

BUSH FIRE ASSESSMENT REPORT

2 LOT RURAL SUBDIVISION

**39 - 51 DEVLIN ROAD
CASTLEREAGH**



November 2017

This report has relied upon the information available at the time of its preparation. All findings and conclusions contained in the report are based on the aforementioned circumstances. The report is for the use of the client, Penrith Council and the NSW Rural Fire Service and no responsibility will be taken for its use by other parties.

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Purpose

This Bush Fire Assessment Report has been prepared in support of a development application for a rural subdivision comprising 2 lots at 39-51 Devlin Road, Castlereagh. This report should be read in conjunction with the Statement of Environmental Effects that has been prepared for the subdivision.

This report relies on the following plan prepared by Vince Morgan Surveyors dated 25 July 2013 which is at **Appendix A** to this report:

Drawing No.	Drawing name
17957P2	Plan of Subdivision of Lot 7, DP 17231 at Castlereagh

1. Description of the development

The development application involves the subdivision of the existing lot into 2 lots, each being 2.024ha in size.

The development application does not propose any structures on the land.

2. The development is integrated development

The proposed subdivision is Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979, which calls up Section 100B of the Rural Fires Act 1997.

Section 100B of the Rural Fires Act 1997 states:

- “(1) The Commissioner may issue a bush fire safety authority for:
- (a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
 - (b) development of bush fire prone land for a special fire protection purpose.
- (2) A bush fire safety authority authorises development for a purpose referred to in subsection (1) to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bush fire.
- (3) A person must obtain such a bush fire safety authority before developing bush fire prone land for a purpose referred to in subsection (1).
- (4) Application for a bush fire safety authority is to be made to the Commissioner in accordance with the regulations.

- (5) *Development to which subsection (1) applies:*
- (a) *does not include the carrying out of internal alterations to any building, and*
 - (a1) *does not include the carrying out of any development excluded from the operation of this section by the regulations, and*
 - (b) *is not complying development for the purposes of the Environmental Planning and Assessment Act 1979, despite any environmental planning instrument.*
- (6) *.....”*

The proposed development is not referred to in Clause 45 of the Rural Fires Regulation 2013 and therefore does not benefit from Section 100B (5)(a1).

3. Previous assessment

A previous subdivision was granted development consent by Council on 20 August 2013 by virtue of Development Application No.13/0496.

That consent was not activated and it lapsed on 23 August 2016.

The subject development applicant seeks consent for the same plan of subdivision.

The NSW Rural Fire Service granted General Terms of Approval (GTAs) to the previous subdivision which may be viewed at **Appendix B** to this report. It is accepted that similar GTAs would apply to the current proposal.

Notwithstanding, this is a new development application and this Bush Fire Assessment Report has been prepared to enable a fresh consideration of the proposal.

4. The subject land

4.1 Property description

The subject land is known as 39 - 51 Devlin Road, Castlereagh.

The legal description for the subject land is Lot 7, DP 17231.

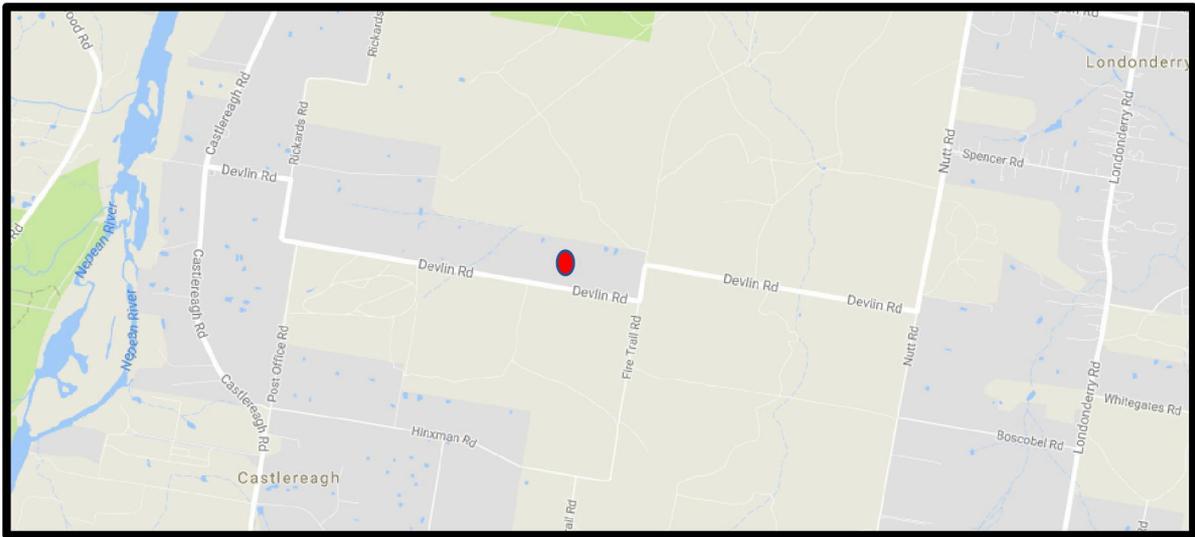
The subject land is a regular shape of an area of 40,457.918m² with the following dimensions:

Northern boundary:	134.3m
Southern boundary (Devlin Road frontage):	134.3m
Western boundary:	301.455m
Eastern boundary:	301.435m

4.2 Location

The subject land is located in Castlereagh.

In particular, the subject land is located in a rural residential area and situated near the eastern end of Devlin Road. As shown below, the land is located between Castlereagh and Londonderry.



4.3 Existing development

The subject land is occupied by a fibro cottage, metal sheds and various outbuildings.



Fibro cottage

The fibro cottage is currently occupied. There are no plans to do anything with that cottage as part of the proposed subdivision.

Otherwise the land is vacant except for boundary fencing and various fenced yards across the southern third of land.

4.4 Topography of the subject land

The subject land falls to the west and slightly to the north.

The southeast corner of the land is the highest point at an RL of approximately 32.5m AHD. The northwest corner of the land is the lower point at an RL of approximately 26.5m AHD.

The fall of 6m over 330m gives an average slope of approximately 2%.

The slope of the land is gentle and consistent. There is no area of steep fall on the land.

4.5 Vegetation of the subject land

The eastern half of the land which comprises proposed Lot 72, is heavily treed with remnant vegetation mapped by National Parks and Wildlife Service as *Castlereagh Scribbly Gum Woodland*. The front third of proposed Lot 72 is vegetated with scattered trees including some exotic species and lawn areas.

The western half of the land which comprises Lot 71, has scattered trees and is otherwise grassed as shown below.



Showing the grassland and scattered trees on the western part of the site with adjoining bushland in the background.

4.6 Zoning of the subject land

The subject land is zoned *RU4 – Primary Production Small Lots* under the Penrith Local Environmental Plan 2010.

Appendix C to this report contains an extract from that instrument setting out the objectives of the zone and the permissible uses.

Likely permissible uses of the proposed lots would include dwelling houses or dual occupancies, and maybe limited agricultural uses such as small market gardens or hobby farms consistent with the established rural-residential context of the locality.

4.7 Significant environmental features

There are no significant environmental features on the land.

5 Context and surrounding land

5.1 Surrounding zoning, development and land uses

Land along the northern side of Devlin Road is also zoned *RU4 - Primary Production Small Lots* under the Penrith Local Environmental Plan 2010.

Appendix C to this report contains an extract from that instrument that sets out the objectives of the zone and the permissible uses.

The area is generally used more for the open space lifestyle of hobby farms than it is for agriculture.

Adjoining land to the east is a rural-residential property occupied by a dwelling with associated outbuildings. The rear of the land is used for agistment and training of horses.

The adjoining land to the west is occupied by a dual occupancy and associated outbuildings.

Land adjoining to the north and across Devlin Road to the south is comprised of forested bushland in Crown Land ownership and is shown on the zoning maps as a “Deferred Matter”, meaning that it is currently unzoned.

5.2 Staging of the development

The development application seeks consent only for the subdivision of the land into 2 lots.

No demolition, dwellings or other buildings are proposed by this development application. No land use activities are proposed by this development application.

5.3 Topography of surrounding land

Surrounding land generally falls to the west and north with an average slope of 2%.

