

<b>DATE OF DETERMINATION</b>	1 July 2024
<b>DATE OF PANEL DECISION</b>	1 July 2024
<b>DATE OF PANEL MEETING</b>	26 June 2024
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	The Cessnock City Councillors and David Crofts have all declared a conflict of interest / conflict of duties due to previous involvement in rezoning process for this site.

Public meeting held by teleconference on 26 June 2024, opened at 2.00pm and closed at 3.50pm and circulation of papers 17 June 2024.

#### **MATTER DETERMINED**

PPSHCC-245 – Cessnock – DA 8/2016/557/2 at 1184 Wine Country Drive, Lovedale 2325 – Modification application (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel held a public meeting on the 9<sup>th</sup> of April 2024 to hear from Council, submitters and the applicant regarding this proposed modification.

Based on the information contained in the application, at that time the Panel was not satisfied that:

- Clause 5.21 of CLEP 2011 had been adequately addressed and that flooding impacts and suitability of the areas identified for development were appropriate, including an understanding of the extent of the fill and landform change needed to meet flood levels.
- There was a framework for how aboriginal cultural heritage and landscape will be protected or implemented across the site. The concept lacks a designing with Country framework.
- The modification alters the landscape and rural character elements of the proposal. It undermines some of the essential elements of the original approval. The integration of the golf course provided a landscape feel and setting and balanced the more urban elements of the Concept Plan.
- The guidelines and controls in the Concept and Management Plan do not reflect statements made and in their current form do not provide a framework for future stages to ensure appropriate landscape character.

To this end the Panel required:

- i. Additional current technical flood information to satisfy clause 5.21 and the Concept and Management Plan updated to reflect current controls.
- ii. A designing with Country framework that demonstrates how aboriginal cultural heritage and landscape elements will be protected and considered in future DA's including how works including the golf course works can protect and compliment these elements.
- iii. Reduction in the size of the lots facing Wine Country Drive to closer reflect the size of lots originally proposed in the original consent. A minimum of 100 – 120 metres along Wine Country Drive should

be landscaped as community lands – it does not need to be golf course. This will require a change in the size of Lot 1.

- iv. The design guidelines need to be amended and incorporated in the Concept and Management Plan. The plan needs to make reference to lot size and landscape outcomes and identify how they contribute to maintaining the landscape and character. The landscape strategy needs to provide an appropriate framework for future DA's.
- v. There needs to be consistency in documents.

Amended documents have been received and Council has prepared an addendum assessment report dated 13 June 2024. The Panel has considered this report. The Panel notes that the modification relates to a 2019 determination of a DA lodged in 2016.

The Panel notes that both ecology and flood impacts require further detailed analysis and may result in a reduction in developable area. The site is constrained, and future Development Applications will need to be designed to respond to these constraints.

The Council report notes that there is potential for up to 3.5 metres of fill for the tourist and visitor accommodation to meet PMF levels. The Panel is of the view that if that the degree of fill is likely then the interface to the golf course cannot be high retaining walls and should be a sloping landscape batter. An additional condition has been included limiting retaining wall heights and batter requirements.

On balance the Panel is satisfied that the proposed development is substantially the same development when measured against the original approval. Future Development Applications will result in additional detailed assessment and refinement of the proposal in response to the sites constraints.

The Panel is satisfied that the modification results in similar impacts to the concept as originally approved.

### **Modification Application**

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* in accordance with the modification instrument at Schedule 2.

The decision was unanimous.

### **REASONS FOR THE DECISION**

The Panel determined to approve the modification application for the following reasons:

1. The proposed development is considered to be substantially the same.
2. The impacts arising from the modification are no greater than those arising from the original approval.
3. Future Development Applications will provide refinement of the proposal.

### **CONDITIONS**





The modification application was approved subject to the modification of conditions in Schedule 2 and the additional condition at 3A limiting the size of retaining walls.

### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Visual impacts and built form
- Environmental impacts
- Impacts on Aboriginal heritage
- The development not being substantially the same
- Traffic
- Other matters including the need for updated documentation, the hotel and golf course components of the development.

