

Bush Fire Assessment Report

Proposed:
Rezoning

At:
**Chain-O-Ponds Road &
The Northern Road,
Mulgoa NSW**

Reference Number: 180693

Prepared For:
Mirvac Homes (NSW) Pty Ltd
and Vianello Holdings Pty Ltd

9th May 2018



Prepared By:
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4.14 applications (under the Environmental Planning and Assessment Act 1979) and all infill development applications may be referred by Council to the NSW Rural Fire Service for review and concurrence during the DA process. S100B applications under the Rural Fires Act 1997 (subdivisions and Special Fire Protection Purpose Developments), Flame Zone determinations and Alternate Solutions must be referred by Council to the NSW Rural Fire Service for review and receipt of a Bushfire Safety Authority (BSA) or other such recommended conditions from the NSW Rural Fire Service before the consent can be granted.

The onus is on the applicant to cross reference this document with any conditions of consent issued by Council or any requirements supplied by the NSW Rural Fire Service following development approval. Building Code & Bushfire Hazard Solutions can review and cross reference these documents however the onus is on the applicant to provide them to us and request this review – Building Code and Bushfire Hazard Solutions Pty. Ltd. is not in a position to track every DA through Council and we rely upon the applicant to undertake this role as project co-ordinator.

Where any discrepancy between this document and the development approval or the NSW Rural Fire Service requirements is found, the conditions of consent always take precedence until such time as an application to review, amend or vary these conditions is approved.

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List of Abbreviations:

APZ	Asset Protection Zone
AS3959	Australian Standard 3959 – 2009 as amended.
BAL	Bushfire Attack Level
BPMs	Bushfire Protection Measures
BPLM	Bush Fire Prone Land Map
Council	Penrith City Council
DA	Development Application
EP&A Act	Environmental Planning and Assessment Act - 1979
ESD	Ecologically Sustainable Development
FRNSW	Fire & Rescue NSW
IPA	Inner Protection Area
NCC	National Construction Code
NP	National Park
NSP	Neighbourhood Safer Places
OPA	Outer Protection Area
PBP	Planning for Bush Fire Protection – 2006
ROW	Right of Way
RF Act	Rural Fires Act - 1997
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy
SFPP	Special Fire Protection Purpose
SWS	Static Water Supply

1.0 Introduction

Building Code and Bushfire Hazard Solution P/L has been commissioned by Mirvac Homes (NSW) Pty Ltd and Vianello Holdings Pty Ltd to investigate and report the relevant Bushfire Protection Measures (BPMs) applicable to a proposed large scale residential and mixed use development in Mulgoa.

The subject site comprises of twenty-two (22) existing allotments totalling 205 hectares in size and is bounded by The Northern Road to the east, Chain-O-Ponds Road to the south, private rural-residential allotments to the west and the Glenmore Park Release Area, including a conservation area, to the north.

The rezoning application seeks approval to facilitate the establishment of a future residential community including mixed density residential areas (approx. 3,000 new allotments), mixed use centre, school, public recreation and open spaces and associated services and infrastructure.

In this instance the subject site is depicted on Penrith City Council's Bushfire Prone Land Map as containing designated Category 2 Vegetation. The application of *Planning for Bush Fire Protection* 2006 and Australian Standard 3959 – 2009 is therefore triggered for any future development application.

In relation to this planning proposal, the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act 1979* will issue directions that the relevant planning authorities must follow when preparing proposals for new Local Environmental Plans (LEPs). Direction 4.4 Planning for Bushfire Protection identifies matters for consideration for preparing LEPs that affects or are in proximity to land mapped as bushfire prone.

The future residential subdivision and school applications will be assessed under section 100B of the *Rural Fires Act 1997*. Future mixed use development will be assessed under section 4.14 or 4.15 of the *Environmental Planning and Assessment Act 1979*.

2.0 Purpose of Report

The purpose of this Bushfire Assessment Report is to provide an independent bushfire hazard determination together with appropriate recommendations for bushfire mitigation measures considered necessary having regard to development within a designated 'bushfire prone' area.

3.0 Scope of this Report

The scope of this report is limited to providing a bushfire hazard assessment and recommendations for the subject site. Where reference has been made to the surrounding lands, this report does not purport to directly assess those lands; rather it may discuss bushfire impact and/or progression through those lands and possible bushfire impact to the subject site.

4.0 Referenced Documents and Persons

Comments provided are based on the requirements of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act), the Rural Fires Act 1997, the Rural Fires Regulation 2013, the RFS document known as 'Planning for Bush Fire Protection – 2006' for the purposes of bushfire hazard determination and Australian Standard 3959 – 2009 titled 'Construction of buildings in bushfire-prone areas' as amended for building/structural provisions.

Company representatives have undertaken a detailed site inspection of the subject property and surrounding area.

The Structure Plan prepared by Mirvac Design (dwg no MP04-A, rev A, dated 12.04.18) has been relied upon for this assessment.

