

Byron Shire Council
70–90 Station Street, Mullumbimby, NSW 2482

9th December 2019

Subject: DA 10.2018.384.1 183 Coopers West Lane Main Arm

Dear General Manager,
cc: Chris Larkin
cc: Ivan Holland

I would like to follow up on our DA 10.2018.384.1 for use of existing structure as a dwelling house and as a matter of urgency request you put our DA on the agenda for your 12th December 2019 Council meeting. We are very concerned about the severe risk of bush fires in the area and our DA includes a number of bushfire protection measures for ours and neighbouring properties along Coopers West Lane, Main Arm.

At the 20 June 2019 Council planning meeting Council requested additional information on the following matters;

- a. The alignment of right of way through Lot 3 DP558858;
- b. If any further road widening is required on this section of the right of way to satisfy requirements of the Rural Fire Service
- c. The fire assessment to be further considered.

Incompliance with Notification DA 10.2018.384.1 - Planning meeting 20 June 2019 requesting further details, we now wish to provide the following information to satisfy the 3 matters raised.

- a. We commissioned a survey of the access road from Coopers Lane to our property and can confirm the access road that has been in constant use for over 60 years is generally in line with the right of carriageway through Lot 3 DP558858. We sought legal advice on this matter and our Solicitor has provided the options available to address any access road matters. We have communicated this information to the owners of Lot 3 DP558858 and although we have asked several times, by email, we are still awaiting their decision on which option to proceed with.
- b. At the request of the Rural Fire Service and Byron Shire Council we engaged a bush fire consultant (Peter Thornton of BCA Check) to prepare an alternate solution to comply with the performance criteria and addressing any further road widening requirements. The Rural Fire Service, Byron Shire Council and Peter Thornton conducted an on-site assessment of the access road and based on their assessment the Rural Fire Service have updated their determination and advice (dated 3rd December 2019, which you have a copy of) providing for a much safer solution which will minimise the risk of bush fire attack and provide "protection for emergency services personnel, residents and others assisting firefighting activities".

We have obtained written consent from the owners of Lot 1 DP445771 and Lot 7 DP591828 to update the right of carriageway alignment and add passing bays as stipulated by the Rural Fire Service determination.

- c. This revised Rural Fire Service determination addresses the overall bush fire requirements for the access road and our property's APZ thereby satisfying Council's request for further information on the fire assessment.

We have now met all Council requests for the additional information brought up in the June 20 Planning Meeting and are seeking your urgent attention and approval for progressing our DA. With bush fire risks remaining at severe levels it is critical we get DA approval so we can get started with the improvements to