

20<sup>th</sup> August 2021

Certainty Wealth  
32 Lader Terrace  
VARSITY LAKES QLD 4227

Attention: Andrew Conochie

Dear Sir,

**Re: Bushfire Attack Levels (BALs), Stage 3 (in the Approved Subdivision of Lot 1 DP 1245588, 344 John Oxley Drive, Port Macquarie), The Sanctuary Residential Estate**

As requested, I have reviewed the Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty Limited dated the 10<sup>th</sup> December 2013 which forms part of the development approval for the residential subdivision of the subject site and identified the vegetation and slope conditions which will be relevant to the determination of the Bushfire Attack Levels (BAL's) which would be relevant to the development of the residential lots within Stage 3 of the approved residential subdivision of the subject site.

Based upon the information contained in the Bushfire Protection Assessment Report and an inspection of the area of Stage 3 of the subject site, the following vegetation and slope characteristics are considered to be relevant to the determination, (pursuant to NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019), of the BAL requirements for the future residential development of the approved residential lots within Stage 3 of the subject residential subdivision;

**Table 1 – Summary of Bushfire Hazard Vegetation Characteristics**

ASPECT	VEGETATION DESCRIPTION	VEGETATION CLASSIFICATION – (Keith, 2004)	SLOPE CONDITION
North	Grasslands beyond proposed public road No. 11	Grassland	<5° Down slope
South	Narrow band of remnant forest vegetation within and adjacent to the John Oxley Drive Road reserve	Similar in specification to Rainforest	<5° Down slope
East	Forested Wetland/Coastal Swamp Forest within Habitat Zone	Forest	<5° Down slope
Northwest	Forested Wetland/Coastal Swamp Forest within Habitat Zone	Forest	<5° Down slope
Southwest	Grasslands within	Grassland	>5° - <10° Down slope

	future stages of the Sanctuary Estate development		
--	---	--	--

Based upon the information provided for in **Table 1** above the following setback distances, (between the hazard vegetation and a dwelling proposed to be constructed on each of the subject lots), are relevant to the determination of the Bushfire Attack Levels which maybe applicable to the future 'infill' residential development of the individual lots within Stage 3 of the approved residential subdivision based upon Table A1.12.6 of Appendix 1 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2019;

**Table 2 – BAL Setback Distances (Table A1.12.6 of PFPB, 2019)**

VEGETATION	SLOPE	ASPECT	DISTANCE TO HAZARD VEGETATION (WIDTH OF MANAGED AREA BETWEEN DWELLING AND HAZARD VEGETATION)	BUSHFIRE ATTACK LEVEL (BAL)
Forest	0° - 5° Down slope	North Western aspect	<19m	Flame Zone
			19m - <25m	BAL 40
			25m - <35m	BAL 29
			35m - <47m	BAL 19
			47m - <100m	BAL 12.5
Rainforest	0° - 5° Down slope	Southern aspect	<9m	Flame Zone
			9m - <12m	BAL 40
			12m - <17m	BAL 29
			17m - <25m	BAL 19
			25m - <100m	BAL 12.5
Grassland	0° - 5° Down slope	Northern aspect	<8m	Flame Zone
			8m - <11m	BAL 40
			11m - <16m	BAL 29
			16m - <23m	BAL 19
			23m - <50m	BAL 12.5
Grassland	5° - 10° Down slope	South Western aspect	<9m	Flame Zone
			9m - <12m	BAL 40
			12m - <18m	BAL 29
			18m - <26m	BAL 19
			26m - <50m	BAL 12.5

It is noted that in accordance with Appendix 1 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2019 and Section 3.5 of AS3959 – 2018 those elevations of any future dwellings which are shielded from the areas of hazard vegetation can be assessed as having one level of construction

less than that which is applied to the remainder of the dwelling. This concession can however only be applied where an elevation of a proposed building is shielded from the bushfire hazard vegetation in accordance with Appendix 1 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2019. It is also noted that this concession cannot provide for a BAL outcome which is less than BAL 12.5.