The Panel considers that concerns raised by the community have been addressed in the assessment report. The Panel required further information and amendments to the proposal prior to determining the matter to address a number of issues raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	 Robert Bisley

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-245 – Cessnock – DA 8/2016/557/2
2	PROPOSED DEVELOPMENT	Modification application
3	STREET ADDRESS	1184, 1054 and 1058 Wine Country Drive, Lovedale 2325
4	APPLICANT/OWNER	Hunter Development Brokerage Pty Limited Capital Hunter Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	<b>Section 4.55(2) Modification Application</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ Cessnock Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Cessnock Development Control Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Section 33(1) concept development applications</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or Regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 27 March 2024</li> <li>• Council addendum assessment report: 13 June 2024</li> <li>• Written submissions during public exhibition: 16</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Ian Napier and Jennie Curran on behalf of Hunter Valley Wine and Tourism Association (HVWTA)</li> <li>○ Scott Franks on behalf of the PCWP Wonnarua native title claimants</li> <li>○ On behalf of the applicant – Kerry Nichols, Jim Hunter, David Moir, Jack Stevenson, Ross Duncan, Robert Monteath, Aprajita Gupta</li> <li>○ Total number of unique submissions received by way of objection: 10</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Preliminary Briefing: 14 November 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley</li> <li>○ <u>Council assessment staff</u>: Sue Page, Janine Maher</li> <li>○ <u>Applicant representatives</u>: Jim Hunter, Sam Petinsky, Alex Farmer, Clare Collett, Ross Duncan, Darius Oliver, David Moir, Kerry Nichols, Aprajita Gupta</li> <li>○ <u>Department</u>: Leanne Harris, Holly McCann</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Council Briefing: 7 February 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Robert Bisley</li> <li>○ <u>Council assessment staff</u>: Sue Page, Janine Maher, Marc Hope</li> <li>○ <u>Department</u>: Leanne Harris, Holly McCann</li> </ul> </li> <li>• Site inspection: <ul style="list-style-type: none"> <li>○ Alison McCabe (Chair): 2 March 2024</li> <li>○ Roberta Ryan: 8 August 2023</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 9 April 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley</li> <li>○ <u>Council assessment staff</u>: Sue Page, Janine Maher, Jules Bosco, Brayden Luke and Peter Chrystal</li> <li>○ <u>Department</u>: Leanne Harris, Holly McCann</li> </ul> </li> <li>• Final briefing to discuss Council's addendum assessment: 26 June 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Robert Bisley</li> <li>○ <u>Council assessment staff</u>: Sue Page, Jules Bosco, Brayden Luke and Peter Chrystal</li> <li>○ <u>Department</u>: Holly McCann</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report

## DRAFT INSTRUMENT OF MODIFICATION

### ***Amending Condition No. 1 to read:***

#### **1. Staged Approval**

Pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979, development consent is granted only to works the subject of Stage 1, i.e., the creation of 7 super lots under a Community Title subdivision.

This consent does not authorise the carrying out of development on any part of the site concerned unless consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, pursuant to S4.22(4)(a) of the *Environmental Planning and Assessment Act 1979*.

Subsequent Development Applications are therefore required to be submitted to, and approved by Council for Stages 2-5 of the proposed development, summarised as follows:

Stage	Proposed
2	Construction of 18-hole golf course and establishment of 50m landscape buffer along Wine Country Drive; connection of services; establishment of water quality control; construction of internal roads; construction of Wine Country Drive access; construction of club house
3a	Construction of 200 fully serviced residential lots and 200 dwellings
3b	Construction of 200 tourist accommodation villas
4	Construction of 50 villa units and associated infrastructure (including day spa); construction of 50 residential lots and dwellings
5	Construction of 50 tourist accommodation villas/hotel units; construction of 50 residential lots and dwellings

#### **CONDITIONS OF CONSENT REFERENCE TABLE**

Stage	Conditions
All	2 – 37
1	38 – 39
2	40 – 43

(Amended under 8/2016/557/2)

#### **ALL STAGES**

The following conditions of consent relate to all stages of the approved development:

### ***Amending Condition No. 2 to read:***

#### **2. General Terms of Approval**

All General Terms of Approval issued by RFS shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) NSW RFS (Reference Number DA-2016-04148-S4.55-2, dated 10 August 2023).

A copy of the General Terms of Approval is attached to this determination notice.

