

Our Ref: 21BMN02

16 October 2023

BMN Properties Pty Ltd
119 Willoughby Road
Crows Nest NSW 2065

Attn: Ms E Barclay

Dear Erin,

**Re: NSWRFs RFI Response Letter for
4 Forest Road, Warriewood**

Travers bushfire & ecology (TBE) has previously prepared a Bushfire Protection Assessment (BPA) for a proposed residential subdivision located at Lot B DP 370222, 4 Forest Road, Warriewood ref. 21BMN02 dated: 20 December 2022. TBE have been engaged by the client to write a response letter to the NSWRFs request for further information (RFI) ref. DA20230315001095-Original-1. Below is TBE's response to the points raised by the NSWRFs.

1. Preliminary assessment of the site and surrounds has identified inconsistencies in relation to the effective slopes as below:

- The effective slope to the west of the subject site is assessed in the 0-5° downslope range as opposed to upslope considered in the submitted bushfire report. As such, larger Asset Protection Zones (APZ) which meets the requirements of 5.3a of Planning for Bushfire Protection (PBP) 2019; and***
- Gentler effective slope to the south west of the subject site is assessed as compared 10° upslope considered in the submitted bushfire report, therefore requiring more than the currently assessed 20 metres***

Any future referrals for the proposed development must consider the above assessed effective slopes in determining the appropriate APZ

TBE, can confirm that for the western aspect of this site, the effective slope is not 0-5° downslope and is upslope in all directions as indicated with the red-arrows in Figure 1 below. TBE's position is that the existing effective slope measurement of 4-10° upslope for the forested vegetation along the site's west and south-western aspects as originally stated in TBE's BPA is correct. In addition, TBE previously identified the APZ distances from flamesol modelling as stated in section 2.3 and generally depicted in schedule 1 of TBE's original BPA for the site referenced in the discussion above. As the contours move in a northerly direction the slopes tend towards flat however.

To be clear, the only effective downslope conditions arise when the contours are taken parallel to the lot's front boundaries (to the north), not in relation to the perpendicular to the front. A northerly direction takes the effective slopes into cleared grasslands.



Figure 1: Effective Slope for Western Aspect

(Source: Schedule 1 of TBE's original BPA, 21BMN02, dated: 20 December 2022, edits by Luke Simpson 13/10/2023)

2. **The hazard to the south and south west of the proposed lot 13 has a connectivity to the broader hazard and does not comply with the requirements of section A1.11.1 of PBP 2019 to be downgraded to remnant hazard. As such, appropriate APZs with appropriate vegetation classification which meets the requirement of table 5.3a of PBP 2019 shall be provided.**

The *General Arrangement Siteworks and Grading Plan* for the site, attached as *Schedule 1*, shows that the proposed road-reserve will be 12.5m in width and which the proponent believes will be classified as managed-land. The road-reserve will consist of an area that is 2.5m in width adjacent to residential allotments, comprising a 1.5m foot-path, follow by an 8m carriageway and a 2.5m setback zone. There will also be a rock-cut wall, 7.5m in height along the road reserves outer-perimeter which will encompass lots 11-13.

TBE acknowledges that the southern vegetation corridor is connected to the major vegetation to the south-west and west of the subject land. The fire run to the south of the site is identifiably less than 50 metres wide. Section A1.11.1 states: “*Remnant vegetation is a parcel of vegetation with a size of less than 1 Ha or a shape that provides a potential fire run that could threaten buildings not exceeding 50 m.*” In the recent decision of *Denwold Suffolk v Byron Bay Shire*, the Land and Environment Court clarified its position on this matter. The is consistent with this decision.

The adjacent land to the south and south-west of the proposed site is *Mater Marie Catholic College* which has an existing APZ as a condition of consent for a previous development application **DA no. N1038/00**. The APZ extends 30m south and south-west from the proposed sites boundaries as stipulated in the *executive summary* of the site’s bushfire protection assessment ref. *Australian Bushfire Protection Planners Pty Ltd (ABPP)*, assessment no. B223880, dated: 21.06.2022. The management plan for the *Mater Marie Catholic College’s* APZ is detailed in the *Assessment and Recommended Specifications* section and generally depicted in the *site plan and landscape plan* in the *appendix* section of the site’s *Bushfire Hazard Assessment and Management Guidelines* report ref. *AVK Environmental Management, Bushfire Hazard Assessment and Management Guidelines*, dated: October 2000.

Therefore, TBE recommends downgrading the bushfire attack level for the site’s southern aspect to remnant and maintains that the proposed APZ, consisting of the road-reserve, pre-existing buildings and existing APZ areas 30m into *Mater Marie Catholic College* is consistent with PBP2019.

- 3. Table 5.3a of PBP 2019, requires that the potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m² on the proposed lots. Further information such as a suitable building envelope plan complying with minimum council requirements and meeting the requirements of table 5.3a of PBP 2019 shall be provided for the proposed lots lot 10-13 with the future referrals when considering larger APZs required due to above identified variations in the assessed effective slopes.**

TBE understands that the extent of the current plans for the proposed residential subdivision attached as *Schedule 1*, do not include potential building footprints and only the location of a “building line” for future residential allotments (lots 1-13) within the proposed subdivision layout. TBE recommends that all future buildings should not exceed radiant heat levels of 29 kW/m². TBE also advises that building footprints not exceeding radiant heat levels of 29 kW/m² can be achieved if built within the regions of residential allotments that are designed as BAL-29 or lower as generally indicated in *schedule 1* of TBE’s original BPA referenced above and discussed above in response to points 1 and 2.