5.0 Aerial view of the subject site



Image 01: Aerial view of the subject site

6.0 Bushfire Hazard Assessment

6.01 Preface

Properties considered to be affected by possible bushfire impact are determined from the local Bushfire Prone Land Map as prepared by Council and/or the Rural Fire Service. All property development within affected areas is subject to the conditions detailed in the document 'Planning for Bush Fire Protection - 2006' (PBP). Set back distances for the purpose of creating Asset Protection Zones (APZ's) must be applied and any buildings must then conform to corresponding regulations detailed in Australian Standard 3959 – 2009 'Construction of buildings in bushfire prone areas'.

Planning for Bush Fire Protection – 2006, (PBP) formally adopted on the 1st March 2007 and amended May 2010 (Appendix 3) provides for the protection of property and life (including fire-fighters and emergency service personnel) from bushfire impact.

The thrust of the document is to ensure that developers of new properties or sub-divisions include the constraints associated with the construction of buildings in bushfire prone areas within their proposed development sites. PBP is applicable to proposed development inside determined Category 1 or 2 vegetation and also inside a buffer zone radius of 100m from a Category 1 vegetation or 30m from Category 2 vegetation.

The document also acknowledges 'infill' developments associated with re-development of existing properties and allows some higher levels of building safety where the increased 'set backs' (APZ's) may not be achievable.

The future development application will relate to the subdivision of existing allotments for residential purposes and Special Fire Protection Purpose development. To accord with PBP the future application is classified as integrated development and will be assessed under section 100B of the *Rural Fires Act 1997*.

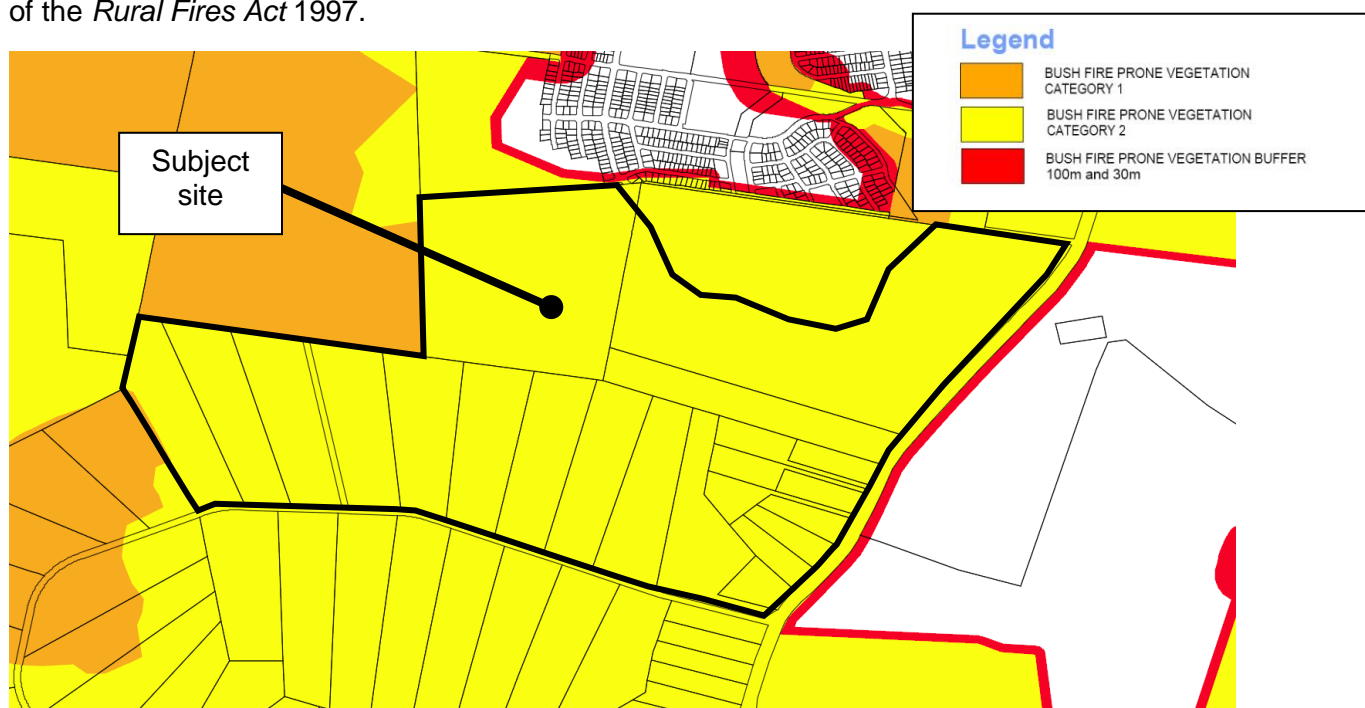


Image 03: Extract from Penrith Council's Bushfire Prone Land Map

6.02 Location

The subject site comprises of twenty-two (22) existing allotments (zoned RU2 Rural Landscape and E3 Environmental Management) totalling 205 hectares in size, being:

