

20 January 2023

Nika Fomin
Manager, Planning & Environment Services
Built & Natural Environment
NSW Rural Fire Service
4 Murray Rose Avenue
Sydney Olympic Park
NSW 2127

Via email: records@rfs.nsw.gov.au

Dear Ms Fomin,

RE: 181 Forest Way, Belrose – your ref. DA-217-02703-S4.55-1

This letter is written on behalf of Regis Aged Care Pty Ltd (Regis), as the owners of 181 Forest Way, Belrose (the site). We refer to our letter written on the 22 November 2022 requesting a meeting with the relevant officers to discuss and resolve matters pertaining to bushfire mitigation and biodiversity management. The letter was accompanied by the following documents:

- **Attachment A:** RFS Referral Response Dated 29 September 2022.
- **Attachment B:** Conditions of Consent from Appeal No. 2020/137970
- **Attachment C:** Bushfire Protection Assessment Report by Travers Bushfire and Ecology
- **Attachment D:** Biodiversity Development Assessment Report by Cumberland Ecology
- **Attachment E:** Annotated Proposed plans by Morrison Design Partnership
- **Attachment F:** S4.56 Summary of Changes by Morrison Design Partnership

An amended RFS Referral Response dated 19 January 2023 has now been prepared by *Bushfire Consulting Services* (provided at **Attachment A** to this letter). It responds to RFS's Term of Approval (TOA) and considers the Court approval for the site. We highlight that the proposed amendments to the approved plans **have no further impact** with regard to bushfire safety.

Since the cl4.56 modification application is currently under assessment, we would welcome meeting with the relevant officers at your earliest convenience and look forward to receiving confirmation of your availability.

Should you have any questions, please do not hesitate to contact me on 0403 767 555.

Yours sincerely,



Gemma Bassett

Associate



BUSHFIRE
CONSULTING
SERVICES PTY LTD

Designing Bushfire Protection Measures

Michael Robinson
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19 01 2022



SILVER
MEMBER
Fire Protection
Association Australia

Dear Michael

Re: Lot 3 DP 805710, 181 Forest Way Belrose (subject site)

We have been engaged by *Regis Aged Care Pty Ltd* to review the proposed minor modifications to the Court approved Seniors Housing development located at the above address.

We understand that the General Terms of Approval were re-issued by the NSW RFS in response to a Section 4.56 Court Consent - Modification of Development Consent DA2018/1654 on 29th September 2022, and that the recommended consent conditions listed in the BFSAs are not consistent with the Court approved conditions and would impact on the ecological values of the site.

In response, we have undertaken the following review of the earlier determined scheme with the proposed modifications and have provided the attached suggested amendments to the wording of the BFSAs to maintain consistency with the Court conditions and compliance with the performance criteria outlined in Planning for Bushfire Protection 2006.

Background Review

NSW Land & Environment Court Consent Conditions

The Land and Environment Court, Case no: 2020/137970 Chiroseph Pty Ltd vs Northern Beaches Council issued the following conditions of consent in relation to bushfire.

All recommendations and requirements contained within the following reports were endorsed:

- Biodiversity Development Assessment Report, dated November 2019, prepared by Cumberland Ecology
- Bushfire Protection Assessment, Ref 18MORR02, dated 9 September 2020, prepared by Travers bushfire & ecology (John Travers)
- Joint statement prepared by John Travers and Lew Short, dated 17 September 2020, prepared by John Travers (acting for the Applicant) and Lew Short (for the Council).

Condition 7 of the court consent states all bushfire related measures are to be implemented at the appropriate stage of development in accordance with the approved Bushfire Protection Assessment Report as revised by *Travers Bushfire and Ecology* dated September 2020 and specifically:

1. At the commencement of building works and in perpetuity the APZ, as depicted in Schedule 1 – Bushfire Protection Measures prepared by Travers bushfire & ecology ref: 18MORR02, dated 7/9/20, shall be managed as an inner protection area (IPA) as outlined within section 4.2.7 and Appendix 5 of Planning for Bush Fire Protection 2006

It is recommended that this condition is amended to reference the outer protection area (OPA) portion of the APZ as depicted in Schedule 1 and as outlined in the Biodiversity Development Assessment Report (for consistency). The date should be corrected to 9/9/20. Suggested wording is provided in the table attached.

