

19 July 2018

Luke Borg
Development Manager
Anglicare
PO Box 284
Castle Hill NSW 1765

Dear Luke,

RE: Bushfire Assessment - Sandon Point Concept Plan MP06-0094 MOD 5

Anglicare commissioned *Peterson Bushfire* to provide the necessary information to satisfy the Secretary's Environmental Assessment Requirements (SEARs) relating to bushfire protection issued in response to a Section 75W modification application to the Sandon Point Concept Plan MP06-0094. Key Issue No. 9 – 'Bushfire' of the SEARs reads:

"Demonstrate compliance with the relevant provisions of 'Planning for Bushfire Protection 2006'."

This letter acts as the required Bushfire Assessment Report, to be read in conjunction with the original Concept Plan approval as modified.

Proposed modification

The proposed modification seeks to change the use of the Ocean View and Hill Top Precincts from seniors living to general residential in the form of townhouses.

Previous approvals

The original Concept Plan was approved on 21st December 2006 and modified (Modification 1) on 29th November 2009. Modification 1 (Attachment A) reflects approval from the NSW Rural Fire Service (RFS) for the strategy of applying a 'defendable space' to the Turpentine Forest and riparian areas rather than a specific APZ dimension due to the fact that the area is not mapped 'bushfire prone land' and the low bushfire risk. A letter dated 1st March 2007 (Attachment B) prepared by the author whilst employed at Bushfire & Environmental Services (BES) summarised the defendable space strategy and the outcomes of RFS consultation. RFS confirmed the strategy in their letter to the author dated 30th March 2007 (refer to Attachment C). The relevant section of the Director General's Environmental Assessment Report (August 2009) for the Modification 1 approval is included at Attachment D.

Bushfire protection requirements

The proposed Modification 5 does not alter the bushfire hazard or development boundary with respect to the hazard. The only modification consists of the change of use from seniors living to residential in the Ocean View and Hill Top Precincts located to the east and west of the Turpentine Forest, respectively. The change in use reduces the bushfire risk further as it significantly decreases the amount of Special Fire Protection Purpose (SFPP) development on site, hence limiting bushfire vulnerable uses.

Although the 'Planning for Bushfire Protection' document has been updated since (from 2001 to 2006 version) the defendable space strategy as approved remains valid. The process and methodology of assessing defendable space has not changed between the two versions of the guidelines.

The proposed access roads, and other bushfire protection requirements such as water supply and landscaping, will comply with 'Planning for Bushfire Protection 2006'.

Conclusion

In summary, there is no requirement to reassess the bushfire hazards and protection measures for the purpose of the proposed modification as the original bushfire assessment and approvals remain valid. This is because there will be no change to the development site boundary or bushfire hazard context, with the only change being the replacement of seniors living with residential use. The

proposal is capable of complying with *Planning for Bushfire Protection 2006*, and future applications will also be assessed against these provisions. The NSW Rural Fire Service was consulted to devise the defensible space strategy for low bushfire risk situations not identified bushfire prone; a strategy which remains current today.

It is recommended that the information presented above addresses the SEARs Key Issue No. 9 - 'Bushfire' in respect of the Section 75W modification application (Modification 5) to the Sandon Point Concept Plan MP06-0094.

Yours sincerely,



David Peterson
Director



Attachment A – Concept Plan Modification 1 approval (29th November 2009)

Modification of Major Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Minister for Planning, modify, under S.75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.



The Hon Kristina Keneally
Minister for Planning

Dated this 29 day of Nov. 2009

MP 06_0094 MOD 1

SCHEDULE 1

Concept Plan Approval at Sandon Point for:

- a) a subdivision to create a combination of residential detached dwelling allotments and super lots for multi-unit housing;
- b) a retirement development including a Residential Aged Care Facility, independent living units, communal facilities and services to support the village, access and car parking.

(MP06_0094) granted by the Minister for Planning on 21 December 2006.

