfire Planning Australia Ref: 1825, Version 3, Dated 23 November 2018; Bushfire Certification Letter dated 12 July 2022).

Asset Protection Zones

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

3. Before a subdivision certificate for each stage of the Proposed Development is issued the Asset Protection Zones (APZs) identified in the Subdivision BAL Masterplan prepared by Bushfire Planning Australia (Titled: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig 13_BALs_OVERALL_220712 v9, Dated 12 July 2022, Sheets 1-4, Revision E) relating to that stage must be established to the satisfaction of Council. Once established, the APZs must be managed and maintained in perpetuity in accordance with this approval.
 - These APZs shall be 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.
4. During construction phases of stage of the Proposed Development, and until the next stage has begun, temporary APZs shall be provided around each release area where they adjoin a fire hazard for a distance of 100 metres when located on future residential zoned land, or as described within the Subdivision BAL Masterplan prepared by Bushfire Planning Australia (Titled: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig 13_BALs_OVERALL_220712 v9, Dated 12 July 2022, Sheets 1-4, Revision E).

Public Roadways

Intent of measures - 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 shall apply:

5. Public road access shall comply with the following requirements of section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*:
 - Road(s) shall be suitable for two-wheel drive vehicles, and must be all weather roads.
 - Urban perimeter roads must be two-way, with a carriageway 8 metres minimum kerb to kerb.
 - The perimeter road must be linked to the internal road system at an interval of no greater than 500 metres.
 - Traffic management devices must be constructed to facilitate unobstructed access by emergency services vehicles.
 - Public roads must a cross fall not exceeding 3 degrees.
 - Non-perimeter road widths must comply with Table 4.1 in Planning for Bush Fire Protection 2006.
 - Curves of roads (other than perimeter roads) must have a minimum inner radius of 6 metres.
 - The minimum distance between inner and outer curves must be 6 metres.
 - Maximum grades for sealed roads must not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
 - There is to be a minimum vertical clearance to a height of 4 metres above the road at all times.
 - The capacity of road surfaces and bridges is to be sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges are to clearly indicate load rating.
 - Public roads greater than 6.5 metres wide (kerb to kerb) must include hydrants located outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression.
 - Public roads between 6.5 metres and 8 metres wide (kerb to kerb) must include appropriately signposted 'No Parking' zones on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression at all times.
 - Public roads 5.5 to 6.5 metres wide (kerb to kerb) must provide parking within parking bays located outside the kerb to kerb space (and not within the kerb to kerb space) and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression at all times.
 - One way only public access roads are to be no less than 4 metres wide (kerb to kerb) and must provide parking only within parking bays located outside the kerb to kerb space. Services are to be located outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
 - Public roads directly interfacing the bush fire hazard vegetation must provide roll top kerbing to the hazard side of the road.
 - Cul-de-sacs shall incorporate a 12-metre outer radius turning circle and must be clearly signposted as a "no through road".

Property Access Roadways

Intent of Measures – to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following shall apply:

6. Property access roads to existing properties within the development area shall always be accessible and maintained to comply with section 4.1.3 (2) of *Planning for Bush Fire Protection 2006*, until such time that the sites become accessible by the proposed public roads.

Fire Trails

Intent of measures - To provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following shall apply:

7. Before the release of any residential lots within relevant sub-stages for the Proposed Development, fire trails shall be provided as shown on the plans provided by Bushfire Planning Australia (Titled: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig 13_BALs_OVERALL_220712 v9, Dated 12 July 2022, Sheets 1-4, Revision E) and in accordance with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*:
 - If boundary fences are installed, fences shall be constructed on the residential side of the proposed fire trail;
 - Suitable arrangements shall be put in place to ensure the ongoing management and availability of fire trails for fire management purposes.

Water, Electricity and Gas Services

Intent of measures - 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 shall apply:

8. The provision of water, electricity and gas services are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
 - Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 *Fire Hydrant Installations*.
 - Fire hydrants shall not be located within any road carriageway.

Landscaping

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

9. Future landscaping to the site, including within the proposed Bio Retention Basins, Wet Basins and Embankment/Batter Planting, shall be provided as per the landscape plans prepared by Moir Landscape Architecture listed below:
 - *Landscape Masterplan Report, Minmi Residential Subdivision Stages 3, 4 and 5*. Moir Landscape Architecture, Issue F, dated 30 June 2021, Project No. 1670;
 - *Minmi Estate Subdivision Stages 3, 4 and 5 Landscape Development Application Documentation*, Moir Landscape Architecture, Revision F, 30 June 2021, Project No. 1670, DWG No. LP01-LP10.