2. The provision of water, electricity and gas shall comply with Section 4.1.3 and 4.2.7 of PBP 2006.
3. The proposed access road on the southern aspect shall be constructed to 5.5m in width.
4. The proposed turning areas for emergency vehicles located on the northern and eastern elevations of the building shall be suitably designed to enable an MRV – Category 1 Tanker to turn around.

5. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014 and Australian Standard AS3745 2010 Planning for Emergencies in Facilities.

6. The proposed building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006. The ground floor deck on the eastern façade is to comply with BAL 19.

7. A minimum 2.2m high radiant heat shield made of non-combustible materials shall be constructed along the northern property boundary for a distance of 60m. All posts and rails shall be constructed of non-combustible materials. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

The original bushfire safety authority provided a condition with a fence length of 120m. As outlined in the Travers report (2020) the amended development layout supports a reduced fence length of 60m with the aim of minimising impact on the endangered ecological community and the Grevillea caleyi. A method 2 performance based assessment was undertaken to support an asset protection zone (APZ) of 25-30m from the retained Duffys Forest therefore negating the need for a fence to continue for the full 120m distance.

8. Landscaping of the site shall comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

9. Low bollard lighting will be provided on the southern side of the access road on the southern aspect ramp for fire fighter safety.

Condition 69 of the court consent is to be completed prior to the issue of an occupation certificate as follows:

Bushfire Report Certification. Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed: (a) Bushfire Protection Assessment, Ref: 18MORR02, dated 9 September 2020 and prepared by John Travers of Travers Bushfire and Ecology. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any occupation certificate. Reason: To ensure the development is compliant with the provisions of planning for bushfire protection.

Bushfire Protection Assessment, Ref 18MORR02, dated 9 September 2020, prepared by Travers bushfire & ecology (John Travers)

The recommendations and requirements listed in the bushfire report are generally consistent with Condition 7 of the Court consent, however in addition to the above it also includes the following:

Recommendation 4 – Access along the Crown Road Reserve to the point of entry into the site on the northern boundary shall comply with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*. No further clearing of the existing 3.5m wide access road in Crown Reserve is required.

A copy of Schedule 1 – Bushfire Protection Measures prepared by Travers bushfire & ecology ref: 18MORR02, dated 9/9/20, as referenced in Condition 7 of the court consent is provided attached.

Joint statement prepared by John Travers and Lew Short, dated 17 September 2020

This statement confirms that the proposed development as modified complies with the performance criteria outlined in PBP. It also states that;

During the on-site section 34 conciliation conference, the owner for no. 179 agreed that he would comply with the development consent and approved plans for no. 179. This means that any revegetation of that land, otherwise than in accordance with the

approved plans, is not possible without a development application being lodged with Council and the RFS. The experts agree there is no bushfire risk arising from no. 179, to the proposed development and its insitu APZ's, and the bushfire report prepared by John Travers originally in November 2019 (also contained in the amended report dated September 2020) is an accurate assessment of the vegetation at no. 179.

The following recent Nearmap imagery, dated 29th November 2022 shows that the western portion of no. 179 is devoid of vegetation and therefore does not pose a bushfire risk to the development, therefore maintaining consistency with the joint statement.

Figure 1: Vegetation management with no. 179. Source: Nearmap



Biodiversity Development Assessment Report, dated November 2019, prepared by Cumberland Ecology

The purpose of the report is to provide guidelines for the rehabilitation, conservation and management of vegetation that will be retained outside of the proposed development in an area. In particular, the report was prepared to allow the retention and management of the

Endangered Ecological Community (EEC), Duffys Forest Ecological Community (DFEC) occurring in the north of the subject site, as well as improving the overall biodiversity values of the subject site as it has been largely cleared of remnant vegetation.

The report outlined the following management zones outside the proposed development area, noting that Zone 1 (purple) is located outside of the identified asset protection zone.

Figure 2: Management Zones as provided in the Biodiversity Development Assessment Report prepared by Cumberland Ecology.