SCHEDULE 2

The above approval is modified as follows:

In Schedule 1:

(a) Delete Modification A2 (1)(a) and replace with the following:

(a) Subdivision into a maximum of 180 **single dwelling lots**;

(b) Delete Modification A2 (1)(c) and replace with the following:

(c) Subdivision of 2 **town house precincts** for up to 25 town houses;

(c) Delete Modification A2 (1)(e) and replace with the following:

(c) Building envelopes for a **super lot and 2 townhouse precincts**;

In Schedule 2:

(d) Delete Modification A1 (1) (a) and replace with the following:

(a) a subdivision to create a combination of residential **single dwelling lots, 2 townhouse precincts** and a super lot for multi-unit housing, including roads; and

(e) Delete Modification A3 and replace with the following:

The Concept Plan is modified as follows:

(a) **On ARV Land**, to ensure consistency with the Planning for Bushfire Protection Guidelines, all APZs shall be located within the residential zone;

(b) **On Stockland Land, a corridor of defensible space is to be provided.**

(f) Delete Modification A4 (2)(b)(ii) and replace with the following:

subject to demonstrating design excellence consistent with Modification **B4**, Part B, Schedule 2 of this approval, a maximum FSR of 1.8:1 (exclusive of roads) and maximum height of 4 storeys.

(g) Delete Modification B3

(h) Delete Modification B5 (7) and replace with the following:

The Proponents commit to undertake water quality monitoring as part of the detailed design stage and provide a quarterly report to Council **until such time as the construction (including dwellings) in 80% of the catchment area of the creeks within the proposed subdivision are complete.**

(i) Delete Modification C1 (3) and replace with the following:

- (3) Where any future development is subject to Part 4 or Part 5 of the Act, the consent authority must only determine future applications for development where they are consistent with the terms of the approval of Concept Plan **MP06_0094** as described in Part A Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2.

(j) Add Modification C8 as follows:

As a consequence of a change to the subdivision layout arising from the operation of other modifications to this approval, the town house precincts may be amended subject to compliance with a maximum FSR of 1:1 and approval being granted for their location in a subsequent Project approval.

SCHEDULE 3

Amendments to the Approved Statement of Commitments (Stockland)

	Environmental Issue	Commitment	Timing
Original	Land Use	Stockland will carry out further geotechnical investigations for contaminants where excavation is proposed to exceed 2m in depth	If required will be provided at Project Plan stage.
Amended	Land Use	As Above	If required will be provided at construction certificate stage.

	Environmental Issue	Commitment	Timing
Original	Bushfire Risk	Asset Protection Zones will be established for all properties as identified in by the Bushfire Risk Assessment Report prepared by AVK Environmental Management dated May 2006	Further details to be provided at Project Plan stage.
Amended	Bushfire Risk	Defendable spaces will be established between the core riparian zone and the residential development. Defendable space will be a reduced fuel zone of 6m in width including a 4m trafficable area suitable for emergency vehicle access with access to hydrants.	Details to be confirmed on the Construction Certificate drawings.

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	Environmental Issue	Commitment	Timing
Original	Management of Open Space	A management plan will be prepared by Council under the Local Government Act for the public open space to be transferred to Council under the Planning Agreement.	To be provided at Project Plan stage.
Amended		Deleted	Deleted

	Environmental Issue	Commitment	Timing
Original	Sydney Water Maintenance	Plan of Management for the future Regional Park will address access to the pump station.	To be provided at Project Plan stage.
Amended		Deleted	Deleted

Attachment B – BES letter (1st March 2007)

Your reference:
Our reference: 6012



1 March 2007

John Delany
Acting Manager Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

2/6 Walker Street
Helensburgh
NSW 2508

Tel 02 4294 3352
Fax 02 4494 3956

ABN 97 597 607 196
www.b-es.com.au

Dear John,

**Re: Proposed retirement village for Anglican Retirement Villages at Sandon Point
Meeting with NSW Rural Fire Service 8 February 2007**

I refer to the meeting that took place at NSW Rural Fire Service Head Office with Anglican Retirement Villages (ARV) and BES at which you were present. The meeting was held to discuss the assessment of the proposed development under the 'Planning for Bushfire Protection Guidelines 2001' document. The proposed development is a part 3A Major Project and received Concept Plan Approval from the Minister in December 2006.

ARV is now proceeding with the preparation of a Project Plan application. The ARV proposal is a retirement village involving the retention of a turpentine forest remnant and creation of a riparian area known as Cooksons Creek.

Provided below is a summary of the outcomes of the meeting. This letter seeks to confirm RFS requirements so as to assist the preparation of a Project Application to be submitted to the Department of Planning (DoP). We anticipate DoP will refer the Project Application to RFS for final comment.

