

19<sup>th</sup> February 2025

Bird In the Hand 2 Pty Ltd  
c/- King & Campbell Pty Ltd  
PO Box 243  
PORT MACQUARIE NSW 2444

Dear Sir/Madam,

**Re: Bushfire Attack Levels (BALs), Stage 7 (in the Approved Subdivision of 344 John Oxley Drive, Port Macquarie), The Sanctuary Residential Estate**

As requested, I have inspected the subject site and reviewed the draft Plan of Subdivision which is relevant to the residential lots within Stage 7 of The Sanctuary Residential Estate in order to identify the vegetation and slope conditions which will be relevant to the determination of the Bushfire Attack Levels (BAL's) pursuant to Appendix 1 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019 as applicable to the 'infill' residential lots which are located within Stage 7 of the estate.

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 within the residential lots which form part of Stage 7 of the subject residential subdivision as provided for by the draft Plan of Subdivision, refer to **Attachment 1**.

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

ASPECT	VEGETATION DESCRIPTION	VEGETATION CLASSIFICATION – (Keith, 2004)	SLOPE CONDITION
South	Grassland with scattered and clusters of trees (between Public Roads No's 10 (Persimmon Parkway) and 11 (southern perimeter road to Stage 7))	Grassland	<5° Down slope
East	Wet Sclerophyll Forest and Coastal Swamp Forest vegetation which is located to the east of Brush Cherry Boulevard	Forest	<5° Down slope

West	Wet Sclerophyll Forest and Coastal Swamp Forest vegetation which is located within undeveloped areas	Wet Sclerophyll Forest	<5° Down slope
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The identification of the areas of bushfire hazard vegetation which are relevant to Stage 7 was based upon:

- The presence of a variable width APZ to the east of Public Road No.1, (Brush Cherry Boulevard). In this regard whilst the development concept and approved Vegetation Management Plan (VMP) for the Sanctuary Residential Estate provided for a minimum 15m wide APZ immediately to the east of Public Road No.1, (Brush Cherry Boulevard), it is noted that a variable width, (approximately 12m – 18m), area of managed vegetation appears to be present to the east of the carriageway of Brush Cherry Boulevard and not the road reserve.
- The absence of hazard vegetation in the northern aspect due to the presence of managed vegetation within the recently constructed Thrumster Business Park which includes land which is burdened by an electricity distribution line.

In this regard the land immediately to the north of the Stage 7 residential lots has been approved for development as carparking areas, refer to **Attachment 2**, and accordingly a managed vegetation classification has been adopted for the northern aspect.

- Vegetation in the southern aspect between Public Roads No's 10, (Persimmon Parkway), and 11, (southern perimeter road to Stage 7), being unmanaged despite this area being identified as forming part of a managed open space area. However in the absence of an indication of the timing of the implementation of the management regime for this area of land provides that a conservative approach to vegetation hazard assessment be taken.

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 lot within Stage 7), 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 7 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	Eastern and Western aspects	<19m	Flame Zone
			19m - <25m	BAL 40
			25m - <35m	BAL 29

			35m - <47m	BAL 19
			47m - <100m	BAL 12.5
Grassland	0° - 5° Down slope	Southern aspect	<8m	Flame Zone
			8m - <11m	BAL 40
			11m - <16m	BAL 29
			16m - <23m	BAL 19
			23m - <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 on the subject lots 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 BAL setback distances provided in **Table 2** above have been applied to Stage 7 of the approved subdivision development, refer to **Attachment 3**. In this regard the indicative BAL contour lines on the attached plan have been based upon a conservative assessment 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 7 of the approved residential subdivision.

- (i) Notwithstanding the approved development concept and Vegetation Management Plan (VMP) for the Sanctuary Residential Estate, the width of the APZ immediately to the east of Brush Cherry Boulevard carriageway is variable with the averaging of the APZ width used for the purposes of determining the relevant worst case BAL rating for the lots within Stage 7. This approach provides for a conservative identification of the worst-case BAL outcome for the lots within Stage 7.
- (ii) Stormwater management infrastructure has been incorporated into the APZs which are located immediately to the east of Brush Cherry Boulevard carriageway. Accordingly, it has been assumed for the purposes of this report that Port Macquarie Hastings Council has accepted the ongoing management of the vegetation within this infrastructure so as to meet APZ standards.
- (iii) Condition 3 of the Bush Fire 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 7.

It is noted that the draft Plan of Subdivision provides for the provision of variable width temporary APZ's on residual areas to the west of the Stage 7 lots via a temporary 'restriction as to user' pursuant to Section 88B of the Conveyancing Act, 1919. The temporary areas are nominated as 'H' on the draft Plan of Subdivision.

- (iv) It is noted that significant vegetation removal has been undertaken on the adjoining and adjacent land to the north of the subject site as part of the development of this land for the purposes of the Thrumster Business Park which includes land which is burdened by an electricity distribution line.

