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The General Manager  
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PO Box 816  
MURWILLUMBAH NSW 2484

Your Ref: T4/2794.06  
Our Ref: D16/0433  
DA16021200693 BS

**ATTENTION:** Joanne Kay

12 May 2017

Dear Ms Kay

**Integrated Development for 11//1206666 - 2 Barneys Point Road Banora Point 2486**

I refer to your letter dated 1 May 2017 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the drawing; prepared by Palm Lake Works, identified as "Site Plan", referenced as M1202-D7, sheet 01/01, revision D and dated 13/12/15.
2. This assessment is based in part on the advice and recommendations within the following:
  - Bushfire Threat Assessment Report, prepared by BCA Check Pty Ltd and identified as report ref No. 2009/145. This identified report was used in previous S96 applications to reduce the number of sites from 180 to 148, 148 to 114, 114 to 112 and has been considered, in this application, to further reduce the number of sites from 112 to 97.
  - Bushfire Threat Assessment Report, prepared by Tattersall Lander Pty Ltd that is specific to the redevelopment of a closed road to create 10 sites, and dated November 2015.

All recommendations within that report shall be complied with, except where modified below.

## **Asset Protection Zones**

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

3. The whole site shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
4. Future homes located upon proposed lots 96 - 99 shall be positioned at least 21m from the Northern property boundary.
5. Any future habitable structure erected upon proposed caravan park sites 100 - 108 (noted to be part of a previously closed road and located in the western part of the caravan park), shall be at least 13m from the "Tree Vegetation Line" that is located on the adjoining land to the west (Lot 4 DP 828639), and detailed within the following survey report:
  - Plan prepared by Andrews and Hansen Pty Ltd, titled: "Plan showing spot levels and fence location Palm Lake Resort Banora Point" and dated 4/11/16.
6. Any future habitable structure erected upon the proposed site 109 (noted to be part of a previously closed road and located in the western part of the caravan park) shall be at least 13m from the western boundary.
7. The use of any habitable structure, located upon proposed lots 100 - 108, may only occur in concert with a valid licence from the current adjacent land owner (Roads and Maritime Service) and the ongoing management of that part of the APZ located upon the adjacent land, being Lot 4 DP 828639.

Upon cessation of the licence to manage part of the adjacent land, as an APZ, occupation of habitable structures on proposed sites 100 - 108 may no longer occur.

## **Water and Utilities**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

8. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

## **Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

9. Existing internal roads that are not subject of the proposed modifications, as identified in the application to modify Development Consents; PN1074, T4/2794 and D94/0015, shall comply with the following requirements of Section 4.2.7 of Planning for Bushfire Protection:
  - Internal roads are two-wheeled drive, sealed, all weather roads.

The existing internal road, identified as Road No. 2, (located in the South-western section of the site) proposed to serve an increased number of long term sites (new sites) shall comply with the requirements of Section 4.2.7 of Planning for Bushfire Protection.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

10. Any future habitable structure erected upon the proposed sites 100 -109 (previous closed road - located in the western part of the caravan park), shall be erected to BAL-29 of AS3959-2009 and Addendum Appendix 3 of PBP 2006 (or equivalent future standards for construction).

### **General Advice – consent authority to note**

- This response recognises the current approval to operate a caravan park on the site generally within the original layout. The original approval was issued prior to the implementation of Planning for Bushfire Protection and no Bush Fire Safety Authority was issued by the RFS. The proposed modifications as conditioned will provide a better outcome for the development.
- Future homes located upon proposed lots 96 - 99 have been assessed as "long term" sites and shall be positioned and constructed to achieve a Bushfire Attack Level of not greater than BAL-29, as detailed in Australian Standard 3959-2009 "Construction of buildings in bushfire-prone areas" and Addendum Appendix 3 of Planning for Bushfire Protection 2006.
- The modified assessment, inclusive of proposed sites 100 - 109 (located in the western section of the caravan park) is based upon the existing 2.0m tall metal fence being located on or about the western boundary of the caravan park.

The fence has been accepted to act as a radiant heat shield and in concert with a 13m APZ will permit future habitable buildings to be erected at not greater than BAL-29 of AS 3959-2009.

- Caravans are unlikely able to be used on proposed sites 100 - 109 as they usually have not been constructed to a bushfire attack level (BAL) and therefore are unable to be located within 100m of identified bushfire prone hazard.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 2 February 2017.

For any queries regarding this correspondence please contact Bradford Sellings on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Bawden', with a stylized, cursive script.

Alan Bawden

**Team Leader - Development Assessment and Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.