



BUSH FIRE

Response to Public submissions to MP06_0183 MOD 2



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BUSH FIRE - RESPONSE TO PUBLIC SUBMISSIONS TO MP06_0183 MOD 2

Original Development

It is understood that Part 3A Concept Application No. MP06_0183 for the redevelopment of the site as a mixed-use / tourist development was approved in 2011. Ecological Australia completed a Bush fire Assessment Report (based on *Planning for Bush fire Protection, 2006*) in June 2010 that was submitted and approved as part of the original Concept Approval. This bush fire report was based on the lot being identification of bush fire prone lands (BPL Map) required under section 10.3 of the *Environment Planning and Assessment Act 1979* (EP&A Act).

Clause 13 of the Notice of Determination No. MP06_0183 (dated 4th September 2011) indicates the NSW Rural Fire Service conditions:

- 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 meet, 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.

Furthermore, Clause 12 of the Notice of Determination No. MP06_0183 (dated 4th September 2011) provides consent condition for landscaping within the development lot.

The first future application for a building or excavation shall be accompanied by as Landscape Plan applicable to the entire site. The plan shall make recommendations and provide for the following:

- a) Detail to show how the buildings will relate on the ground and the site's interface with the surrounding streets.
- b) Sufficient screening vegetation at an appropriate height and maturity to assist in the moderation and break up of bulk and scale in the sensitive north and west viewsheds.
- c) Paving pathways, and driveways treatments, and a species list including only local native species as appropriate to the site and circumstances.

- d) A minimum of 25% of the open space must be a deep soil planting to promote the growth of canopy forming vegetation. In particular, deep soil planting should occur to create pockets/fingers of vegetation to enhance views and lies of site to Port Stephen water body.

Development Modification

The Part 3A Concept Application No. MP06_0183 development has not proceeded, and the proponent wishes to modify the concept approval to ensure the redevelopment aligns with current strategic direction of the Nelson Bay tourist precinct and wider Hunter Region and in response to recent site inspections and geotechnical investigation which has revealed that a large portion of the land cannot be excavated as it comprises an outcrop of elevated volcanic rock material and as a result the approved car parking and basement location of the Concept Plan Approval requires modification.

A bush fire analysis completed by Bushfire and Environmental Management Consultancy (Ref2021654_20211117 dated 17th November 2021) identified EP&A Act s10.3 Bushfire Prone Area Map had been updated and the vegetation within the council reserve to the south of the development was not longer classified as a bush fire threat, and hence specific bushfire construction or planning requirements are not warranted.

Public exhibition and comments

Link to the public submissions received during the public notification period can be viewed here: http://majorprojects.planning.nsw.gov.au/?action=list_submissions&job_id=10703&title=EA%20-%20Website%20Submissions&type=2

NSW RFS Response

NSW RFS reviewed the Application to Modify Concept Plan MP06_0183 (MOD2) - Mixed Use Residential/Tourist Development (Ref: DA-2008-08237-S4.55-1 dated Monday 20 December 2021). The recommendations within this letter indicate:

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:

Based on the fact that the land is not mapped as bush fire prone as well as other considerations, NSW RFS have recommended that the following condition of the Concept Plan Approval be

- *“the entire site be maintained as an inner protection area and landscaping within the site will comply with Appendix 4 of ‘Planning for Bush Fire Protection 2019.’”*

Response to REF, Public exhibition and comments

The submissions can be divided into 3 broad topics:

1. Bush fire risk is so low that specific bushfire construction or planning elements are not warranted.

NSW RFS response (Ref: DA-2008-08237-S4.55-1 dated Monday 20 December 2021) confirms the bush fire analysis completed by Bushfire and Environmental Management Consultancy (Ref2021654_20211117 dated 17th November 2021) that the lands to the south of the proposed development is no longer identified within the EP&A Act s10.3 Bushfire Prone Area Map for Port Stephen Council.

Within the planning framework, the bush fire threat is so low that specific bushfire construction or planning requirements are not warranted (in consideration of Planning for Bushfire Protection, 2019).