In this regard the land immediately to the north of the Stage 7 residential lots has been approved for development as carparking areas, refer to **Attachment 2**, with developed industrial lots extending to the north of the electricity distribution line easement. Accordingly, a managed vegetation classification has been adopted for the northern aspect. A reassessment of BALs will be required where vegetation within the land immediately to the north of Stage 7 is not subject to management.

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 residential development on the subject lots. Accordingly, the information provided for in **Attachment 3** is specifically contingent upon the implementation of points (i) – (iv) inclusive as part of Stage 7 of the approved subdivision development.

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 to future residential dwellings must be determined on a development specific approach as the determination of the Bushfire Attack Levels 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 7 of the approved residential subdivision.

**Table 3 – Preliminary Bushfire Attack Levels (BAL's) for Approved Lots (Stage 7 Only)**

BUSHFIRE ATTACK LEVEL (BAL)	LOTS – STAGE 7
BAL Low Risk	N/A
BAL 12.5	Lots 703 – 709 inclusive, Lot 720 and Lot 721
BAL 19	Lot 702 and Lot 731
BAL 29	Lot 701, Lots 710 – 719 inclusive, Lots 722 – 730 inclusive, Lot 732

Please note that the above assessment of BALs is based upon worst case arrangements as applicable to the boundaries of the lots within Stage 7. In this regard the determination of BALs which are applicable to future residential dwellings within the individual lots is to be based upon site specific conditions, the APZs which are applicable to a future dwelling and the nature of future building development.

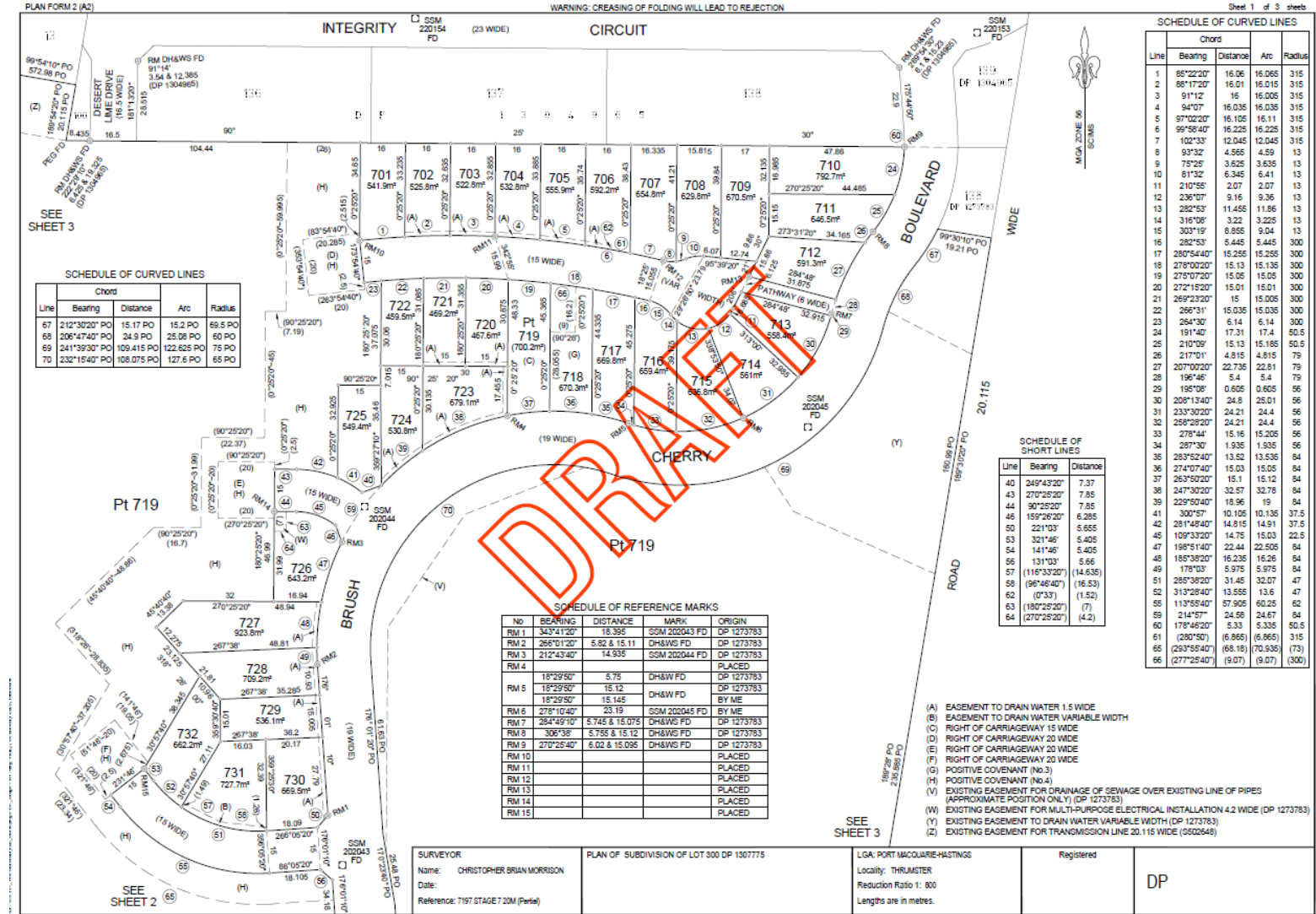
Should I be able to provide any further assistance please do not hesitate to contact me on 0434 166 150.

