



## NSW RURAL FIRE SERVICE

Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300

Your reference: DA2019/00061 (CNR-11808)  
Our reference: DA-2019-00368-CL55-2

**ATTENTION:** William Toose

Date: Thursday 2 December 2021

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Strata Title Subdivision**  
**11-17 Mosbri Crescent The Hill NSW 2300, 1/DP204077**

I refer to your correspondence dated 22/10/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

### General Conditions

The proposed Asset Protection Zones (APZs), Access and Bushfire Construction Levels (excepting the proposed townhouses construction downgrade) have been nominated by Bushfire Planning Australia and demonstrated in accordance with the modelling under Method 2 as stipulated in the Australian Standard AS3959-2018 *Construction of buildings in bushfire prone areas*. The following conditions are based on the acceptance of the methodology of the performance based solutions and management of the proposed APZs, Access and Bushfire Construction Levels found in the supporting document:

- *BUSHFIRE ASSESSMENT REPORT Proposed Multi-level Residential Development 11 – 17 Mosbri Crescent, The Hill Lot 1 DP 204077*, prepared by Bushfire Planning Australia, Ref: 1855, Version: AMENDED – April 2021.

### Asset Protection Zones

**Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.**

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

2. At the issue of a subdivision certificate, suitably worded instruments prohibiting the construction of buildings other than class 10b structures shall be created for a minimum 9 metres from the eastern boundary pursuant to section 88 of the *Conveyancing Act 1919*. The name of authority empowered to release, vary or modify the instrument shall be Newcastle City Council.

### **Construction Standards**

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

3. New construction to the roofs and eastern elevations of the proposed Buildings A, B and C must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. New construction to the northern and southern elevations of the proposed Buildings A, B and C must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

5. New construction to the proposed townhouses and the western elevations of the proposed Buildings A, B and C must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

### **Access – Public Roads**

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

6. To aid in fire fighting activities a minimum 3 metre wide unobstructed pedestrian access shall be provided in the nominated 9 metre wide Asset Protection Zone on the eastern boundary which is to be maintained at all times.

### **Water and Utility Services**

***The intent of measure 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.***

7. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

8. Hydrant points must be located between the proposed Buildings A and B and B and C (resulting in the creation of 2 hydrant points) along the pedestrian access for fire fighting activities along the eastern boundary.

#### **Landscaping Assessment**

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

9. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

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 14/10/2020.

For any queries regarding this correspondence, please contact Joshua Calandra on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese

**Supervisor Development Assessment & Plan  
Built & Natural Environment**



**NSW RURAL FIRE SERVICE**

# **BUSH FIRE SAFETY AUTHORITY**

Subdivision – Strata Title Subdivision  
11-17 Mosbri Crescent The Hill NSW 2300, 1//DP204077  
RFS Reference: DA-2019-00368-CL55-2  
Your Reference: DA2019/00061 (CNR-11808)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA-2019-00368-CL55-1 issued on 14/10/2020 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Kalpana Varghese**

**Supervisor Development Assessment & Plan  
Built & Natural Environment**

Thursday 2 December 2021