If you have any queries regarding this advice, please contact Adam Small, Development Assessment and Planning Coordinator, on 1300 NSW RFS.

Yours sincerely,

Nika Fomin

Nika Fomin
Manager
Planning and Environment Services
Built and Natural Environment



NSW RURAL FIRE SERVICE



The General Manager

Newcastle City Council

PO Box 489
Newcastle NSW 2300

Your reference: 2015/10393 (as modified by
MA2022/00053 and
DA/2018/01351)

Our reference: DA-2016-01739-
CL55-1

22 November 2022

Attention: Brian Cameron

Dear Sir,

**Development Application Other – Part3A – MP10_0090
605 MINMI RD MINMI NSW 2287, 2//DP1230960, 3//DP1230960**

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 02/08/2022, in relation to the proposed modification of DA/2015/10393 in accordance with Section 4.17(1)(b) or (c) of the *Environmental Planning & Assessment Act 1979*.

This response is to be deemed to be a bush fire safety authority subject to compliance with the following conditions:

1. The NSW RFS provides endorsement of the BAL Plan shown in Figure 16: Subdivision BAL Plan, contained in the document titled *Bushfire Assessment Report, Minmi Estate 1B – Stage 4*, dated 10 June 2022, in accordance with Clause 272 of the *Environmental Planning and Assessment Regulation 2021*.

This is based on the approval by Newcastle City Council for the progression of the proposed sports fields.

Newcastle City Council can consider this approval to be consultation with the NSW Rural Fire Service as required against Clause 45 Section 3(b) of the *Rural Fire Regulation 2022*.

2. Prior to the issue of subdivision certificate, the following proposed lots shall be consolidated to ensure future residential buildings will not be exposed to radiant heat levels greater than 29kW/m².
Lot 508 and Lot 509;
Lot 530 and Lot 531; and
Lot 274 and Lot 275.

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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.

3. Prior to the issue of subdivision certificate, and in perpetuity, the entire site, excluding the areas of vegetation situated within the land zoned E2- Environmental Conservation under the *Newcastle Local Environmental Plan 2012* shall be 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*.

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.

4. The provision of water, electricity and gas shall comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

5. Public road access shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

6. All property access roads for the proposed battle axe blocks shall comply with section 4.1.3 (2) of *Planning for Bush Fire Protection 2006*.

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

7. Prior to the issue of subdivision certificate, the proposed fire trails shown on the map prepared by Bushfire Planning Australia referenced 1728 D02-Asset Protection Zones dated 23 November 2017 shall be provided and maintained in perpetuity in accordance with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*. To ensure the proposed fire trails are managed to an acceptable standard, and management occurs in perpetuity, an appropriate legal mechanism shall be created to allow for access and maintenance over the lots affected by the fire trails. The NSW RFS shall not be named as a beneficiary to this arrangement.
8. The western fire trail shall be constructed in full as part of Stage 2 works. It must temporarily be extended to follow the alignment of future Road No. 9 through to Minmi Road. The short connection between Road No. 6 within Stage 2 to the temporary fire trail shall also be made. To ensure that the connection is utilised for emergency situations only, the fire trail shall be gated, to prevent regular through-traffic; and
9. A temporary fire trail connection must be made between Stage 3 and Minmi Road via future Road No. 4. As above, the fire trail shall be gated.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

10. At the issue of subdivision certificate, suitably worded instruments shall be created pursuant to section 88

of the *Conveyancing Act 1919* over all proposed lots impacted by the Asset Protection Zones (APZ), which prohibits the construction of buildings other than Class 10b structures within APZs as identified on the following maps prepared by Bushfire Planning Australia:

- 1728 D02-Asset Protection Zones dated 23 November 2017; and
- Figure 16: Subdivision BAL Plan, contained in the document titled Bushfire Assessment Report, Minmi Estate 1B – Stage 4, dated 10 June 2022.

11. A minimum 1.8-metre-high radiant heat shield made of non-combustible materials shall be constructed along the common boundaries between residential allotments and the Water Quality Basins. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

Landscaping

12. All landscaping shall comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

General Advice

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 22 May 2022.

For any queries regarding this correspondence, please contact Joshua Calandra, Development Assessment and Planning Coordinator, on 1300 NSW RFS.

Yours sincerely,

Nika Fomin

Nika Fomin
Manager
Planning and Environment Services
Built and Natural Environment