Figure 4.1. Management Zones

The recommended revegetation planting specifications for the subject site as outlined in the report are consistent with the requirements of an asset protection zone as follows:

Zone 2 and Zone 4 (Inner Protection Area):

- Shrubs to cover between 5-10% of area, with clump size not exceeding 5m².
- Groundcovers (including grasses) to be planted in clumps/thickets, to cover between 10-20% over the entire zone (but not allowed to exceed over 10cm in height); and

- Trees are to be maintained to ensure overall canopy cover does not exceed 15%, and mature trees do not touch/overhang buildings and do not form a continuous canopy, with lower limbs removed up to a height of 2 m above ground.

Zone 3 (Outer Protection Area):

- Shrubs to cover between 15-20% of area.
- Groundcovers (including grasses) to cover between 40-60% (but not allowed to exceed over 10cm in height); and
- Trees are to be planted and maintained to ensure overall canopy cover of 15-20%, and mature trees do not touch/overhang buildings and do not form a continuous canopy, with lower limbs removed up to a height of 2 m above ground.

Proposed Modification of Development Consent DA2018/1654

Regis acquired the site with a court approval in place. They have since lodged a s4.56 Modification Application (Mod2022/0289) to make minor amendments to the approved plans in order to better-align with their service model and operational requirements. The proposed modifications are largely internal with a slight change to bedroom configurations whilst maintaining bed numbers at 105. Additional ground level parking has resulted in an amended floor plan layout.

External modifications are limited to:

- Carpark access ramp and at grade parking within the Forest Way setback.
- Increase in car parking spaces from 45 to 49
- Lower ground floor – building footprint increases and sunken courtyard size has been reduced and location adjusted. This does not extend towards the hazard and maintains compliance with the approved APZ's
- Ground & first floor – building footprint increases towards the internal courtyard. This does not extend any closer to the hazard than adjoining walls and maintains compliance with the approved APZ's as depicted below.

Figure 3: Court Approved Site Plan (Revision J, September 2020) as provided in the Bushfire Assessment Report by Travers bushfire & ecology

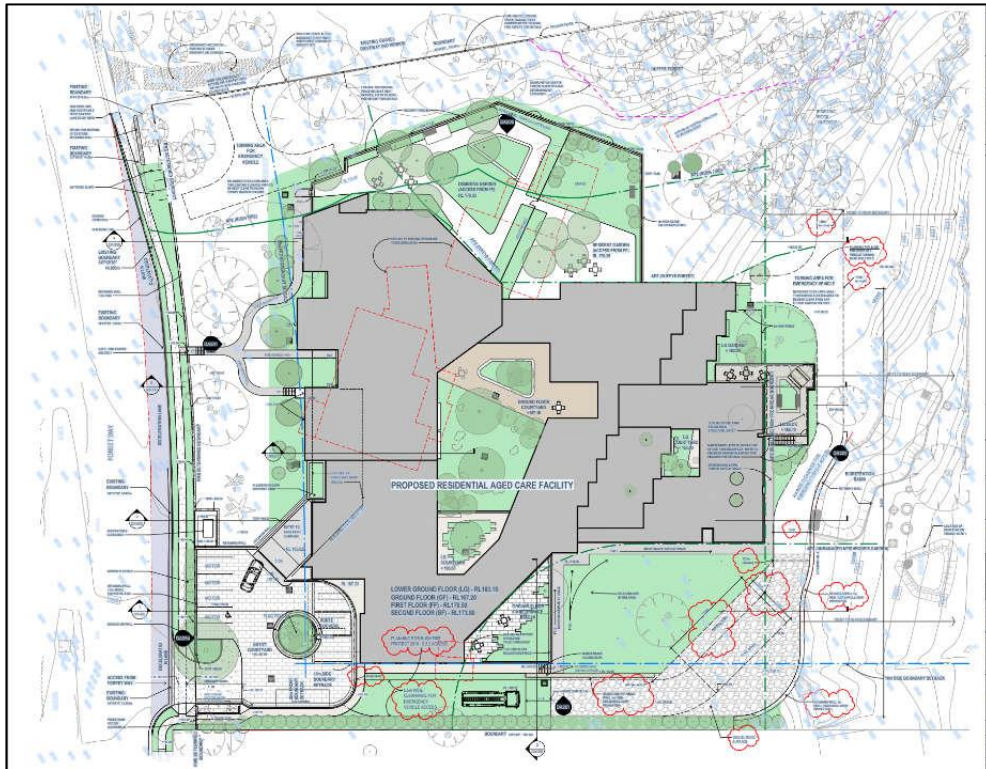


Figure 4: Current Site Plan (Morrison Design Partnership Architects. Project no. 3169, dwg no. DA050, dated 2022.04.05)

