

OXFORD FALLS RETIREMENT RESORT



RESPONSE TO THE DEPARTMENT OF PLANNING LETTER & WARRINGAH COUNCIL SUBMISSION

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DEPARTMENT OF PLANNING LETTER:

The Department of Planning [DOP] letter dated 16.2.2010 contains matters relevant to bushfire protection matters. These are listed below in the order provided by EG Property Group:

Item 2: Submissions previously received from the Rural Fire Service in November 2009.

The submission submitted by the NSW Rural Fire Service contained the following comments on the GHD's revised Plan A, Figure 02, dated 2009:

1. At the commencement of building works and in perpetuity the entire site, except for the core riparian zones and where modified below, shall be managed as an inner protection area [IPA] as outlined within Appendices 2 & 5 of *Planning for Bushfire Protection 2006* and the Rural Fire Service's document '*Standards for Asset Protection Zones*'.

Comment:

Agreed & noted

2. The managed vegetation buffer zones associated with drainage lines T1 & T2 shall be managed, as a minimum, as an outer protection area [OPA] as outlined within Appendices 2 & 5 of *Planning for Bushfire Protection 2006* and the Rural Fire Service's document '*Standards for Asset Protection Zones*'.

Comment:

Agreed & noted

3. A 5 metre IPA setback is to be provided to the managed vegetation buffer zones associated with the drainage lines T1 & T2.

Comment:

Agreed & noted

4. Asset Protection Zones [APZ] setbacks to the Middle Creek tributary [S1a, S1b & T3], and the narrow corridor of vegetation towards the middle of the site, shall be as per the GHD's revised plan A, Figure 02, dated November 2009.

Comment:

Agreed & noted. The plan prepared by Travers Bushfire & Ecology [Schedule 1, dated 21.4.2010 maintains the widths of the Asset Protection Zones as shown on the GHD's revised plan A, Figure 02.

5. A 60 metre APZ is to be provided to the northwest internal corner of the site.

Comment:

The plan prepared by Travers Bushfire & Ecology [Schedule 1, dated 21.4.2010 provides the required 60 metre wide APZ to the northwest of the buildings in the 'northwest internal corner of the site'.

6. Water, electricity and gas are to comply with Sections 4.1.3 & 4.2.7 of *Planning for Bushfire Protection 2006*.

Comment:

Agreed & noted – item to be addressed as part of the detailed design process.

7. Internal roads shall comply with 4.2.7 of *Planning for Bushfire Protection 2006*.

Comment:

Agreed & noted – item to be addressed as part of the detailed design process. The internal road network provides complying access which provided through access via connections to Oxford Falls Road with alternate emergency access to Barnes Road. Complying perimeter roads are provided between the bushfire hazard and the proposed buildings.

8. An Emergency/Evacuation Plan is to be prepared in accordance with Section 4.2.7 of *Planning for Bushfire Protection 2006*.

Comment:

Agreed & noted – further discussion with the NSW Rural Fire Service has identified that this item shall be addressed by the preparation of an Emergency Management Plan and that this Plan shall be prepared prior to occupation of the first stage of the development.

The Service have also accepted that provision of the emergency access link to Barnes Road provides a safe, alternate means of evacuating residents from the site [if it so determined that this shall be done, given the safety provided by the development itself] and a safe access/egress for fire-fighters.

The Plan shall incorporate the following strategies relating to the management of a bushfire event which may occur in the local area.

- Mitigation of impact of smoke – provide air-conditioning to each unit & air-conditioning to the Community Centre, including smoke filters to any system which uses outside fresh-air;
- If fire approaches the north-western corner of the site, along the vegetated ridgeline, relocate the residents of the closest units to the Community Centre, using the underground Carpark and inter-connecting access road network;
- Upon advice from the Emergency Services, consider the relocation of residents with severe medical conditions from the site [using, if necessary, the alternate emergency access to Barnes Road]. This will depend on the severity of the medical condition;
- Upon advice from the Emergency Services, relocate remaining residents to the Community Centre;

9. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.

Comment:

Agreed & noted

10. New construction shall comply with Australian Standard AS3959 – 1999 – *Construction of Buildings in Bushfire Prone Areas*.

Comment:

Agreed & noted

11. Any existing buildings remaining on the site are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings [excluding roof tile spaces] or covering openings with non-corrosive metal screen. Where applicable, this includes any subfloor areas, openable windows, doors, vents, weep holes and eaves.

Comment:

Agreed & noted

Schedule 1

Department of Planning Key Issues

Item 17 – potential for high bushfire risk.

Comment:

The site is located in the floor of the valley, orientated in a northwest – southwest direction with the landform beyond the site rising to the northeast, southeast and southwest, above the site. The landform to the northwest falls gently to the northwest, following the tributary of Middle Creek.