At the meeting it was agreed:

- 1) The subject land is not mapped as Bushfire Prone Land. This was confirmed at the meeting from a printout of the Wollongong Bushfire Prone Land Map.
- 2) As the subject land is not mapped as Bushfire Prone, there is no legal requirement for DoP to refer the application to RFS for comment under the *Environmental Planning and Assessment Act 1979*.
- 3) The nature, size, extent and management of the riparian zone that will be created as part of the development (as shown in the attached Revegetation and Management Principles document prepared by Cumberland Ecology, and cross sections prepared by EDAW) is

such that it will pose a very low threat to the surrounding proposed retirement village, and will not require APZs under the 'Planning for Bushfire Protection Guidelines 2001'.

- 4) The nature, size, extent and management of the Turpentine Forest (as shown in the attached Revegetation and Management Principles document prepared by Cumberland Ecology, and cross sections prepared by EDAW) is such that it will not require an APZ under the 'Planning for Bushfire Protection Guidelines 2001'.
- 5) Based on points 1-4 above, if asked to provide comment, the RFS would request the provision of 'defendable space' between the riparian zone and Turpentine Forest and the development.
- 6) Defendable space is essentially a space or workable area reserved between a structure and a hazard where property protection operations can be based, such as thoroughfare and manoeuvring of vehicles, fire fighter access, running of hoses, and access to hydrants. It differs from an APZ, as it does not provide a larger area between the structure and the hazard where a decreased amount of fuels provides a reduction in the intensity of an approaching fire. Defendable space can be designed for vehicles or fire fighters on foot depending on the bushfire threat and access points back to the internal road system.
- 7) Defendable space able to support a vehicle is preferred for longer stretches of development interface lacking regular access intervals. Such access should be a minimum 6 m in width between the most external building point of a dwelling and the vegetation. The 6 m is to comprise of a 4 m trafficable surface with an additional 1 m of cleared space either side (i.e. no long grass, vegetation or other obstructions such as buildings, fences/bollards) to allow fire fighters to operate and pass around a vehicle. The trafficable surface need not be a sealed pavement, but at least be trafficable in all weather conditions. A turning facility is required where a through road is unachievable.
- 8) Defendable space designed for pedestrian fire fighter use only can be utilised in areas where access is good such as regular, short intervals from the development interface back to the internal road system. An example of where this is acceptable is along the southern side of proposed buildings along the northern side of Cooksons Creek where regular and relatively short intervals provide good access to the development interface allowing fire suppression hoses to reach all sections of the interface. Pedestrian fire fighter access is to be a minimum 4 m in width between the most external building point of a dwelling and the vegetation. The 4 m is to be clear of vegetation (apart from mown grass) and obstructions such as fences etc.
- 9) The defendable space (development interface) is to have an adequate reticulated water supply with strategic and regular hydrant locations at access points.
- 10) A defendable space plan prepared using the principles in points 6, 7, 8 and 9 above for the proposed retirement village is attached.

ARV requests confirmation of your initial advice by 6 March 2007 that APZ's are not required and that this is consistent with the 'Planning for Bushfire Protection Guidelines 2001' document. ARV requires your confirmation so it can proceed with its option to purchase the site. Please don't hesitate to contact me to discuss if this would be of assistance.

Please do not hesitate to call me on the numbers above to discuss the matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Peterson', written in a cursive style.

David Peterson

Senior Bushfire Planner

Attachment C – RFS letter (30th March 2007)

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: (02) 8741 5555

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Facsimile: (02) 8741 5550



David Peterson
Bushfire and Environmental Services
2/6 Walker Street
HELENSBURG NSW 2508

Your Ref: 6012

Our Ref: D07/0001
G07/0740

30 March 2007

Dear Sir

**RE: PROPOSED RETIREMENT VILLAGE FOR ANGLICAN RETIREMENT
VILLAGES AT SANDON POINT**

I refer to your letter dated 1 March 2007 seeking to confirm the NSW Rural Fire Service requirements in regard to the above development.

Whilst the Service does not provide written confirmation of discussions, there is no matter arising from your correspondence that is clearly inconsistent with those discussions.

If you have any further questions regarding this correspondence please contact Terence O'Toole.