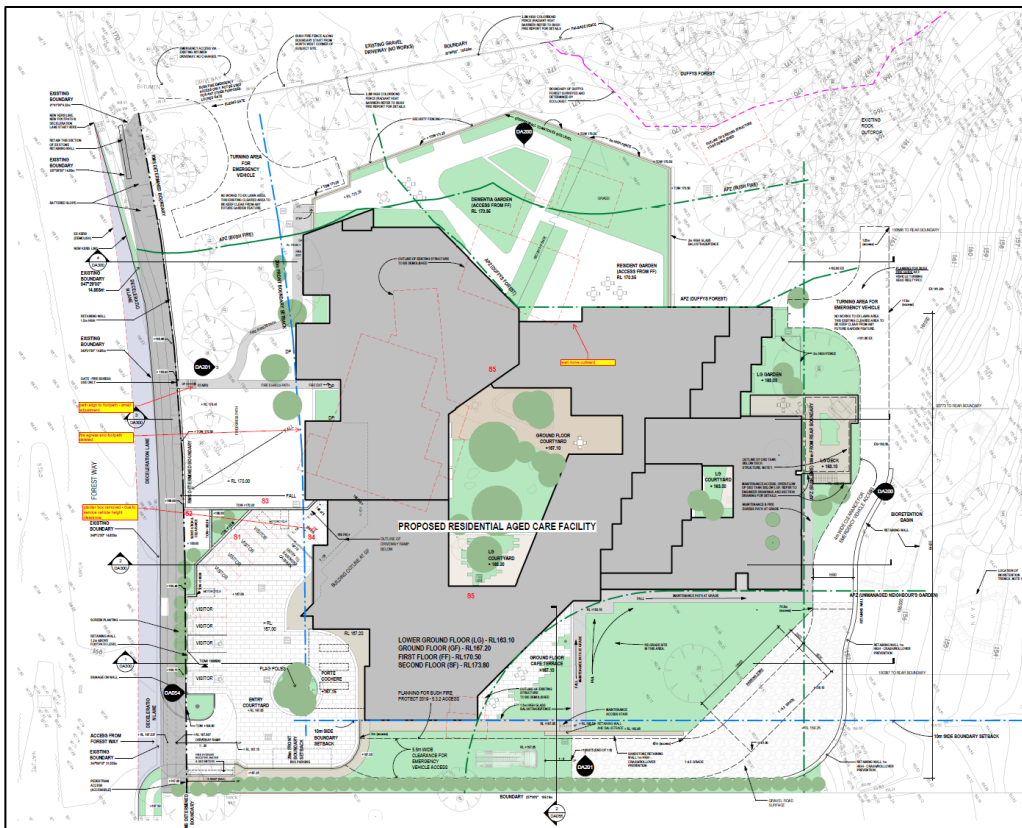


Figure 5: First Floor Plan. Source: Morrison Design Partnership Architects. Project no. 3169, dwg no. DA103, Revision 0, dated 20220405

