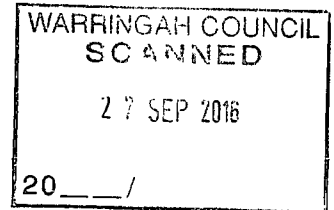
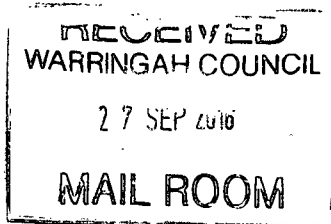




Mr Mark Ferguson
General Manager
Northern Beaches Council
Civic Centre, 725 Pittwater Road
DEE WHY NSW 2259

Your ref: PEX2013/0003 2016/274281
Our ref: LEP/0129



Dear Mr Ferguson

Planning proposal – Ralston Avenue, Belrose

I write in relation to the planning proposal referred to the New South Wales Rural Fire Service (NSW RFS) for comment.

It is understood that the site currently has an entitlement for seven dwellings, with the proposal seeking to increase this to 159 residential lots within the main development area (R2 Low Density Residential (R2) zone), and a further six dwellings on the residual lot (E3 Environmental Management (E3) zone).

The NSW RFS wrote to Council in June 2013, February 2015, June 2015 and July 2015 with concerns as to whether future development could meet the provisions of *Planning for Bush Fire Protection 2006 (PBP)*. While the proposal has been modified to address environmental issues, it fails to demonstrate that future development can comply with PBP. The NSW RFS' concerns remain, as detailed below.

Directions under section 117(2) *Environmental Planning and Assessment Act 1979*

Objectives

- › protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas;
- › encourage sound management of bush fire prone areas.

The proposal fails to achieve the above objectives and fails to demonstrate how the rezoning will:

- › not increase the risk to life from bush fires;
- › not place inappropriate development in areas exposed to unacceptable bush fire hazard;
- › ensure that appropriate bush fire protection measures can be afforded to properties at risk;
- › minimise negative impacts on the surrounding environment;
- › ensure that provision is made for adequate evacuation for the community; and
- › ensure that development is capable of complying with PBP.

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The site is mapped as bush fire prone and is located on an isolated peninsular which maximises the perimeter of land interfacing the bush fire hazard. It also has steep down slopes with the potential to be impacted by bush fire, as has occurred in 1971, 1980, 1988 and 2002.

Vehicular access to and from the site is problematic due to unmanaged vegetation along Ralston and Wyatt Avenues, with no measures proposed to ensure these evacuation routes remain accessible during a bush fire. The design and layout of the proposal also means that the perimeter road is likely to be cut off in several places during a bush fire, endangering both residents and emergency workers.

The proposed zoning will allow future intensive development of the site which will exacerbate these concerns. In addition to the 159 residential lots, under the proposed R2 zone, the following uses may be permitted - *secondary dwellings, bed and breakfast accommodation, boarding houses, childcare centres, educational establishments, group homes, hospitals and places of public worship* – all of which will significantly increase occupation of the site. In addition, these uses (with the exception of secondary dwellings), are Special Fire Protection Purpose (SFPP). It is known that occupants of SFPP developments are vulnerable to the effects of a bush fire, often difficult to evacuate and more susceptible to smoke impacts.

Planning for Bush Fire Protection (PBP)

Development on bush fire prone land must satisfy the aims and objectives of PBP (*to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire*).

As the proposal allows for residential subdivision it must address section 4.1 of PBP to:

- *minimise bushland corridors that permit the passage of bush fire*
- *provide for the siting of future dwellings away from ridge-tops and steep slopes*
- *ensure that separation distances between the bush fire hazard and a future dwelling (APZ), will enable the dwelling to conform to the 'deemed-to-satisfy' requirements of the National Construction Code 2016*
- *provide and locate, where the scale of development permits open space and public recreation areas as accessible public refuge areas or buffers.*

The proposal requires APZs on land steeper than 18 degrees. APZs should not be located on such steep slopes as management practices are difficult, the clearing of large areas of vegetation destabilises the slope causing erosion and the advantage of an APZ is reduced as the canopy fuels are more readily available to a fire. No exceptional circumstances for the establishment of APZs on steep slopes are considered to exist as the site is undeveloped. This can be avoided through careful design.

The proposal also involves the location of APZs on adjoining non-residential land. Where an APZ is proposed on adjoining land the consent authority must ensure that a suitable mechanism is established for the ongoing maintenance of the APZ for the life of the development.

The site is vulnerable at several pinch points along the perimeter road, particularly where a proposed forest reserve will provide a vegetated link, potentially isolating the peninsular in the event of fire. Safe evacuation may not be available, with no refuge space provided for.

The proposal will result in dwellings being located on the interface with slopes exceeding 20 degrees. Current building standards do not provide deemed-to-satisfy provisions for the determination of the maximum desired bushfire attack level (BAL 29) in these situations.

The proposed mitigation works to reduce bush fire risk are also not acceptable as they would place increased demand on resources and would not be sustainable.

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Similarly, the proposed construction of new fire trails linking with existing fire trails is not supported as the engineering works required would further impact the environment.

The proposal is therefore not consistent with s.117(2) *Environmental Planning and Assessment Act 1979* as it does not achieve the primary objective to protect life, property and the environment and the NSW RFS considers that it should not proceed in its current form.

For further enquiries please contact Ms Nika Fomin, Manager Planning and Environment Services on 8867 7960.

Yours sincerely



Rob Rogers AFSM
Deputy Commissioner
Executive Director Operations

Copy: Mr Neil Cocks
Manager, Sustainable Urban Planning Manager

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