Yours sincerely,


Lew Short
Manager Development Control

◆ Rural Fire Service Advisory Council

◆ Bush Fire Co-ordinating Committee

Attachment D – Director General’s Environmental Assessment Report (Modification 1)

The rehabilitation works aim to reverse some of the damage that was done on the site such as the straightening of both Hewitts and Woodlands creeks and the piping and diversion of Woodlands Creek. The rehabilitated riparian corridors aim to provide an improved habitat for local native flora and fauna and have been designed to form part of an overall public open space system, linking to existing public reserves, particularly those located on the coastal fringe.

The Department considers that the riparian corridor rehabilitation will result in an improved outcome on the site with the restoration and replanting of vegetation along the creeks that are currently highly degraded and that planting is in accordance with the DNR Riparian Corridor Study 2004. It is considered that the proposal aims to minimise risk to life and property and ensure safety with lots providing an active frontage to the open space. It will further maintain and enhance environmental attributes including channel stability and biological diversity, achieve multi-use of riparian zones including aesthetic landscape and recreation opportunities, and meet water quality and environmental flow objectives in line with principles of urban stream management.

5.5 FLORA AND FAUNA

Various surveys and assessments have been carried out at the site (by specialist consultants for the Proponent, the National Parks and Wildlife Service and the Tramway Wetlands Planning Committee) dating between 2001 and 2006. These assessments confirmed that there are no matters of EPBC or RAMSAR wetlands importance on the site. One Endangered Ecological Community (EEC) was identified, Swamp Sclerophyll Forest, at the site within the Woodlands Creek corridor (proposed to be zoned for environmental protection) and locally and regionally significant flora species were also identified. No threatened fauna species were identified though it is noted that there have been previous records of threatened or significant fauna species on the site, including the Green and Golden Bell Frog, Latham's Snipe, Southern Emu-wren and White-cheeked Honeyeater.

An eight part test was undertaken (by Connell Wagner in 2001 and again in 2003 as discussed in the Commission of Inquiry (Col) report) in accordance with Section 5A of the EP&A Act that revealed that the proposed development is not likely to have a significant effect on any threatened fauna, including the Green and Golden Bell Frog. The studies also concluded that the Concept Plan proposal will not have a significant impact on threatened flora communities.

The studies recommended that any possible impacts be minimised through the conservation of vegetation where possible and the creation of riparian zones that will provide improved habitat. This forms an important aspect of this Project Application for residential subdivision. The impacts of major earthworks and riparian corridor recreation need to be balanced with the objectives of rehabilitating the creek which is essential to maintaining the presence of the EEC. The Concept Plan approval included a reduced development footprint at the site, partly in order to address this issue. This Project Application proposes measures in the Proponent's Vegetation Management Plan (VMP) in association with the integrated water sensitive urban design (WSUD) to significantly reduce the sedimentation and weed invasion presently threatening the EEC. Based on the surveys and eight part test, the Department is satisfied that impact on flora and fauna is acceptable.

With regard to existing vegetation on the site, the proponent states that tree retention opportunities will be limited, with only a small number potentially retained along Hewitts and Woodlands creeks corridors. The Department recommends that such trees be identified prior to construction starting at the site, with protection measures implemented as per the Vegetation Management Plan (VMP). A condition of approval is recommended to ensure that tree retention identification occurs appropriately.

5.6 DEFENDABLE SPACES FOR BUSHFIRE PROTECTION

The Concept Plan approval contained the following modification:

"C5 Bushfire Protection Requirements

Future applications lodged by the Proponent for development on the subject site must be consistent with the Planning for Bushfire Protection Guidelines."

It has since been confirmed by the Rural Fire Service (RFS) that the subject land is not mapped as Bushfire Prone Land and given that the riparian corridors are expected to pose a very low threat to the surrounding development there is no requirement to provide Asset Protection Zones (APZs) under the *Planning for Bushfire Protection Guidelines*.

The Proponent outlined in the EA that the Rural Fire Service (RFS) requested a 'defendable space' between the riparian zones and the development be provided to ensure access to fire fighters and their vehicles. The Proponent has provided a 'Defendable Spaces Plan' that outlines vehicular and pedestrian defendable space as well as the planned location for fire hydrants.

In their submission of 18 June 2008, the RFS raised no issues in relation to bush fire for the development based on the information provided to them, which included the proposed 'Defendable Spaces Plan'.