The existing land use to the northeast is vacant land; to the southeast residential development; to the southwest residential development, except for a small pocket of vacant land to the southwest of the south-western corner of the site and to the northwest, residential development, except for vacant land on the ridgeline to the northwest of the north-western corner of the site.

The landuse to the northwest also includes three school sites and a recycling business.

The predominant fire path in the local area is from the northwest with the last major bushfire occurring in 1994. This fire approached from the northwest, out of Garigal National Park to the northwest of the Wakehurst Parkway, spreading onto the northern face of the ridgeline above the recycling business on Meatworks Avenue. The fire burnt downslope off the ridgeline towards Oxford Falls Road and the site, whilst continuing its forward spread in a south-easterly direction towards 'Red Hill'.

The western head of the fire travelled along the ridgeline towards the northwestern corner of the site. The fire did not impact directly on the residential development to the northwest of the site, the site or the residential to the southeast or southwest of the site.

Planning for Bushfire Protection 2006 defines bushfire risk as:

'The chance of a bushfire igniting, spreading and causing damage to assets of value to the community and is related to the vulnerability of the asset'.

The 1994 bushfires proved that a fire can ignite in the bushland in the Oxford Falls Valley.

However, this fire event did not cause damage to the assets on the site and surrounding land and the provision of the recommended fire protection measures, including the provision of Asset Protection Zones to the widths accepted by the NSW Rural Fire Service, will continue to provide a low level of vulnerability to the residents of the development.

Item 20 – Evacuation Plan.

Comment:

Refer to Item 8 – page 3.

Item 20a – Evacuation Plan.

Comment:

Refer to Item 8 – page 3.

Item 20b – Evacuation Plan.

Comment:

Refer to Item 8 – page 3.

Item 36 – A report addressing the major issues and sustainability criteria considered by the Planning Assessment Committee [PAC].

The Minister for Planning instructed the PAC to investigate the possible rezoning of four sites in the Oxford Falls/Beacon Hill and Cromer districts. The Minister's request excluded the Oxford Falls Retirement Resort site.

The four sites are as follows:

- West Oxford Falls, being that land to the west of Middle Creek, between Middle Road, to the north and the existing residential development on Peppercorn Drive;
- 'Lizard Rock, being that land to the southeast and east of Morgan Road, Belrose/Oxford Falls;
- 'Red Hill', being the vacant land to the north of Lady Penrhyn Drive, Oxford Falls/Beacon Hill; and
- Cromer Golf Club, Cromer.

The PAC report identified that support could not be given to the rezoning of the four sites and identified bushfire risk as one of the determining factors.

Australian Bushfire Protection Planners Pty Limited prepared a submission, on behalf of the landowners of West Oxford Falls and 'Red Hill', on the bushfire risk and bushfire protection measures required to be implemented to mitigate the potential risk on development in these areas.

The Director of *Australian Bushfire Protection Planners Pty Limited* had previously provided similar advice to the Cromer Golf Club on the Club's intention to develop the residue land to the west of the existing Clubhouse/Fairways, north from Cromer Road.

The Lizard Rock site has been inspected with a view of determining the bushfire risk and appropriateness of this site for a Seniors Living development.

The West Oxford Falls report identified that this precinct is located 'below' the surrounding land to the north and west, had a moderate/high bushfire risk and could support residential development provided that appropriate Asset Protection Zones were applied. However, there was no safe evacuation route from this precinct, unless access could be achieved by purchasing an existing lot in the adjoining residential estate which adjoins the south-western corner of the precinct.

The 'Red Hill' report identified this site to be at extreme risk, being located on top of the ridgeline to the east of the Oxford Falls Retirement Resort site, exposed to an uphill fire path from the west, northwest, north and northeast. The report recommended the application of maximum width Asset Protection Zones and a road network which provided a perimeter road linked to an inner access road capable of providing alternate egress for residents. The report also recommended that the site was not suitable for Seniors Living Development due to the extreme level of risk and the lack of alternate safe egress.

The previous investigation into development on the Cromer Golf Club land identified that this site is exposed to an uphill fire path from the northwest and west with a resultant extreme level of risk necessitating the application of maximum width of Asset Protection Zones for residential and '*Special Fire Protection Purpose Development*' which limit the viability of achieving even residential development on the residue parcel of land.

Although this site provides safe egress into the neighbouring residential development, the provision of the maximum 100 metre wide Asset Protection Zone would make the construction of a retirement village not viable on this land, added to which is the obvious concern for the requirement to evacuate the residents during major fire events which will directly impact the site from the northwest and west.