Street Address	Lot and DP
2183 The Northern Road, Glenmore Park	Lot 2 DP 1224642
2265 The Northern Road, Mulgoa	Lot 2 DP 224861
2277-2283 The Northern Road, Mulgoa	Lot 1 DP 29081
2285 The Northern Road, Mulgoa	Lot 2 DP 29081
2289-2293 The Northern Road, Mulgoa	Lot 4 DP 29081
2337-2339 The Northern Road, Mulgoa	Lot 3 DP 29081
2297-2307 The Northern Road, Mulgoa	Lot 6 DP 29081
2295 The Northern Road, Mulgoa	Lot 5 DP 29081
2309-2317 The Northern Road, Mulgoa	Lot 1 DP 1088989
2319-2327 The Northern Road, Mulgoa	Lot 8 DP 29081
2319-2327 The Northern Road, Mulgoa	Lot 1 DP 795841
2337-2339 The Northern Road, Mulgoa	Lot 31 DP 244610
38 James Riley Drive, Mulgoa	Lot 3 DP 12224642
35-53 Chain-O-Ponds Road, Mulgoa	Lot 30 DP 244610
55 Chain-O-Ponds Road, Mulgoa	Lot 29 DP 244610
71-85 Chain-O-Ponds Road, Mulgoa	Lot 28 DP 244610
87-99 Chain-O-Ponds Road, Mulgoa	Lot 27 DP 244610
101-113 Chain-O-Ponds Road, Mulgoa	Lot 26 DP 244610
115-129 Chain-O-Ponds Road, Mulgoa	Lot 25 DP 244610
133-145 Chain-O-Ponds Road, Mulgoa	Lot 19 DP 244610
145-159 Chain-O-Ponds Road, Mulgoa	Lot 18 DP 244610
161-173 Chain-O-Ponds Road, Mulgoa	Lot 17 DP 244610

The subject site is bounded by The Northern Road to the east, Chain-O-Ponds Road to the south, private rural-residential allotments to the west and the Glenmore Park Release Area, including a conservation area, to the north.

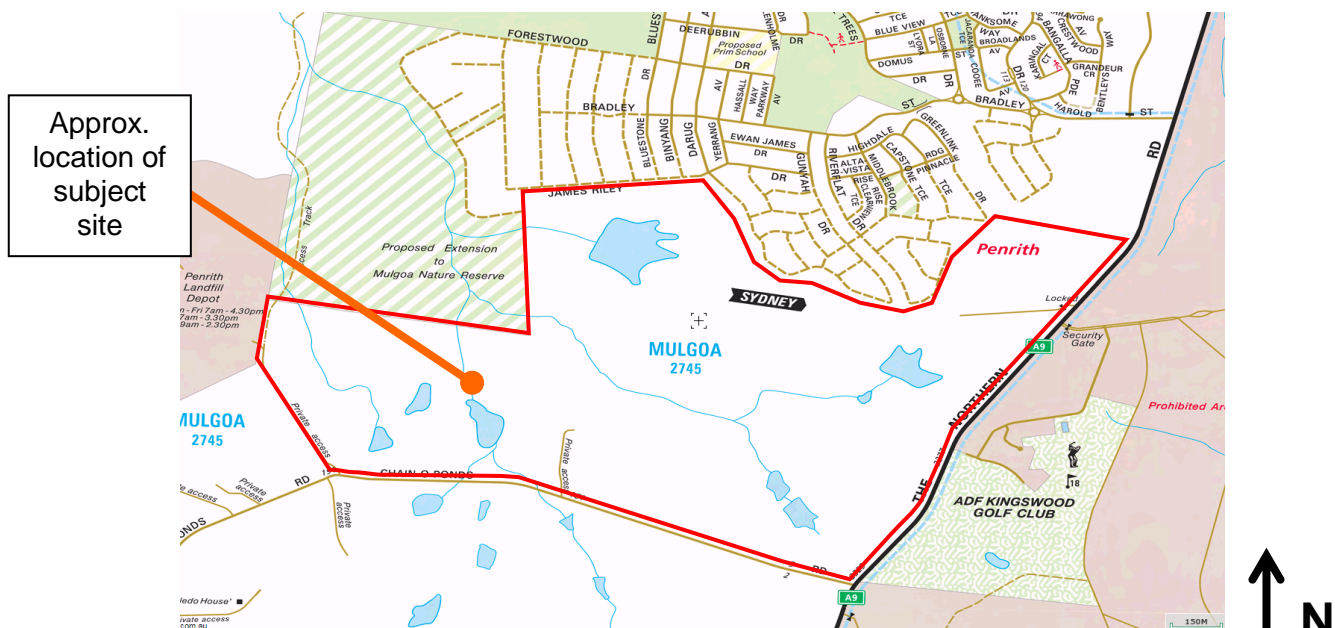


Image 04: Extract from street-directory.com.au

6.03 Vegetation

The subject site was found to largely comprise of grazed pastures, with some small remnant pockets of trees and more pronounced bushland along the existing watercourses.

The site has been identified by Gunninah as containing some Cumberland Plain Woodland a listed Critically Endangered Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999 and Biodiversity Conservation Act 2016.

Historically the use of the site has been for agricultural purposes, including the cultivation of arable crops and breeding and raising livestock. These farming practices have resulted in significantly modified vegetation within the subject site.

As part of this bushfire assessment process consideration has been given to all existing vegetation within neighbouring allotments and any retained or proposed vegetated areas within the subject site.

