



NSW RURAL FIRE SERVICE

Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Your reference: MP06_0183
Our reference: DA-2008-08237-S4.55-1

ATTENTION: See letter

Date: Monday 20 December 2021

Dear Sir/Madam,

Development Application

Other - Part3A - (none)

Salamander Shores Hotel 147 Soliders Point Road SOLDIERS POINT NSW 2317, 31//DP529002

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 03/12/2021.

The NSW RFS has reviewed the Application to Modify Concept Plan MP06_0183 (MOD2) - Mixed Use Residential/Tourist Development - future development scenario resulting from the modified concept:

- 90 hotel rooms.
- 98 residential apartments.
- Removal of serviced apartments.
- 310 car parking spaces.
- Maintain FSR of 1.6:1.
- Maintain gross floor area (GFA) of 19,600m².

The NSW RFS provided the following advice (EA), dated 3 November 2010, relating to the original application:

1. The construction requirements under AS3959 recommended within the Bushfire Protection Assessment Report are based upon external asset protection zones (APZ). In this regard no details are provided on the on-going management of the adjoining reserve to the east and south of the site, and whether this can be included as part of the asset protection zone. This may effect the construction requirements.
2. Preliminary concept plans indicate that Buildings A & H encroach into the proposed 10 metre internal APZ. This may effect the construction requirements.
3. The recommended perimeter access way to be located within the proposed 10 metre APZ should have direct access onto Soldiers Point Road at the south west corner of the site.
4. The entire site will be required to be maintained as an inner protection area and landscaping within the site will be required to comply with Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The NSW RFS provided the following further advice (PPR), dated 25 March 2011, relating to the original application:

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

1. The proposed APZs where they lie outside the boundary of the site should be covered by an easement to ensure that they are maintained for the life of the development. In this regard it appears that Council has agreed to this in principle but would be subject to public consultation and due process. The Bushfire Protection Assessment by Ecological Australia has provided varying advice that a 15 and 25 metre APZ is available within the adjoining reserve to the east and south of the site. Confirmation is required on the size of the APZ available and whether the Council agrees to this. Final construction requirements under AS3959 can then be determined.
2. It is considered acceptable if balconies extend into the APZ if they are constructed of non combustible elements.
3. It is noted that the perimeter access way has now been linked to the main vehicular entry off Soldiers Point Road. This should be further designed to allow tanker access if required.
4. It is noted that the entire site will be maintained as an inner protection area and landscaping within the site will comply with Appendix 5 of 'Planning for Bush Fire Protection 2006'.

NSW Planning issued the NOD dated 4 September 2011 with the following Bush Fire requirements
Clause 13 of the Notice of Determination No. MP06_0183

- a) *The first application for the first building shall be accompanied by evidence that a legally formed easement has been created over the Asset Protection Zone (APZ) on adjoining land to ensure that the APZ maintained in perpetuity, together with the adjoining landowners' consent.*
- b) *If future environmental assessment requirement 13(a) cannot be met, future applications shall include further details of the developments compliance with the requirement of 'Planning for Bush fire Protection, 2006' such as the introduction of higher construction standards in accordance with AS3959 for relevant buildings.*
- c) *Future applications must demonstrate that the NSW Fire Brigade emergency vehicles can adequately access the site, buildings and structures in the event of an emergency via the internal perimeter access road.*

The accompanying MOD 2 bush fire report stated

"The lot is no longer identified as bush fire prone in accordance with s10.3 EP&A bush fire prone area mapping. Under current bushfire planning provision, no bushfire construction or planning requirements would be warranted. Notwithstanding the site is no-longer considered bush fire affected, the key bush fire risk considerations of APZ separations within Table 2 (page 11) of the Ecological Australia Bush fire Assessment Report (2010) remain relevant and are still acceptable. The provision of a 'vehicle perimeter road', as indicated within Clause 13 of the Notice of Determination No. MP06_0183 is not required due to low risk of bush fire. Although a vehicle perimeter road is not required, pedestrian access for fire fighters and appropriate placement of water hydrants is warranted."

No details have been provided in the MOD 2 application that **"evidence that a legally formed easement has been created over the Asset Protection Zone (APZ) on adjoining land"**.

Given that the land is not mapped bush fire prone land, the NSW RFS advises that condition 13 of the NOD can be deleted and condition 12 Landscaping be amended to include:

- The entire site will be maintained as an inner protection area and landscaping within the site will comply with Appendix 4 of 'Planning for Bush Fire Protection 2019'.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
Manager Planning & Environment Services
Built & Natural Environment