(Amended under 8/2016/557/2)

**Amending Condition No. 3 to read:**

**3. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2016/557/2 (as modified) and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Concept Master Plan	HACHEM	Revision 9, dated 13 May 2024
Staged DA Plans, Drawing No. A DA455_03 to 09 (inclusive)	HACHEM	Revision 9, dated 24 April 2024
Concept Community Title Subdivision, Sheet 1/1	Monteath & Powys	Revision 17, dated 23 March 2024

Document Title	Prepared By	Dated
Statement of Environmental Effects	HDB Planning Design Development	Revision F, dated 20 March 2024
Updated Bushfire Threat Assessment	MJD Environmental	Version 2, 12 January 2023
Concept and Management Plan	HDB Planning Design Development	Revision 6, dated 13 May 2024
Appendix A (Concept and Management Plan) – Design Guidelines	HDB Planning Design Development	Revision B, dated 13 May 2024
Vegetation Management and Offset Plan	MJD Environmental	Version 3, dated 29 April 2024
Updated Traffic Impact Assessment	Intersect Traffic	December 2022
Revised Community Management Statement	HDB Planning Design Development	Version 3, dated 17 June 2024
Aboriginal Cultural Heritage Assessment Report	Navin Officer Heritage Consultants Pty Ltd	Revision V3, dated 6 May 2024
Landscape plan relating to green corridor	Moir Landscape Architecture	Revision D, dated 13 May 2024
Concept Water Cycle Management Plan	adw johnson	Issue No. D, dated 13 May 2024

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(Amended under 8/2016/557/2)

**Inserting Condition No. 3A to read:**

**3A. Earthworks and Retaining Walls**

The filling of land to meet flood planning levels is not to result in retaining walls greater than 1 metre from existing ground level.

Landscape batters at slopes that complement the rural character and transition to the golf course to be provided.

The Design Guidelines are to be updated to provide details regarding the interface between residential area and golf course, and tourist and visitor areas and golf course, referencing the above.

(Inserted under 8/2016/557/2)

***Amending Condition No. 4 to read:***

**4. Vehicle Access**

This approval does not grant new and/or additional vehicular access onto Wine Country Drive. Reference is made to email correspondence from the applicant, dated 15 December 2017 confirming that no new and/or additional access is to be constructed in conjunction with Stage 1 of the development.

Where the existing access is proposed to be utilised for any construction traffic in Stage 1 of the development, the applicant is to provide a Construction Management Plan (CMP) detailing the manner in which construction traffic access to Wine Country Drive is to be managed to the satisfaction of Council and Transport for NSW (TfNSW) prior to the commencement of any operations.

If the CMP is required for Stage 1, the CMP shall incorporate all requirements (a-e) as outlined in Condition 16 of this consent.

(Amended under 8/2016/557/2)

***Inserting Condition No. 4A to read:***

**4A. Clearing of Vegetation**

Clearing of vegetation on the site must be limited to the infrastructure and development approved within the Concept Plan.

(Inserted under 8/2016/557/2)

***Amending Condition No. 5 to read:***

**5. CC/SWC, PCA & Notice Required**

In accordance with the provisions of Section 6.6/6.12, 6.7/6.13 of the *EP&A Act 1979* construction/subdivision works (associated with stages 2-5) approved by this consent must not commence until:

- a) A CC/SWC has been issued by the Certifier (being Council or a registered certifier); and
- b) A PC has been appointed by the person having benefit of the development consent; and
- c) If Council is not the PC, notify Council no later than two (2) days before building/subdivision work commences as to who is the appointed PC; and
- d) At least two (2) days before commencement of building/subdivision work, the person having benefit of the development consent is to notify Council as to the intention to commence building/subdivision work.

(Amended under 8/2016/557/2)

***Amending Condition No. 6 to read:***

**6. BCA Compliance**

Pursuant to Section 4.17(11) of the *EP&A Act 1979* all building work associated with all stages must be carried out in accordance with the requirements of the BCA.

Note: Section 69 of the *EP&A Reg 2021* and Section 19 of the *EP&A (DC&FS) Reg 2021* states 'a reference to the BCA is a reference to the BCA as in force on the relevant date', which is;

- a) the day on which the application for the construction certificate was made, or
- b) if the building is a multi storey building and a construction certificate has been issued



under the same development consent for building work involving the entrance floor, the day on which the application for that construction certificate was made.