- 4. The separation distance to the south and south west of the subject is considered beyond the proposed road carriageway with no evidence of management provided. Where offsite APZ is proposed, further information in accordance with section 3.2.5 of PBP 2019 shall be provided with the section 37 application.**

For evidence of management beyond the road-carriageway along the site’s south and southwestern boundaries, refer to the above discussion in response to point 2.

In addition, it can be seen that the authors of the existing report in relation to the southern aspect for the development includes existing buildings, which in concert with existing site management, contributes to the APZ requirements. Again, the site assessment has been developed using a performance-based approach for residential subdivisions.

BAL 29 levels could also be enforced through the use of a s88B arrangement to give effect to future construction requirements including those set out in section 7.5 of PBP 2019.

Additional Matters- Perimeter Road

The proponent has advised that the plans for the perimeter road associated with this proposal has been reduced from 8.0m, to 7.5m wide (kerb-to-kerb). This reduction is a deviation from the standards required from *Planning for Protection 2019*, and as such is a non-compliance. This is not reflected in TBE's BPA for proposed site.

If you require any further information, please do not hesitate to contact the undersigned on (02) 4340 5331 or at servicedesk@traverseecology.com.au

Yours faithfully



Luke Simpson (B. Sc. Chem & M.Sc. EnviSci & Management)
Bushfire Consultant



Dr Grahame Douglas (B.App. Sc., M.Env Stud., GDPSM, GDEL, GDDesg.Bushfire, PhD)
Principal Bushfire Consultant

SCHEDULE 1. SITE'S GENERAL ARRANGEMENT AND GRADING PLANS

DRAFT

SCHEDULE 2. NSW RFS REFFERAL RFI LETTER

DRAFT

Sent:	26/04/2023 2:22:45 PM
Subject:	NSW RFS Correspondence: 4 Forest Road Warriewood NSW 2102
Attachments:	DA20230315001095-Original-1 - Subdivision - 4 Forest Road Warriewood NSW 2102 - Custom Letter.pdf;



NSW RURAL FIRE SERVICE

Attention: Northern Beaches Council

Application Details: s100B – Subdivision – Original

Site: 4 Forest Road
Warriewood NSW 2102

Your reference: CNR-53042 DA2023/0129

Please find attached correspondence relating to the above development.

Should you wish to discuss this matter please contact Surbhi Chhabra on 1300 NSW RFS and quote DA20230315001095-Original-1.



Planning and Environment Services

NSW RURAL FIRE SERVICE

Locked Bag 17 Granville NSW 2142

P 1300 NSW RFS **E** records@rfs.nsw.gov.au

www.rfs.nsw.gov.au | www.facebook.com/nswrfs | www.twitter.com/nswrfs

PREPARE. ACT. SURVIVE.



NSW RURAL FIRE SERVICE

Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Your reference: CNR-53042 DA2023/0129
Our reference: DA20230315001095-Original-1

ATTENTION: Northern Beaches Council

Date: Wednesday 26 April 2023

Dear Sir/Madam,

Development Application
s100B – Subdivision – Subdivision
4 Forest Road Warriewood NSW 2102, B//DP370222

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 21/03/2023.

The NSW RFS cannot support the development in its current form. The documentation submitted with the referral do not provide sufficient detail for a bush fire assessment.

The following information will need to be resubmitted through the Planning Portal under Section 37 of the *Environmental Planning & Assessment Regulation 2021*.

1. Preliminary assessment of the site and surrounds has identified inconsistencies in relation to the effective slopes as below:

- The effective slope to the west of the subject site is assessed in the 0-5° downslope range as opposed to upslope considered in the submitted bushfire report. As such, larger Asset Protection Zones (APZ) which meets the requirements of 5.3a of *Planning for Bushfire Protection (PBP) 2019*; and
- Gentler effective slope to the south west of the subject site is assessed as compared 10° upslope considered in the submitted bushfire report, therefore requiring more than the currently assessed 20 metres.

Any future referrals for the proposed development must consider the above assessed effective slopes in determining the appropriate APZ.

2. The hazard to the south and south west of the proposed lot 13 has a connectivity to the broader hazard and does not comply with the requirements of section A1.11.1 of *PBP 2019* to be downgraded to remnant hazard. As such, appropriate APZs with appropriate vegetation classification which meets the requirement of table 5.3a of *PBP 2019* shall be provided.

3. Table 5.3a of *PBP 2019*, requires that the potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m² on the proposed lots. Further information such as a suitable building envelope plan complying with minimum council requirements and meeting the requirements of table 5.3a of *PBP 2019* shall be

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

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F (02) 8741 5550
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provided for the proposed lots lot 10-13 with the future referrals when considering larger APZs required due to above identified variations in the assessed effective slopes.

4. The separation distance to the south and south west of the subject is considered beyond the proposed road carriageway with no evidence of management provided. Where offsite APZ is proposed, further information in accordance with section 3.2.5 of *PBP 2019* shall be provided with the section 37 application.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Adam Small

**Supervisor Development Assessment & Plan
Built & Natural Environment**