

5 September 2024

Megan Naylor  
H&E Architects  
Suite 04.02, 80 Cooper Street,  
SURRY HILLS NSW 2010  
By email: [megann@h-e.com.au](mailto:megann@h-e.com.au)

Dear Ms Naylor,

**Re: Bushfire Assessment – 40 Myoora Road, Terrey Hills**

Blackash Bushfire Consulting has been engaged by H&E Architects to assess the bushfire requirements associated with the proposed establishment of a licenced premises at 40 Myoora Road, Terrey Hills.

The proposal seeks approval for the establishment of a licensed premises development including the following elements:

- three artisan licensed restaurants;
- outdoor dining courtyard;
- dining terrace;
- picnic lawn;
- children's playground;
- at grade car park; and
- additional basement Car Parking

The proposed operating hours of the project are 8am to 12am, seven days a week.

The proposed licensed premises is located within the northwestern end of the site near Myoora Road. The surrounding locality comprises of residential, commercial and industrial land uses, including Myoora Road in the northwest and Mona Vale Road in the southeast. The nearest bushfire prone land is an area of Category 1 Vegetation to the east of the site on the opposite side of Mona Vale Road. The Vegetation Buffer associated with this bushland extends slightly over the eastern corner of the site.

For new development on land that is identified as being bushfire prone it must comply with the NSW RFS document *Planning for Bush Fire Protection* (PBP 2019) under s.4.14 of the *Environmental Planning and Assessment Act, 1997* (EPA Act). The new development however is NOI located on 'bush fire prone land' (see Attachment 1) and the legislative requirements for building on bush fire prone lands are therefore not applicable.

The expression 'bush fire prone land' is defined with reference to the *Environmental Planning and Assessment Act 1979* (EPA Act) as follows:

*'Land recorded for the time being as bush fire prone land on a bush fire prone land map for an area is bush fire prone land for the area for the purposes of this or any other Act.'*

Considering the above definition, and the mapping shown in Figure 1, the word 'land' in the expression 'bush fire prone land' means 'area of land' and not 'lot of land'. 'Land' is a reference to a physical area and not a legal allotment of land in the context of Bush Fire Prone Land.

Accordingly, the proposed development is not 'development of bush fire prone land' within the meaning of section 4.14 of the EPA Act.

Notwithstanding the fact the development is not located on bushfire prone land, an assessment of the proposal and the bushfire hazard has been undertaken to determine the suitability of the proposal in the context of the bushfire risk. Based on this assessment (see Attachment 2), the development is greater than 160 metres from the nearest bushfire hazard and there is insufficient bushfire risk to warrant specific bushfire protection.

## CONCLUSION

The proposed licenced premises is not located on bushfire prone land and therefore no formal assessment / legislative requirements apply from a bushfire perspective. Notwithstanding, based on an assessment of the plans and the site, the proposed development is considered adequate and appropriate in the context of bushfire risk.

As a person recognized by the NSW RFS as a qualified consultant, this assessment constitutes a 'certificate' and confirms that the proposed development conforms to all the relevant legislative requirements. Given this, there is no further assessment or consideration required in the context of bushfire.

If there are any questions or concerns, please don't hesitate to give me a call on 0418 412 118.