As part of the master planning design phase various environmental conservation and open space areas were identified. This assessment has therefore given due consideration to these environmental conservation and open space areas.

The subject site does contain watercourses and we have considered the associated riparian corridors that will be required under the *Water Management Act 2000* along these watercourses.

There is a portion of the riparian corridor that bisects the site which is a first order stream and does not exceed 20 metres in width on either bank of a watercourse (totalling $\leq 40\text{m}$). In accordance with A2.3 of PBP this portion of the corridor has also been assessed as a 'riparian' hazard and a Rainforest structure used to determine the minimum required Asset Protection Zones.

The NSW Rural Fire Service has a publication titled 'Guideline for Bush Fire Prone Land Mapping' (version 5b, November 2015) which gives Council's a guideline for preparing Bushfire Prone Lands Maps (BPLM). In consideration of the scale of the proposal and the significant changes to the landscape it is reasonable that this document is considered as part of this assessment. This document provides a criteria for 'excluded' vegetation, which includes;

- › *Single areas of vegetation less than 1 hectare in area and greater than 100 metres separation from other areas of Category 1, 2 or 3 vegetation;*

There is an isolated reserve proposed in the northern portion of the site which will be 0.5 hectares in size and located >240 metres from any other hazard. In accordance with the NSW Rural Fire Service 'Guideline for Bush Fire Prone Land Mapping' (version 5b, November 2015) we are of the opinion that this reserve does not warrant classification as a bushfire hazard.

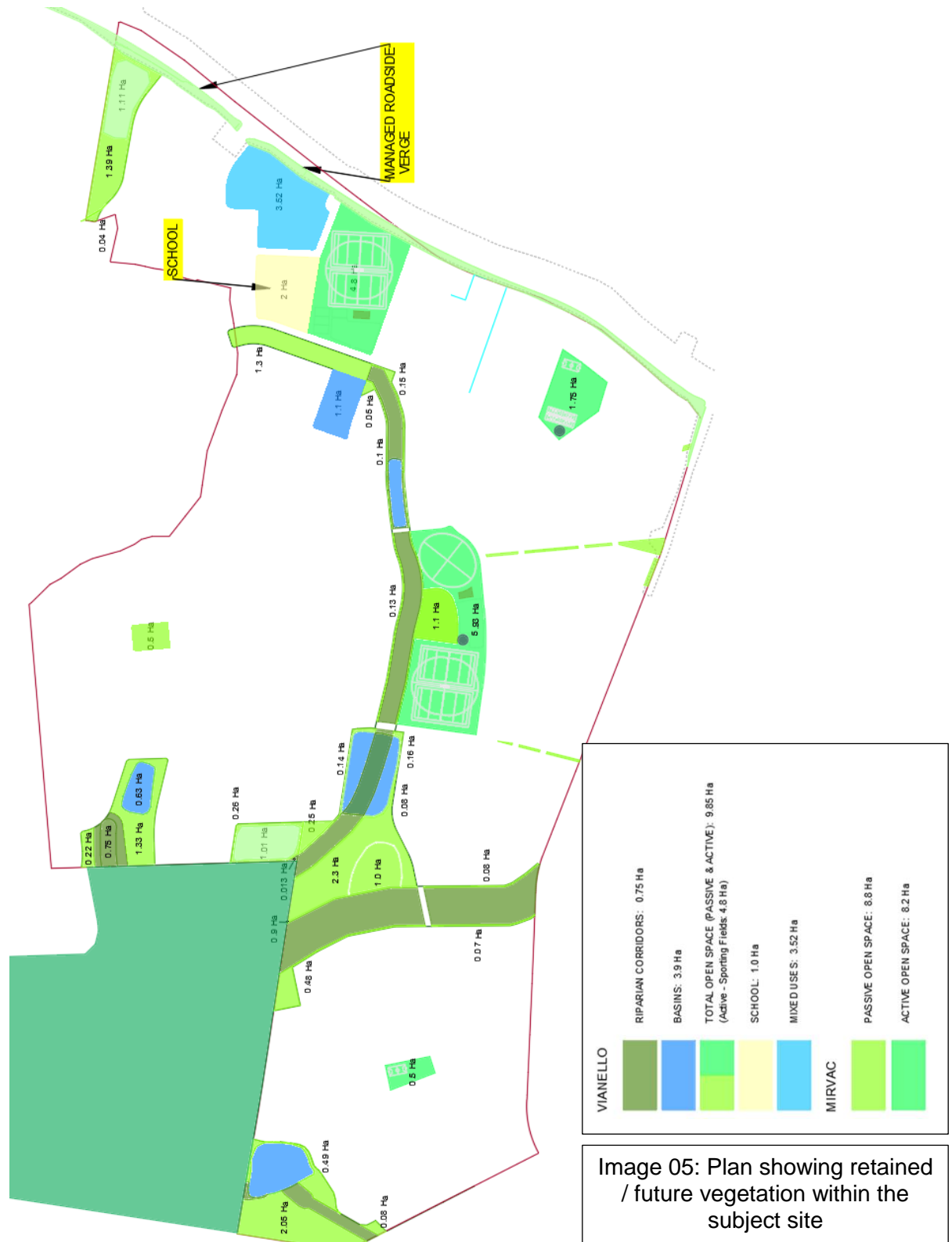
It is understood that the basins shaded blue on the image overleaf will be permanent bodies of water and therefore have not been assessed as a bushfire hazard.