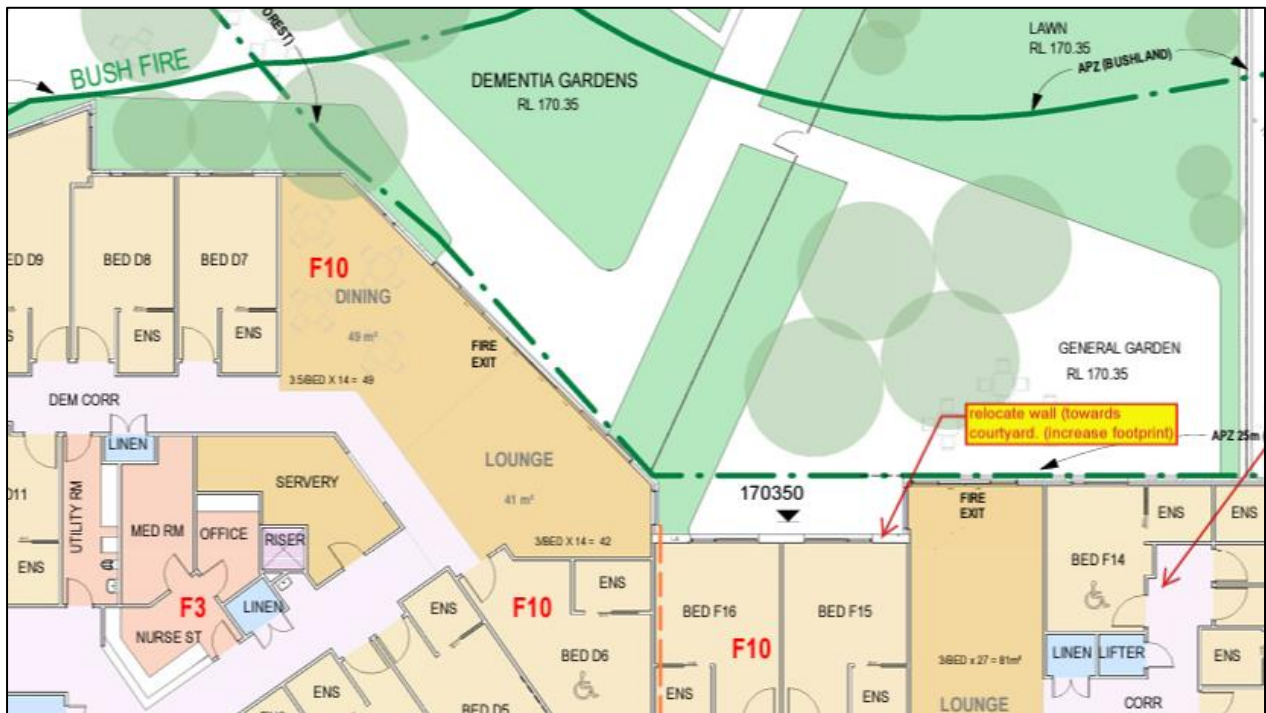


Figure showing minor amendment of footprint to the north whilst maintain compliance with APZ setbacks.

As outlined above, the proposed amendment to the court approved development is minor in nature, does not encroach within the approved asset protection zone and will have no impact on the bushfire protection measures approved as part of the court approval. Suggested amendments to the bushfire safety authority are provided attached.

Nicole van Dorst

(a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment)

Accredited Bushfire Planning and Design Practitioner

Fire Protection Association Australia BPAD-Level 3 (BPAD 23610)

Grad Dip Bushfire Protection (UWS 2011)

Bachelor of Applied Science (Environmental Management) (SCU 1998)

Corporate Silver Member Fire Protection Association Australia

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NOTES:

1. *This advice is valid for 12 months from the date of issue.*
2. *The Council is the Consent Authority, and will make the final determination of the BAL.*
3. *This document may only be used for the purpose for which it was commissioned, the scope of which was determined with the client by time and budgetary constraints and the availability of data relating to the subject site. Any recommendation or advice expressed in this report is made in good faith and in accordance with the relevant legislation for bushfire prone development in New South Wales. Bushfire Consulting Services Pty Ltd does not warrant or represent that the document is free from error or omissions and does not accept liability for any errors or omissions. It should be borne in mind that the measures recommended in this report cannot guarantee that a building will survive a bushfire event on every occasion. This is due to the degree of vegetation management, the unpredictable behaviour of bushfires and extreme weather conditions. As such, the author is not liable to any person for any damage or loss whatsoever which has occurred or may occur in relation to the person taking action or not taking action based on the recommendations of this report.
The information and intellectual property contained in this document is confidential and is proprietary to the company Bushfire Consulting Services Pty Ltd. It is intended for use only by the person, company or organisation to whom it is provided and only for the stated purpose for which it is provided. It must not be used for any other purpose or by any other individual or organisation without the written approval of the author.*
4. *This is preliminary advice and is not suitable for submission to Council or a Certifying Authority with an application for development.*