(Amended under 8/2016/557/2)

**Amending Condition No. 7 to read:**

**7. Connection to the Reticulated Water and Sewer System**

The subject development is to be serviced by either a public or independent water and sewer utility operator to the satisfaction of Hunter Water Corporation and Council. Prior to issue of an OC for all stages, evidence shall be provided from either a public or independent water and sewer utility operator that the development has been connected to and has approval for use of the reticulated water and sewer system to the satisfaction of Hunter Water Corporation and Council.

(Amended under 8/2016/557/2)

**Amending Condition No. 8 to read:**

**8. Supply of Drinking Water**

Development for the subject of each stage shall be carried out in accordance with the water and wastewater strategy approved by Hunter Water Corporation. The strategy shall be in accordance with NSW Health requirements and the *Public Health Act 2010* and *Regulation 2012*.

(Amended under 8/2016/557/2)

**Amending Condition No.18 to read:**

**18. Section 7.11 or Section 7.12 Contributions**

Pursuant to Section 7.11 and Section 7.12 of the Environmental Planning and Assessment Act 1979, development applications for any stage will be required to pay the applicable contribution as detailed in the relevant plan.

*Note: The contribution which will be payable for each stage of the development under Section 7.11 and Section 7.12 of the Environmental Planning and Assessment Act, 1979. Alternatively, the developer may enter into a Voluntary Planning Agreement for the undertaking of 'works in kind' in lieu of payment or part payment of a contribution.*

(Amended under 8/2016/557/2)

**Amending Condition No.19 to read:**

**19. Landscaping**

Each stage of the development shall be accompanied by a Landscape Plan prepared by an appropriately qualified professional which provides details of landscaping, street tree planting, paving and other public domain works and/or works within private property, to be implemented at no cost to Council.

The Landscape Plan for each stage shall be consistent with the Landscaping Strategy detailed within the Concept and Management Plan (Revision 6, dated 13 May 2024), Chapter 5.

(Amended under 8/2016/557/2)

**Amending Condition No. 20 to read:**

## **20. Open Space**

The provision of street trees, lighting, furniture, pavement finishes, recreation areas and landscaping through all stages shall be in accordance with the Concept and Management Plan (Revision 6, dated 13 May 2024) and shall be implemented at no cost to Council.

(Amended under 8/2016/557/2)

***Amending Condition No. 24 to read:***

## **24. BASIX AND Sustainability**

Where necessary, all development applications for each stage shall be supported by a BASIX Certificate.

(Amended under 8/2016/557/2)

***Amending Condition No. 26 to read:***

## **26. Flood Impact Assessment**

A detailed flood impact assessment prepared by a suitably qualified and experienced hydraulic engineer shall accompany the development application for each stage of the project.

The flood impact assessment shall include detailed evacuation management plans for both the residential and tourist and visitor accommodation components of the development.

The evacuation management plans shall be prepared in consultation with the relevant emergency services and to the satisfaction of Cessnock City Council.

The nominated flood planning level for the residential component, including the evacuation route (subdivision roads), shall be the 1% AEP flood level plus 500mm freeboard.

The nominated flood planning level for the tourist and visitor accommodation component and the associated evacuation route shall be the PMF.

Land associated with the tourist and visitor accommodation component shall be filled to the PMF level.

Residential lots shall be filled to the 1% AEP flood level plus 500mm freeboard.

(Amended under 8/2016/557/2)

***Inserting Condition No. 31A to read:***

## **31A. Aboriginal Archaeology**

All recommendations contained within the Aboriginal Cultural Heritage Assessment Report (prepared by Navin Officer Heritage Consultants Pty Ltd, dated 6 May 2024), are to be complied with, as relevant to each particular stage of development.

(Inserted under 8/2016/557/2)

***Inserting Condition No. 31B to read:***

## **31B. Aboriginal Archaeology**

Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

(Inserted under 8/2016/557/2)

***Amending Condition No. 32 to read:***

**32. Contamination**

The development application(s) for each stage must provide relevant documentation to satisfy the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021*, and associated Guidelines.