The proposed bio-retention basins which will not contain permanent bodies of water (shaded green) have been assessed as posing a bushfire hazard. Plantings associated with detention basins are typically low level, including sedge and rushes). In applying Planning for Bush Fire Protection 2006 these species are indicators of a Freshwater Wetland, although having no shrubs which would increase bushfire intensity. While these basins would be more consistent with a grassland hazard (6t/ha) as a redundancy we have applied a Freshwater Wetlands (15t/ha) in accordance with Appendix 2 of PBP.

For the purpose of assessment all vegetation posing a hazard within the subject site and neighbouring properties was determined to be Forest unless eligible for classification as a riparian hazard.

The vegetation along The Northern Road will be maintained to a standard not conducive to bushfires and therefore this area was not considered to pose a bushfire hazard.

The image below depicts the areas of retained / future vegetation within the subject site that was relied upon for this assessment.



6.04 Slope and Topography

The slope that would most significantly affect bushfire behaviour must be assessed for at least 100 metres from the available building footprints.

The effective slopes were determined using 2 metre LiDar contour mapping of the subject area in conjunction with site observations.

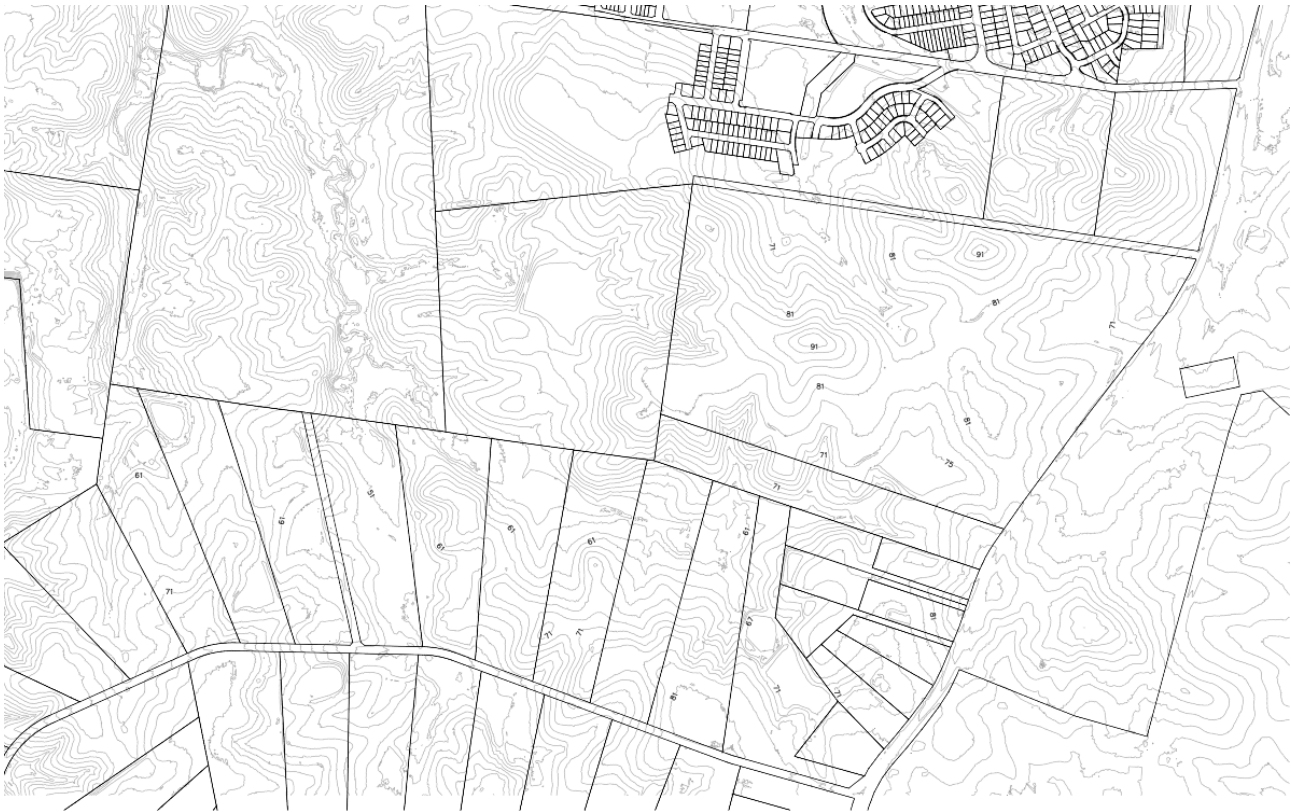


Image 06: LiDar contour mapping of subject area (2m contours)

6.05 Asset Protection Zones

Asset Protection Zones (APZ's) for residential subdivision are determined from Table A2.4 of Planning for Bush Fire Protection 2006 (PBP) or bushfire design modelling achieving a radiant heat impact of no more than 29 kW/m² at a building footprint.

