

Appendix D - Copies of General Terms of Approval



NSW RURAL FIRE SERVICE

Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Your reference: 8/2021/21158/1 (CNR-19601)
Our reference: DA20210330001205-CL55-1

ATTENTION: Tori Hill

Date: Friday 4 February 2022

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Seniors Housing
97 Kesterton Rise North Rothbury NSW 2335, 490//DP1212110

I refer to your correspondence dated 05/11/2021 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) and future Bushfire Construction Levels have been nominated by MJD Environmental 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, except in relation to the subdivision layout which has since been amended (reference Condition 1 below), are based on the acceptance of nominated vegetation classification, the methodology of the performance based solutions and management of the proposed APZs found in the supporting documents:

- *Bushfire Assessment Report Huntlee Seniors Living Facility, prepared by MJD Environmental, Ref: 20124, V2, dated 15 February 2021; and*
- *RE: INTEGRATED DEVELOPMENT APPLICATION. S100B – SFPP – SENIORS HOUSING, 97 SUBDIVISION – TORRENS TITLE SUBDIVISION 11 PARK ROAD, GARDEN SUBURB, MJD Environmental, Ref: 20124 Bushfire RFS RFI Response Letter Huntlee Seniors Living 21-6-2021, dated 21 June 2021.*

1. The development is to comply with the subdivision and road layout identified in the document *Development Application Design Response Plan - Proposed Retirement Village - Huntlee - Katherine's Landing, NSW*, prepared by Jon Friedrich Architects, DA.04, Rev C, dated 14 October 2021.

Asset Protection Zones

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

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

2. 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:

- 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.

3. At the issue of a subdivision certificate, suitably worded instruments created pursuant to section 88 of the *Conveyancing Act 1919* must be placed on the adjacent lots of the Huntlee Estate to the south, southwest and west for a minimum distance of 40 metres as identified in the Part 3A Project Application Environmental Assessment Report for Stage 1 of the Huntlee New Town development approved by the NSW Planning Assessment Commission on 24th April 2013 (MP10_0137). The name of authority empowered to release, vary or modify the instrument shall be Cessnock City Council.

Access - Internal Roads

Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

4. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3; and
- 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.

5. Non-perimeter roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b 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;
- there 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.

6. Temporary turning heads must be provided in staged subdivisions to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

Water and Utility 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.

7. The provision of water, electricity and gas must comply the following in accordance with Table 6.8c 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 and 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:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) 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. Additional hydrant locations must be provided as identified in the document *Development Application Design Response Plan - Proposed Retirement Village - Huntlee - Katherine's Landing, NSW*, prepared by Jon Friedrich Architects, DA.04, Rev C, dated 14 October 2021.

Landscaping Assessment

Intent of measures: 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, 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.

Emergency and Evacuation Planning Assessment

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

10. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

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 20/07/2021.

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

Yours sincerely,

Adam Small

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



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – Seniors Housing
97 Kesterton Rise North Rothbury NSW 2335, 490//DP1212110
RFS Reference: DA20210330001205-CL55-1
Your Reference: 8/2021/21158/1 (CNR-19601)

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 DA20210330001205-Original-1 issued on 20/07/2021 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*.

Adam Small

Supervisor Development Assessment & Plan
Built & Natural Environment

Friday 4 February 2022



**Natural Resources
Access Regulator**

Contact: Natural Resources Access Regulator
Phone: 1800 633 362
Email: nrar.enquiries@nrar.nsw.gov.au

Our ref: IDAS-2021-10347
Your ref: 8/2021/211581

13 December 2021

The General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Attention: Julia Ryl

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2021-10347 - Controlled Activity Approval Not Required

Dev Ref: 8/2021/211581

Description: Construction of 205 self-contained dwellings for seniors, a community building with recreational facilities, roads, stormwater infrastructure, landscaping, signage and a caravan parking area.

Location: Lot 490-491 DP1212110, Lot 1776 DP1256914, 97 Kesterton Rise, North Rothbury, 107 Kesterton Rise, Branxton and part of 1864 Wine Country Drive, North Rothbury

The Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), a controlled activity approval is not required for the proposed works and no further assessment by this agency is necessary.

Controlled Activity Not Required

The proposed works are not located on waterfront land as defined by the WM Act - The mapped drainage line within proximity to the proposed works is not considered to be waterfront land as it does not exhibit bed, banks and/or fluvial geomorphic features.

If you have any questions regarding this correspondence, please use NRAR Assist to obtain further information or make an enquiry:

<https://www.dpie.nsw.gov.au/nrar/nrar-assist>

Yours Sincerely

AKlassen

For
Bryson Lashbrook
Manager Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 | LOCKED BAG 5022, Parramatta, NSW 2124.

nrar.enquiries@nrar.nsw.gov.au | www.dpie.nsw.gov.au/nrar