A watercourse is located approximately 120m to the northwest which is at an approximate RL of 22m AHD.

The bushland to the south of Devlin Road is generally flat.

5.4 Vegetation of surrounding land

Rural residential development in the area is generally landscaped with garden and lawn areas in proximity to the dwelling. Otherwise the properties are vegetated with grassed pasture areas and scattered trees.

Land adjoining to the north and across Devlin Road to the south is comprised of forested bushland in Crown Land ownership featuring either *Castlereagh Scribbly Gum Woodland* or *Castlereagh Swamp Woodland*.

The *Castlereagh Swamp Woodland* is listed as an endangered ecological community by the Biodiversity Conservation Act 2016.

6 Bush fire risk assessment

6.1 Classification of vegetation

The vegetation around the subject land within a radius of 140m is comprised of the following:

- Dry sclerophyll forest with a shrubby sub formation

Land to the north and the south comprises dry sclerophyll forest, as does the land 70m to the east. The vegetation is predominantly tall trees with a contiguous canopy, with an understorey of a mix of shrubs and grasses.

There is some minor disturbance of this land, such as tracks made or used over time by trail bikes and other vehicles, clearings at track junctions and some evidence of illegal dumping in areas closer to the public roads.

The vegetation on the rear 2 thirds of proposed Lot 72 is of the same classification.

- Grasslands

Land has been cleared for pastures or other purposes and includes land immediately to the east and west as well as proposed Lot 71.

Some isolated trees without a contiguous canopy exist.

Photographs of the vegetation are contained in **Appendix D** to this report.

6.2 Effective slope

The effective slope across the area bounded by a 140m radius around the subject land is 2% or 1:50.

6.3 Fire weather area

The appropriate fire area is the Greater Sydney Region which has a FDI rating of 100.

6.4 Appropriate Asset Protection Zone

The building envelope shown on the development application plan gives an indication of where a dwelling and outbuildings would be placed on the land so as to maintain separation to the vegetation.

An appropriate APZ can be achieved to both the side boundaries of each lot and the vegetation and should be applied around any dwelling as part of the consideration of such dwelling.

Table A2.4 of Planning for Bush Fire Protection specifies an APZ of 25m. This can be achieved on the site.

6.5 Access and evacuation

The proposed lots each have frontage to Devlin Road which is a two-way road. Devlin Road is not a cul-de-sac as it is accessible from Castlereagh Road to the west and Londonderry Road to the east from Londonderry.

This arrangement affords good evacuation in the event of a bush fire attack. Further, there is sufficient access for firefighting vehicles.

6.6 Access to water and stored water

A hydrant point is located in front of proposed Lot 72.

There are no dams on the land.

The subject development application is for a subdivision and does not include any dwellings or other buildings. Consideration should be given to water tanks and other water storage opportunities at the development application stage for construction on the lots.

6.7 Standards for Bush Fire Protection Measures for Rural Residential Subdivisions

Pursuant to chapter 4.1.3 of Planning for Bush Fire Protection, the following assessment is provided.

Criteria	Solution
Asset Protection Zone	<p>An APZ is to be provided around any future dwelling. A building envelope plan has been provided to indicate where a dwelling can take place so to enable the required 25m APZ to be implemented.</p> <p>A monitoring plan can be required as part of the GTAs.</p>

	The minimal slope (2%) enables practical maintenance of the APZ on the land.
Public Roads	<p>No new public roads are proposed as part of the subdivision.</p> <p>Devlin Road has a 6.5m bitumen carriageway carrying 2-way traffic. Clear verges exist on each side of the carriageway.</p> <p>Reticulated water supply is available in the street, particularly a hydrant on the footway area in front of proposed Lot 72.</p>
Property Access	<p>Each proposed lot has frontage to Devlin Road.</p> <p>Proposed dwellings will be located within a building envelope imposed at the front of the site and no further back than 60m from the front boundary, thus affording good access to the dwellings for firefighting purposes.</p> <p>The design of driveways can be considered at the development application stage for each dwelling to ensure a clear all-weather access is provided and maintained.</p>
Fire Trails	The design of any fire trails or perimeter roads for maintenance of the APZ can be considered at the development application stage for each dwelling to ensure a clear all-weather access is provided and maintained.
Services	<p>Services exist for the land which will be maintained to service proposed Lot 72.</p> <p>New services are proposed as part of this development application to service proposed Lot 71.</p>

7 Summary and Conclusion

A development application has been lodged with Penrith Council for the subdivision of Lot 7, DP 17321, 39 – 51 Devlin Road, Castlereagh into 2 lots of 2.024 hectares each.