The minimum required Asset Protection Zones in this instance were determined from Table A2.4 of PBP.

We have also considered the application of AS3959 'Construction of buildings in bushfire-prone areas' 2009 and where necessary increased the minimum required APZs to ensure no future dwelling application would result in a Flame Zone rating.

Asset Protection Zones (APZ's) for Special Fire Protection Purpose development (applicable to the school site) are determined from Table A2.6 of PBP or bushfire design modelling achieving a radiant heat impact of no more than 10 kW/m² at a building footprint.

The minimum required Asset Protection Zone for the proposed School site was determined from Table A2.6 of PBP.

The minimum required Asset Protection Zones are depicted on Attachment 01.

The available APZs consist of the land entirely within the subject site (including proposed roads).

The subject site has the capacity to comply with the minimum required Asset Protection Zones as detailed in Appendix 2 of PBP.

6.06 Fire Fighting Water Supply

Hydrants are available along The Northern Road and Chain-O-Ponds Road for the replenishment of attending fire services. A hydrant system will be extended along the new internal roads to service the proposed residential allotments. The sizing, spacing and pressures of this system must comply with AS2419.1-2005.

The subject site has the capacity to comply with the Water Supply requirements as detailed in section 4.1.3 and 4.2.7 of PBP.

6.07 Property Access – Fire Services & Evacuation

The subject site has street frontage to The Northern Road to the east and Chain-O-Ponds Road to the south and abuts the Glenmore Park Release Area to the north.

The proposed internal road system will provide a central connection to The Northern Road and multiple connections points to Chain-O-Ponds Road and the Glenmore Park Release Area.

Planning for Bush Fire Protection addresses design considerations for internal roads (public roads) for properties determined to be bushfire prone in section 4.1.3 (1). Perimeter roads and through roads are the preferred design option.

The proposed Structure Plan includes perimeter roads adjacent the identified bushfire hazards and utilises through roads throughout the design therefore satisfying the preferred design option.

We are satisfied that the proposed internal road system has the capacity to comply with the requirements for Public Roads under s4.1.3 (1) of PBP 2006.

The NSW Rural Fire Service encourages limiting or excluding incompatible development in bushfire affected areas where;

- development is likely to be difficult to evacuate during a bush fire,
- development is likely to create control difficulties during a bush fire,
- development will adversely affect other bush fire protection strategies or place existing development at increased risk,
- development is likely to result in a substantially increased requirement for government spending on bush fire mitigation measures, infrastructure or services,
- environmental constraints to the site cannot be overcome,
- required bush fire protection measures would incur significant environmental costs.

We have undertaken an analysis of the existing public road infrastructure in this locality and the indicative road layout shown on the Structure Plan in consideration of the bushfire threat to the subject property and existing development.

We are satisfied that the proposed Structure Plan, in combination with the bushfire protection measures discussed herein will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bush fire protection strategies or place existing development at increased risk.

7.0 Site & Bushfire Hazard Determination

7.01 Planning for Bush Fire Protection - 2006

Planning for Bush Fire Protection – 2006 (PBP) is applicable to those lands determined as being within a ‘bushfire prone area’ in accordance with a local Bushfire Prone Land Map as provided by the Rural Fire Service and Councils.

The most appropriate method of determining site bushfire hazard under the terms of PBP is to consider the site in a singular form.

Bushfire prone areas are defined as those areas;

- *within or within 100m of high or medium bushfire hazards; or*
- *within or within 30m of low bushfire hazards.*

7.02 Australian Standard AS 3959 – 2009 ‘Construction of buildings in bushfire –prone areas’

Australian Standard 3959 – 2009 ‘Construction of buildings in bushfire-prone areas’ provides for six (6) levels of building construction these being BAL - Low, BAL - 12.5, BAL - 19, BAL - 29, BAL - 40 and BAL - FZ. The Australian Standard 3959 specifies construction standards for buildings within various Bushfire Attack Levels as determined by the Planning for Bush Fire Protection – 2006 document. The NSW Rural Fire Service will not accept deemed to satisfy provisions for BAL Flame Zone and therefore have a NSW variation to the listed standard provisions of BAL FZ under AS3959 - 2009.

7.03 Correlation between bushfire impact and AS3959

Bushfire Attack Level	Maximum radiant heat impact (kW/m ²)	Level of construction under AS3959-2009
Low		No special construction requirements
12.5	≤12.5	BAL - 12.5
19	12.6 to 19.0	BAL - 19
29	19.1 to 29.0	BAL - 29
40	29.1 to 40.0	BAL - 40
Flame Zone	>40.0	BAL FZ No deemed to satisfy provisions

7.04 Site Specific Bushfire Hazard Determination

All property development must be assessed on an individual basis as broad-brush approaches of documents such as PBP may not be applicable in every instance. The proposed development was assessed against the requirements of Planning for Bush Fire Protection 2006 noting the following:

- The proposal has the capacity to comply with water and access provisions detailed in PBP 2006.
- The subject site has the capacity through perimeter roads to the hazard and standard setbacks to provide residential allotments that accommodate a building footprint achieving, and in most instances exceeding the minimum required Asset Protection Zones for Residential Subdivisions under Appendix 2 of PBP.