The Department considers that the issue of bushfire protection can be adequately addressed with the implementation of the 'Defendable Spaces Plan'. The Department recommends a condition of approval be imposed requiring defendable spaces to be provided in accordance with the Statement of Commitments and the 'Defendable Spaces Plan' (Drawing SK23) to ensure the proposed development incorporates these spaces.

5.7 ABORIGINAL HERITAGE

The Department considered Aboriginal Heritage at the Concept Plan stage and commissioned an assessment of Aboriginal cultural heritage that resulted in the 'Huys Report' (Australian Archaeological Survey Consultants, *Sandon Point Col Area: Aboriginal Cultural Heritage Assessment - A report to DIPNR*, June 2006). The Huys Report outlined that Sandon Point was of high local significance and moderate regional significance but not of State or National significance in terms of Aboriginal heritage. The areas that were identified to be of significance were outside the area of the current project application site. However, the Concept Plan approval for the Sandon Point site included several commitments and an additional Departmental condition in relation to heritage issues. These included undertaking further archaeological investigation on the northern part of Stockland's land, preparation of a Heritage Interpretation Plan, entering into a Voluntary Conservation Agreement (VCA) with DEC (now DECC) and pursuing the establishment of a keeping place for artefacts discovered during excavation works.

The VCA and keeping place are to be established in conjunction with development at the adjoining site, The Point 'Stages 2 to 6'. These commitments have yet to be implemented as resolution is contingent on the outcomes of consultation and negotiation between Council, DECC and the local Aboriginal community, which is ongoing. The Proponent has committed to establish the keeping place in their Statement of Commitments (**Appendix E**).

The Proponent's heritage consultant has prepared a Desktop Assessment of Archaeological Potential (see **Appendix B**) that has recommended areas for precautionary testing (**Figure 14**) to be undertaken where they consider there is some potential for the land to contain Aboriginal objects. The report also includes a Heritage Interpretation Plan for the site that outlines themes and interpretive features for the site and establishes the appropriate means of recording or storing artefacts from past uses of the site.

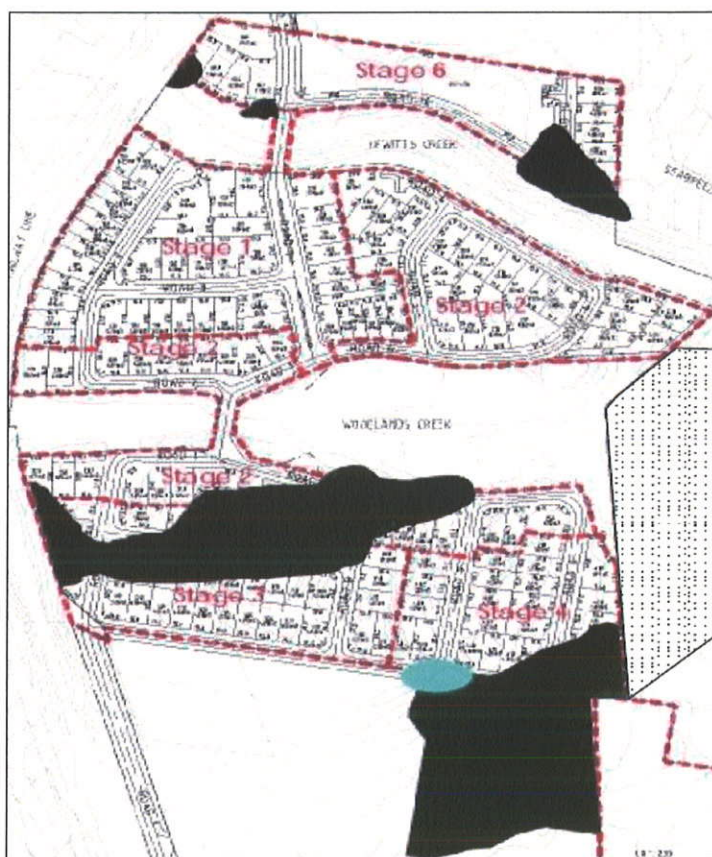


Figure 13. Indicative areas (black) to be covered by sample test excavation (stippled area outside current subdivision, blue area also has potential for non-indigenous heritage)