Suggested Amendments to the Bushfire Safety Authority

Column 2 outlines the suggested amendments to the conditions with the additional wording identified in bold to maintain consistency with the court conditions

NSW RFS Consent conditions - DA-2017-02703-S4.55-1	Suggested amendment
<p>1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.2.7 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The 100 metre APZ to the east of the building may be managed as 70 metre IPA and 30 metre outer protection area (OPA).</p>	<p>At the commencement of building works and in perpetuity the APZ, as depicted in Schedule 1 – Bushfire Protection Measures prepared by Travers bushfire & ecology ref: 18MORR02, dated 9/9/20, shall be managed as an inner protection area (IPA) and an outer protection area (OPA) as outlined within section 4.2.7 and Appendix 5 of Planning for Bush Fire Protection 2006</p>
<p>2. The proposed building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.</p>	<p>The proposed building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006. The ground floor deck on the eastern façade is to comply with BAL 19.</p>
<p>3. A minimum 2.2 metre high radiant heat shield made of non-combustible materials shall be constructed along the northern property boundary for a distance of 120 metres. All posts and rails shall be constructed of non-combustible materials. The bottom of the fence is to be in direct contact with the finished ground level or plinth.</p>	<p>A minimum 2.2m high radiant heat shield made of non-combustible materials shall be constructed along the northern property boundary for a distance of 60 metres. All posts and rails shall be constructed of non-combustible materials. The bottom of the fence is to be in direct contact with the finished ground level or plinth.</p>
<p>4. The proposed maintenance & fire egress path along the southern boundary and eastern elevation of the building shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.</p>	<p>The proposed maintenance & fire egress path along the southern boundary and eastern elevation of the building shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'. The proposed access road on the southern aspect shall be constructed to 5.5m in width.</p>

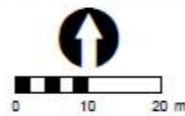
NSW RFS Consent conditions - DA-2017-02703-S4.55-1	Suggested amendment
5. Access along the Crown Road Reserve to the point of entry into the site on the northern boundary shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.	Access along the Crown Road Reserve to the point of entry into the site on the northern boundary shall comply with section 4.1.3 (3) of <i>Planning for Bush Fire Protection 2006</i> . No further clearing of the existing 3.5m wide access road in Crown Reserve is required.
6. The proposed turning areas for emergency vehicles located on the northern & eastern elevations of the building shall be suitably designed to enable a MRV – Category 1 Tanker to turn around.	<i>Consistent with court conditions. No changes.</i>
7. The provision of water, electricity and gas supplies shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.	<i>Consistent with court conditions. No changes.</i>
8. Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.	<i>Consistent with court conditions. No changes.</i>
9. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS3745 2010 'Planning for Emergencies in Facilities'.	<i>Consistent with court conditions. No changes.</i>
	Low bollard lighting will be provided on the southern side of the access road on the southern aspect ramp for fire fighter safety.



Legend

- | | | |
|------------------------------------|---|------------------------------------|
| Site Boundary (Source: LPI) | Proposed Development | Asset Protection Zone (APZ) |
| Contour - 1m (source: LIDAR) | Lower Ground Deck (BAL 19) | Inner Protection Area (IPA) |
| Service road / electrical easement | Residential aged care facility (BAL 12.5) | Outer Protection Area (OPA) |
| Firetrail | Existing private access | |
| Existing private access | | |
| Managed land | | |

Aerial source: Nearmap



Disclaimer: The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy, the location of all mapped features are to be confirmed by a registered surveyor.

PROJECT & MXD REFERENCE

181 Forest Way, Belrose
18MORR02_BF001

DATE & ISSUE NUMBER

9/09/2020
Issue 1

SCALE & COORDINATE SYSTEM

1:1,000 @A3
GDA 1994 MGA Zone 56

BT

TITLE

Schedule 1 - Bushfire Protection Measures

Document Path: N:\GIS\STORAGE\EN Drive\18MORR02_ForestWay_Belrose\MXD\18MORR02_BF001.mxd



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