The subject land is in a rural-residential setting and in proximity to bushland. The subject land is bushfire prone and as such the development application is Integrated Development.

This Bush Fire Assessment Report has been prepared to support the development application.

The size and shape of the land and the site conditions enable each of the proposed lots to be developed for rural-residential purposes and a building envelope has been incorporated into the development application plans to demonstrate this.

It will be necessary to provide an Asset Protection Zone of 25m around the building envelope on the land to ensure protection of any future dwelling from flame contact and radiant heat resulting from a bush fire.

It is considered that the proposal is satisfactory with regard to being able to satisfy bush fire protection measures and it is appropriate for General Terms of Approval to be granted.



Glenn Apps BTP(Hons) UNSW
Town Planner

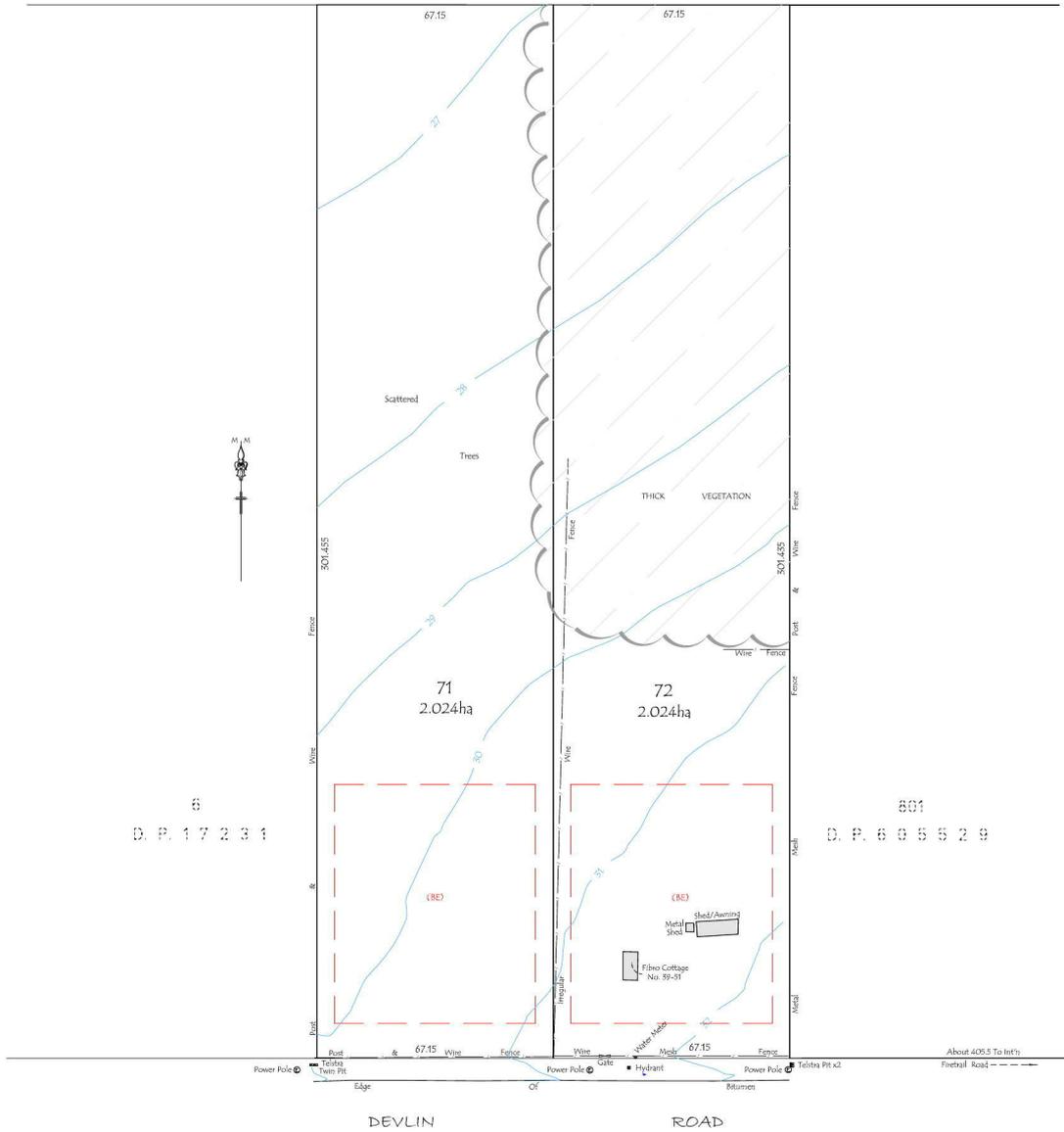
cohesiveplanning

2 November 2017

APPENDIX A

DEVELOPMENT APPLICATION PLAN

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D. P. 7 5 2 0 2 1



(RE) DENOTES INDICATIVE BUILDING ENVELOPE

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NOTE: GIREAD OF TREES IS APPROXIMATE ONLY

LOCATION OF FENCES ARE APPROXIMATE ONLY

ONLY VISIBLE SERVICES HAVE BEEN LOCATED ACCURATELY

NO UNDERGROUND SERVICES SEARCH HAS BEEN CARRIED OUT

DIMENSIONS & AREAS ARE APPROXIMATE ONLY & ARE SUBJECT TO FINAL SURVEY

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	Vince Morgan (Surveyors) Pty Ltd 77 UNION ROAD PENRITH PO BOX 4156 PENRITH PLAZA 2750 Fax 47312821 Ph 47215295 email mail@vmsurvey.com.au www.vincemorgansurveyors.com.au	A.C.N. 065 060 808	DATE: 25.07.15	ORIGIN:	CLIENT: Mr DAVID BALLARD & Mrs BARBARA HUGHES	PLAN OF SUBDIVISION OF LOT 7 D.P.17281 AT CASTLEREAGH	PLAN No.
			SCALE: 1:800(BA2)	FILENAME:			17957P2
			DRAWN: M.P.H/R.G.S.	DATUM: A.H.D.			SHEET 1 OF 1 SHEETS

APPENDIX B

PREVIOUS GENERAL TERMS OF APPROVAL DATED 18 JUNE 2013

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Your Ref: DA13/0496
Our Ref: D13/1120
DA13052887600 MA