7.05 Viable Construction Method

The objectives of Planning for Bush Fire Protection – 2006 are for the protection of life including fire fighters. Provided these objectives can be met the construction of buildings is feasible and both the Rural Fire Service and Council should be in a position to consider such applications.

No new dwellings are proposed as part of this application. Those future residential allotments that are mapped as 'bushfire prone' following the subdivision may require further assessment under the housing Codes SEPP or s4.14 of the *Environmental Planning and Assessment Act 1997* at the time of any future application for the construction of any new dwellings on these allotments.

We have considered the application of AS3959 'Construction of buildings in bushfire-prone areas' 2009 and where necessary increased the minimum required APZs to ensure no future dwelling application would result in a Flame Zone rating.

8.0 Conclusion

The subject site comprises of twenty-two (22) existing allotments totalling 205 hectares in size and is bounded by The Northern Road to the east, Chain-O-Ponds Road to the south, private rural-residential allotments to the west and the Glenmore Park Release Area, including a conservation area, to the north.

The rezoning application seeks approval to facilitate the establishment of a future residential community including mixed density residential areas (approx. 3,000 new allotments), mixed use centre, school, public recreation and open spaces and associated services and infrastructure.

Given that the property is deemed bushfire prone under Penrith City Council's Bush Fire Prone Land Map any future development would need to meet the requirements of Planning for Bush Fire Protection – 2006. The determination of any bushfire hazard must be made on a site-specific basis that includes an assessment of the local bushland area and its possible impact to the subject site.

We are satisfied that the subject site and proposed Structure Plan has the capacity to comply with the relevant specifications and requirements of Planning for Bush Fire Protection 2006. Furthermore we are satisfied that the proposed Structure Plan, in combination with the bushfire protection measures discussed herein will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bush fire protection strategies or place existing development at increased risk.

We are therefore in support of the rezoning application.

Should you have any enquiries regarding this project please contact me at our office.

Prepared by
Building Code & Bushfire Hazard Solutions



Stuart McMonnies

Manager Bushfire Section
G. D. Design in Bushfire Prone Areas.
Certificate IV Fire Technology
Fire Protection Association of Australia BPAD – L3 Accredited Practitioner
Certification number – BPAD9400



Reviewed by
Building Code & Bushfire Hazard Solutions P/L



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Masters of Construction Mgt. / G. D. Design in Bushfire Prone Areas.
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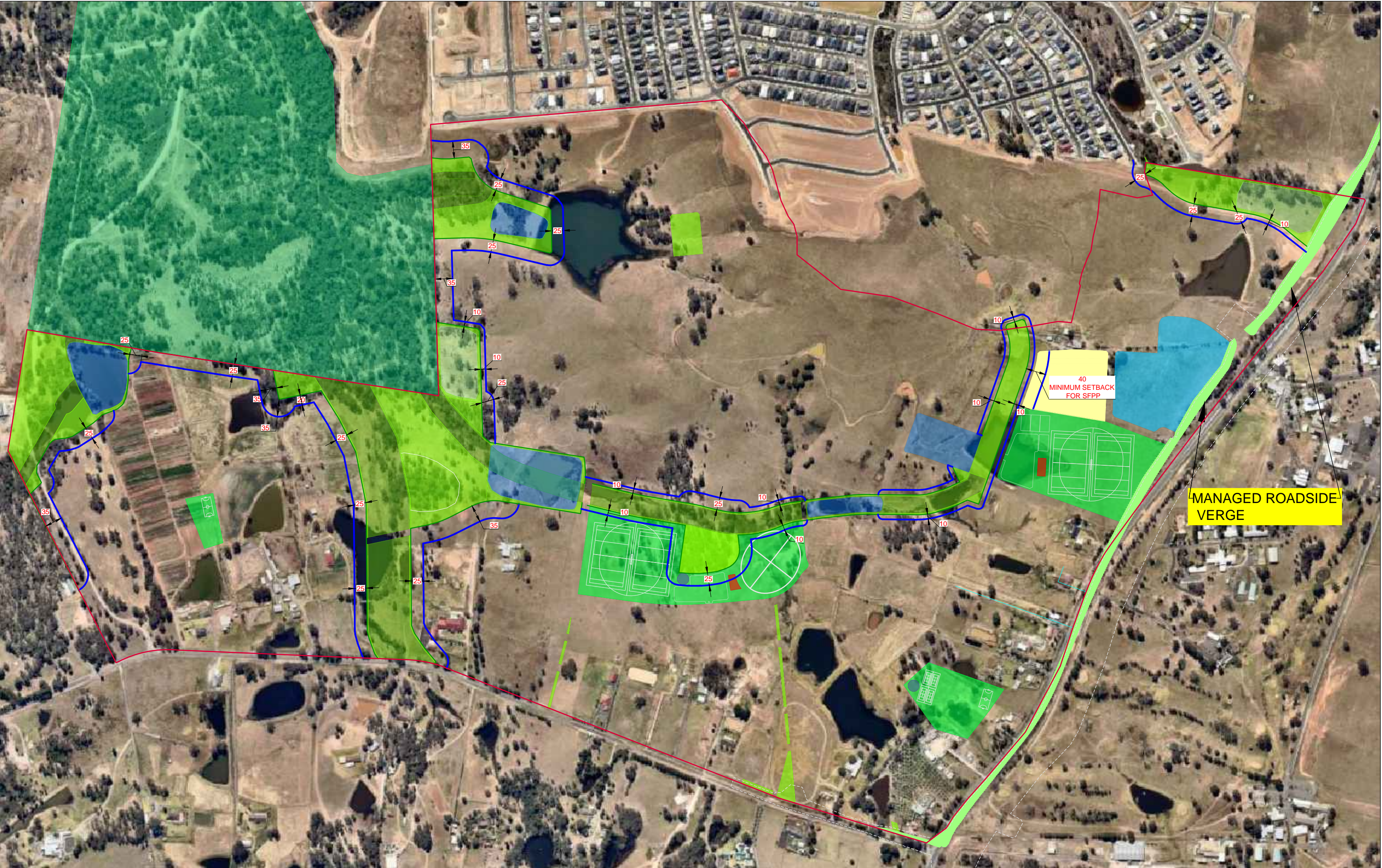
9.0 Annexure 01