(Amended under 8/2016/557/2)

***Inserting Condition No. 32A to read:***

**32A. Concept and Management Plan**

The development application(s) for each stage must incorporate an amended/updated Concept and Management Plan identifying any changes required to the Concept and Management Plan as a result of the development proposed.

(Inserted under 8/2016/557/2)

**STAGE 1**

**The following conditions of consent relate to Stage 1 of the approved development:**

***Deleting Condition No. 34:***

(Deleted under 8/2016/557/2)

***Amending Condition No. 35 to read:***

**35. Plan of Management**

The applicant is to submit a plan of management for the seven (7) super lots community title prior to the release of a subdivision certificate. The plan is to state the following;

*“Access Rights for the original proprietor and owner of the community lots - complete and unrestricted access by foot or motor vehicle over Community Property”.*

(Amended under 8/2016/557/2)

**STAGE 2**

**The following conditions of consent relate to Stage 2 of the approved development:**

***Amending Condition No. 36 to read:***

**36. Water and Wastewater Strategy**

Prior to lodgement of a development application for Stage 2, the applicant is to submit details of the water and wastewater strategy approved by Hunter Water Corporation, addressing the water and wastewater needs for the whole site over all stages.

(Amended under 8/2016/557/2)

## ADVISORY NOTES

### 1. Road Widening

Local Road Widening to Wine Country Drive is required under the provisions of the Cessnock LEP, 2011 (Land Reservation Acquisition Map - Sheet LRA\_005). Any improvements proposed by the Masterplan shall exclude the area of land depicted by the Map as required for future road widening purposes.

### 2. Responsibility for Other Consent / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

**Inserting Advisory Note No. 3 to read:**

### 3. Biodiversity Conservation Act 2016

Approval of this application does not imply that any impacts associated with the proposed development (Stages 2-5), will be commensurate with the requirements of the *Biodiversity Conservation Act 2016*.

(Inserted under 8/2016/557/2)

**Inserting Schedule 2 to read:**

## SCHEDULE 2

### NSW RURAL FIRE SERVICE

#### GENERAL TERMS OF APPROVAL

##### Asset Protection Zones

***The intent of measure is 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, Superlots 3, 4, and 5 must be managed as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an inner protection area, the following requirements apply:
  - 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 2 m above the ground;
  - tree canopies should be separated by 2 to 5 m;
  - preference should be given to smooth-barked and evergreen trees;
  - large discontinuities or gaps in the shrubs layer 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;
  - 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 regularly.
2. Land for a distance of 15 metres either side of the future access road carriageway between Wine Country Drive and Stage 5 must be managed as an inner protection area in

### **Access - Internal 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.***

3. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
  - traffic management devices are constructed to not prohibit access by emergency services vehicles;
  - maximum grades for sealed roads do 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;
  - all roads are through roads;
  - dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
  - where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
  - where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access must be provided to an alternate point on the existing public road system;
  - one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
  - the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
  - hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
  - hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
  - there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.
4. Perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
  - are two-way sealed roads;
  - minimum 8m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
5. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
  - minimum 5.5m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;

- the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
6. A second road for emergency ingress / egress point must be provided through the existing northern entrance to the site at 1184 Wine Country Drive that will be used as the Golf Maintenance Facility. This road will only be used in emergency situations if and when required. This road must be constructed to comply with the non-perimeter road requirements above.

#### **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 Table 5.3c of *Planning for Bush Fire Protection 2019*

#### **General Advice – Consent Authority to Note**

- Development applications for future stages must consider Section 3.2.5 of *Planning for Bush Fire Protection 2019*. APZs on adjoining the Community Lot 1 or Lot 2 are not encouraged and should be incorporated within residential lots where possible. Where APZ's extend within Community Lot 1 or Lot 2 a suitable mechanism, such as an instrument pursuant to section 88 of the *Conveyancing Act 1919* or an adopted Fuel Management Plan, must be in place over the lots to ensure its ongoing management as an inner protection area in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*.
- Future development applications must consider the proposed rehabilitation of creek lines, and revegetation along Wine Country Drive which may result in fire runs of greater than 50m.
- Short term accommodation (six weeks or less) must meet the varied performance criteria outlined in Chapter 6 of *Planning for Bush Fire Protection 2019* for Special Fire Protection Purpose Developments.

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 04/04/2023.