There is no consent condition requirement for the establishment of the s88B easement within the council reserve to the south. Furthermore, with the removal of Condition 13 of the NOD it appears there are no specific bushfire construction or planning requirements imposed on the development (apart from the Inner Protection Area standards placed in Condition 12 of the NOD).

2. Any Asset Protection Zone shall not impede on the council reserve to the south and be restricted to within lot boundaries.

There is no consent condition requirement for the establishment of the s88B easement within the council reserve to the south and the planning framework has determined the bush fire threat is so low that specific bushfire construction or planning requirements are not warranted.

Notwithstanding, the vegetation to the south may not possess a landscape fire risk (on which the bushfire planning requirements are based upon) a small-scale fire is possible. Some level of bushfire protection shall be offered to assist responding emergency services and mitigate the risk of building ignition.

3. Fire response resources over stretched with increasing development throughout Soldiers Point.

Soldiers Point RFS shed is located 1.5km and NSW F&R is located 5.9km from the site (by road). Further fire response resources and support is available from Anna Bay (11km) and Fingal Bay (16km).

Notwithstanding, the rate of spread of a small fire in the council reserve under a southerly wind influence may impact on the proposed development prior to responding emergency services applying human intervention to the fire activity.

The ability of responding fire services to access the area and provision of adequate water supply on arrival to the site will assist in response time and resources required to suppress a small fire.

Bushfire Protection Measures

Bush fire protection can be achieved through a combination of strategies which are based on the following principles:

- Control the types of development permissible in bush fire prone areas.
- Minimise the impact of radiant heat and direct flame contact by separating development from bush fire hazards.
- Minimise the vulnerability of buildings to ignition and fire spread from flames, radiation, and embers.
- Enable appropriate access and egress for the public and firefighters.
- Provide adequate water supplies for bush fire suppression operations; focus on property preparedness, including emergency planning and property maintenance requirements, and
- Facilitate the maintenance of Asset Protection Zones (APZs), fire trails, access for firefighting and on-site equipment for fire suppression.

Bush fire Protection Measures are the relevant specifications and requirements that need to be satisfied to improve life safety, property protection and community resilience to bush fire attack. They include:

- APZs; Access.
- Construction.
- Siting and design.
- Landscaping; Services, and
- Emergency and evacuation planning.

These measures assist building survival during a bush fire. They also contribute to the safety of firefighters and members of the community occupying buildings during the passage of a bush fire front. There are a range of different BPMs which should be applied in combination based upon the development type and the level of bush fire risk.

Acceptable bush fire protection proposals will involve a combination of different BPMs depending on their suitability and importance to the development and different levels of potential bush fire attack.

Appropriate combinations of BPMs not only depend on geographic location and site circumstances but also on the nature of the proposed use.

Performance based solutions allow flexibility and innovation in responding to site-specific opportunities and constraints using a combination of Bush fire Protection Measures. They also allow the consideration of a broad range of issues and information, including bush fire risk, community expectations, environmental protection and the application of new science, processes and technologies.

Bushfire Risk Recommendations

Notwithstanding, the vegetation to the south may not possess a landscape fire risk, a small-scale fire is possible. Some level of bushfire protection shall be offered to elevate community concerns and assist responding emergency services and mitigate the bush fire risk.

The following recommendations are provided to mitigate bush fire risk to acceptable levels:

- The s88b easement for the installation of an Asset Protection Zone within the council reserve is not required.
- The entire lot be managed to Inner Protection Area Standards of an Asset Protection Zone.
- The existing water hydrant in the south-eastern corner be maintained.
- Vehicle access along the grass verge associated with Soldiers Point Road be provided to the existing water hydrant.
- A live fire hose connected to reticulated water mains, constructed in accordance with *AS/NZS 1221:1997 Fire hose reels*, and installed in accordance with *AS 2441:2005 installation of fire hose reels* is located in the south-eastern corner of the lot between the building and vegetation to the south.
- A clear pedestrian access path is provided between the existing water hydrant in the south-eastern and fire hose in the south-eastern corner.
- All glazing elements along the southern elevation of the proposed building be to BAL29 construction standards.

Regards,

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