List of Referenced Documents

- a) Environmental Planning and Assessment Act - 1979
- b) Rural Fires Act 1997 as amended
- c) 'Planning for Bush Fire Protection'- 2006 - NSW Rural Fire Services & Planning NSW
- d) 'Construction of buildings in bushfire prone areas' - AS 3959 – 2009 (as - amended) – Standards Australia
- e) 'Penrith Council's Bushfire Prone Land Map'
- f) Acknowledgements to:
NSW Department of Lands – SixMaps
Street-directory.com.au
Nearmap.com
- g) Structure Plan prepared by Mirvac Design (dwg no MP04-A, rev A, dated 12.04.18)

Attachments

Attachment 01: Asset Protection Zone Overlay






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**SILVER
MEMBER**
FPA
Fire Protection
Association Australia

LEGEND

 **APZ MINIMUM SETBACK (IPA)
PBP - 2006**

**BUSHFIRE
CONSTRAINTS
MINIMUM
SETBACKS**

REFERENCE NO.	180693	LOTS - VARIOUS			
ADDRESS	CHAIN - O - PONDS & OLD NORTHERN ROAD, MULGOA				
DATE.	01/03/2018	DRAWN BY	IT	SCALE: NTS	
REVISION	C	REVISION DATE	07/05/2018		
CLIENT	MIRVAC				



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Penrith City Council
PO Box 60
Penrith NSW 2751

19th March 2020
Our Ref. 180693
Council Ref: RZ18/0006

Attn: Danielle Fox, City Planning

**Re: GLENMORE PARK STAGE 3 PLANNING PROPOSAL
BUSHFIRE STATEMENT**

Dear Danielle,

It is understood that Penrith City Council has raised a concern whether the proposed masterplan has considered the required Asset Protection Zones (APZs).

Building Code and Bushfire Hazard Solutions P/L prepared the Bush Fire Assessment Report (ref 180693, dated 9th May 2018) which formed part of the submission package for this Planning Proposal. This report was accompanied by an overlay titled 'Bushfire Constraints Minimum Setbacks' which depicted the minimum required APZs.

In response to Council's concern we have provided an updated overlay showing the minimum required Asset Protection Zones over the current masterplan.

It is acknowledged that since the time this application was lodged (21st May 2018) Planning for Bush Fire Protection 2019 (PBP 19) has come into effect. As this application was submitted prior to the 1st March 2020 Planning for Bush Fire Protection 2006 remains the valid assessment document for this matter.

Regardless in acknowledging that the future Development Applications will be lodged under PBP 19 we have shown the relevant Asset Protection Zones under this document for the updated overlay - attached.

As shown on the attached overlay the future allotments can suitably accommodate the required APZs.

We are available to meet either Council or the NSW Rural Fire Service should the need arise.

Should you have any enquiries regarding this project please contact me at our office.

Prepared by
Building Code & Bushfire Hazard Solutions

Stuart McMonnies

Manager Bushfire Section
G. D. Design in Bushfire Prone Areas.
Certificate IV Fire Technology
Fire Protection Association of Australia BPAD – L3 Accredited Practitioner
Certification number – BPAD 9400



COMMENT TEXT

SCHOOL

47
MINIMUM SETBACK
FOR SFPP

MANAGED ROADSIDE
VERGE

CHAIN 'O PONDS ROAD

THE NORTHERN ROAD



**Building Code &
Bushfire Hazard Solutions**

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LEGEND

- MINIMUM SETBACK FOR
RESIDENTIAL PBP - 2019
— MINIMUM SETBACK FOR
SFPP PBP - 2019

**BUSHFIRE
CONSTRAINTS
OVERLAY
PBP 2019**

REFERENCE NO.	180693	LOTS - VARIOUS		
ADDRESS	CHAIN - O - PONDS & THE NORTHERN ROAD, MULGOA			
DATE.	01/03/2018	DRAWN BY	IT	SCALE: NTS
REVISION	H	REVISION DATE	19/03/2020	
CLIENT	MIRVAC			