Yours Faithfully,

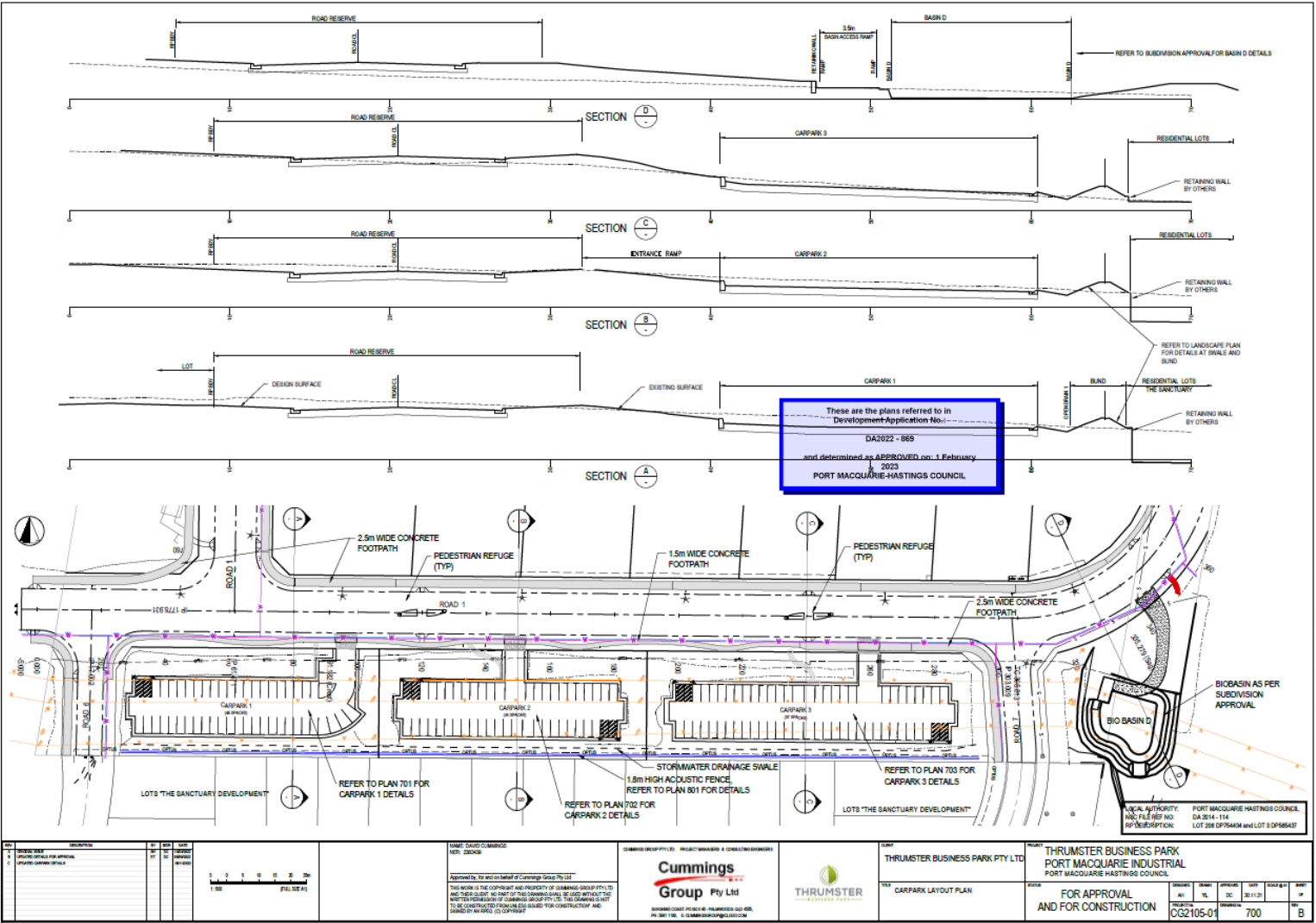


David Pensini  
David Pensini - Building Certification and Environmental Services

**ATTACHMENT 1 – DRAFT PLAN OF SUBDIVISION**



**ATTACHMENT 2 – APPROVED CARPARK PLAN (LAND TO THE NORTH OF STAGE 7)**



# ATTACHMENT 3 – INDICATIVE BAL CONTOUR PLAN