Yours sincerely

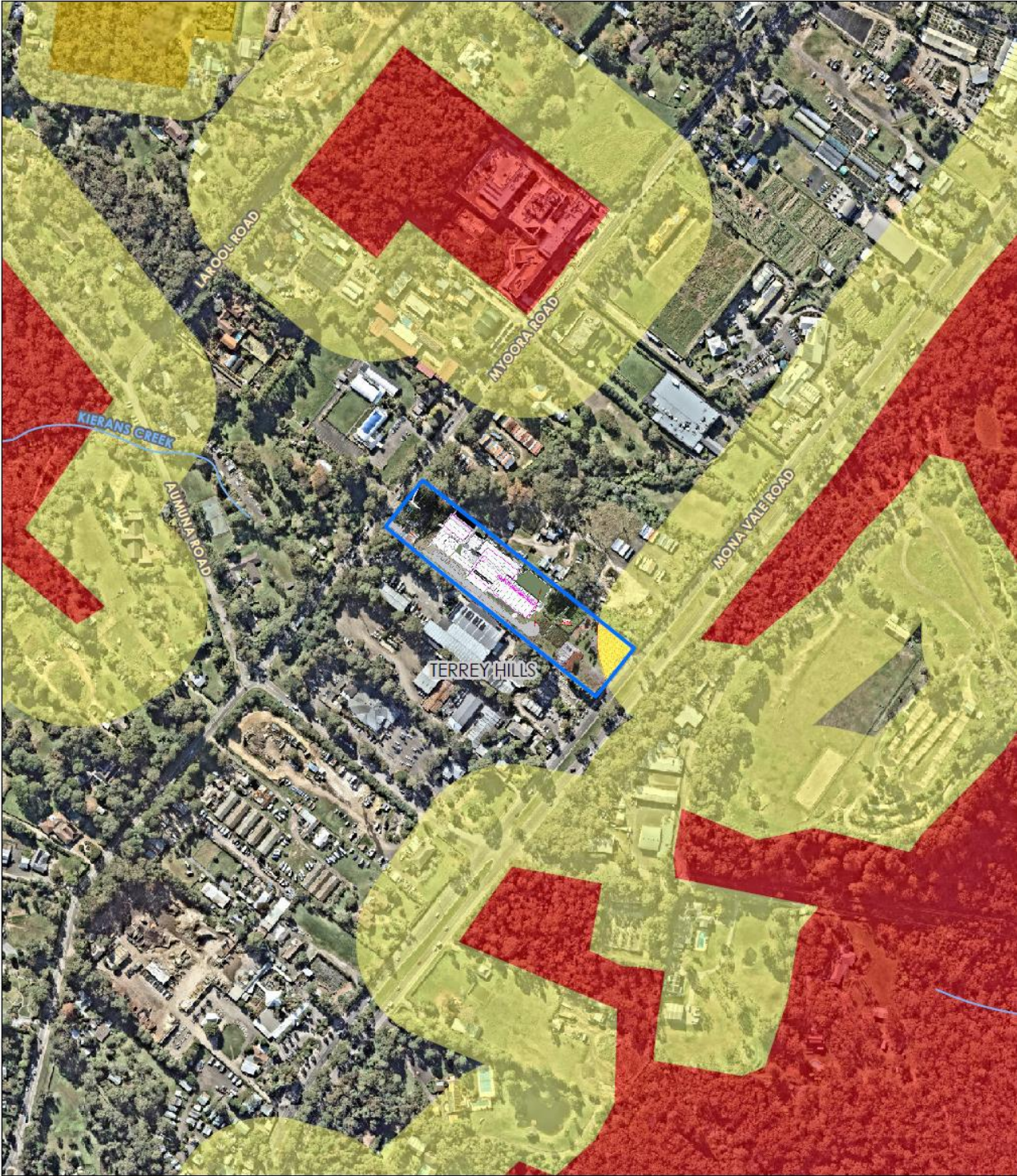


Corey Shackleton | Principal Bushfire & Resilience  
**Blackash Bushfire Consulting**  
B.Sc., Grad. Dip. (Design for Bushfire Prone Areas)  
Fire Protection Association of Australia BPAD Level 3 – 34603





## Attachment 1: Bushfire Prone Land



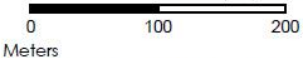
### Legend

- Watercourse
- Subject Land
- Vegetation Category 1
- Vegetation Category 2
- Vegetation Buffer

### Bushfire Prone Land



Date: 24/06/2024



Coordinate System: GDA2020 MGA Zone 56  
Imagery: © Nearmap



**Attachment 2:** Detailed Analysis of location of Bush Fire Prone Land within the site.

