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Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Your reference: (CNR-76151) DA 2024.734.1
Our reference: DA20241126004932-Original-1

ATTENTION: Ben Roberts

Date: Friday 10 January 2025

Dear Sir/Madam,

**Integrated Development Application
s100B - Subdivision - Torrens Title Subdivision
COHEN WAY THRUMSTER 2444, 31//DP1298370**

I refer to your correspondence dated 28/11/2024 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, 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:

Asset Protection Zones

Measures intend to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the dwellings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity, the entire site of the Road Reserves, Lots 1 - 85 and 91 - 111 must be maintained 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 inner protection area, the following requirements apply:

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

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2. At the issue of a subdivision certificate, and in perpetuity, the entire site of Lots 86, 87, 89 and 90, excluding the area identified as the 'Proposed Tree Protection Zone at Natural Ground Level' in the plan titled 'South Oxley East DA tree Removal & Core Koala Habitat', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024 must be maintained 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 inner protection area, the following requirements apply:

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

3. At the issue of a subdivision certificate, and in perpetuity, the building envelope and the site around the building envelope on Lot 88 identified in the plan titled 'South Oxley East DA tree Removal & Core Koala Habitat', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024 must be maintained as an Inner Protection Area (IPA) as follows:

- north to the boundary metres;
- east for a distance of 25 metres;
- south for a distance of 25 metres; and,
- southwest and west for a distance of 12 metres.

When establishing and maintaining an inner protection area, the following requirements apply:

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

4. At the issue of a subdivision certificate, and in perpetuity, the Lot identified as 'Indicative Future Master Lot' in the plan titled 'South Oxley East DA Staging, Roads & lots Dims with Aerial Overlay 1 of 2', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024 must be maintained as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire



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Protection 2019 for a distance of 50 metres internally from the boundary. The remaining area within the 'Indicative future Master Lot' must be maintained as an Outer Protection Area (IPA) 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:

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

When establishing and maintaining an outer protection area, the following requirements apply:

- a. tree canopy cover should be less than 30%;
- b. tree canopies should be separated by 2 to 5m;
- c. shrubs should not form a continuous canopy;
- d. shrubs should not form more than 20% of ground cover;
- e. grass should be kept mowed to a height of less than 100mm; and
- f. leaves and vegetation debris should be removed.

5. Prior to the issue of the subdivision certificate, section 88B easements under the 'Conveyancing Act 1919' are to be created. The easements are to burden Lots 1, 8, 9, 18 - 21 inclusive, 30 - 33 inclusive and 42 - 44 inclusive, only where the minimum possible Council setback to the boundary is less than the specified distance within this condition. The easement is to restrict the user from the construction of any Class 1, 2 and 3 building and any Class 10a building within 6 metres of a Class 1, 2 or 3 building within 6 metres of the northern boundary of the burdened Lots. The easement is to ensure the lot accommodates the required distances for Asset Protection Zones for the future dwelling located on the lot. The name of the authority empowered to release, vary or modify any instrument must be Council.

6. Prior to the issue of the subdivision certificate, section 88B easements under the 'Conveyancing Act 1919' are to be created. The easements are to burden Lots 44 - 55 inclusive and 101 - 105 inclusive, only where the minimum possible Council setback to the boundary is less than the specified distance within this condition. The easement is to restrict the user from the construction of any Class 1, 2 and 3 building and any Class 10a building within 6 metres of a Class 1, 2 or 3 building within 6 metres of the eastern boundary of the burdened Lots. The easement is to ensure the lot accommodates the required distances for Asset Protection Zones for the future dwelling located on the lot. The name of the authority empowered to release, vary or modify any instrument must be Council.

7. Prior to the issue of the subdivision certificate, section 88B easements under the 'Conveyancing Act 1919' are to be created. The easements are to burden Lots 61, 62, 87, 90, 100 and 101, only where the minimum possible Council setback to the boundary is less than the specified distance within this condition. The easement is to restrict the user from the construction of any Class 1, 2 and 3 building and any Class 10a building within 6 metres



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of a Class 1, 2 or 3 building within 6 metres of the southern boundary of the burdened Lots. The easement is to ensure the lot accommodates the required distances for Asset Protection Zones for the future dwelling located on the lot. The name of the authority empowered to release, vary or modify any instrument must be Council.