ATTENTION: Hannah Van De Werff

18 June 2013

Dear Sir/Madam

Integrated Development for 39-51 Devlin Road Castlereagh NSW 2749

I refer to your letter dated 24 May 2013 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

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:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 72, to a distance of;
 - 60 metres on the northern elevation
 - 30 metres on the southern elevation and
 - the distance between the dwelling and property boundary on the eastern and western elevations, shall be maintained 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'.

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:

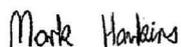
2. The existing dwelling on proposed Lot 72 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Mark Hawkins
Acting 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 and search under 'Planning for Bush Fire Protection, 2006'.

APPENDIX C

ZONING TABLE EXTRACT FROM THE PENRITH LEP 2010

Penrith Local Environmental Plan 2010

Current version for 27 October 2017 to date (accessed 1 November 2017 at 20:25)

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.
- To maintain the rural landscape character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Information and education facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Dairies (restricted); Feedlots; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

APPENDIX D

PHOTOGRAPHS OF BUSH LAND IN PROXIMITY TO THE SUBJECT LAND



Above: Typical bush land formation to the north of the subject land showing extent of canopy and understorey comprising a mix of shrubs and grasses.



Above: Typical bush land formation across Devlin Road to the south showing extent of canopy and understorey comprising a mix of shrubs and grasses.



Above left: Showing typical informal track looking north towards the subject land.

Above right: Showing evidence of dumping in the bushland in proximity to Devlin Road.



Above left: Showing Fire Trail Road which provides management access to the bushland north of the subject land.

Above right: Showing location of hydrant immediately in front of proposed Lot 72.