The above BAL setback distances have been applied to Stage 3 of the approved subdivision development, refer to **Attachment 1**. In this regard the BAL contour lines on the attached plan have been based upon the determination of the areas of land within the adjacent road/public reserves/open space areas which are to be managed to the standards which are applicable to APZ's. In this regard the following is specifically noted as being relevant to the determination of the BAL's which are relevant to the residential lots within Stage 3 of the approved residential subdivision;

- (i) The approved development concept and approved Vegetation Management Plan (VMP) for the Subject development provides for a minimum 15m wide APZ immediately to the east of Public Road No.1.
- (ii) Condition 3 of the Bushfire Safety Authority for the subject development issued by the NSW RFS dated 17<sup>th</sup> March 2015 provides that;

*Prior to the issuing of a subdivision certificate for each stage, a APZ shall be constructed and maintained on the residual allotment, that will provide a satisfactory separation distance for residential buildings constructed to BAL 29 (AS3959-2009) from any unmanaged bush fire hazard.*

The above condition is specifically relevant to the determination of the BAL requirements in relation to the western aspect of Stage 3.

Notwithstanding the aforementioned RFS condition in order to minimize the bushfire threat for the residential lots along the western perimeter of Stage 3, the BAL contours provided for in **Attachment 1** have been based upon a minimum 50m wide temporary APZ being created and managed on the residual areas of the subject development which form part of future residential stages to the west of Stage 3 of the approved subdivision.

It is noted that the provision of temporary APZ's on residual areas of the approved subdivision should be via temporary 'restrictions as to user' pursuant to Section 88B of the Conveyancing Act, 1919.

- (iii) The approved development concept and Vegetation Management Plan (VMP) for the subject development provides for the open space area of land between Public Roads No's 10 and 11, (Vegetation Management Zone 5 of Approved VMP), to be managed to the standards which are applicable to APZ's, (IPA standard).
- (iv) A minimum 9m wide APZ is provided along the western perimeter of public road Nos. 7 and 10 in accordance with the approved VMP.
- (v) The width of public road reserves has been assumed to be as follows;
  - Public Road No. 10 – 15m
- (vi) The construction of Stages 1 and 2 of the approved subdivision will occur prior to Stage 3.

Any changes to the nature and or width of the areas of adjacent land which are to be managed as an APZ will have a corresponding change to the BAL contour lines and the subsequent Bushfire Attack Level which will apply to any development on the subject lots. Accordingly, the information provided for in **Attachment 1** is specifically contingent upon the implementation of points (i) – (vi) inclusive as part of Stage 3 of the approved subdivision development.

The information provided above has been based upon the vegetation and slope characteristics provided for the Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty Limited dated the 10<sup>th</sup> December 2013 and the Vegetation Management Plan which has been approved as part of the subject development. No responsibility is taken were the vegetation and/or slope characteristics of the subject site or surrounding areas is changed or modified beyond that which was used as the basis of providing the aforementioned information or where points (i) – (vi) are not implemented in accordance with this report.

It is noted that the information which has been provided is preliminary in nature and the determination of compliance with the relevant requirements of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2019 and AS 3959 – 2018 must be determined on a development specific approach as the determination of the Bushfire Attack Levels which are relevant to future lot specific development is based upon the spatial separation between a dwelling, (and relevant associated infrastructure), and the relevant areas of bushfire hazard vegetation.


Notwithstanding the above the following worst case BAL's are applicable to the residential lots within Stage 3 of the approved residential subdivision.

**Table 3 – Preliminary Bushfire Attack Levels (BAL's) for Approved Lots (Stage 3 Only)**

BUSHFIRE ATTACK LEVEL (BAL)	LOTS – STAGE 3
BAL Low Risk	Lots 307 - 309 inclusive, Lots 316 – 319 inclusive, Lots 325 – 328 inclusive
BAL 12.5	Lots 303 – 306 inclusive, Lots 312 – 315 inclusive, Lot 320, Lots 321 – 324 inclusive, Lots 329 – 332 inclusive
BAL 19	Lots 301, 302 and 311
BAL 29	Lot 310

Should I be able to provide any further assistance please do not hesitate to contact me on 0434 166 150.

Yours Faithfully,



David Pensini  
David Pensini - Building Certification and Environmental Services

# **ATTACHMENT 1 – BAL CONTOUR PLANS (STAGE 3)**