8. Prior to the issue of the subdivision certificate, section 88B easements under the 'Conveyancing Act 1919' are to be created. The easements are to burden Lots 86 and 87. The easement is to restrict the user from the construction of any Class 1, 2 and 3 building and any Class 10a building within 6 metres of a Class 1, 2 or 3 building within 9 metres of the area identified as the 'Proposed Tree Protection Zone at Natural Ground Level' in the plan titled 'South Oxley East DA tree Removal & Core Koala Habitat', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024. The easement is to ensure the lot accommodates the required distances for Asset Protection Zones for the future dwelling located on the lot. The name of the authority empowered to release, vary or modify any instrument must be Council.

9. Prior to the issue of the subdivision certificate, section 88B easements under the 'Conveyancing Act 1919' are to be created. The easements are to burden Lots 89 and 90. The easement is to restrict the user from the construction of any Class 1, 2 and 3 building and any Class 10a building within 6 metres of a Class 1, 2 or 3 building within 12 metres of the area identified as the 'Proposed Tree Protection Zone at Natural Ground Level' in the plan titled 'South Oxley East DA tree Removal & Core Koala Habitat', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024. The easement is to ensure the lot accommodates the required distances for Asset Protection Zones for the future dwelling located on the lot. The name of the authority empowered to release, vary or modify any instrument must be Council.

Access – Public Roads

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

10. Public access roads for subdivision developments must comply with the following requirements of Table 5.3b of 'Planning for Bush Fire Protection 2019':

- a. traffic management devices are constructed to not prohibit access by emergency services vehicles;
- b. 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;
- c. 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;
- d. where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- e. 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);
- f. bridges/causeways are to clearly indicate load rating;
- g. hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- h. hydrants are provided in accordance with the relevant clauses of AS 2419.1:2021 - Fire hydrant installations System design, installation and commissioning;
- i. Perimeter roads are;
 - i. are two-way sealed roads;
 - ii. minimum 8m carriageway width kerb to kerb;
 - iii. parking is provided outside of the carriageway width;
 - iv. hydrants are located clear of parking areas;



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- v. are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- vi. curves of roads have a minimum inner radius of 6m;
- vii. the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- viii. the road cross fall does not exceed 3 degrees; and
- ix. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- j. Non-perimeter roads are;
 - i. minimum 5.5m carriageway width kerb to kerb;
 - ii. parking is provided outside of the carriageway width;
 - iii. hydrants are located clear of parking areas;
 - iv. roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - v. curves of roads have a minimum inner radius of 6m;
 - vi. the road cross fall does not exceed 3 degrees; and
 - vii. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

11. Public roads that terminate at the boundary of the proposed 'Indicative Future Master Lot' Lot are to provide temporary turning heads in accordance with Type A of A3 of Planning for Bush Fire Protection 2019 and road surface capacity is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes).

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of dwellings 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 dwelling.

12. Water, electricity and gas services are to comply with Table 5.3c of 'Planning for Bush Fire Protection 2019'. All references to AS2419.1: 2005 Fire hydrant installations – System design, installation and commissioning are superseded by the relevant provisions in AS 2419.1: 2021 Fire hydrant installations – System design, installation and commissioning.

Landscaping Assessment

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

13. Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by managing landscaping to complying with Appendix 4 of 'Planning for Bush Fire Protection 2019'.

Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

General Advice – Consent Authority to Note

No Staging Asset Protection Zones have been conditioned based on the Bushfire Assessment Report prepared by Midcoast Building and Environmental dated August 2023 identifying all the vegetation clearing will be undertaken at the beginning of the subdivision work.



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The assessment has relied on the referred documents identified below.

- The plan titled 'South Oxley East DA Staging, Roads & lots Dims with Aerial Overlay 1 of 2', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024.
- The plan titled 'South Oxley East DA Staging, Roads & lots Dims with Aerial Overlay 2 of 2', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024.
- The plan titled 'South Oxley East DA tree Removal & Core Koala Habitat', prepared by Hopkins Consultants, drawing number 5802-44-0636, revision H dated 13 September 2024.
- The Bushfire Assessment Report prepared by Midcoast Building and Environmental dated August 2023.

For any queries regarding this correspondence, please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment



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BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
COHEN WAY THURMSTER 2444, 31//DP1298370
RFS Reference: DA20241126004932-Original-1
Your Reference: (CNR-76151) DA 2024.734.1

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 confirms that, subject to the 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*.

Allyn Purkiss

Manager Planning & Environment Services
Built & Natural Environment

Friday 10 January 2025