The Lizard Rock site is owned by the Metropolitan Local Aboriginal Land Council and occupies 57 hectares of land on both sides of Morgan Road, including the steep land within the Snake Creek valley. The bushfire risk to the site is identified by the PAC as extreme with the resultant requirement to provide additional protection to '*Special Fire Protection Purpose Development*' exposed to the undeveloped edges of this precinct, including the northern, north-eastern and southeastern edges. The topography would also limit the provision of Asset Protection Zones and therefore the available area for development.

The PAC report states '*a key factor in bushfire risk management is establishing emergency evacuation routes from peninsular type urban developments in the Valley*'.

The significant difference between the precincts examined by the PAC and the proposed Oxford Falls Retirement Resort is that the resort is not a 'peninsular' development as it is within an existing built environment which is protected from the predominant northwest fire path by well managed residential/school developments.

Furthermore, it is located in the 'floor' of the valley and not exposed to uphill burning fire paths.

The bushfire risk to the site is not extreme as it is with three of the four site examined by the PAC and safe alternative egress [& access] is available, via Barnes Road, directly to the existing urban development within the suburb of Frenchs Forest, unlike three of the four sites examined by the PAC.

WARRINGAH COUNCIL SUBMISSION

Warringah Council provided a submission to the DOP on the proposed Oxford Falls Retirement Resort and contained matters relevant to bushfire protection. These are listed below in the order provided by EG Property Group:

Item 43 – ‘Given the site’s location to bushland, a predominant portion of the site is Bushfire Prone Land [mapped under the RFS Act]. The mapping shows that the site is adjacent to Oxford Falls Road, and area to the southwest of the allotments and a significant area to the northwest of the site which extends in a southward direction from Weardon Road’

Comment:

The site is mapped, under the provisions of Section 146 of the *Environmental Planning & Assessment Act 1979*, not the RFS Act, and contains a small area of Category 1 Bushfire Prone Vegetation located between Oxford Falls Road and the tributary to Middle Creek, southeast from the existing Carpark to the Tennis Academy [shown as orange on the extract of the Bushfire Prone Land Map below].

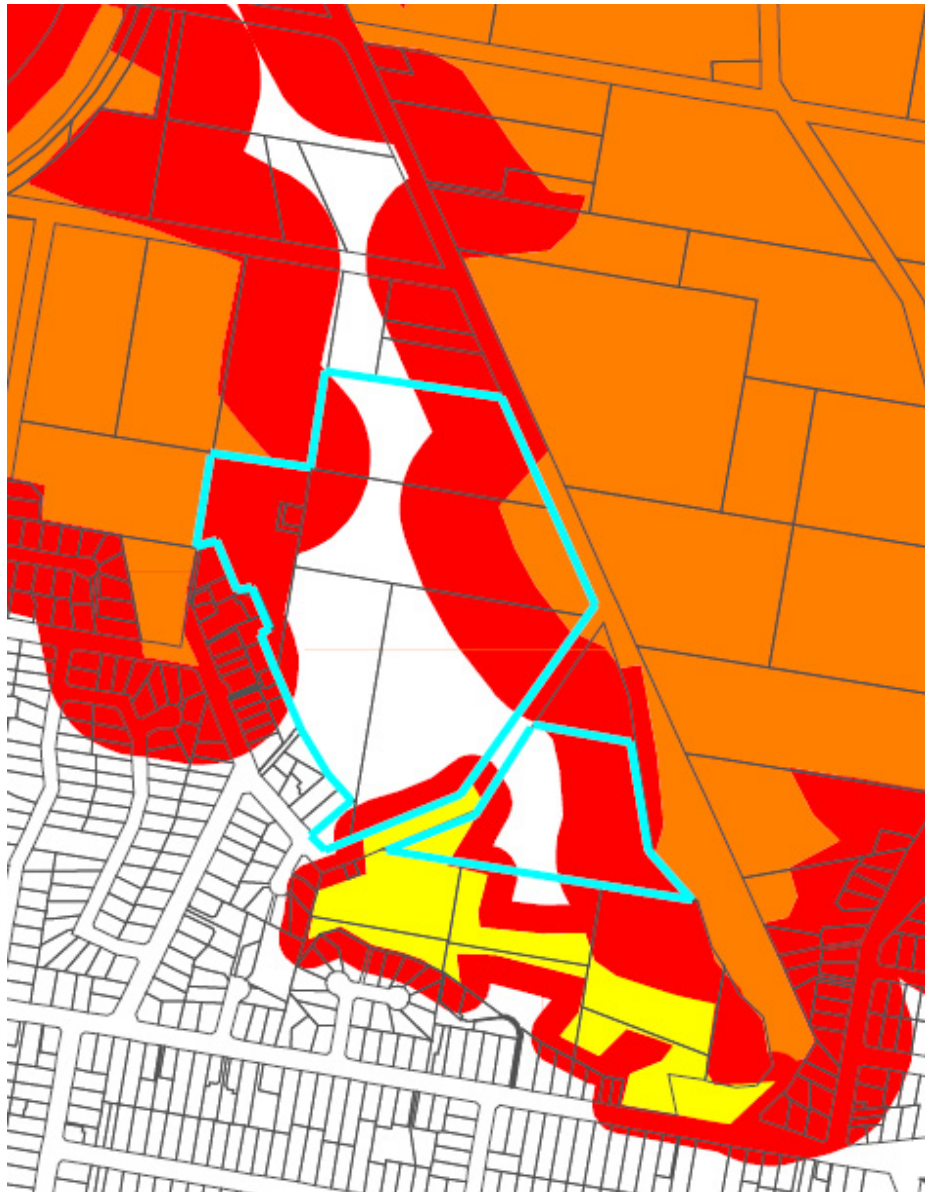
A small area of Category 2 Bushfire Prone Vegetation is located in the western corner of the southern portion of the site [shown as yellow on the extract of the Bushfire Prone Land Map below].

