



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: (CNR-5547) 10.2020.109.1
Our reference: DA20200311000919-CL55-1

ATTENTION: Ivan Holland

Date: Tuesday 13 July 2021

Dear Sir/Madam,

Development Application
s100B – Subdivision – Torrens Title Subdivision
77 Tuckerroo Avenue MULLUMBIMBY NSW 2482, 148//DP1265934

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 04/05/2021.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued subject to the following 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 a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire area of Lots 240 to 280 and Lots C1 to C7 must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 metres above the ground;
- tree canopies should be separated by 2 to 5 metres;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and

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Street address

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4 Murray Rose Ave
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- leaves and vegetation debris should be removed.

2. At the issue of a subdivision certificate, a suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on:

- Lots 240 to 280 and Lots C1 to C7, which requires the provision of the above asset protection zones;
- Lot C8, which requires a 21 metre wide asset protection zone to the south of Lot C1, to be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019; and
- the following lots, which prohibits the construction of buildings other than Class 10b structures within the specified areas (shown as an APZ on the drawing titled 'Subdivision Layout Plan Stage 9 - 41 Residential Lots, 7 Community Title, 1 Common Prop', prepared by CivilTech Consulting Engineers (Ref: Dwg. No. 1002-ST9-DA23, Issue C), dated 5 April 2021):
 - Lots 240 to 243 - 9 metres wide along the eastern boundary;
 - Lot 243 - 10 metres wide along the northern boundary;
 - Lots 256 to 262 - 12 metres wide along the north-western boundary;
 - Lot 262 and Lots C1 to C7 - 10 metres wide along the western boundary;
 - Lot C3 - 9 metres wide along the southern boundary;
 - Lot C2 - 9 metres wide along the northern boundary; and
 - Lot 280 - 12 metres wide along the eastern boundary.

The name of authority empowered to release, vary or modify the instrument shall be Byron Shire Council.

3. A Vegetation Management Plan must be prepared for Lot C8 requiring ongoing management of the land in accordance with details contained in the letter from Bayview Land Development Pty Ltd to the NSW Rural Fire Service, dated 14 June 2021.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Access roads must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- roads are two-way sealed roads;
- minimum carriageway width (kerb to kerb) of 8 metres for perimeter roads and 5.5 metres for non-perimeter roads;
- parking is provided outside of the carriageway width;
- curves of roads have a minimum inner radius of 6 metres;
- the road crossfall does not exceed 3 degrees;
- a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- the capacity of road surfaces and any bridges / causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes);
- bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression; and
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning.

The termination of Road 5 must include:

- a minimum 12 metre radius turning circle or turning head compliant with Appendix 3 of Planning for Bush Fire Protection 2019; and
- formed access onto Clays Road for emergency access. If the access includes bollards, a gate or similar, the locking mechanism must be approved by the local RFS Fire Control Centre.

Access – Property Access

The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

5. The access handle to Lots 254 and 255 must comply with the following requirements of Planning for Bush Fire Protection 2019:
- the access handle is a two-wheel drive, all-weather road;
 - minimum 4 metre carriageway width; and
 - minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

6. The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019.

General Advice – Consent Authority to Note

- Development applications lodged on lots created within this subdivision may be subject to further assessment under the Environmental Planning & Assessment Act 1979.
- The above conditions are based on the subdivision layout identified in the drawing titled 'Subdivision Layout Plan Stage 9 - 41 Residential Lots, 7 Community Title, 1 Common Prop', prepared by CivilTech Consulting Engineers (Ref: Dwg. No. 1002-ST9-DA23, Issue C), dated 5 April 2021.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 30 November 2020.

For any queries regarding this correspondence, please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
Manager Planning & Environment Services
Built & Natural Environment