The remainder of the site is either shown as being within the buffer zone to the Bushfire Prone Vegetation or located on land which is not affected by the Bushfire Prone Land Map.

The Bushfire Prone Land Map does not exclude development from occurring within the site but simply identifies vegetation which is deemed to be a bushfire hazard and triggers the implementation of bushfire protection measures as required by the Commissioner of the NSW Rural Fire Service.

The Service has considered those requirements and has provided to the DOP [refer to letter dated 25th November 2009] advice on those measures required to address the bushfire hazard from retained vegetation within and external to the site.

Figure 1 – Extract from the Warringah Bushfire Prone Land Map



Legend: Orange – Category 1 Bushfire Prone Vegetation;
Yellow – Category 2 Bushfire Prone Vegetation;
Red – Buffer Zone to Bushfire Prone Vegetation;
Blue – Development Site.

Item 50 – ‘Regardless of the measures taken to protection the site, Council cannot support a proposal designed specifically to accommodate an ageing or disabled population’

Comment:

Regardless of Council’s concerns, the Commissioner of the NSW Rural Fire Service, having reviewed the type and location of the development, the potential bushfire risk, has provided advice to the DOP to the extent that the development complies with standards regarding setbacks, provision of water supplies and other matters considered by the Commissioner to be necessary to protection persons, property or the environment from the danger that may arise from a bushfire.

Furthermore, the Concept Plan proposal has implemented the bushfire safety requirements as required by the Commissioner of the NSW Rural Fire Service.

Item 56 – ‘While the applicants advisors have provided that the Development can comply with the requirements of Planning for Bushfire Protection, concern is still raised as the site is surrounded by lands ... legally gazetted as ‘Bushfire Prone Land’ [which] has implications for the scale, type and siting of any development on the site’

Comment:

Refer to Item 43 above.

Item 56 – ‘While the site itself could be adequately protected ... evacuation of its residents during a bushfire Would be highly problematic as all means of road evacuation travel is back into the bushfire prone land’

Comment:

This statement contradicts the previous statement [above].

In reference to the evacuation of the residents from the site, if required, safe alternate egress is available via Barnes Road, away from the Bushfire Prone Vegetation on the north-eastern side of Oxford Falls Road and resident safety can be managed consistent with best practice emergency management guidelines.

Item 58 – Clause 33(e) – ‘The Proposal is not appropriate with regard to planting of the site [with] proposed bushfire APZs ... located within the watercourse riparian areas’.

Comment:

The NOW approved plan provides a Critical Riparian Corridor [CRZ] to the Middle Creek tributary, free of impact of the provision of the Asset Protection Zone to the adjacent buildings. NOW have also accepted the provision of part of the Asset Protection Zone [that part being the Outer Protection Area], as sharing the buffer zone to the CRZ.

Item 58 – Clause 33(g) – ‘The buildings will not be constructed in a riparian zone however the asset protection zones will adversely impact upon the riparian areas’

Comment:

The NOW approved plan provides a Critical Riparian Corridor [CRZ] to the Middle Creek tributary, free of impact of the provision of the Asset Protection Zone to the adjacent buildings. NOW have also accepted the provision of part of the Asset Protection Zone [that part being the Outer Protection Area], as sharing the buffer zone to the CRZ.

The approved Asset Protection Zones will not impact on the approved Riparian Zones, with the buffer zone managed to reduce the bushfire hazard whilst acting as a transition zone to the CRZ.



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